



An
Bord
Pleanála

Inspector's Report

ABP-319836-24

Development

Construction of two storey rear extension, a porch extension to the front and reinstatement of front boundary walls with new vehicular entrance.

Location

108 Dean Swift Road, Glasnevin,
Dublin 11

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

WEB1259/24

Appellant

William Fred Jones

Applicant

Vincent Smith

Type of Application

Permission

Planning Authority Decision

Grant permission

Type of Appeal

Third Party

Observer(s)

None

Date of Site Inspection

6th December 2024

Inspector

John Duffy

1.0 Site Location and Description

- 1.1. The subject site (stated as 0.1489 ha) accommodates an end of terrace (4 house terrace) two storey dwelling (84 sqm) at 108 Dean Swift Road, Glasnevin, Dublin 11. The dwelling has a plaster finish and a brown tile roof covering. The site is located at the end of a cul-de-sac. The original garden area to the front of the dwelling has been replaced with a gravelled parking area and the front boundary walls have been removed. The very substantial rear garden is enclosed predominantly by walls at the side boundaries while fencing forms the rear boundary.
- 1.2. The site forms part of a residential area consisting of strong terraces with interventions in the form of porches and alterations in terms of external finishes. Many houses in this residential area have been extended to the rear.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
- (i) Construction of a new two storey rear extension (circa 35 sqm) with flat roof. The extension at approximately 6 m in height would exceed the height of the eaves of the dwelling and it would be set back 2.68 m from the boundary with the adjoining dwelling to the east (No. 106 Dean Swift Road). The extension extends 4.5 m from the rear building line and has a width of approximately 4.4 m. The extension would provide an additional bedroom and an ensuite at first floor level and additional living space at ground floor level.
 - (ii) Construction of a single storey front porch (circa 2 sqm) with flat roof.
 - (iii) Reinstatement of front boundary walls and a vehicular entrance measuring 3 m in width on to Dean Swift Road.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission on 1st May 2024 subject to 7 no. conditions. The conditions are standard. Condition number 5 relating to the proposed entrance is noted:

5. The following requirements of the Transportation Planning Division shall be complied with:

- a) Driveway entrance shall be a maximum of 3.0m in width and shall not have outward opening gates.
- b) Footpath and kerb to be dished and new entrance provided to the requirements of the Area Engineer, Roads Maintenance Division.
- c) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

REASON: In the interests of pedestrian and traffic safety.

3.2. Planning Authority Reports

3.2.1. Planning Report

The report of the area planner notes the policy context, reports received and third party observations made in respect of the planning application. The principle of the proposed rear extension is considered generally acceptable given its overall scale, layout, height, and proximity to boundaries. The setback from the adjoining property to the east would, it is considered, avoid the extension appearing overly dominant or overbearing. In terms of impact on daylight / sunlight, application of the 45 degree rule on elevation as set out in BRE209 ('Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice,' 3rd Edition, BRE, 2022) indicates that the centre point of the adjoining window falls outside the 45 degree plan, meaning that impact to daylight and sunlight will not be as significant. In terms of overshadowing, given the orientation of the site, it is likely that shadowing will be confined to the late

afternoon. It is considered the proposed contemporary metal roof of the porch would enhance the dwelling's façade. There is no objection to the reinstatement of the front boundary wall and the proposed vehicular entrance.

3.2.2. Other Technical Reports

Transport Planning Division (TPD): No objection to reinstatement of the front boundary wall with a 3 m wide vehicular entrance subject to conditions, including that the footpath and kerb be dished and new entrance provided to the requirements of the Area Engineer.

Drainage Division: No objection to the proposal subject to conditions, including that the development incorporates Sustainable Drainage Systems (SuDS) and that all surface water from the new driveway and vehicular entrance is managed through SuDS, ensuring no increase in surface water discharges to the public drainage network.

3.3. **Prescribed Bodies**

None received.

