



An  
Bord  
Pleanála

## Inspector's Report

**ABP-321476-24**

<b>Development</b>	Demolition of extension, construction of two-storey extension, with all associated site works.		
<b>Location</b>	30, Seafort Gardens, Sandymount, Dublin 4.		
<b>Planning Authority Ref.</b>	Dublin City Council South.		
<b>Applicant(s)</b>	Shane Cronin & Aoife Stack.		
<b>Type of Application</b>	Permission	<b>PA Decision</b>	Grant.
<b>Type of Appeal</b>	Third Party	<b>Appellant</b>	Thomas & Ann Murray Annette Fuchs & Helen Doherty
<b>Observer(s)</b>	None on file.		
<b>Date of Site Inspection</b>	3 <sup>rd</sup> March 2025  5 <sup>th</sup> March 2025	<b>Inspector</b>	Des Johnson

### Site Location/ and Description.

1.1 The site is located on the south-eastern side of Seafort Gardens which is to the north-eastern side and at right angles to Sandymount Road, Dublin 4.

1.2 This stretch of Seafort Gardens is a narrow cul de sac. Beach Drive is to the north-east and the two roads are separated by a high wall. The appeal premises is a two-storey semi-detached dwelling. There is a single storey structure at the end of the rear garden.

1.3 I gained access to the appeal property and No.29 at the time of inspection. I did not gain access to No.31.

## **2. Proposed development.**

2.1 The proposed development consists of the following:

- Demolition of existing single-story extension to the rear
- Construction of two-storey extension to the rear and side of dwelling
- Construction of link corridor between house and garden room
- Main entrance relocated from side elevation to front elevation of house
- Bin and bike structures in front garden
- Widening of vehicular entrance
- Internal and external alterations and reconfiguration of house
- All associated rooflights, landscaping, boundary treatment, and site engineering works.

2.2 The floor area of buildings to be retained are stated to be 230m<sup>2</sup>, and floor area proposed is stated to be 49m<sup>2</sup>. The floor area of buildings to be demolished is stated to be 0m<sup>2</sup>. The site area is 386m<sup>2</sup>. The site coverage is stated to be 46% and the proposed plot ratio is 0.72.

2.3 It is proposed to connect to existing services.

## **3. PA's Decision**

3.1 The planning authority decided to Grant permission subject to 7 conditions.

3.2 The conditions relate to the following:

1. Standard compliance
2. Development contribution
3. Drainage requirements
- 4 Compliance with Codes of Practice
5. Hours for building works
6. Noise control during construction and demolition
7. Debris, soil, and other material management

3.3 The Planner's report states that the site is zoned Z1 with the objective *to protect, provide and improve residential amenities*. Revised drawings submitted by way of Further Information (FI) indicate light grey cladding proposed for part of the front, side, and rear elevations of the proposed extension. Timber cladding is shown between windows at ground and first-floor levels of the proposed extension and next to the front entrance. A grey coloured brick is proposed to match the zinc cladding to party wall to No.29. Selected self-coloured render finish is shown to the rear of the proposed extension to match render finish on the existing house. Architectural impressions are submitted. The choice of materials is high quality and the proposed development would not negatively affect the character of the property or neighbouring properties. Permission is recommended having regard to the FI submitted, and the policies and objectives of the City Development Plan.

3.4 The response to Further Information request included proposal for rainwater planters, omission of the widening of the vehicular entrance, and finishes proposed include light-grey Zinc cladding, grey brick, timber cladding and render finish to match render finish on the existing house.

3.5 The Drainage Division have no objection subject to conditions.

The Transportation Division has no objection subject to conditions, including the retention of the existing vehicular access at its current width.

#### **4. Planning History.**

Reg Ref: 4069/05 – permission granted for a single-storey kitchen extension to the rear of no.30, Seafort Gardens, together with alterations to the front comprising the relocation of the front door and internal passageway to rear garden.

#### **5.0. Planning Policy**

5.1 Dublin City Development Plan 2022-2028 was adopted on 2<sup>nd</sup> November 2022.

5.2 The site is within an area zoned Z1 with the objective *to protect, provide and improve residential amenities*.

5.3 Appendix 18 refers to Ancillary Residential Accommodation. Section 1.2 relates to extensions to the rear. It states 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. 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.

