

An
Bord
Pleanála

Inspector's Report

ABP-321233-24

Development

The development consists of amendments to the previously approved planning permission, Reg Ref No.3074/24. The proposed amendments will consist of an additional attic floor level (15sqm) to the rear with partial pitch and flat roof over with additional roof light and all associated works

Location

3 Saint Brendan's Cottages, Dublin 4,
D04 E2T9

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

4190/24

Applicant(s)

Patrick Meier

Type of Application

Permission

Planning Authority Decision

Grant permission

Type of Appeal

Third Party

Appellant(s)

Phillip O'Reilly

Observer(s)

None

Date of Site Inspection

12th March 2025

Inspector

Killian Harrington

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

The subject property is a 2-storey dwelling on a site measuring approximately 0.04 hectares at the end of a terrace of three similar dwellings in Saint Brendan's Cottages estate. The property includes an existing modern single storey rear extension, with small yard with pedestrian entrance. To the front an iron fence surmounts a black painted plinth. The external façade contains a painted stone cladding with a window on first floor. Saint Brendan's Cottages is a residential avenue off Irishtown Road with a single-storey terrace to the north and two-storey terrace to the south. There is currently a two-storey extension (i.e. existing extension and a first floor extension) under construction as part of a previous planning permission (Reg. Ref. 3074/24)

2.0 Proposed Development

- 2.1. The development consists of amendments to the previously approved planning permission, Reg Ref No.3074/24. This previous permission was a split decision by Dublin City Council, who granted planning permission for a first floor rear extension and refused for the attic level extension element.
- 2.2. The proposed amendments in the application that is the subject of this appeal will consist of an additional attic floor level (15sqm) to the rear with partial pitch and flat roof over with additional roof light and all associated works.

3.0 Planning Authority Decision

3.1. Decision

Dublin City Council decided to grant permission with 6 no. standard conditions

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planners report concluded that based on the re-designed attic level extension and the information submitted with the application, it was considered that the extension to a residential unit in a Z2 location is acceptable and permission should be approved with standard conditions attached.

3.2.2. Other Technical Reports

- Drainage Division report 04/09/2024 – No objection subject to compliance with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.

3.3. Prescribed Bodies

- Uisce Eireann – no response

3.4. Third Party Observations

There was one objection from Phillip O'Reilly who raised the concern that the proposal is identical to that which was decided on by Dublin City Council (Reg. Ref. 3074/24). In this split decision, the attic level extension element was omitted from the approval of the rear extension proposal.

4.0 Planning History

Subject site

Reg. Ref. 3074/24 – Split Decision – The development will consist of a two storey rear extension (28.61 sqm), raising the existing ridge line by 675 mm, addition of four windows to side elevation, partial demolition of existing rear single storey extension (4.4 sqm) and all associated works.

Planning permission granted but Condition 2 required omitting the attic level extension from the development. In the planners report, Dublin City Council had requested a redesign of the attic level extension as the proposal was visually inappropriate in a Z2 zoning location given the zoning objective set out in Section 14.7.2 of the Development Plan but the applicant failed to do so.

Under Schedule 2 Reasons of that decision, it was considered that the attic level extension due to its location and size would negatively impact on the residential amenity of the adjoining properties, would be visually incongruous to the pattern of development in the area and would contravene 'Z2' zoning where the zoning objective is to protect and/or improve the amenities of residential conservation areas. If granted, the proposed attic level extension would set an undesirable precedent for similar type development and would be contrary to the proper planning and sustainable development of the area

Adjacent properties

9 Saint Brendan's Cottages

Reg. Ref. 1132/14 (PL29.S.243639) – Planning permission granted by An Bord Pleanála for retention permission for existing dormer extension to the rear and existing velux rooflight to the front roofslope and permission for a new first floor extension to the rear of the existing dwelling extending (increasing) the height of the existing roof ridge, new rooflight to the existing single storey extension to the rear, associated internal alterations, and all associated site, drainage and landscaping works.

