

An
Bord
Pleanála

Inspector's Report

ABP321461-24

Development	Domestic extension to provide improved additional living space.
Location	167B Strand Road, Sandymount, D04V3Y4
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB2209/24
Applicant(s)	Isobel O'Flanagan.
Type of Application	Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Peter & Ruth Maher.
Observer(s)	None.
Date of Site Inspection	28/02/25.
Inspector	Anthony Abbott King

1.0 Site Location and Description

- 1.1. No. 167B Strand Road is a modern infill two-storey dwelling house attached and located to the north of no.167 Strand Road, a substantial single-storey over raised basement villa style period property.
- 1.2. The front curtilage of no. 167 Strand Road and No. 167B Strand Road is hard surfaced sharing a vehicular access from Strand Road. There is a boundary wall between the public footpath and the front curtilage of these properties but no internal physical demarcation of the front curtilage of the properties.
- 1.3. No. 167A Strand Road is a substantial two-storey modern house located to the north of no. 167B Strand Road. No. 167A Strand Road shares a property boundary with no.167B Strand Road, including a robust masonry boundary wall and mature screening vegetation between the building line on Strand Road and the street.
- 1.4. Sydney Parade Dart Station is an approximate 1km from the applicant site.
- 1.5. The site area is given as 0.002 hectares.

2.0 Proposed Development

- 2.1. Construction of a single-storey, ground floor extension of 23 sqm. to the rear of the existing detached infill property, with full height glazing to the south and west elevations, a rendered blockwork wall to the north elevation, a glazed roof to the south side, 2 number flat rooflights, and associated site works.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 8 conditions.

3.2. Planning Authority Reports

- 3.2.1. The decision of the CEO of Dublin City Council reflects the recommendation of the planning case officer.
- 3.2.2. Other Technical Reports

No objection subject to condition.

3.3. Third Party Observations

There is one submission from the owner of the adjoining property (appellant) to the north at no. 167A Strand Road objecting to the proposed development.

4.0 Planning History

The following planning history is relevant:

- Under WEB1916/23 a split decision was recorded in the assessment of the following development by Dublin City Council:

Extensions to the existing dwelling, including: (1) New porch at ground floor; (2) New wall & window to Bed 2 at 1st floor level adding 1.9sq.m; (3) Internal layout revisions for bike storage & home office; (4) A new 46.4sq.m 2nd floor comprising 2 no. bedrooms, external walls finished in painted render & zinc, with east facing terrace, 6 no. new opes (sited approx. as per 1st fl. opes) (5) 4 no. rooflights; (6) Water tank & solar panel array at roof level behind screens; (7) All associated site works.

The applicant appealed the decision of the planning authority to An Bord Pleanála (ABP318854-24). The Board recorded a split decision. The Board granted permission for the new porch and for a new wall and window at first floor level adding 1.9 sqm.

The Board refused planning permission for a proposed 46.2 sqm. second floor, comprising 2 bedrooms.

The reason for refusal reads as follows:

(1) The subject site is located in the Z2 zoning objective, Residential Neighbourhoods (Conservation Areas), in the Dublin City Development Plan 2022-2028 with the objective 'To protect and/or improve the amenities of residential conservation areas'. It is the policy of Dublin City Council in Policy BHA9 to protect the special interest and character of the area. This element of the proposed development is attached to number 167 Strand Road, which is a

non-protected, period property considered to positively contribute to the character of the area. Having regard to the proposed height, scale and mass, and the relationship with the adjoining property No 167A Strand Road, it is considered that this element of the proposed development would be overly prominent and visually dominating, resulting in the serious injury of the character of the residential conservation area. In this regard, this element of the proposed development does not make a positive contribution to the area and is considered to be contrary to the Z2 zoning objective and policy BHA9 of the current Dublin City Council Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- Under ABP No. PL.29S.222824 (Reg. Ref: 1169/07) planning permission for the subject infill house was granted planning permission.

5.0 Policy Context

Development Plan

The relevant local planning policy document is the Dublin City Development Plan 2022-2028.

Zoning

The relevant land-use zoning objective of the Dublin City Development Plan 2022-2028 (Map H) is Z2 (Residential Conservation): *To protect and/or improve the amenities of residential conservation areas.*

The proposed development is a permissible use.

