



An
Bord
Pleanála

Inspector's Report

ABP-319767-24

Development	Retention of alterations to approved planning permission (Reg. Ref. 3708/17) including change of roof design and addition of window to the attic.
Location	20 Achill Road, Drumcondra, Dublin 9, D09 X9Y6.
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	3290/24
Applicant(s)	Concepta Drew
Type of Application	Retention Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Jane Mc Kever
Observer(s)	Concepta Drew
Date of Site Inspection	12 th December 2024
Inspector	Gerard Kellett

1.0 Site Location and Description

- 1.1.** The subject site relates to the side garden area of No. 20 Achill Road, Drumcondra, for which permission was granted in 2017 under PA Ref: 3708/17 for an infill dwelling. The site comprises a partially completed hipped roofed detached two-storey red-brick dwelling with two storey gabled roof rear return with attic space, located on the eastern side of Achill Road. The site has a stated site area of 0.047ha.
- 1.2.** Achill Road is a cul de sac road and is defined by residential two storey semi-detached dwellings. The dwellings are uniform in appearance with a single storey bay window to the front. Achill Court is to the east and Beacourt Court is to the north which are both three-storey apartment buildings built circa 1970's. To the south west, the site backs onto Arran Road (a cul de sac road) which has a row of two storey semi-detached dwellings. To the immediate south is No.18 Achill Road which is a two-storey semi-detached dwelling with single storey extension. The southern boundary of the site is defined by a 1.2-metre-high stone wall with a 2-metre high rendered and capped boundary wall to the north. There is a single-storey flat roof shed to the western part of the site. A large tree is sited on the boundary with No. 18 Achill Road which has been recently pollarded.

2.0 Proposed Development

- 2.1.** Permission is sought for retention of alterations to previously approved planning permission (Reg. Ref. 3708/17 – dwelling) to include a change of roof design from a hipped roof design to a gable ended roof design and the addition of a window to the attic space.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority granted permission on the 23rd of April 2024 subject to 6.no standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report forms the basis for the decision to grant permission stating:

- The Planner stipulated the previous proposed (house granted under 3708/17) was assessed under the previous 2016 – 2022 Dublin City Development Plan. This proposal was assessed under the 2022- 2028 Dublin City Development Plan which came into effect in December 2022.
- The hipped roof as permitted under 3708/17 has been replaced by a gable type roof with raked facia and soffit details – creating some additional (but non – habitable) floorspace at attic level within the property. Given the discreet location of this change in roof profile i.e. to the rear of the property it is considered no likelihood of a negative impact on the character of the streetscape on Achill Road and on this basis, it is acceptable to the Planning Authority.
- In respect to the relationship with No. 19 Arran Road, it is noted, given the generous separation distance, the oblique angle, the intermediate visual buffer and design and layout of both No. 19 with their new 1-2 storey rear extension (under construction), it is considered that there would be no undue impact on the neighbouring property's privacy arising from the development subject of this application.
- No concerns with respect to AA or EIA where raised.

3.2.2. Other Technical Reports

- Roads and Traffic Planning Division: No report received
- Drainage Division – No object subject to conditions.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

One third-party submission was made on the application from No. 19 Arran Road to the east) making the following points:

- Residential Amenity
 - Overlooking to neighbouring property from additional first floor window inserted in rear gable wall.

4.0 Planning History

PA REF: 3708/17 – Refers to a grant of permission on November 2017 by Dublin City Council for demolition of existing conservatory to No.20 Achill Road and construction of new two storey, 3-bedroom dwelling to the side.

Enforcement

E0468/23 – Enforcement file opened on 19/06/2023 in respect to Non-Compliance Cond 1 of PRR 3708/17.

5.0 Policy Context

5.1. Development Plan

The Dublin City Development Plan 2022 – 2028.

The following policies and objectives are relevant to the proposal:

The site is subject to land use zoning “Z1” – (*Sustainable Residential Neighbourhoods*) which has the objective “to protect, provide and improve residential amenities”.

Volume 2 of the Dublin City Development Plan 2022-2028 contains a number of appendices containing notes and standards for various development types.

- Appendix 18 (Ancillary Residential Accommodation) Sections 1 – 5:
 - 1.0 Residential Extensions
 - 1.4 Privacy and Amenity
 - 1.5 Separation Distances
 - 4.0 Alterations at Roof Level/ Attics/ Dormers/ Additional Floors
 - 5.0 Attic Conversions / Dormer Windows

5.2. Section 28 Guidelines

Sustainable Residential Development and Compact Settlement - Guidelines for Planning Authorities (2024).

5.3. Natural Heritage Designations

The site is not located within or adjacent to any designated Natura 2000 site. The nearest Natura 2000 site(s) are as follows:

- South Dublin Bay and River Tolka Estuary Special Protected Area (SPA) (Site code: 004024) 2.4km to the southeast of the subject site.
- The North Bull Island Special Protected Area (SPA) (Site code: 004006) 5.0km to the east of the site.
- North Dublin Bay Special Area of Conservation (SAC) (Site code: 000206) 5.0km to the east of the site.

5.4. EIA Screening

Refer to Appendix 1 – Form 1. Having regard to the nature of the proposed development, it is not considered a project that falls within the classes listed in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended), and as such preliminary examination or an Environmental Impact Assessment is not required in this instance.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal was lodged by Jane Mc Keever from No. 19 Arran Road to the southeast against the decision of Dublin City Council to grant planning permission. The grounds of appeal can be summarised as follows:

- Design
 - The high rear gable end roof design is not in keeping with the other hipped roof dwellings in the area.
- Residential Amenity
 - Overlooking to rear garden area and to a bedroom window from added first floor window inserted in rear gable wall.

