



An
Bord
Pleanála

Inspector's Report

ABP-319734-24

Development	Single-storey flat roof extension to front of house with all associated site works.
Location	154 Ashcroft, Raheny, Dublin 5, D05 WK03
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	3319/24
Applicant(s)	Anthony & Karen Kane
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Noel McCarthy
Observer(s)	None
Date of Site Inspection	15 th November 2024
Inspector	Frank O'Donnell

1.0 Site Location and Description

- 1.1. The subject appeal site is located at no. 154 Ashcroft, Raheny. The site comprises an existing two storey three-bedroom terrace dwelling which forms part of a bloc of 5 no. such dwellings with varying building lines. Further to the north along this row there are 2 no. other blocks, each of 4 no. dwellings of similar format and with varying building lines. The building line of the subject dwelling is c. 650 mm forward of the adjacent dwellings (152 and 153 to the north and 154A to the south) and matches that of no. 151. No. 154A to the immediate south has an existing 3.3-metre-wide front projecting porch which extends beyond the building line of no. 154A by 1.6 metres.

2.0 Proposed Development

- 2.1. The proposed development can be summarised as follows:
- Permission for a single storey flat roof extension for the front elevation of the subject dwelling.
 - The proposed extension has a stated floor area of 5.4 sqm, measures 3.24 metres in height and extends beyond the existing front elevation by 1.050 metres.

3.0 Planning Authority Decision

3.1. Decision

- The Local Authority issued a Notification of Decision to Grant permission on 23rd April 2024 subject to 7 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Local Authority Planner** summarised the third-party concerns as the negative impact the proposed development will have upon their amenity in relation to access to natural light. The Local Authority Planner considered that the property is facing east and that therefore the proposed development

would have some limited impact on the access to natural light in relation to morning sun. It was further considered that as the proposal is single storey with a limited depth this limited impact is considered to be reasonable. The presence of other similar sized extensions elsewhere within the estate is noted by the Planner, although they are not placed forward of the adjoining properties in the terrace. In addition, it is finally noted by the Planner that the front garden areas could have planting that would cause impacts and with this in mind it is considered that the proposal is reasonable.

3.2.2. Other Technical Reports

- The **Drainage Department** raise no objection to the proposed development subject to 1 no. standard condition.

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

- 1 no. third party submission was received from the adjacent neighbouring resident.
- The main issues raised in the above Third-Party Observations are covered in the Appeal Observations.

4.0 Planning History

4.1.1. Planning History on the subject site

- None

5.0 Policy Context

5.1. Development Plan

5.1.1. Under the provisions of the Dublin City Development Plan policy the site is in an area zoned Z1 (Sustainable Residential Neighbourhoods). The relevant zoning objective is *'to protect, provide and improve residential amenities'*.

5.1.2. Chapter 15 of the Plan relates to Development Standards.

5.1.3. Appendix 18 of the Plan relates to Ancillary Residential Accommodation and includes the following relevant Sections:

- Section 1.0: Residential Extensions
 - 1.1 General Design Principles, 1.4 Privacy and Amenity,
 - 1.6 Daylight and Sunlight
 - *Large single or two-storey rear extensions to semi-detached or terraced dwellings can, if they project too far from the main rear elevation, result in a loss of daylight to neighbouring houses. Furthermore, depending on orientation, such extensions can have a serious impact on the amount of sunlight received by adjoining properties. On the other hand, it is also recognised that the city is an urban context and some degree of overshadowing is inevitable and unavoidable. Consideration should be given to the proportion of extensions, height and design of roofs as well as taking account of the position of windows including rooms they serve to adjacent or adjoining dwellings.*
 - 1.7 Appearance and Materials
- Section 3.0 Porches
 - *Porches will be considered where the design complements the existing building and provides for simple proportions and materials. It is important to try to avoid abutting porches close to existing windows, and where front doors are paired, a joint scheme with the neighbouring*

owner should be considered. The design should complement the main house. If existing car parking is provided in curtilage, it is important to ensure that there is adequate depth remaining for safe parking of vehicles.

- 5.1.4. There are no conservation objectives related to the site or the immediate surroundings.

5.2. Natural Heritage Designations

- 5.2.1. The site is not located within or adjacent to a Natura 2000 site. The nearest Natura 2000 sites are as follows:

- North Bull Island SPA (Site Code 004006), c. 1.1 km to the southeast;
- North Dublin Bay SAC (Site Code: 000206), c. 1.1 km to the southeast;

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area and outside of any protected site or heritage designation, the nature of the receiving environment, the existing pattern of development in the vicinity, and the separation distance from the nearest 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 Grounds of Appeal can be summarised as follows:

Loss of Sunlight

- The adjacent property, no. 154 Ashcroft, is located to the immediate south of the Appellants property, No. 153 Ashcroft. No. 154 Ashcroft already

extends 0.68 metres beyond the front building line of no. 153 Ashcroft. The proposed extension will add a further 1 metre to this. The side wall is just 0.58 metres from the Appellants sitting room window. The proposed height of 3.24 metres will block sunlight to the Appellants property.