Residential Conservation Area Designation

The rationale for residential conservation area designation is that the overall quality of an area in design and layout terms is such that it requires special care in dealing with development proposals, which would affect structures both protected and non-protected in such areas. The objective is to protect conservation areas from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area. In this regard development standards in

conservation areas, Chapter 15 (Development Standards) of the Dublin City Development Plan 2022-2028 is relevant and states:

All planning applications for development in Conservation Areas shall:

- *Respect the existing setting and character of the surrounding area.*
- *Be cognisant and/ or complementary to the existing scale, building height and massing of the surrounding context.*
- *Protect the amenities of the surrounding properties and spaces.*
- *Provide for an assessment of the visual impact of the development in the surrounding context.*
- *Ensure materials and finishes are in keeping with the existing built environment.*
- *Positively contribute to the existing streetscape. Retain historic trees also as these all add to the special character of an ACA, where they exist.*

Furthermore, Chapter 11 (Archaeology & Built Heritage) Policy Objective BHA9 of the Dublin City Development Plan 2022-2028 *inter alia* states:

To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives.....
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.

Residential Extension

Appendix 18 (Ancillary Residential Accommodation), Section 1 (Residential Extensions), Section 1.1 (General Design Principles) *inter alia* states:

The design of residential extensions should have regard to the amenities of adjoining properties and in particular, the need for light and privacy. In addition, the form of the existing building should be respected, and the development should integrate with the existing building through the use of similar or contrasting materials and finishes.

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).*

Section 1.2 (Extensions to the Rear) *inter alia* states:

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.....

5.1. Relevant National or Regional Policy / Ministerial Guidelines

- The Department of Housing, Local Government and Heritage 'The Sustainable Residential Development and Compact Growth Guidelines for Planning Authorities', (15 January, 2024).

6.0 EIA Screening

Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

See completed Form 1 on file.

7.0 The Appeal

7.1. Grounds of Appeal

The grounds of appeal are summarised below:

- The proposed development, comprising a 23sqm. ground floor extension, would be overbearing and would *inter alia* overlook the adjoining property at no. 167A Strand Road, which is the residence of the appellant.
- The development would increase the ground floor area of the existing house by 34% and the total house floor area by 19%.
- The extension would project 6m beyond the established rear building line of nos. 167A and 167 Strand Road. The house would have an overall depth of 14m. It is claimed that it is unclear whether the planning authority assessed the overall development in terms of scale or just the extension itself in isolation.
- The extension at a height of 3.75m would extend 8.1m along the shared property boundary, set back 0.6m from the boundary, resulting in overbearing impacts on the main out-door amenity area / patio of no. 167A Strand Road directly adjoining to the north.
- The development will seriously impact the outlook from the living room and patio of no. 167A Strand Road creating enclosure by reason the scale of the extension and the proximity of the extension to the shared property boundary.
- The original planning permission (2007) for the existing infill house on site was granted planning permission by An Bord Pleanála on the understating that the house would be of 'limited scale' (ABP Ref: 222824).
- The appellant claims that the existing house and the proposed extension combined would result in an overall house that is not of a 'limited scale', which will injure their amenities particularly with regard to the proximity of the shared property boundary.
- There is a hedgerow on the shared property boundary. However, this planting cannot be relied upon for screening due to the impermanent nature of vegetation.
- Condition no. 7 of the 8 number conditions attached to the grant of permission ABP Ref: 222824 for the existing house provided for the details of the boundary treatments including landscaping to be agreed prior to the commencement of development with the planning authority, which were

subsequently agreed. However, the appellant claims that none of the agreed treatments have been complied with to date.

- The appellant particular interest is the construction of a concrete panel and post fence on the front boundary and the augmentation of the hedgerow to the rear.
- The appellant is surprised that the planning authority did not attach condition(s) to the recommendation to grant permission for the proposed development given the proximity of the extension to the shared property boundary and the previous conditioning of the original grant for the existing house.
- The appellant requests in the event the Board upholding the decision of the planning authority a condition is attached to any grant of permission that would provide for the originally proposed front concrete panel and post fence to be erected and that it be extended along the northern boundary to the end of the proposed development.
- The rationale of the boundary is given as the protection of the existing hedgerow and to ensure no flood water ingress from the front of no. 167B Strand Road onto the appellant's property at no. 167A Strand Road.

7.2. Applicant Response

The applicant response, prepared by SSA Architects, on behalf of the applicant is summarised below:

- The applicant had her family have lived in the subject property for 16 years. The applicant wishes to stay within the existing area and property requiring the extension of the dwelling to meet current accommodation requirements.
- The proposed development is a relatively minor single-storey extension to the rear.
- The applicant claims that the proposed development would be an exempted development with the exception of a condition of a previous permission granted under ABP Register Ref. PL29S.222824 (DCC Ref: 1169/07).

- The boundary between nos. 167B & 167A Strand Road is a tall and bulky evergreen hedge. It is admitted by the appellants that the hedge is 2.5m to 3m in height. It is claimed given the height of the existing hedge that the development will seriously impact the outlook of the living room and patio area of the next door property.
- The applicant states that for a number of reasons it was not possible to construct the boundary treatment at the time of the original development. The applicants claim that the existing sustainable and environmentally positive barrier between the premises is preferable to a concrete panel and post fence.

