



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321359-24

<b>Development</b>	First floor extension to single storey dwelling with new pitched roof
<b>Location</b>	Deebert, Brookstone Road, Baldoyle, Dublin
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F24A/0831E
<b>Applicant(s)</b>	Aidan Haran
<b>Type of Application</b>	Planning Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Aidan Haran
<b>Observer(s)</b>	Mary Whelan
<b>Date of Site Inspection</b>	1 <sup>st</sup> February 2025
<b>Inspector</b>	Gary Farrelly

## 1.0 Site Location and Description

The subject site has a stated area of 0.054 hectares and is located within Baldoyle, Dublin. Access to the site is off Brookstone Road. The site comprises of a detached 3-bedroom single storey dwelling known as 'Deebert'. The ridge height of the dwelling is 5.2 metres and the internal floor area measures 155sqm. The property is connected to the public water and wastewater mains. St. Laurence's national school is located opposite the site on the southern side of Brookstone Road.

## 2.0 Proposed Development

- 2.1. Permission is sought to construct a new additional first floor storey to the existing dwelling to provide a two-storey 4-bedroom dwelling. The new ridge height of the dwelling is proposed to be 6.9 metres. The extension will measure a total of 112sqm providing a new internal floor area measuring 267sqm.
- 2.2. External finishes will comprise of dashed render finish to the walls with burnt larch to the rear elevations with a tiled roof. A two-storey gable is proposed on the front elevation.

## 3.0 Planning Authority Decision

### 3.1. Decision

Fingal County Council (the planning authority) decided to refuse permission by Order dated 7<sup>th</sup> November 2024 for the following reasons:

1. *The proposed development would not respect the established building height along Brookstone Road, would be out of character with the surrounding area, would be visually dominant and incongruous with the streetscape along this section of Brookstone Road and would therefore contravene Objective SPQHO45 and the RS Zoning Objective of the Fingal Development Plan 2023-2029, and as such would be contrary to the proper planning and sustainable development of the area.*

2. *The proposed development would be significantly overbearing and out of scale with neighbouring houses and would consequently seriously injure the amenities of property in the vicinity.*

### 3.2. Planning Authority Reports

#### Planning Report

There is 1 no. planning report on file from the Senior Executive Planner (SEP) which assessed the proposed development in terms of its principle, residential amenity, visual amenity, water and drainage and transportation. The SEP report recommended a refusal of permission for 2 no. reasons which was endorsed by the Senior Planner.

#### Other Technical Reports

- Transportation Section (report dated 22/10/24) – This report outlined no objection to the proposed development. There were no changes proposed to the existing vehicular access or parking arrangements.
- Water Services Department (report dated 11/10/24) – This report outlined no objection to the development subject to standard surface water conditions.

### 3.3. Prescribed Bodies

Uisce Éireann (report dated 26/09/24) – This report outlined no objection in principle subject to a connection agreement prior to commencement of the development.

### 3.4. Third Party Observations

There were 2 no. observations on the application which raised a number of concerns in relation to the impact on residential amenity including loss of sunlight and daylight to neighbouring properties, adverse visual impact on the streetscape, overbearing impact and inadequate set back from boundaries, the installation of gates on the rear boundary wall. It was also requested that windows are omitted on the southeast elevation.

## 4.0 Relevant Planning History

### PA ref. FS5/052/24 (*subject site*) – Section 5 Declaration

Aidan Haran submitted an application for a declaration of exempted development regarding the development of a pedestrian entrance on the rear boundary wall of the property. The PA considered it exempted development.

### PA ref. F13B/0210 (*adjoining property to the southeast*)

Permission was granted in March 2014 for alterations to the front façade including replacement of existing roof to accommodate two new dormer roofs to the front and rear to provide two new bedrooms. The submitted plans illustrated the original height of the dwelling at 4.3 metres and this was altered to 6.03 metres.

## 5.0 Policy Context

### 5.1. Fingal Development Plan 2023-2029

The subject site is zoned 'RS – Residential' where the objective is to provide for residential development and protect and improve residential amenity.