3.4. **Third Party Observations**

Two third-party submissions were received by the planning authority in respect of the proposed development. The main issues raised are as follows:

- Rear extension by reason of its position, scale and height would be injurious to amenity, causing an overbearing impact and severe loss of light. It would also result in visual intrusion.
- Depth of rear extension is excessive. This development is out of character with the area.
- Extension should be relocated further west.
- The flat roof of the rear extension should be replaced by a tiled collar roof to match the eaves line.
- A large single storey extension to the rear would be preferable to the two storey proposed development.

- No objection to the proposed porch and the new vehicular entrance.

4.0 Planning History

4.1 There is no recent or relevant planning history relating to the appeal site.

5.0 Policy Context

5.1. Dublin City Development Plan 2022-2028

The proposed development was considered by the Planning Authority under the Dublin City Development Plan 2022-2028.

Zoning

The site is zoned Z1 - Sustainable Residential Neighbourhood, where it is an objective “To protect, provide and improve residential amenities.”

Development Standards

Appendix 5 –Transport and Mobility: Technical Requirements

4.3.1 Dimensions and Surfacing

For a single residential dwelling, the vehicular opening proposed shall be at least 2.5 metres or at most 3 metres in width and shall not have outward opening gates. Where a shared entrance for two residential dwellings is proposed, this width may increase to a maximum of 4 metres.

Appendix 18 – Ancillary Residential Accommodation

1.1 General Design Principles

Applications for extensions to existing residential units should:

- *Not have an adverse impact on the scale and character of the existing dwelling*
- *Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, outlook and access to daylight and sunlight*
- *Achieve a high quality of design*

- *Make a positive contribution to the streetscape (front extensions)*

1.2 Extensions to Rear

First floor rear extensions will be considered on their merits, noting that they can have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the planning authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:

- *Overshadowing, overbearing, and overlooking - along with proximity, height, and length along mutual boundaries*
- *Remaining rear private open space, its orientation and usability*
- *Degree of set-back from mutual side boundaries*
- *External finishes and design, which shall generally be in harmony with existing*

1.4 Privacy and Amenity

It is important to make sure that any extension does not unacceptably affect the amenities of neighbouring properties. This includes privacy, outlook, daylight and sunlight. It is advisable to discuss proposals with neighbours prior to submitting a planning application.

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.

5.2. EIA Screening

See completed Forms 1 and 2 below. Having regard to the nature of the proposed development comprising domestic extensions, reinstatement of front boundary walls and a vehicular entrance, in an established urban area and where infrastructural services are available, 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.

5.3. Natural Heritage Designations

South Dublin Bay and River Tolka Estuary SPA are located c 4 km south east of the appeal site.

6.0 The Appeal

6.1. Grounds of Appeal

This is a third-party appeal from William Fred Jones of 106 Dean Swift Road, Dublin 11, against the decision of Dublin City Council to grant permission for the proposed development. The issues raised are summarised as follows:

- Proposed rear extension is not in accordance with design guidance set out in the Dublin City Development Plan 2022-2028, specifically in sections 1.1 'General Design Principles' and 1.2 'Extensions to Rear' of Appendix 18.
- The rear extension due to its size and scale would negatively impact existing dwellings in the area.
- Most of the appellant's enjoyment of their private amenity space is from the rear patio area at No.106. The extension would negatively affect the appellant's enjoyment of their property in terms of outlook, access to daylight and sunlight and overshadowing impacts. The extension would be an overbearing feature.

- There are concerns regarding the height of the rear extension and the parapet walls which are likely to be circa 1 m above eaves level due to the height of the walls.
- Replacement of the proposed extension roof with a tiled collar roof (hipped at gable) to match the existing eaves line would be in keeping with the character of the dwelling and would have less impact in terms of overshadowing on the appellant's property.
- It is not the case, as set out in the planner's assessment, that the provision of a lower roof would mean non-compliance with Building Regulations.
- The planner's assessment relies heavily on the guidance contained in BR209 and the 45 degree approach. The applicant's drawings cannot be relied upon to provide accurate assessment of overshadowing impacts. A full shadow analysis should have been sought.
- In order to reduce the impact, the extension could have been positioned further west.
- No objection to the single storey porch or new vehicular entrance.

