



An  
Bord  
Pleanála

## Inspector's Report ABP-318840-24

### Development

Extension at first floor level to the side of the existing two storey detached house, new dormer rooflight and a new brick treatment to the front elevation of the side extension.

### Location

32 Gilford Park, Sandymount, Dublin 4, D04 AH96.

### Planning Authority

Dublin City Council South

### Planning Authority Reg. Ref.

WEB1640/23

### Applicant(s)

Bryan and Caroline Loo

### Type of Application

Permission

### Planning Authority Decision

### Type of Appeal

Third Party

### Appellant(s)

Alan and Mary Kane

### Observer(s)

Philip O'Reilly

**Date of Site Inspection**

17<sup>th</sup> February 2024

**Inspector**

Elaine Power

## Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Decision .....	4
3.1. Decision .....	4
3.2. Planning Authority Reports .....	5
3.3. Prescribed Bodies .....	5
3.4. Third Party Observations .....	5
4.0 Relevant Planning History .....	5
5.0 Policy Context.....	6
5.1. Dublin City Development Plan 2022 - 2028 .....	6
5.2. Natural Heritage Designations .....	6
5.3. EIA Screening .....	6
6.0 The Appeal .....	7
6.1. Grounds of Appeal .....	7
6.2. Applicant Response .....	7
6.3. Planning Authority Response .....	8
6.4. Observations .....	8
6.5. Further Responses.....	9
7.0 Assessment .....	9
8.0 Recommendation.....	14
9.0 Reasons and Considerations.....	14
10.0 Conditions .....	14
Appendix 1: Form 1: EIA Pre-Screening	
Appendix 2: Preliminary EIA Screening	

## **1.0 Site Location and Description**

- 1.1. The subject site is located at no. 32 Gilford Park, Sandymount, Dublin 4. It has a stated area of 395sqm and accommodates a semi-detached dwelling, with a converted garage to the side and a single storey rear extension. The existing dwelling has a stated floor area of 154.1sqm. There is an existing driveway to the front and private open space to the rear. The appeal site is located in the middle of a row of semi-detached houses fronting onto Gilford Park. It is bound to the rear (west) by the rear gardens of dwellings fronting onto Sandymount Park. The surrounding area is suburban in nature.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the construction of a first floor side extension with a pitched roof and alterations to the ridgeline of the main roof profile, a new rear dormer extension and a new brick treatment to the ground floor level of the front elevation of the side extension.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission was granted subject to 8 no. conditions. Condition no. 3 is considered relevant.

3. The development shall be revised as follows:

(a) the rear dormer shall have a maximum width of 4m and shall be clad with the originally proposed zinc cladding.

(b) the first floor side extension shall be set back 2000mm from the front elevation of the dwelling and set down 2000mm from the ridge height.

Development shall not commence until revised plans until revised plans , drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the building.

Reason: In the interest of orderly development, residential and visual amenity.

### **3.2. Planning Authority Reports**

#### **3.2.1. *Planning Reports***

The planning report dated 13<sup>th</sup> September 2023 recommended 2 no. items of further information be sought regarding (1) the design of the proposed gable roof and first floor side extension and its visual impact on the streetscape and (2) the overall size rear dormer extension.

The planning report dated 4<sup>th</sup> December 2023 considered that all items of further information were adequately addressed and recommended that permission be granted subject to conditions.

#### **3.2.2. *Other Technical Reports***

None

### **3.3. Prescribed Bodies**

None

### **3.4. Third Party Observations**

A third party observation was received from Alan and Mary Kane. The concerns raised are similar to those outlined in the appeal below.

## **4.0 Relevant Planning History**

#### *Subject Site*

*Reg. Ref. 2441/19:* Permission was granted in 2019 to raise the existing parapet to the single storey garage to the side and the widening of an existing vehicular entrance at the front of the site.

#### *Surrounding Sites*

*ABP. 309131-21, Reg. Ref. 3528/20:* Permission was granted in 2021 for the demolition and removal of sheds, garage and outhouses and the construction of roof extension, elevational alterations and an attic conversion, including a rear dormer window at no. 17 Gilford Park, c. 62m from the appeal site and on the opposite site of the road.

*Reg. Ref. 3716/20:* Permission was granted in 2021 for the demolition of an existing single storey side and rear extension, chimney stack and rear bay window, while retaining the existing front elevation of the side extension and the construction of a 2 storey side extension, a single storey rear extension, a semi-sunken rear extension and a rendered bin store to front garden at no. 20 Gilford Park, c. 58m from the appeal site.

## **5.0 Policy Context**

### **5.1. Dublin City Development Plan 2022 - 2028**

The appeal site is zoned Z1: Sustainable Residential Neighbourhoods, with the associated land use objective *to protect, provide and improve residential amenities*.

