



An
Bord
Pleanála

Inspector's Report ABP-318877-24

Development	First floor extension to rear and side, single storey extension to front and side and new window to downstairs front.
Location	56 Faussagh Road, Cabra East, Dublin 7
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1912/23
Applicant	Michael Murphy
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	First Party v Condition
Appellant	Michael Murphy
Observer	None
Date of Site Inspection	17 th February 2024
Inspector	Ian Campbell

1.0 Site Location and Description

- 1.1. The appeal property, located on the northern side of Faussagh Road, Cabra, Dublin 7, comprises a two storey semi-detached dwelling and occupies a corner site at the junction between Delvin Road, St. Eithne Road and Faussagh Road. There is a single storey extension to the east of the appeal property (PA. Ref. 1917/04 refers). The adjoining area is residential in character.

2.0 Proposed Development

- 2.1. The proposed development comprises;

- Construction of;
 - single storey extension to south elevation and the relocation of entrance door from western elevation to southern elevation (incorporated into new single storey extension).
 - ground and first floor extension to east elevation.

material finishes to the proposed extension(s) stated as matching the existing dwelling.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to GRANT Permission on the 15th December 2023, subject to 8 no. conditions.

C2 states –

The development shall be revised as follows:

(a) The single storey extension to the side/front of the dwelling shall be omitted from the scheme and the front door shall be retained in its original position.

(b) The window in the north facing elevation at first floor level shall be omitted.

Reason: In the interests of the visual amenities and character of the area and in the interests of the residential amenity of No.2 St. Eithne Road.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer includes the following comments;

- The proposed side extension would sit in front of the established building line formed by 58-72 Faussagh Avenue and would have an unacceptable impact on the visual amenity of the area.
- The dwelling is designed to be a feature on prominent corners and the proposed extension to the front would not enhance the character of the dwelling. The proposal would not comply with Appendix 18 of the Dublin City Development Plan 2022-2028.
- The window in the north elevation of the first floor extension overlooks the rear garden of no. 2 St. Eithne Road.

The report of the Planning Officer recommends a grant of permission consistent with the Notification of Decision which issued.

3.2.2. Other Technical Reports

Drainage Division – report recommends standard conditions.

3.3. Prescribed Bodies

Transport Infrastructure Ireland (TII) – report notes no specific observation to make.

3.4. Third Party Observations

None received.

4.0 Planning History

Appeal Site:

PA. Ref. 1917/04 – Permission GRANTED for single storey extension to side and rear.

5.0 Policy Context

5.1. Development Plan

5.1.1. The relevant Development Plan is the Dublin City Development Plan 2022-2028.

5.1.2. The appeal site is zoned 'Z1' (Sustainable Residential Communities) with a zoning objective '*to protect, provide and improve residential amenities*' under the Dublin City Development Plan 2022-2028.

5.1.3. The provisions of the Dublin City Development Plan 2022-2028 relevant to this assessment are as follows:

Volume 2 – Appendix 18 Ancillary Residential Accommodation:

- Section 1.1 (General Design Principles)
- Section 1.2 (Extensions to Rear)
- Section 1.3 (Extensions to Side)
- Section 1.4 (Privacy and Amenity)
- Section 1.7 (Appearance and Materials)

5.2. Natural Heritage Designations

The appeal site is not located within or close to any European site.

5.3. EIA Screening

The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, (as amended) and therefore is not subject to EIA requirements.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first-party appeal against Condition No. 2 of the Planning Authorities Notification of Decision to Grant Permission. Condition No. 2 requires the omission of

the single storey extension to the front/side of the dwelling¹, the retention of the front door in its original position, and the omission of the first floor window on the north facing elevation (of the proposed extension to the east of the dwelling). The grounds for appeal can be summarised as follows;

- There were no objections to the proposed development.
- Condition no. 2 does not balance the benefits which will be derived from the proposal against the perceived impacts on the area, which would be minimal.
- There is a diverse pattern of development in the area (examples provided in appeal submission, including reference to a development which was granted permission (PA. Ref. 3258/19 refers) and which the appellant states represents a precedent which is relevant to the current proposal).
- The north facing first floor window is angled and does not result in overlooking of the rear garden of no. 2 St. Eithne Road. Obscure glazing could be used if deemed necessary.
- The break in the building line (at 2 metres) is insignificant, and does not affect sightlines or cause overshadowing.
- The relocation of the front door creates a focal point and enhances visual coherence.