The following documents are attached to the appeal:

1. Copy of Notification of Decision issued to the appellant.
2. Copy of appellant's acknowledgement of submission from the planning authority.
3. Copy of the appellant's submission made to the planning authority in connection with the application, which is summarised as follows:

- Rear extension is injurious to amenity due to size and scale.
- Scale of walls relative to rear wall of house will impact on the scale and character of the dwelling.
- The proposed flat roof with parapet should be replaced with a tiled collar roof to match existing eaves line.
- Excessive depth of first floor extension at 4.5 m which should be reduced.
- The blank wall of the extension will have an overbearing impact on No. 106.
- No overshadowing study provided.

- Consideration should be given to repositioning of the extension further west.

6.2. Planning Authority Response

None.

6.3 Applicant's Response

This submission may be summarised as follows:

- The proposed development is a modest 44% increase in floor area over two floors and it does not affect the streetscape or have a negative visual impact.
- BR209 calculations were undertaken prior to lodgement of the planning application. The proposed development passes on elevation and fails marginally on plan. The impact of the development is likely to be small and it is in compliance with BR209 (drawing extracts included in submission).
- There is an existing shed structure located along inside the shared boundary wall of No.106 which would already cause shadow in the late afternoon, therefore reducing any impact the proposed extension may have.
- The proposed extension is positioned 2.68 m from the shared boundary wall. Windows are omitted in the gable elevation to remove any overlooking opportunities.
- The proposed development accords with the requirements of the Development Plan and does not affect adjacent buildings in terms of privacy, outlook and access to daylight.
- A number of adjoining dwellings have been extended at ground and upper floor levels.

6.4 Observations

None.

7.0 Assessment

Having examined the application details and all other documentation on file, including the reports of the local authority, and having inspected the site, and having

regard to the relevant local and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Land use and nature of the proposed development
- Design and impact on the character of the area
- Impact on amenities
- Matter Arising
- Appropriate Assessment

7.1. Land use and nature of the proposed development

- 7.1.1. The proposed development comprising domestic extensions, reinstatement of front boundary walls and provision of a 3 m wide vehicular entrance is acceptable in principle at this location, which is within the Z1 'Sustainable Residential Neighbourhood' zoning objective.
- 7.1.2. I note that the Dublin City Development Plan 2022-2028 is supportive of residential extensions. In this regard Section 1.1 'General Design Principles' of the Dublin City Development Plan 2022-2028 acknowledges that such developments play an important part in promoting a compact city as well as facilitating sustainable neighbourhoods where a wide variety of families can reside.

7.2. Design and impact on the character of the area

- 7.2.1. The proposed rear two storey extension and the front porch will add approximately 37 sqm of floor area to this house, equating to a total floor area of 121 sqm post development. The significant size of the plot, measuring approximately 1490 sqm in this urban location provides scope to facilitate the development of a large residential extension on this site. My view is that the proposed rear two storey extension, which will not be visible from the street, does not adversely impact on the character and scale of this modestly sized house or other houses in the vicinity.
- 7.2.2. In accordance with section 1.2 of Appendix 18 of the Development Plan relating to rear extensions, there will be ample usable rear private open space remaining post development, which is oriented to the south and south-east. External finishes will

generally accord with the existing finishes of the house and I note that the rear extension is set back from the boundary with the adjoining dwelling to the north-east. In this context I consider that the design of the rear extension is acceptable

- 7.2.3. I note the appellant's preference for replacement of the proposed flat roof of the rear extension with a revised roof type comprising a tiled collar roof to match the existing eaves level. While this revised roof type would be less dominant, given the significant size of the subject plot and the separation distance to boundaries, I consider the proposed flat roof type to be acceptable at this location and in this context.
- 7.2.4. A contemporary design approach to residential extensions is generally supported by the Development Plan and I concur with the area planner that the proposed front porch extension with metal roof will make a positive contribution to the both the dwelling and the streetscape.
- 7.2.5. Upon review of planning applications pertaining to this residential area and from the site inspection I note that a number of dwellings in this area have been extended in a similar manner to that proposed along with alterations made to existing entrances. I consider the proposed development to be in keeping with the pattern of development in the area.