Appendix 18, Ancillary Residential Accommodation of the Development Plan sets out guidance for residential extensions. Sections 1.1 General Design Principles, 1.3 Extensions to the Side, 1.4 Privacy and Amenity, 1.6 Daylight and Sunlight and 1.7 Appearance and Materials, 4.0 Alterations at Roof Level / Attics / Dormers / additional Floors and 5.0 Attic Conversions / Dormer Windows are considered relevant.

### **5.2. Natural Heritage Designations**

The proposed development is not located within or immediately adjacent to any European Site.

### **5.3. EIA Screening**

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The

need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The main planning grounds of the third party appeal from Alan and Mary Kane are summarised below.

- The proposal is not in accordance with the provisions of the design standards set out in Appendix 18 of the development plan. There is no justification for the proposed extension.
- The extension is not subordinate to the original dwelling.
- The proposed extension would create a terracing effect.
- The appeal site is a prominent site, located at the junction of Gilford Park and Gilford Road. The facades and rooflines of no. 32 and 34 currently represent a clear vista and contribute to the unique character and landscape of the area.
- The roof design is informed by the need to accommodate an oversized floor play at roof level, extending far beyond the roof profile.
- The further information response did not adequately address the concerns raised.
- It is not appropriate to address the lack of detail in the response to further information by way of condition. The appellants have now been excluded from the final design.
- No permission is granted to the applicant to the adjacent site to carry out the proposed works.

### **6.2. Applicant Response**

The applicants response to the third party appeal is summarised below.

- The further information response fully addressed the issues raised by the planning authority.
- The proposed extension is in compliance with the provisions of Appendix 18 of the development plan.
- The appellants want the extension to mirror their existing extension. This is not acceptable to the applicant. The house is a semi-detached with no. 30 and not with the appellants property at no. 34. It is noted that an email of support from the adjoining property owner at no. 30 is attached to the appeal.
- The extension is constructed to ensure there is no overhanging to the appellant's site.
- The revised ridgeline is to accommodate the attic extension. An attic conversion would not be a viable option without extending the roof.
- The amendment required by condition 3 of the grant of permission is minor. The required amendments are illustrated on 3D images attached to the response to the appeal.
- The proposed development results in an additional 34sqm of floor area to provide a 185sqm home. This is not excessive.

### **6.3. Planning Authority Response**

The planning authority's response requested that the Board uphold the decision to grant permission and that a condition requiring the payment of a section 48 development contribution be attached.

### **6.4. Observations**

The observation from Philip O'Reilly raises similar concerns as those raised in the appeal. Additional planning concerns are summarised below.

- The attic extension would unbalance a pair of original 1930's semi-detached dwellings.



- The house already has 4 bedrooms and is appropriately designed. The proposed works would destroy symmetry, visual and residential amenity of the area.
- The attic bedroom would be substandard.
- An acceptable and appropriate design, uniform and appropriate design has been demonstrated at no. 3, which respects the character of the area and sites perfectly in the surrounding built environment.
- Given the size of the extension it would give rise to undue overlooking.

## 6.5. Further Responses

None

## 7.0 Assessment

7.1. Having examined the appeal details and all other documentation on file, including the observations received in relation to the appeal, and inspected the site, and having regard to relevant policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Design Approach
- Appropriate Assessment

### 7.2. *Principle of Development*

7.2.1. The subject site is zoned Z1 with the associated land use objective to protect, provide and improve residential amenities. Residential is a permissible use on lands zoned Z1. Therefore, the proposed development is considered in accordance with the zoning objective and should be assessed on its merits. It is noted that the planning authority, third party and observer raised no objection in principle to the proposed development.

### 7.3. *Design Approach*

- 7.3.1. The subject site currently accommodates a semi-detached dwelling with a single storey converted garage to the side and a single storey rear extension. The existing house has a stated area of 154.1sqm. The proposed development comprises the construction of a first floor side extension, over an existing converted garage, with a pitched roof and alterations to the ridgeline of the main roof profile, a new rear dormer extension and a new brick treatment to the ground floor level of the front elevation of the side extension. The proposed works would result in a dwelling with a total gross floor area of 188.3sqm.