6.2. Planning Authority Response

None.

6.3. Observations

None.

7.0 Assessment

7.1. I consider the main issues in relation to this appeal are as follows:

¹ Noting the content of the Planning Officer's report this is assumed to relate to the single storey extension to the southern elevation of the dwelling, and not to the single storey infill element to the east of the property.

- Scope of Appeal
- Condition No. 2 (subject of appeal)
- Appropriate Assessment

7.2. **Scope of Appeal**

- 7.2.1. Having regard to the nature and scale of the proposed development and to the nature of Condition No. 2, it is considered that a *de novo* assessment would not be warranted in this instance. Therefore, the Board should determine the matters raised in the appeal only, in accordance with Section 139 of the Planning and Development Act, 2000, as amended.

7.3. **Condition No. 2 (subject of appeal)**

- 7.3.1. Condition No. 2 of the Notification of Decision to Grant Permission requires the omission of the single storey extension on the southern elevation, the retention of the entrance door on the western elevation (i.e. in its current position) and the omission of the window on the northern elevation of the proposed first floor extension.
- 7.3.2. Single Storey Extension to Southern Elevation: The Planning Authority contend that the extension on the southern elevation would break the building line established by the dwellings to the east of the appeal property, resulting in detriment to the visual amenities of the area. In my opinion the proposed single storey extension would not result in any significant breach of this building line, nor would this element of the proposal result in any significant negative impact on the visual amenities of the area. Additionally I do not consider that the relocation of the entrance door would give rise to any significant negative impacts on the character of the dwelling or the area. I am satisfied that the proposed extension to the southern elevation effectively integrates with the character of the existing dwelling and with the adjoining area.
- 7.3.3. First Floor Window: Regarding the window on the northern elevation of the proposed extension, noting the oblique relationship of this window to the rear garden/site boundary of the adjacent property (no. 2 St. Eithne Road) and to the separation distance concerned (i.e. c. 6 metres from the centre point of the window to the closest

point of the site boundary of no. 2 St. Eithne Road) I do not consider that this element of the proposal would result in any significant overlooking of adjacent property.

- 7.3.4. Having regard to the forgoing, I do not consider that Condition 2, requiring the omission of the single storey extension on the southern elevation, the retention of the entrance door and the omission of the window on the northern elevation of the proposed first floor extension, to be warranted in this instance, and I recommend that the Planning Authority be directed to remove Condition No. 2.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and limited scale of the proposed development, the developed nature of the landscape between the site and European sites and the lack of a hydrological or other pathway between the site and European sites, it is considered that no Appropriate Assessment issues arise and that the proposed development would not be likely to have a significant effect either individually or in combination with other plans or projects on any European site.

8.0 Recommendation

- 8.1. I recommend that the Planning Authority be directed that Condition No. 2 be removed.

9.0 Reasons and Considerations

- 9.1. Having regard to the nature of the condition which is the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE Condition No. 2 for the reason(s) as follows:

- (i) Having regard to the design of the extension on the south elevation, specifically to its single storey design, the location of the appeal site within the adjoining streetscape, and pattern of development in the vicinity of the appeal site, it is considered that the single storey extension on the south elevation of the dwelling as proposed would not have any significant

negative impacts on the visual amenity of the area or the character of the dwelling, and would therefore be in accordance with the proper planning and sustainable development of the area. Additionally, the relocation of the entrance door to the southern elevation would not result in any significant impact on the visual amenities of the area, or the character of the dwelling.

- (ii) Having regard to the separation distance between the first floor window on the north elevation of the proposed first floor extension, and to the oblique relationship of this window to the rear garden of no. 2 St. Eithne Road the proposal would not result in significant overlooking.

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.

Ian Campbell
Planning Inspector

19th February 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318877-24		
Proposed Development Summary	First floor extension to rear and side, single storey extension to front and side and new window to downstairs front		
Development Address	56 Faussagh Road, Cabra, Dublin 7.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
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?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
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]?			
		Threshold	Comment (if relevant)
No		No	No EIAR or Preliminary Examination required
Yes			Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes		Screening Determination required

Inspector: Ian Campbell

Date: 19th February 2024