7.3. Planning Authority Response

None to date.

7.4. Observations

None recorded.

8.0 Assessment

- 8.1. The following assessment covers the points made in the appeal submission and encapsulates my overall consideration of the application following examination of the submitted documentation and subsequent to my site visit. It is noted there are no new substantive matters for consideration.

Development proposal in context

- 8.2. The applicant proposes to extend the existing 3-bedroom dwelling house on site by the construction of a 23 sqm. rear extension. The existing floor area of the house is 124 sqm.
- 8.3. No. 167B Strand Road is an existing infill dwelling house located to the north of no.167 Strand Road, a period villa type property with which it shares front in-curtilage car parking and a vehicular entrance onto Strand Road.

- 8.4. The infill house was constructed subsequent to a grant of planning permission by An Bord Pleanála circa. 2007 (PL.29S.222824). The applicant has lived in the house for 16 years and now requires additional accommodation on site.
- 8.5. The appellant, who is the resident of no. 167A Strand Road located immediately to the north of no.167B Strand Road, claims that the proposed development by reason of its height, proximity to the shared property boundary and projection along the shared property boundary and overall scale, when considered in totality with the existing infill dwelling house on site, would injure the residential amenities of the adjoining house at no.167A Strand Road *inter alia* by reason of overlooking, overbearing and visual impacts.
- 8.6. The applicant claims *inter alia* that that the proposed development would be an exempted development without the imposition of a condition on the original grant of permission for the infill dwelling house.
- 8.7. The planning authority granted planning permission subject to standard conditions. My planning assessment below interrogates the proposed development with reference to the grounds of appeal and relevant development plan policy.

Zoning

- 8.8. The site is zoned Z2 (Residential Conservation) in the Dublin City Development Plan 2022-2028: *To protect and/or improve the amenities of residential conservation areas*. Residential development is acceptable in principle and may be permitted where the proposed development is compatible with the overall policies and objectives of the zoning.

- 8.9. The development proposed is permissible under the zoning objective for the area.

The principle and scale of the proposed development

- 8.10. The appellant claims that overall scale of the development on site should be considered in its totality, including the physicality of the existing dwelling house. The appellant cites the planning assessment authorising the existing infill house circa. 200, which was justified by reason of its 'limited scale'.
- 8.11. The proposed extension would have a footprint of 23 sqm. I note that the net increase in floor area is approximately 16 sqm, as the applicant proposes to demolish approximately 7 sqm. of existing floor space on site.

- 8.12. The overall floor area of the dwelling house when extended would be approximately 140 sqm. I consider that the floor area of the extended dwelling house is not excessive.
- 8.13. Furthermore, I consider that proposed development for a single-storey rear extension should be assessed on its own merits.
- 8.14. Appendix 18 (Ancillary Residential Accommodation), Section 1.1 of the Dublin City Development Plan 2022-2028 provides guidance on the general design principles for the extension of an existing residential unit. The guidance *inter alia* requires that extension should not have an adverse impact on the scale and character of the existing dwelling, should not adversely affect the amenities enjoyed by the occupants of adjacent buildings, should exhibit a high quality design and make a positive contribution to the streetscape.

Conservation area designation

- 8.15. The proposed rear extension would not be visible from the street, which forms part of the Strand Road residential conservation area, as such, the development would not have a visual impact on the residential conservation area.
- 8.16. I consider that the proposal would be in accordance with Policy Objective BHA9 of the Dublin City Development Plan 2022-2028, which seeks to protect the special interest and character of all Dublin's conservation areas.

Rear extension of the existing dwelling house

- 8.17. Appendix 18, Section 1.3 (Rear Extension) *inter alia* requires that 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.
- 8.18. The single-storey extension would project 8085mm (north elevation) from the main rear elevation of the house. The extension would be located 600mm from the shared property boundary with no.167A Strand Road.
- 8.19. The blank northern elevation would be visible from no.167A Strand Road. It would exhibit a render finish onto the property boundary to match the finish of the existing house. There is an existing hedgerow on the shared property boundary that would in part screen the extension.

- 8.20. The flat roof extension would have a powder-coated aluminium parapet, which would provide a capping detail to the rendered blockwork elevation. I consider that the extension onto the shared property boundary would exhibit an appropriate simple and defined elevation.
- 8.21. The extension would have a flat roof and an overall height of 3750mm. The height of the existing two-storey structure to the rear of the site is 7150mm. The extension would be subservient in both height and scale to the existing dwelling house on site.
- 8.22. The rear wall of the extension (west elevation) would be 4100mm in width and would elevate onto the rear garden exhibiting double-stack glazed Aluclad doors.
- 8.23. The proposed extension (south elevation) would be located approximately 3m from the boundary with the adjoining period property to the south at no.167 Strand Road. The south elevation would exhibit triple-stack glazed Aluclad doors.
- 8.24. The extension would accommodate a reception space (sun room) orientated toward the rear garden and an internalised utility room top lit.
- 8.25. I consider that the rear extension would harmonise with the existing house on site in terms of its modest scale, height and material finish.