7 Saint Brendan's Cottages

Reg Ref. 1227.18 – Planning permission granted for development comprising a first floor dormer and extension to the rear, 3 roof lights to the front roof elevation, and a raised roof ridge height.

5.0 Policy Context

5.1. Development Plan

Under the Dublin City Development Plan 2022-2028 the site is subject to the Land Use Zoning Objective Z2 'Residential Neighbourhoods (Conservation Areas)', which aims to 'protect and/or improve the amenities of residential conservation areas'.

Development Plan policies

- Policy QHSN6 (Urban Consolidation) - To promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, reuse/ adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation.
- BHA9 (Conservation Areas) - To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8, Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible. Enhancement opportunities may include:
 1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.
 1. Re-instatement of missing architectural detail or important features.
 2. Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns.
 3. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.
 4. The repair and retention of shop and pub fronts of architectural interest.
 5. Retention of buildings and features that contribute to the overall character and integrity of the Conservation Area.
 6. The return of buildings to residential use.

Changes of use will be acceptable where in compliance with the zoning objectives and where they make a positive contribution to the character, function and appearance of the Conservation Areas and its setting. The Council will consider the contribution of existing uses to the special interest of an area when assessing change of use applications and will promote compatible uses which ensure future long-term viability.

Section 14.7.2 Residential Neighbourhoods (Conservation Areas) – Zone Z2

Residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.

Appendix 18 - Section 1.2 Extensions to Rear

Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. The extension should match or complement the main house. 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

Appendix 18 – Section 4.0 - Alterations at Roof Level/ Attics/ Dormers/ Additional Floors

The following criteria will be considered in assessing alterations at roof level:

- Careful consideration and special regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures.
- Existing roof variations on the streetscape.
- Distance/ contrast/ visibility of proposed roof end.
- Harmony with the rest of the structure, adjacent structures, and prominence.

Appendix 18 – Section 5.0 – Attic Conversions / Dormer Windows

Where it is proposed to extend the ridge height to accommodate an increased floor-to ceiling height, the design should avoid an overly dominant roof structure. The proposed scale of the roof should retain similar proportions to the building where possible.

Appendix 18 – Section 5.1 – Additional Floors

It is acknowledged that converting an attic as a full floor to the elevation of a dwelling can often be successfully achieved without effecting or impacting the overall character of the area or the residential amenity. Dublin City Council will support innovative design responses to the densification of suburban housing to consolidate existing built up areas. Converting existing attic space to provide a full additional floor will be considered in this context, where it can be demonstrated that such a proposal makes a positive contribution to the streetscape and has no adverse impact on the residential amenities of adjacent properties. The provision of such densification solutions are often more suitable at the end of terrace or corner house sites where a feature/ bookend design can be facilitated. Each proposal will be assessed on a case-by-case basis. Applications for an additional storey must ensure that all of the relevant internal residential standards are complied with as set out in this Appendix. Additional requirements such as demonstrating safe and secure access will also be required as part of any planning application.

5.2. Natural Heritage Designations

South Dublin Bay SAC & South Dublin Bay and River Tolka SPA c.1km to the southeast

5.3. EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also

no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

6.0 The Appeal

6.1. Grounds of Appeal

- The applicant was refused permission to raise the roof ridgeline in the split decision for planning application reg. ref. 3074/24 and the current proposal seeks the same development
- There would be a poor provision of private amenity space for the property's occupants
- The proposal would have an overbearing effect on surrounding properties and at odds with development pattern and residential character in the area

6.2. Applicant Response

- None

6.3. Planning Authority Response

- None

6.4. Observations

- None

6.5. Further Responses

- None

7.0 Assessment

- 7.1. The principal concern in the appeal is that the proposed attic level extension is unchanged from what was refused under a split decision. The appeal also raises the

issue of there being no amenity space for the occupants and the height of the proposal being injurious to neighbour amenity and the character of the area.