## **5.2 Natural Heritage Designations**

South Dublin Bay & pNHA – c.230m to the east.

South Dublin Bay & River Tolka Estuary SPA – c.2.3km to the north-east

Rockabill to Dalkey Island SAC – c.8.5km to the east.

## **6. The Appeal**

6.1 Two Third Party Appeals were submitted and may be summarised as follows:

**Thomas & Ann Murray, 29, Seafort Gardens**

- There are discrepancies in the application. Sections are missing, the application pack map is confusing, no Eircode is stated, and the public notices do not mention demolition.
- The long established residential pattern and density in the area provides a significant level of private amenity space, but the proposed extension would create a shadow on to the rear elevation and conservatory of no.29. The proposed gable would create a permanent shadow and loss of daylight for no.29.
- There would be perceived overlooking and overlooking causing intrusion into private amenity space of properties in the vicinity.
- The proposed front elevation is out of character with existing dwellings. The roof profile does not harmonise with adjoining dwellings.
- The proposal by reason of its scale, bulk, and mass would, together with the existing unauthorised 25sqm garden room, significantly diminish garden space and remove the existing 1.55m high rear gossip wall.
- The proposal is not subordinate to the existing dwelling in scale and design.

- The proposed development would be visually obtrusive, set a precedent for inappropriate development, and would devalue adjoining property.

**Annette Fuchs and Helen Doherty, 31, Seafort Gardens.**

- The decision to grant that was communicated was not signed and the Chief Executive is not identified. The online Inspector's report is not signed. There is no signed Order/Notification dated 29<sup>th</sup> November on file. It is not clear who made the decision to Grant on 29<sup>th</sup> November and why.
- The application form is invalid. It does not apply for retention of existing, unauthorised garden structures. It is proposed to retain and refurbish an existing garden shed. The 40sqm house extension is an unauthorised structure.
- The full page of the newspaper notice does not meet requirements of the Act or Regulations. The full page of the paper is not identified.
- The application form does not identify floor area for demolition.
- What is proposed is a complete remodelling of the current property with the addition of an extension and a divisible dwelling.
- The proposed development is excessive and represents overdevelopment. It would impact negatively the amenities of neighbouring properties, and have an adverse impact of the character of the existing building and the entire streetscape.
- There would be significant overshadowing of the appellants property. A proposed side bathroom window overlooks the appellants main bedroom resulting in loss of privacy.
- The raising of the boundary wall is a significant imposition on the appellants property.

#### **6.2 P.A. Response**

The planning authority requests that the decision be upheld, and a condition requiring the payment of a Section 48 development contribution be included.

#### **6.3 First Party Response**

This may be summarised as follows:

- The proposed design, layout, and scale respects the character of established residential development in the area. There would be minimal impact on surrounding dwellings
- There are precedents for construction of single and two-storey extensions within 150m of the site.
- The application was validated and granted. The application form submitted included all sections completed. The site location lodged is obvious. It is not a requirement to provide an Eircode. The public notices refer to demolition. There are no proposed works relating to the existing garden structure.
- The proposed bathroom window would have obscure glazing and is set back over a metre from no.31. It will not give rise to overlooking.
- There would be no overshadowing of no.29. It is southwest of the subject site. The proposed development would not drastically increase overshadowing of no.31 in any tangible way. There will be no adverse impacts relating to Overshadowing and Daylight and Sunlight on surrounding dwellings.
- The proposed link corridor is 2.65m high and not significantly taller than the existing boundary wall.
- The proposed site coverage is 46% and does not represent overdevelopment, and there is no lack of open space. The actual floor area proposed is 48sqm. The plot ratio proposed is 0.72.
- There is precedent for similar design at No.8, Seafort Gardens. The proposed development is subordinate to the main dwelling, and it will not have any undue adverse visual impacts on the character of the area.

## **7. EIA Screening**

The proposed development is not of a Class contained in Schedule 5, Parts 1 or 2 of the Planning and Development Regulations 2001 as amended, and, as such, the need for EIA or screening for EIA does not arise.