#### Policy SPQHP41 – Residential Extensions

Support the extension of existing dwellings with extensions of appropriate scale and subject to the protection of residential and visual amenities.

#### Objective SPQHO45 – Domestic Extensions

Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.

#### 14.10.2.4 First Floor Extensions

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

#### Section 14.10.2.5 Roof Alterations

Roof alterations/expansions to main roof profiles, for example, changing the hip-end roof of a semi-detached house to a gable/‘A’ frame end or ‘half-hip’, will be assessed against a number of criteria including:

- Consideration and 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.

## **5.2. Natural Heritage Designations**

The subject site is not located within any designated site. The Baldoyle Bay Special Area of Conservation (SAC) (Site Code 000199) and Special Protection Area (SPA) (Site Code 004016) are located approximately 400 metres east of the site. This is also designated as a proposed Natural Heritage Area (pNHA).

North Dublin Bay SAC (Site Code 000206) and North Bull Island SPA (Site Code 004006) are located approximately 1km south of the site.

## **5.3. Environmental Impact Assessment (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. I refer the Board to Appendix 1 of this report.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

A first-party appeal was lodged to the Board on 2<sup>nd</sup> December 2024. The grounds of appeal are summarised as follows:

- The houses in the surrounding area around Deebert, along Brookstone Road and Willie Nolan Road comprise of a mix of bungalow, dormer and 2-storey houses and the site does not form part of a row of similar 20<sup>th</sup> century hipped-roof bungalows along Brookstone Road. The houses have many different designs and styles and have often later been modified.
- The streetscape is a mix of varying heights and the proposed height of 6.9m would not dominate. The Ardfoyle building is of a height of 7.05 metres. Baldoyle United have been granted permission for a clubhouse of 9.2m in height and four houses in Harford Green each reach a height of 9.27m.
- The burnt larch finish can be excluded from the planning permission granted.
- The front-gable ended features are sympathetic to the streetscape and examples are provided at Harford Green, Shielmartin and Brookstone Road.
- It is believed that the proposed development does comply with objective SPQHO45 and Section 14.10.2.4 of the Development Plan.

### **6.2. Planning Authority Response**

The PA issued a response to the grounds of appeal which is summarised as follows:

- The application was assessed against the policies and objectives of the Fingal Development Plan 2023-2029 and existing national policy and guidelines and having regard to the development plan zoning objective.
- It was considered that the development would not respect the established building height along the section of Brookstone Road, would be out of character with the surrounding area, would be visually dominant and incongruous with the streetscape on Brookstone Road and would contravene objective SPQHO45 and the RS zoning objective.

- The additional floor was considered to be excessively large and visually dominant in the streetscape.
- The property forms part of a row of 20<sup>th</sup> century hipped-roof bungalows which add character to the streetscape of Brookstone Road.
- The applicant's argument that it would be in keeping with the street as a whole is not accepted and it is requested that the Board upholds the decision of the PA.
- However, in the event of a grant of permission, provision should be made for a financial contribution.

### 6.3. **Observations**

An observation was submitted from Mary Whelan, on behalf of Georgian Hamlet Residents Association objecting to the insertion of a gate at the rear of the property on the grounds of safety and amenity.

## **7.0 Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local, regional and national policies and guidance, I consider that the substantive issues in this appeal to be considered are in relation to the following:

- Principle of the development
- Design

### **Principle of the development**

7.2. The proposed development is located on lands zoned 'RS – Residential' where the objective is to provide for residential development and protect and improve residential amenity. Furthermore, Policy SPQHP41 of the Fingal Development Plan 2023-2029 (FDP) seeks to support the extension of existing dwellings with extensions of appropriate scale and subject to the protection of residential and visual amenities.

7.3. Having regard to the established residential use of the site and to the nature of the development comprising of an extension, I consider that the proposed development is acceptable in principle, subject to my assessment below.

### **Design**

7.4. I note that the PA considered that the development did not respect the established building height along Brookstone Road and would be out of character with the surrounding area. It also considered that it would have a significant overbearing effect on adjacent dwellings. I note the applicant's grounds of appeal and the analysis of neighbouring structures on the streetscape.