Residual amenity open space

- 8.26. The rear garden of no.167B Strand Road would be reduced in size in order to accommodate the footprint of the extension. However, the residual amenity space would satisfy quantitative and qualitative standards having a south-west orientation.

Potential Impact on adjoining residential and visual amenities

- 8.27. The appellant has claimed that the proposed extension would be injurious to existing residential and visual amenities of the adjoining property at no.167A Strand Road *inter alia* in terms of overlooking and overbearing impacts.
- 8.28. Appendix 18 (Ancillary Residential Accommodation), Section 1.1 (General Design Principles) of the Dublin City Development Plan 2022-2028 *inter alia* requires the design of residential extensions to have regard to the amenities of adjoining properties including the amenities enjoyed by their occupants in particular the need for light and privacy.

- 8.29. I do not consider on balance that the proposed rear extension, notwithstanding its proximity to the shared property boundary (600mm) with no.167A Strand Road, would have an adverse impact on the visual and residential amenities of no.167A, *inter alia* terms of overlooking and overbearing impacts, given its single-storey height, small footprint, blank north rendered elevation and flat roof profile.
- 8.30. Furthermore, I do not consider that the proposed rear extension would have an adverse impact on no.167 Strand Road given its single-storey height and 3m separation distance from the property boundary to the south.

Other Matters

- 8.31. The appellant is surprised that the planning authority did not attach condition(s) to the recommendation to grant permission for the proposed development given the proximity of the extension to the shared property boundary and the previous conditioning of the original grant for the authorisation of the existing house on site.
- 8.32. The appellant cites the original planning permission granted by An Bord Pleanála (PL.29S.222824) in the matter of boundary treatment(s) to be agreed by way of planning compliance, which were agreed but not implemented.
- 8.33. The appellant's particular interest is the construction of a concrete panel and post fence on the front boundary, which it is claimed should be extended to the rear.
- 8.34. The applicant response claims that the existing sustainable and environmentally positive barrier, a mature hedge, between the properties at 167B strand Road and 167A Strand Road is preferable to a concrete panel and post fence.
- 8.35. I consider that there is an existing robust boundary treatment to the front of the properties consisting of a side boundary masonry wall and vegetation screening between the subject properties from the front building line to the street edge.
- 8.36. Furthermore, I consider to place a requirement on the applicant to construct a concrete panel and post fence or other built boundary treatment, in order to redefine the physicality of the side boundary in the location of the proposed rear extension, would not be reasonable given the existence of an alternative sustainable boundary treatment and the visual barrier that would be created by the blank north elevation of the proposed extension.

Conclusion

- 8.37. The proposed development of a 23 sqm. rear extension to provide improved additional living space to the existing infill dwelling house on site is acceptable in principle and in detail.

9.0 AA Screening

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 within an established urban area and is connected to piped services.

The proposed development comprises a small-scale extension of an existing dwelling house as set out in Section 2.0 of this report.

No significant 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 it could not have any effect on a European Site given the small-scale nature of the development.

I conclude 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.

10.0 Recommendation

- 10.1. I recommend the grant of planning permission subject to condition for the reasons and considerations set out below.

11.0 Reasons and Considerations

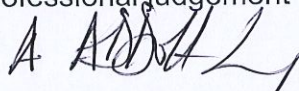
Having regard to the grounds of appeal, the applicant's response, the residential conservation zoning objective and the framework provided by the Dublin City

Development Plan 2022-2028, it is considered that the proposed development, subject to condition, would provide a reasonable upgrade of residential accommodation on site, would be consistent with Appendix 18 (Ancillary Residential Accommodation) and Policy Objective BHA9 (protection of conservation areas) of the Dublin City Development Plan 202-2028, would not result in an adverse impact on neighbouring properties, including the adjoining property to the north at no.167A Strand Road and, as such, would be consistent with the proper planning and sustainable development of the area.

12.0 Conditions

1.	<p>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 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>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interest of public health.</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.



Anthony Abbott King
Planning Inspector

07 March 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP321461-24		
Proposed Development Summary	Domestic rear extension of existing infill dwelling house on site.		
Development Address	No.167B Strand Road, Sandymount, D04V3Y4		
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	x	
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			Proceed to Q3.
No	N/A		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			EIA Mandatory EIAR required
No	x		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	N/A		Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			

No	<input checked="" type="checkbox"/>	Screening determination remains as above (Q1 to Q4)
Yes	<input type="checkbox"/>	Screening Determination required

Inspector: A. ~~ASSA~~ Lj.

Date: 07103125