Loss of Daylight

- The height and depth of the proposed extension will greatly reduce natural light to the property thereby making it dark and gloomy. This will reduce the Appellants enjoyment of the property.

Loss of Value

- The proposals will greatly reduce the value of the subject property as a result of overshadowing and a reduction in sunlight/ daylight and the proximity of same to the Appellants front sitting room window.

6.2. Applicant Response

- A Response submission was received from the Applicant which can be summarised as follows:
 - The proposed extension will have minimal effect on the adjoining properties. There will be no significant loss of sunlight or daylight to adjoining properties as a result of the proposed development. In support of this a 45° approach for domestic extensions is presented as per recommendations contained in BRE 209 – Site Layout Planning for Daylight and Sunlight. The assessment clearly demonstrates there will be minimal impact on daylight and sunlight to that currently enjoyed by the adjoining properties. The Applicant has attached a drawing which they state clearly shows the above.
 - The Applicant disagrees that the proposed development would have any effect on the value of the Appellants property.

6.3. Planning Authority Response

- None.

6.4. Observations

- None

6.5. Further Responses

- None.

7.0 Assessment

7.1. Introduction

- 7.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/ regional and national policies and guidance, I consider the main issues in this appeal are as follows:

- Loss of Daylight/ Sunlight
- Other matters
 - Devaluation in Property

7.2. Loss of Daylight/ Sunlight

- 7.2.1. The existing building line of the full height front elevation of the dwelling is positioned 0.65 metres (650 mm) forward of the front building line of the Appellants property. The subject dwelling, in addition to No. 151 further to the north, are the only other dwellings in the subject block no. dwellings, which are stepped forward of the main building line. The proposal seeks to construct a single storey extension which will be a further 1.050 metres forward of the existing building line of the subject dwelling. This means the proposed extension will be 1.7 metres forward of the building line of the Appellants dwelling.
- 7.2.2. I note the subject dwelling is positioned to the south of the Appellants dwelling. Due to the positioning and orientation of both dwellings, it is in my view likely that the subject dwelling at certain times of the day and year casts a shadow upon the front elevation of the Appellants property.
- 7.2.3. I note the Appeal submission received from the Applicant which includes commentary in respect of the issue of Daylight and Sunlight together with a

supporting Daylight and Sunlight Assessment Drawing, DRG. No. P-09. The supporting drawing indicates, as per recommendations contained in BRE 209¹ regarding the 45° approach for domestic extensions that there will be limited additional impact on the daylight and sunlight that is currently enjoyed by the adjoining properties, including that of the Appellant.

- 7.2.4. Having regard to the established building line of the subject dwelling, the modest single storey height and scale of the proposed extension, the established staggered building line in the area and the pattern of surrounding development, I am satisfied that the proposed development, as presented, is acceptable on planning grounds, is within established and accepted design parameters in terms of Daylight and Sunlight and will not result in any significant negative impacts upon the established residential amenities of neighbouring properties.

7.3. Other matters

- *Devaluation in Property*

- 7.3.1. I note the concerns raised in the grounds of appeal regarding a perceived devaluation of the neighbouring property. In the absence of any definitive supporting evidence to the contrary, I cannot say with certainty that the proposed development would adversely affect the value of property in the vicinity.

8.0 AA Screening

- 8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The subject site is located in an urban area. North Bull Island SPA (Site Code 004006) and North Dublin Bay SAC (Site Code: 000206) are the closest Natura 2000 sites located c. 1.1 kms to the southwest.
- 8.3. The proposed development comprises an extension to an existing dwelling.
- 8.4. No nature conservation concerns were raised in the planning appeal.

¹ BRE 209, *Site Layout planning for daylight and sunlight, a guide to good practice*, 3rd Edition, 2022.

- 8.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- 8.6. Small scale and nature of the development
- 8.7. Location-distance from nearest European site and lack of connections
- 8.8. Taking into account the AA Screening determination by the Planning Authority
- 8.9. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.10. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

- 9.1. I recommend that permission be Granted for the reasons and considerations set out below and subject to the following conditions.

10.0 Reasons and Considerations

- 10.1. Having regard to the Z1 zoning of the Dublin City Council Development Plan, 2022 to 2028 *'to protect, provide and improve residential amenities'*, it is considered that, subject to compliance with conditions below, the proposed development would be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 4th day of March 2024, 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 interests of clarity.

2. The house and the extension shall be occupied as a single dwelling unit and shall not be subdivided or used for commercial purposes. The extension shall not be let, leased or otherwise transferred save as part of the single dwelling unit.

Reason: In the interest of residential amenity.

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

Reason: In the interest of public health.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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

Reason: To safeguard the amenities of property in the vicinity.

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.

Frank O'Donnell
Planning Inspector

18th November 2024

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-319734-24		
Proposed Development Summary	Single-storey flat roof extension to front of house with all associated site works.		
Development Address	154 Ashcroft, Raheny, Dublin 5, D05 WK03		
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)?			
Yes	X	Part 2, Class 10 b) (iv) Urban Development	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	X	Part2, Class 10 b) (iv) Urban Development.	Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes		Class 10 b) (iv) Urban Development. (Threshold is 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.)	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____

Date: _____