



An  
Bord  
Pleanála

## Inspector's Report ABP319130-24

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### Development

Construction of a first floor extension over the existing single storey extension to rear and all associated alterations and demolitions, internal alterations, site, drainage, landscaping and ancillary works.

### Location

4 Anne Devlin Road, Rathfarnham, Dublin 14.

### Planning Authority

South Dublin County Council.

### Planning Authority Reg. Ref.

SD23B/0499.

### Applicant(s)

David & Elaine Greene.

### Type of Application

Permission.

### Planning Authority Decision

Grant permission with conditions.

### Type of Appeal

First Party

### Appellant(s)

David & Elaine Greene.

### Observer(s)

None.

### Date of Site Inspection

21/05/24.

**Inspector**

Anthony Abbott King.

## **1.0 Site Location and Description**

- 1.1. No. 4 Anne Devlin Road is a substantial double-fronted two-storey pitched roof semi-detached house located on the east side of Anne Devlin Road in a streetscape of similar houses.
- 1.2. Anne Devlin Road and the network of streets in the vicinity are part of a mature suburban neighbourhood to the south west of Rathfarnham Shopping Centre accessed from Butterfield Avenue.
- 1.3. No. 4 Anne Develin Road has a front and substantial rear garden.
- 1.4. Site area given as 0.018 hectares.

## **2.0 Proposed Development**

- 2.1. First floor rear extension existing single storey extension.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority granted planning permission subject to 5 conditions.

#### Condition 2 states:

Prior to the commencement of development the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:

Revised plans that incorporate all of the following amendments:

- (a) A reduction in the dept of the first floor extension by 1m to project no greater than 3.2m from the existing first floor level rear building line of the main dwelling.

Revised plans and particulars should be consistent and accurately reflect the set back of the first floor rear extension, modified as required, from subject site boundaries.

Reason: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The decision of the CEO to grant planning permission reflects the recommendation of the planning case officer.

#### 3.2.2. Other Technical Reports

No objection subject to condition.

### 4.0 Planning History

There is no recent relevant planning history.

### 5.0 Policy and Context

#### 5.1. Development Plan

The local policy framework is provided by the South Dublin County Development Plan 2022-2028. The relevant policies and objectives in the development plan relate to the functional area of South Dublin County Council (SDCC) and are set-out below:

- Zoning

The relevant land-use zoning objective is "RES" (Map 6): *'To protect and/or improve residential amenity.'*

- Urban Consolidation

Policy H14 (Residential Extensions) Objective 1 is relevant and states:

*To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 12: Implementation and Monitoring and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).*



- Residential Extensions

Section 12.6 (Housing / Residential Development) is relevant. Paragraph “Extensions” states:

*The design of residential extensions should have regard to the permitted pattern of development in the immediate area alongside the South Dublin County Council House Extension Guide (2010) or any superseding standards.*

Section 4 (Elements of Good Extension Design), Rear Extension is relevant and provides for the following positive criteria in the assessment of rear extensions:

- *The Match or complement the style, materials and details of the main house unless there are good architectural reasons for doing otherwise.*
- *Match the shape and slope of the roof of the existing house, although flat roofed single storey extensions may be acceptable if not prominent from a nearby public road or area.*
- *Make sure enough rear garden is retained.*

- Other relevant policy documents

- The National Planning Framework (NPF) (Project Ireland 2040) (Government of Ireland 2018);
- The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly (EMRA) (June 2019).
- The Department of Environment Heritage and Local Government ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (2009) and the accompanying Design Manual (2009).
- The Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024).

## 5.2. EIA Screening

5.3. The proposed development is not within a class where EIA would apply.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal are summarised below:

- The appeal relates to Condition Number 2 of the grant of permission. The appellant's welcome the positive decision of the planning authority. However, they are dis-satisfied with Condition Number 2 as it reduces the space in the matter bedroom considerably. The appellant requests the Board to remove Condition Number 2.
- The appellant following purchase of their home in 2021 are now intending to commence retrofit and energy upgrade works. The family is 5 in number of requires additional living space.
- The reduction in the dept of the extension to 2.9m is not justified by the reasons stated by the planning authority. The proposed first floor bedroom at a dept of 4.2 m (3.9m internally) has been carefully designed and is modest in scale. It is claimed that the extension would not give rise to any negative residential amenities or visual amenities of the area when taken in the context of the large site, large garden, separation distances and that it would not be visible from the public road.
- The extension faces east and the rear garden is 14m in length. The extension is set 1m off the south boundary with no. 6 Anne Devlin Road. The extension will be constructed over the existing ground-floor extension and will not reduce the garden space or distance o the rear boundary.
- The cumulative extension would be two storeys in scale. The first floor would not project past the existing single-storey addition. It would not be above the roof line, the eaves would match the existing house and neighbouring houses and, it would not be visible from the streetscape.
- There is no issue of overlooking as the rear boundary separates the large rear garden of the house with the green space in connection with the adjacent primary school.