7.5. Having inspected the site, I noted that the site and property forms part of an established line of single storey/dormer type residential properties which all front Brookstone Road. The exception to this is a two storey terraced property, with ground floor commercial use, approximately 20 metres to the southeast of the site. Therefore, I agree with the PA that the streetscape is predominantly low rise. The adjoining dwelling to the south was previously approved permission for a dormer extension (*PA ref. F13B/0210*) and has a ridge height of 6.03 metres. The adjoining dwelling to the



west has a ridge height of approximately 5.2 metres which is in line with the height of the subject dwelling. I note that the proposed extension will increase the height of the subject dwelling by 1.7 metres resulting in a new ridge height of 6.9 metres. The extension will also alter the roof type of the dwelling by changing it from that of a hipped roof to that incorporating a front gable.

- 7.6. It is my view that the proposed development does not represent a sensitive extension to the existing dwelling which Objective SPQHO45 of the FDP seeks to encourage and does not respect the established pattern of residential development along this section of Brookstone Road which does consist of predominantly single storey/dormer type dwellings. Having regard to the excessive height and scale of the extension, I consider that the proposed development fails to respect the character of the existing dwelling and the surrounding streetscape.
- 7.7. Additionally, having regard to the scale and height of the development and to the proximity to the adjoining properties, it is my view that the proposed development would have an overbearing impact on adjoining residential amenity. Therefore, I consider that the PA decision to refuse permission should be upheld.

#### **Other Issues**

- 7.8. The Board should note that an observation was received objecting to the insertion of a gate at the rear of the property, however, this does not form part of the application and the PA has already issued a section 5 declaration considering it exempted development.

### **8.0 Appropriate Assessment (AA) Screening**

- 8.1. I have considered the project in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. The subject site is located approximately 400 metres from Baldoyle Bay SAC (Site Code 000199) and SPA (Site Code 004016) and approximately 1km from North Dublin Bay SAC (Site Code 000206) and North Bull Island SPA (Site Code 004006).
- 8.2. 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:

- Having reviewed the Environmental Protection Agency's AA Mapping Tool, I note that there are no direct hydrological connections between the subject site and the designated site.
- Having regard to the separation distance from the European Site regarding any other potential ecological pathways and intervening lands.
- Having regard to the screening determination by the PA.

8.3. I conclude that on the basis of objective information, that the development would not likely have a 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.

## 9.0 Recommendation

I recommend to the Board that permission is **Refused** for the reasons and considerations set out below.

## 10.0 Reasons and Considerations

1. The proposed development, by reason of its excessive height relative to surrounding buildings, design, and appearance, would be incongruous with the character of the existing dwelling and the surrounding streetscape. It is considered that the proposed extension fails to respect the established pattern of development in the area, would result in a visually discordant feature that would be detrimental to the streetscape and would result in an overbearing effect on the amenity of adjoining properties. As such, the proposed extension would be contrary to Objective SPQHO45 of the Fingal Development Plan 2023-2029 and would, therefore, be contrary to 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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Gary Farrelly  
Planning Inspector

4<sup>th</sup> February 2025

## Appendix 1: EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	ABP-321359-24			
<b>Proposed Development Summary</b>	Construction of first floor extension to existing dwelling and associated site works			
<b>Development Address</b>	Deebert, Brookstone Road, Baldoyle, Dublin			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	<b>X</b>	
		<b>No</b>	No further action required	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>				
<del>Yes</del>			Proceed to Q.3	
<b>No</b>	<b>X</b>		No further action required	
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>				
<del>Yes</del>				EIA Mandatory EIAR required
<del>No</del>				Proceed to Q.4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>				
<del>Yes</del>				Preliminary examination required (Form 2)
<b>4. Has Schedule 7A information been submitted?</b>				
<del>No</del>		Pre-screening determination conclusion remains as above (Q1 to Q4)		
<b>Yes</b>		Screening Determination required		