## **8.0 Assessment**

8.1 I submit that the key issues to be addressed in this assessment are as follows:

- Adequacy of application
- Policy

- Residential amenities
- Other issues
- Appropriate Assessment Screening

### **Adequacy of application**

8.2 The application was lodged on 22<sup>nd</sup> July 2024. It was accepted and validated by the planning authority. By decision order no. P5317, dated 4<sup>th</sup> December 2024, the planning authority issued Notification to Grant Permission subject to 7 conditions.

8.3 A Site Notice was erected and newspaper notice published. They were both to the satisfaction of the planning authority. I have examined both, and consider that the notices adequately describe the development to be undertaken and identify the site on which the development is proposed. I consider that the public have been adequately informed by the notices.

8.4 The application form submitted as part of the application states that the floor area of buildings to be demolished is 0m<sup>2</sup>, but the public notices clearly refer to the demolition of “existing single-storey extension to rear” The drawings submitted clearly show what is proposed.

8.5 On this issue, I conclude that there is a valid planning decision before the Board.

### **Policy**

8.6 The site is in an area zoned Z1 with the objective *to protect, provide and improve residential amenities*. Residential extensions are permissible in principle within this zoning, but are assessed based on their impacts on the character of the main dwelling or associated grounds, on adjoining property and the character of the surrounding area. In particular, the Development Plan notes that first-floor extensions will be considered on their merits having regard to the usability of the remaining rear private open space, and potential for negatives impacts on the amenities of adjacent properties, including overshadowing, overlooking, and overbearing appearance.

8.7 I consider that a residential extension to an existing dwelling is in accordance with the zoning objective for the area, and is acceptable in principle.

### **Residential Amenities**

8.8 Housing on Seafort Gardens has a variety of designs, including roof profiles. I consider that the front elevation design and finishes are acceptable, and would not have a negative impact on the overall character of the streetscape in the area. The proposed development is subordinate to the existing in scale and design.

8.9 The rear of the appeal site faces south east. The adjoining dwelling to the south west (No.29) has a ridge level of 8.855, and has a small single storey conservatory to the rear. Appellants contend that the proposed development would create a shadow on their rear elevation and conservatory. The proposed extension has a flat roof, and would be 6.090 high compared with the existing development which scales .5.000 to eaves level. The portion of the proposed extension adjacent to the boundary with No.29 extends 610 beyond the existing, and the rest of the proposed extension is set back 2680 from the boundary at first-floor level. Having regard to the height and design of the proposed extension, I conclude that there would not be any significant overshadowing of No.29, and no significant loss of daylight.

8.10 An en-suite window is proposed at first-floor level facing south east. At ground floor level a kitchen/dining window is proposed facing the boundary with No.29, and is set back 1700 from the boundary fencing. I contend that neither of these windows are likely to give rise to undue negative impacts due to overlooking.

8.11 Residents of No.31 have appealed the decision. This property adjoins to the north-east of the appeal site. It has a single story, flat roofed extension to the rear, next to the boundary with the appeal site. The appellants submitted an architects report contending that the proposed extension is excessively oversized, and will have a profound effect on No.31. The report recommends that the extension should not be permitted to extend more than 3.5m from the rear of the existing house, and by a minimum of 2.4m from the boundary with No.31. It includes drawings indicating that No.31 would be overshadowed when the sun is due south and due west.

8.12 The existing extension is shown as extending c.6600 from the rear wall of the main dwelling. The two-storey element extends c.4200, has a ridge level of 7390, and is set back 1070 from the boundary with No.31. The single storey element extends c.2200 beyond this and is constructed up to the boundary with No.31. The single storey element has a sloping roof with eaves level shown as 2355. The proposed development is two-storey with flat roof. The proposed extension is shown as extending the same distance into the rear garden as the existing extension, but the existing single-storey element would be replaced with a proposed two storey structure with parapet level of 6090.

8.13 On balance, having regard to the orientation of the appeal site relative to No.31, I consider that the proposed two storey extension would have a significant adverse impact on the amenities of the adjoining property to the north east by reason of overshadowing. In the event of the Board granting permission, I recommend that the depth of the proposed two storey extension into the rear garden be reduced by 1500mm.