#### *Side Extension*

- 7.3.2. Section 1.3 of Appendix 18 notes that first floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable. It further states that in certain cases a set-back of an extension's front façade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape, and avoid a 'terracing' effect.
- 7.3.3. The proposed first floor side extension sits over the existing converted garage at the shared boundary with no. 34. It is proposed to provide a gable ended roof over the side extension. It is noted that the existing first floor side extension at the appellants property (no. 34) is set back from the shared boundary by c. 1m and has a hipped roof. Concerns are raised in the appeal that the proposed side extension would create a terracing effect.
- 7.3.4. The planning authority raised concerns regarding the visual impact of the side extension and recommended that further information be sought. In response to the request for further information the applicant set the ridge of the proposed roof over the side extension down and the front building line back. However, the response did not include drawings with dimensions. A 3D image was submitted showing the proposed the ridge of the proposed side extension roof marginally set down and the front building line of the first-floor extension marginally set back. Condition 3(b) of the grant of permission required that the first-floor side extension be set back 2000mm from the front elevation of the dwelling and set down 2000mm from the ridge height.
- 7.3.5. The existing ground floor converted garage adjoins the shared boundary with no. 34. Having carried out a site visit on the 17<sup>th</sup> February 2024 it was noted that there are a number of existing first floor side extensions on Gilford Park that sit at the shared

boundary with their neighbour, and at the front building line with the original house and garage. Therefore, in my view a first-floor side extension that sits at the shared boundary with adjacent properties is in accordance with the established pattern of development. I have no objection to the proposed side extension, as originally proposed, siting at the front building line with the original house and converted garage and with a continuous ridge of the proposed roof, and in my opinion condition no. 3(b) of the planning authority is unwarranted in this instance, as the proposal is compliance with the provisions of Section 1.3 of Appendix 18 of the development plan and the established pattern of development on the surrounding residential streets. I am satisfied that the proposed side extension would not negatively impact on the visual amenities of the area or on residential amenities of the adjacent property.

#### *Dormer Extension*

- 7.3.6. Section 5 of Appendix 18 of the development plan provides guidance for attic conversions / dormer windows and notes that the conversion of attic spaces is common practice in many residential homes. Table 18 includes a number of criteria when assessing a dormer window. The following are considered relevant: complimentary materials; comply with building regulations; be visually subordinate; relate to the shape, size position and design of existing doors and windows; be set back from the eaves; and sit below the ridgeline of the roof.
- 7.3.7. The planning authority raised concerns regarding the size of the rear dormer extension and requested that further information be requested in this regard. In response the applicant did not propose any reduction to the size of the dormer and noted that the scale of the dormer allows for a high-quality use of the attic space. It was suggested by the applicant that the massing of the dormer could be broken up by introducing a palette of materials. This was reflected in a 3D image submitted in response to the appeal and is also attached with the response to the appeal. Condition 3(a) of the grant of permission requires that the rear dormer shall have a maximum width of 4m and shall be clad with the originally proposed zinc cladding.
- 7.3.8. In the response to the appeal the applicant has not addressed condition no. 3(a) and it is unclear how the internal layout of the attic extension would be accommodated if

the dormer extension was reduced to c. 4m in width. However, it is assumed that the en-suite and walk in wardrobed would be omitted.

- 7.3.9. My assessment is based on the rear dormer extension as submitted with the application. To accommodate the dormer extension, it is proposed to alter and extend the existing hipped roof to provide a gable ended roof. The proposed gable ended roof would be c. 9.5m in width. The proposed rear dormer would be c. 6.7m in width. It would sit c. 0.5m from the site boundary with the adjoining house no. 30 and c. 3m from the boundary with no. 34. It is set down marginally (c. 100mm) from the ridge of the roof and is set back c. 1m from the eaves.
- 7.3.10. The planning authority recommended that the width of the dormer extension be reduced as the majority of the existing roof would not be retained. The concerns of the planning authority and the third party are noted. However, having regard to the information submitted, including drawings and the 3D image of the proposed dormer extension it is my view that given the proposed width of the new roof, the setting back of the dormer from the eaves, from the ridgeline and from the sites boundaries with both no. 30 and 34, that the appeal site is capable of accommodating this rear dormer extension without being overbearing and in my opinion condition 3(a) is unwarranted.
- 7.3.11. It is also noted that there is a separation distance of c. 70m between the proposed dormer and the rear elevation of existing dwellings fronting onto Sandymount Avenue. Therefore, the proposed extension would not result in any undue overlooking.
- 7.3.12. The planning authority considered that the dormer should be set down c. 200mm from the ridge of the roof. The drawings submitted indicated that the proposed dormer would be set down c. 100mm from the existing ridge of the roof. I am also satisfied that the proposed dormer would not be visible from the public road. Therefore, I have no objection to the set down from the ridge of the original roof and consider condition 3(a) is unwarranted in this instance.
- 7.3.13. To reduce its visual impact, I agree with the planning authority that cladding would be a more suitable external material in this instance. It is considered that this could be addressed by way of condition.