- The extension is north of the rear garden of the neighbouring property at no. 6 Anne Devlin Road and the proposal could not result in overshadowing. Equally the extension is well separated from the adjoining property at no. 2 Anne Devlin Road.
- The extension is supported by development plan policy, including Policy H14 (residential extensions) of the South County Council Development Plan 2022-2028.
- The appellant is agreeable to removing the triangular element from the proposed rear window and reducing the size of the window, as an alternative to attaching Condition Number 2.
- There were no third-party objections to the development proposal.
- The appellant cites the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024). The appellant contends that the original extension design is aligned with and supported by national and general policy including the above guidelines.

## **6.2. Planning Authority Response**

The planning authority confirms its decision. The issues raised in the appeal have been covered in the 'Executive Order'.

## **7.0 Assessment**

- 7.1. Having reviewed the application, the appeal and conducted a site visit, I consider that the only planning matter at issue in this case is Condition Number 2 and that no other planning matters need to be considered by the Board. The condition the subject of this appeal is assessed below.
- 7.2. The planning case officer recommended the reduction is the size of the first floor extension by reducing the dept of the first floor by 1m to project no greater than 3.2m from the existing first floor level rear building line of the main dwelling. The condition is justified in order to ensure the protection of existing amenities, in particular the amenity of the first floor rooms of the adjoining house at no. 6 Anne Devlin Road. I do not concur with the planning case officer recommendation to reduce the size of

the first floor extension. I assess the extension as submitted to the planning authority below.

- 7.3. The applicant proposes to build a first-floor extension over an existing ground floor extension. The extension is located 1m from the shared property boundary with no. 6 Anne Devlin Road to the south and greater than 3m from the shared property boundary with no. 2 Anne Devlin Road to the north. The applicant / appellant has cited the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024) in support of the first-floor extension of no. 4 Anne Devlin Road aligned with compact growth objectives including appropriate separation distances.
- 7.4. The first-floor extension would project 4.2m (3.9m internally) and would be 5.5m in width. The extension would have a pitched roof approximately 7.4m to ridge height below the main ridge height of the dwelling house. The fenestration is restricted to one large window opening with a triangular head that elevates onto the rear garden to the east. The first-floor extension would accommodate a master bedroom.
- 7.5. Policy H14 (Residential Extensions) Objective 1 of the South Dublin County Development Plan 2022-2028 *inter alia* provides to favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities. Chapter 12 (Implementation and Monitoring), Section 12.6 (Housing / Residential Development), Paragraph "Extensions", of the South Dublin County Development Plan 2022-2028 *inter alia* states design of residential extensions should have regard to the permitted pattern of development in the immediate area alongside the South Dublin County Council House Extension Guide (2010).
- 7.6. The pattern of development in the area is characterised by a mature suburban housing stock where the existing housing stock has in instances been extended to the rear. There are also examples of infill housing in the immediate vicinity. Section 4 (Elements of Good Extension Design) of the South Dublin County Council House Extension Guide *inter alia* provide criteria for the assessment of rear extensions. It is considered that the proposed first-floor extension would comply with the stated criteria for rear extensions.
- 7.7. The appellant claims that the first-floor extension is to the north of the rear garden of the neighbouring property at no. 6 Anne Devlin Road. Therefore the proposal could



not result in overshadowing. The rear garden of no. 6 Anne Devlin Road has an east orientation. It is considered that the arc of sunlight during the day is to the south of the shared property boundary between no. 4 Anne Devlin Road and no. 6 Anne Devlin Road. The proposed extension is north of the shared property boundary and would not interfere with the path of the sun. I do not consider that the proposed extension would have an overshadowing impact on the neighbouring property.

7.8. I acknowledge that the location of the proposed first-floor extension 1m from the shared property boundary may have overbearing and visual impacts when viewed from the rear garden of no. 6 Anne Devlin Road. However, I do not consider these potential impacts as significant. I acknowledge that the physical relationship between the two properties will change given that a two-storey extension would project 4.2m from the main elevation of no. 4 Anne Devlin Road rather than the existing single-storey extension. However, I do not consider that the projection of the first-floor extension is excess. I consider that the requirement of Condition Number 2 is not warranted.

7.9. In conclusion, the proposed development as submitted to the planning authority for a first-floor rear bedroom extension would be acceptable in principle and in detail, would represent a reasonable improvement of accommodation on site extending the existing residential floor area, would be consistent with the established pattern of development in the vicinity, would not have a negative impact on the amenity of neighbouring residential properties and, as such would be consistent with the proper planning and sustainable development of the area. I conclude that Condition Number 2 should be removed from the grant of planning permission.

7.10. **Appropriate Assessment Screening**

The proposed development comprises a domestic extension in an established suburban area.

Having regard to the nature and scale of the proposed development it is possible to screen out the requirement for the submission of an NIS.

## 8.0 Recommendation

- 8.1. I recommend the removal of Condition Number 2 based on the reasons and considerations detailed below.

## 9.0 Reasons and Considerations

Having regard to the grounds of appeal, the residential zoning objective, the established pattern of development in the vicinity, the policy framework provided by the South Dublin County Development Plan 2022-2028, including the requirements of the South Dublin County Council House Extension Guide (2010), it is considered that the proposed first-floor rear bedroom extension, would represent a reasonable improvement of accommodation on site, would not have a negative impact on the amenity of neighbouring residential properties and, as such, would be consistent with the proper planning and sustainable development of the area.

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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Anthony Abbott King  
Planning Inspector

24 May 2024