6.2. Planning Authority Response

None received.

6.3. Observations

One observation was received from Concepta Drew (subject site) making the following points:

- The window installed does not overlook the neighbouring property at No.19 Arran Road.
- Will acceptable a condition to obscure window if the Board considers it necessary.
- Large tree in the rear garden of No.20 Achill provides additional privacy to the surrounding properties including No.19 Arran Road.

7.0 Assessment

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

- Principle of Development
- Design
- Residential Amenity

7.1. Principle of Development

- 7.1.1. The proposed development is in an area zoned “Z1” – (Sustainable Residential Neighbourhoods) as per the Dublin City Council Development Plan 2022 – 2028 which has the zoning objective, *“to protect, provide and improve residential amenities”*. Therefore, the principle of the development is acceptable, subject to normal planning considerations.

7.2. Design

- 7.2.1. The appellant at No.19 Arran Road to the southeast of the subject site has raised concerns relating to design, stating that the rear gable end roof design is not in keeping with other hipped roof dwellings in the area.
- 7.2.2. Appendix 18, section 1.2 of the Dublin City Development Plan 2022 – 2028 states that rear extensions are only permissible if they do not negatively impact surrounding

residential or visual amenities. In my view the gable end roof design is acceptable as it is located at the rear of the property, where it is not visible from the public road. The design, I believe integrates with the existing dwelling and aligns with the scale of other rear extensions on Achill Road and Arran Road. Furthermore, the extension does not exceed the ridge height of the existing house, minimising the overall impact.

- 7.2.3. Having regard to the above I am of the view that the retention of the proposed development is acceptable given its minimal visual impact, consistency with the Development Plan, and would not detract from the surrounding existing built environment. The concerns raised by the appellant, while noted, in my view do not outweigh these considerations warrant a refusal of permission.

7.3. Residential Amenity

- 7.3.1. The appellant has raised concerns relating to overlooking from a gable end window of the development to the rear garden area and first-floor windows of the appellants property. I note currently No.19 Arran Road is undergoing construction for a permitted two-storey rear extension.
- 7.3.2. Appendix 18, section 1.5 of the Dublin City Development Plan 2022 – 2028 recommends a standard of 22 metres separation distance between directly opposing rear first floor windows should usually be observed. However, the Sustainable Residential Development and Compact Settlement - Guidelines for Planning Authorities (2024) under specific planning policy requirement (SPPR 1) have reduced this requirement to 16 metres.
- 7.3.3. I have viewed the development from the rear garden area and from the first-floor windows as stated in the grounds of appeal. In my view, the separation distance in this case measured from the rear elevation of the existing dwelling to the rear wall extension of No.19 Arran Road exceeds 22 metres, which is acceptable, making it compliant with both standards.

- 7.3.4. The gable window in question, in my view, is not directly opposing rear first floor windows of No.19 Arran Road and is positioned to avoid adverse overlooking. Views referred in the grounds of appeal from the master bedroom of No.19 Arran Road towards the subject site are minimised by the two-storey extension under construction at No. 19 Arran Road.
- 7.3.5. Having regard to the above, I am of the view the retention of the proposed development based on acceptable separation distances would not pose any undue overlooking to the neighbouring property and therefore is in compliance with SPPR 1 of the Sustainable Residential Development and Compact Settlement - Guidelines for Planning Authorities (2024).

8.0 Appropriate Assessment Screening

Refer to Appendix 2. Having regard to nature, scale, and location of the proposed development and nature of the receiving environment and proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

I recommend that retention permission should be granted for the reasons and considerations as set out below.

10.0 Reasons and Considerations

Having regard to the nature, scale, location and design of the development to be retained, it is considered that, subject to compliance with the conditions set out below, the development to be retained would comply with the zoning objective for the site, as set out in the Dublin City Council Development Plan 2022 – 2028, would not seriously injure the visual or residential amenity of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be retained and carried out 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 and the development shall be retained in accordance with the agreed particulars.

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

2. The disposal of surface water, foul sewage, trade effluent and soiled water shall be in accordance with the requirements of the Planning Authority.

Reason: **In the interest of public health.**

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.

Gerard Kellett

Planning Inspector

23rd December 2024

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-3197674-24		
Proposed Development Summary	Retention of alterations to approved planning permission (Reg. Ref. 3708/17) including change of roof design and addition of window to the attic.		
Development Address	20 Achill Road, Drumcondra, Dublin 9, D09 X9Y6		
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	√
		No	
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			
No	√		No further action required.
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	√		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			Preliminary examination required. (Form 2)
5. Has Schedule 7A information been submitted?			
No	√	Screening determination remains as above (Q1 to Q4)	
Yes			

Inspector: _____

Date: _____

Appendix 2

AA Screening

I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.

The site is not located within or adjacent to any designated Natura 2000 site. The nearest Natura 2000 site(s) are as follows:

- South Dublin Bay and River Tolka Estuary Special Protected Area (SPA) (Site code: 004024) 2.4km to the southeast of the subject site.
- The North Bull Island Special Protected Area (SPA) (Site code: 004006) 5.0km to the east of the site.
- North Dublin Bay Special Area of Conservation (SAC) (Site code: 000206) 5.0km to the east of the site.

The development is located within a residential area and comprises the *retention of alterations to extension including change of roof design and addition of window to attic.*

Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

- The nature of the development.
- The location of the development in a serviced urban area, distance from European Sites and urban nature of intervening habitats, absence of ecological pathways to any European Site.

I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.