7.3.14. Overall, having regard to the separation distances between the proposed dormer and directly opposing dwellings and the overall width of the site, the width of the proposed roof and the dimensions of the dormer, it is my opinion that the proposed dormer extension would be in accordance with the provisions of the Section 5 of Appendix 18 of the development plan would not be overbearing when viewed from the rear gardens of adjoining properties, would not result in any undue overlooking and would not be visible from the public road.

#### *Roof Profile*

7.3.15. Concerns are raised by the third parties regarding the proposed alterations to the existing roof profile to accommodate the dormer. As noted above, it is proposed to alter the existing hipped roof extension to provide a gable ended roof. Section 4 of Appendix 18 sets out guidance relating to alterations at roof level. It notes that the roofline of a building is one of its most dominant features and it is important that any proposal to change the shape, pitch or cladding of a roof is carefully considered. Section 4 also includes a number of criteria when assessing alterations to a roof. The following are considered relevant: careful consideration and special regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures; existing roof variations; distance / contrast / visibility of proposed roof end; and harmony with the rest of the structure, adjacent structures, and prominence.

7.3.16. Concerns are raised that the proposed roof extension would result in an asymmetrical pair of semi-detached houses. The appeal site is located on a residential street, the houses are not protected structures and the appeal site is not located within an Architectural Conservation Area and residential extensions are permissible under the sites zoning objective.

7.3.17. It is acknowledged that the majority of dwellings on Gilford Park have a hipped roof. However, having carried out a site visit it is noted that there are a variety of house / roof types on Gilford Park and the surrounding streets. It is also noted that a recently constructed extension at no. 17 Gilford Park (ABP. 309131-21) includes a gable ended roof.

7.3.18. I am satisfied that the proposed alterations to the roof would not negatively impact on the visual amenities of the area and that the applicant has endeavoured to provide an appropriate design solution which is in keeping with the established pattern of development and the character of the area.

#### **7.4. *Appropriate Assessment***

7.4.1. Having regard to the nature and scale of the proposed development in a serviced urban area and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

### **8.0 Recommendation**

It is recommended that permission be granted subject to conditions.

### **9.0 Reasons and Considerations**

9.1. Having regard to the zoning objective for the site, the provisions of the Dublin City Development Plan, 2022 -2028, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **10.0 Conditions**

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** To restrict the use of the extension in the interest of residential amenity.

3. A schedule of all external finishes to be used shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

4. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity

5. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and surface water management.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may

facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Elaine Power

Senior Planning Inspector

19<sup>th</sup> February 2024



## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	318840-24			
<b>Proposed Development Summary</b>	A first floor side extension, a rear dormer extension and changes and alterations to the roof profile of an existing house.			
<b>Development Address</b>	32 Gilford Park, Sandymount, Dublin 4.			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>		
		<b>No</b>	No further action required	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>				
Yes			EIA Mandatory EIAR required	
No			Proceed to Q.3	
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>				
		<b>Threshold</b>	<b>Comment (if relevant)</b>	<b>Conclusion</b>
No		N/A		No EIAR or Preliminary Examination required
Yes		10 (b)(i): Construction of more than 500 dwelling units	The proposed scheme falls below the applicable thresholds.	Proceed to Q.4

		<p>10 (b)(iv): Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p> <p>15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.</p>		
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4. Has Schedule 7A information been submitted?		
<b>No</b>		<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>318840-24</b>		
<b>Development Summary</b>	A first floor side extension, a rear dormer extension and changes and alterations to the roof profile of an existing house.		
<b>Examination</b>			
		<b>Yes / No / Uncertain</b>	
1. Is the size or nature of the proposed development exceptional in the context of the existing environment?		No	
2. Will the development result in the production of any significant waste, or result in significant emissions or pollutants?		No	
3. Is the proposed development located on, in, adjoining or have the potential to impact on an ecologically sensitive site or location*?		No	
4. Does the proposed development have the potential to affect other significant environmental sensitivities in the area?		No	
<b>Comment (if relevant)</b>			
<b>Conclusion</b>			
<b>Based on a preliminary examination of the nature, size or location of the development, is there a real likelihood of significant effects on the environment **?</b>			
There is no real likelihood of significant effects on the environment	EIAR not required	X	
There is significant and realistic doubt in regard to the likelihood of significant effects on the environment	Screening Determination required	No	
	Sch 7A information submitted?	Yes	No
There is a real likelihood of significant effects on the environment	EIAR is required (Issue notification)		

**Inspector** \_\_\_\_\_ **Date:** \_\_\_\_\_

**DP/ADP** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where EIAR/ Schedule 7A information is being sought)

\* Sensitive locations or features include SAC/ SPA, NHA/ pNHA, Designated Nature Reserves, and any other ecological site which is the objective of a CDP/ LAP (including draft plans)

\*\* Having regard to likely direct, indirect and cumulative effects