7.3 Impact on amenities

- 7.3.1 The appellant considers that the proposed rear extension would have an overbearing impact on No. 106 Dean Swift Road. Having regard to the separation distance in excess of 2.5 m between the party boundary wall and the proposed rear extension, and noting its depth at 4.5 metres, my opinion is that the new extension would not have an unduly overbearing impact on the adjoining property to the north-east. As noted by the area planner, rear extensions of this scale would be typical in rear gardens in the city suburbs.
- 7.3.2 Concern is also expressed in the appeal that the two storey rear extension would negatively affect the appellant's enjoyment of their property in terms of outlook, access to daylight and sunlight and overshadowing impacts.

In terms of outlook, the proposed extension would certainly be visible from the adjoining property and its rear private amenity space. Extensions to houses are a

normal and typical feature of residential estates and I consider that the rear extension proposed would not be seriously injurious to the visual amenities of this residential area. I accept that the proposed extension would constitute a change to the built environment at No.108 and as such the outlook of the adjoining property owner would be altered by the proposed development. However I do not consider that the altered outlook would unacceptably affect the amenity of No.106 and in this regard I conclude that the proposed extension would accord with section 1.2 of Appendix 18 of the Development Plan.

- 7.3.3 The appellant objects to the proposed rear extension on the basis that it would negatively impact access to daylight and sunlight with particular reference made to the rear ground floor living room window. The proposed rear extension extends c 4.5 m from the dwelling and it has a similar width. The separation distance between the proposed two storey extension and the boundary with No.106 is given as 2.68 m.

The appellant has stated that an overshadowing study / full shadow analysis should have been undertaken. However, current BRE Guidance (BRE209 – Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice,' 3rd Edition, BRE, 2022) notes that for domestic extensions the '45 degree rule' can be used to assess the impact on the diffuse daylight to a neighbouring property.

- 7.3.4 BRE209 states that if the centre of a main window lies within the 45 degree plane when assessed on both the elevation and plan drawings, then the extension may cause a significant reduction in the skylight received by the window. In this instance, when the 45 degree rule is applied on the elevation drawing, the centre point of the adjoining ground floor window (in No.106) is outside the 45 degree plane, indicating that the impact on daylight and sunlight would not be so significant. It is noted that the windows of No.106 are not included on the plan submitted with the application. I note however the applicant's response to the appeal which indicates that the centre of the window under test was marginally within the 45 degree plane on plan, and as such the test failed on plan. Notwithstanding, the test as applied to the elevation shows the 45 degree line outside the centre point of the window, indicating that the impact on daylight and sunlight would be acceptable. While the appellant has questioned the accuracy of the submitted drawings, having examined same I am satisfied that they are acceptable and accurate. Having regard

to the foregoing, I conclude that the scale, height and extent of the proposed rear extension would not unduly impact in terms of loss of daylight and sunlight on the adjoining dwelling No.106 and would comply with sections 1.1, 1.2 and 1.4 of Appendix 18 of the Development Plan.

7.3.5 In terms of overshadowing impacts, I would contend that there is already overshadowing of No. 106's ground floor rear window nearest the boundary with No. 108 by reason of the party boundary wall, which I note has been increased in height over the years. Having regard to the orientation of the site relative to the path of the sun, it is likely that some shadowing may occur in the late afternoon. I note that the relevant BRE (BRE209) recommendation for sunlight to amenity areas, is to ensure that at least half of a neighbouring amenity area should receive at least two hours of sunlight on 21 March, for any given year. For the garden at No. 106 d Dean Swift Road, this is likely to be the case, given the southerly aspect of the garden, and also that the proposed extension lies to the east of the appellant's garden.