- 7.2. Firstly, the principle of attic level conversions combined with lower floor extensions is acceptable. The general objective for 'Z2' zoning is to prevent unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area. The proposal consists of amending the permission for a first floor extension atop an existing single storey rear addition and adding a loft extension. Similar extensions including raising the ridge line of the roof have been approved at 7 and 9 Saint Brendan's Cottages.
- 7.3. It is important to note what was approved in the split decision and what is being proposed in this application. Under planning application Reg. Ref. 3074/24, the proposal consisted of a two storey rear extension (28.61 sqm), raising the existing ridge line by 675 mm, addition of four windows to side elevation, partial demolition of existing rear single storey extension (4.4 sqm) and all associated works.
- 7.4. Planning permission granted for the full length first floor extension above the existing single storey rear addition but Condition 2 required omitting the attic level extension from the development. In the planners report, Dublin City Council had requested a redesign of the attic level extension as the proposal was visually inappropriate in a Z2 zoning location given the zoning objective set out in Section 14.7.2 of the Development Plan but the applicant failed to do so.
- 7.5. Under Schedule 2 Reasons of that decision, it was considered that the attic level extension due to its location and size would negatively impact on the residential amenity of the adjoining properties, would be visually incongruous to the pattern of development in the area and would contravene 'Z2' zoning where the zoning objective is to protect and/or improve the amenities of residential conservation areas. If granted, the proposed attic level extension would set an undesirable precedent for similar type development and would be contrary to the proper planning and sustainable development of the area.
- 7.6. The applicant subsequently re-designed the attic level extension element and lodged the application that is the subject of this appeal to Dublin City Council
- 7.7. The depth is the same as what was refused (approximately 4 metres and set back 2 metres from the boundary wall). While the height increase of the roof remains the

same at 675 mm, the applicants have set back the roof extension off the existing ridge by 1 metre, reducing its bulk noticeably and have now aligned the raised ridge with the existing roof and neighbouring roofs where before it was at odds with the prevailing ridges and in contradiction of the Development Plan. The combination of these design changes alters the visual impact considerably and there is a noticeable improvement.

- 7.8. To address the appellant's concerns, the key difference is that the proposed partially pitched roof slope will now match the angle of existing roof and not be an incongruous box-like addition as in the refused proposal. The change retains the visual cohesion of this terrace where before it was disrupting it. This in line with what other rear loft extensions have achieved in the area (e.g. numbers 7 and 9 Saint Brendan's Cottage) and broadly meets the guidance set out under Appendix 28 of the Development Plan. The proposed raised and extended loft would now be harmonious with the surrounding properties and would match the prevailing pattern of development of neat and modern rear extension. This would have the effect of protecting and enhancing the appearance and character of the residential conservation area, complying with Policy Objective BHA9. The proposed materials would match existing in accordance with Section 1.2 of Appendix 18.
- 7.9. The proposed extension would no longer appear incongruous and would serve as a subservient addition to an existing residential property to the rear. The proposal therefore accords with Development Plan meeting the criteria set out in Appendix 28 of the Development Plan, Policy Objective BHA9 and the 'Z2' zoning objective.
- 7.10. In relation to the issue of amenity space, there is no loss of rear amenity space arising from the proposal. The property has an existing rear addition and small yard accessed from the gable end of the property. This would be retained as part of the overall extension proposal. The proposal does not involve the creation of a new residential unit and so there is no policy requirement for additional outdoor amenity space.
- 7.11. In terms of the residential amenity of neighbouring properties, the proposed height and massing of the rear roof extension would not adversely affect the daylight/sunlight intake of Irishtown Road properties to the south due to dimensions of the extension relative to adjoining buildings and the subject property situated to

the north of those buildings. The attic level extension would be set back 2 metres from its own boundary wall. Section 1.6 of Appendix 18 recognises that the city is an urban context and some degree of overshadowing is inevitable and unavoidable. The proximity between the extension and the rear (north-facing) windows of these neighbours would be approximately 10 metres which is in line with the prevailing pattern of development in this urban location and in accordance with Appendix 18. There are no rear windows in the proposal so the privacy of the Irishtown Road properties (namely 40 and 42) would be protected. Many of the properties on Irishtown Road also have two storey rear extensions.