8.14 The appellants contend that the proposal allows for a divisible dwelling. This is not proposed and the matter may be addressed by way of a condition in the event of



permission being granted. The appellants state that a proposed side bedroom window would give rise to overlooking. There is a small en-suite window proposed

Facing No.31 but no other first-floor windows. I conclude that the proposed development would not give rise to undue overlooking of adjoining property.

### **Other Issues**

8.15 Appellants contend that the proposed development would devalue property in the vicinity. I submit that there is no convincing evidence submitted in support of the contention. Appellants contend that the proposal would give rise to precedent for inappropriate development in the area. I submit that any future proposal will be determined on its own merits, having regard to the Development Plan provisions, and the impact the proposal may have on the residential amenities of adjoining property.

8.16 Appellants contend that the rear garden shed is unauthorised. The applicant states that there are no proposed works relating to the existing garden structure. There is no information on file to indicate that the garden structure is authorised. I submit that the proposed link between the proposed development and the garden shed would facilitate the use of an unauthorised structure and, in the event of permission being granted, this element should be omitted by way of condition.

### **Appropriate Assessment Screening**

I have considered the development in light of the requirements of S177U of the Planning and Development Act 2000, as amended. The subject site is located in an established residential area, separated from designated European sites as detailed in Section 5 of this report. The proposed development consists of the demolition of existing extension and construction of a two-storey extension to an existing semi-detached dwelling. No nature conservation concerns are raised. Having regard to the nature and scale of development, location in an existing residential area, and separation from and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **9. Recommendation**

On balance, I recommend that planning permission be granted.

## Reasons & Considerations

Having regard to the nature and scale of development, the provisions of the Dublin City Development Plan 2022-2028, the established pattern of development in the area, and the orientation of the site relative to adjoining properties, it is considered that subject to compliance with the following conditions, the proposed development would not be out of character with existing residential development, would not have undue negative impact on the amenities of adjoining property, and would accord with the proper planning and development of the area.

## Conditions

1. The development shall be carried out and completed with the plans, particulars and specifications lodged with the application to the Planning Authority as amended by the Further Information submitted on 4<sup>th</sup> November 2024, save as may be required by the following conditions.

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

2. The extension shall be reduced in depth into the rear garden by 1.5m at first floor level. The developer shall submit revised drawings showing this amendment for the written agreement of the Planning Authority and the development shall be carried out in accordance with the agreed revised details.

**Reason:** In the interest of protecting the residential amenities of adjoining property.

3. The link between the extension and the garden room shall be omitted.

**Reason:** The link provides for access to an unauthorised structure and, in those circumstances, it would be contrary to the proper planning and sustainable development to grant permission.

4. The entire premises shall be used as a single dwelling unit, and shall not be subdivided by way of sale or letting or otherwise.

**Reason:** In the interest of residential amenity.

5. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

6. The site and building works required to implement the development shall only be carried out between the following hours:

- Mondays to Fridays – 7.00am to 6.00pm
- Saturday – 8.00am to 2.00pm
- Sundays and public holidays – No activity on site.

Any deviation from these times will be subject to the agreement of the Planning Authority in exceptional circumstances.

**Reason:** In the interest of protecting residential amenities.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures, traffic management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

8. The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the Planning Authority may facilitate and shall be the subject to any applicable indexation provisions of the Scheme at the time of payment. Details

of the application of the terms of the Scheme shall be agreed between the Planning Authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the SAct be applied to the permission.

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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Des Johnson

Planning Inspector

Date

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	321476-24		
<b>Proposed Development Summary</b>	Demolition of domestic extension and construction of two-storey extension.		
<b>Development Address</b>	30, Seafort Gardens, Sandymount, Dublin 4.		
<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>	Yes	
	<b>No</b>		
<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>			
<b>Yes</b>			
<b>No</b>	No		
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>	N/A		
<b>No</b>	N/A		
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	N/A		

5. Has Schedule 7A information been submitted?		
No	No	
Yes		

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_