7.4 Matter Arising

Conditions

I am satisfied that the conditions attached by the planning authority in its decision to grant permission for the proposed development are generally appropriate insofar as they relate to domestic extensions / residential development. No Section 48 contribution was sought by the planning authority in relation to the proposed development. This is appropriate given that Section 10 of the Dublin City Development Contribution Scheme 2023-2026 provides an exemption for payment of a Section 48 contribution in respect of the first 40 sqm of extensions to a residential development.

7.5 Appropriate Assessment

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

The subject site is located in an urban area within an established residential estate in Glasnevin, Dublin 11.

No nature conservation concerns were raised in the planning appeal.

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:

- Small scale and nature of the development
- Location-distance from nearest European site and lack of connections
- Taking into account the determination by the Planning Authority

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.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted based on the following reasons and considerations and subject to the attached conditions.

9.0 Reasons and Considerations

- 9.1 Having regard to the provisions of the Dublin City Development Plan 2022-2028 including the Z1 zoning objective for the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of design and scale, would not detract from the character of the house and the area, and would not seriously injure the residential and visual 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 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 |
|----|--|

| | |
|----|--|
| | <p>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.</p> <p>Reason: In the interest of clarity.</p> |
| 2. | <p>Details of the materials, colours and textures of all the external finishes to the proposed extensions shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.</p> |
| 3. | <p>The vehicular entrance shall have a maximum width of 3 metres and shall be in accordance with the detailed standards and requirements of the planning authority for such works.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p> |
| 4. | <p>The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: In the interest of public health.</p> |
| 5. | <p>All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> |

| | |
|----|---|
| | Reason: To protect the amenities of the area. |
| 6. | <p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p> |

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.

John Duffy
Planning Inspector
9th December 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

| | | | |
|---|--|--|---|
| An Bord Pleanála Case Reference | ABP-319836-24 | | |
| Proposed Development Summary | Construction of two storey rear extension, a porch extension to the front and reinstatement of front boundary walls with new vehicular entrance. | | |
| Development Address | 108 Dean Swift Road, Dublin 11. | | |
| 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 | | N/A | No EIAR or Preliminary Examination required |
| Yes | X | Class 10 b) (iv) Urban Development. (Threshold is Urban development | Proceed to Q.4 |

| | | | | |
|--|--|---|--|--|
| | | 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). | | |
|--|--|---|--|--|

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

Form 2

EIA Preliminary Examination

| | |
|--|---|
| An Bord Pleanála Case Reference Number | ABP-319836-24 |
| Proposed Development Summary | Construction of two storey rear extension, a porch extension to the front and reinstatement of front boundary walls with new vehicular entrance. |
| Development Address | 108 Dean Swift Road, Dublin 11. |
| <p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p> | |
| <p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p> | <p>The site is located on residential zoned lands. The proposed development is not exceptional in the context of the existing environment. The proposed development site has a stated total area of 0.1489 ha. The subject site contains an end of terrace dwelling with large rear garden. The proposed development will not result in the production of any significant waste, emissions of pollutants.</p> |
| <p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p> | <p>The nearest European Site is the South Dublin Bay and River Tolka Estuary SPA located approximately 4 km from the subject site.</p> <p>The site is located within a built-up area and is zoned for residential purposes. There are no locally sensitive environmental sensitivities in the vicinity of relevance.</p> |
| <p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity)</p> | <p>There is no real likelihood of significant effects on the environment.</p> |

| | | |
|--|---|------------------|
| and complexity, duration, cumulative effects and opportunities for mitigation). | | |
| Conclusion | | |
| Likelihood of Significant Effects | Conclusion in respect of EIA | Yes or No |
| There is no real likelihood of significant effects on the environment. | EIA is not required. | Yes |
| There is significant and realistic doubt regarding the likelihood of significant effects on the environment. | Schedule 7A Information required to enable a Screening Determination to be carried out. | No |
| There is a real likelihood of significant effects on the environment. | EIAR required. | No |