- 7.12. The amenity of number 2 Saint Brendan's Cottages immediately to the east would not be adversely impacted as there are no windows on this side and number 2 also has an existing rear addition resulting in a poorly lit yard. There would be a very minor impact on the upstairs bedroom window of this property but this is a south facing window and overall would not be unduly impacted.
- 7.13. The addition of a loft window at the western gable would not result in any overlooking of properties 4 and 5 St. Brendan's Cottages (approximately 5 metres proximity). These are bungalow dwellings with ground floor windows only and there are no directly facing windows as a result of the proposal.
- 7.14. Section 5.1 of Appendix 18 of the Development states that Dublin City Council will support innovative design responses to the densification of housing to consolidate existing built up areas. It also states that additional storeys are more suitable 'at the end of terrace or corner house sites where a feature/ bookend design can be facilitated.'
- 7.15. Attic level extensions and adding additional storeys are commonplace in the Ringsend and Irishtown areas and can improve the living standards of smaller urban houses and contribute to the densification and building up of urban residential neighbourhoods in line with the Development Plan and national planning policy. In addition, the subject property being at the corner of a terrace is more suitable for such extensions.
- 7.16. I am therefore satisfied from this assessment that the proposal is acceptable in planning terms.

8.0 AA Screening

- 8.1. I have considered the proposed domestic extension in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in a well-serviced urban settlement c. 1km from European sites South Dublin Bay SAC & South Dublin Bay and River Tolka SPA. The proposed development comprises an additional attic floor level (15sqm) to the rear with partial pitch and flat roof over with additional roof light and all associated works as per Section 2.0 of this report. No nature conservation concerns were raised in the planning appeal.
- 8.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:
- Nature of works
 - Lack of connections to nearest European sites
- 8.3. I conclude, 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 (under Section 177V of the Planning and Development Act 2000) is not required

9.0 Recommendation

- 9.1. I recommend a grant of permission

10.0 Reasons and Considerations

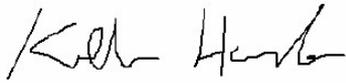
Having regard to the location of the application site on lands zoned for residential development in the Dublin City Development Plan 2022-2028, the development permitted under Reg. Ref. 3074/24 and amendments made under the current application, to the pattern of development in the area and subject to conditions set out below it is considered that the proposed development would not seriously injure the amenity of residential or other property in the area, would accord with the

provisions of the current Dublin City Development Plan 2022-2028 and with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>Insofar as the Planning & Development Act 2000 (as amended) and the Regulations made thereunder are concerned, the development shall be carried out in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the conditions attached hereto. For the avoidance of doubt, this permission shall not be construed as approving any development shown on the plans, particulars and specifications, the nature and extent of which has not been adequately stated in the statutory public notices.</p> <p>Reason: To comply with permission regulations.</p>
2.	<p>Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission [Register Reference 3074/24] unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.</p> <p>Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).</p>
3.	<p>The external finishes of the proposed extension (including roof tiles/slates) shall harmonise with those of the existing dwelling in respect of colour and texture.</p> <p>Reason: In the interest of visual amenity.</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.



Killian Harrington
Planning Inspector
19th March 2025

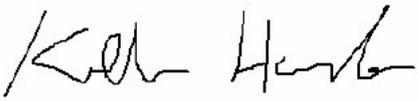
Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	321233-24		
Proposed Development Summary	The development consists of amendments to the previously approved planning permission, Reg Ref No.3074/24. The proposed amendments will consist of an additional attic floor level (15sqm) to the rear with partial pitch and flat roof over with additional roof light and all associated works		
Development Address	3 Saint Brendan's Cottages, Dublin 4 D04 E2T9		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>	Yes	X	
	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		State the Class here.	Proceed to Q3.
No	X		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No	Tick/or leave blank		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

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

Inspector: 

Date: 19th March 2025