



An
Bord
Pleanála

Inspector's Report

ABP-321482-24

Development	Extension to existing extension and roof.
Location	32 Gilford Park, Sandymount, Dublin 4.
Planning Authority	Dublin City Council South.
Planning Authority Reg. Ref.	WEB2212/24.
Applicant(s)	Caroline & Bryan Loo.
Type of Application	Permission.
Planning Authority Decision	Grant permission.
Type of Appeal	Third Party.
Appellant(s)	Alan and Mary Kane.
Observer(s)	Philip O'Reilly.
Date of Site Inspection	1 February 2025.
Inspector	Stephen Rhys Thomas.

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1.0 Site Location and Description

- 1.1. The subject site is located at 32 Gilford Park, Sandymount, Dublin 4. The 0.040 hectare site comprises a semi-detached dwelling, with a converted garage to the side and a single storey rear extension. The existing dwelling has a stated floor area of 154.1sqm. There is an existing driveway to the front and private open space to the rear. The appeal site is located in the middle of a row of similar semi-detached houses fronting onto the junction of Gilford Park with Gilford Drive. The appeal site is bound to the rear (west) by the rear gardens of dwellings fronting onto Sandymount Park. The surrounding area is suburban and mature in character. The houses in the Gilford area date from mid 1930s and include fine architectural details, most have been extended in the past, including two storey side extensions.

2.0 Proposed Development

- 2.1. Additions to the existing dwelling as summarised:
- Extension at first floor level to the side of the existing house,
 - Zinc clad box dormer roof structure to the rear
 - a rooflight to the front facing roof slope
 - New zinc clad roof structure to the existing flat roof structure.
 - Brick treatment to the front elevation of the side extension.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification to grant permission subject to nine conditions:

3.2. Planning Authority Reports

3.2.1. Planning Reports

The basis of the planning authority decision includes:

- The matters raised in the recent appeal have been taken into account in terms of design and scope. Grant Permission.

3.2.2. Other Technical Reports

- Drainage Division – no objections.

3.2.3. Conditions

- All conditions are standard or technical in nature, no bespoke conditions attached.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

- 3.4.1. Two submissions: Kane and an O'Reilly, issues include: rear dormer and side extension size, residential amenity, streetscape and impact on the neighbouring party boundary.

4.0 Planning History

4.1. Site

1640/23 - PL29S.318840 – Grant permission for an extension at first floor level to the side of the existing two storey detached house, new dormer rooflight and a new brick treatment to the front elevation of the side extension. June 2024.

2441/19 – Permission granted for raising the existing parapet to the single storey garage to the side, and the widening of an existing vehicular entrance at the front of the site.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is governed by the policies and provisions contained in the **Dublin City Development Plan 2022-2028**.

The appeal site is zoned Z1: Sustainable Residential Neighbourhoods, with the associated land use objective to protect, provide and improve residential amenities.

Relevant sections of the statutory plan include:

Appendix 18, Ancillary Residential Accommodation of the Development Plan sets out guidance for residential extensions.

Sections 1.1 General Design Principles, 1.3 Extensions to the Side, 1.4 Privacy and Amenity, 1.6 Daylight and Sunlight and 1.7 Appearance and Materials, 4.0 Alterations at Roof Level / Attics / Dormers / additional Floors and 5.0 Attic Conversions / Dormer Windows are considered relevant.

5.2. Natural Heritage Designations

5.2.1. None relevant to this site.

5.3. Environmental Impact Assessment (EIA) Screening

5.3.1. 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 my report.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third party appellant, the occupants of 34 Gilford Park have appealed the decision of the planning authority to grant permission, the grounds of appeal can be summarised as follows:

- The existing side extension of 34 Gilford Park at first floor level is 700mm off the boundary line between properties. The proposed development only allows 200mm separation and this not enough for construction purposes, will result in trespass and go against 17.7 and 17.8 of the development plan with reference to scale and design. The proposed development is not similar to that of

number 34. Reference is made to the allowances made in the previous application, 318840 refers. No encroachment should occur and permission should be sought to access for construction purposes but this has not happened to date.

Photographs and plans accompany the appeal.

6.2. Applicant Response

The applicant has submitted a response that can be summarised as follows:

- Disagreement that any misrepresentation of adjacent development has been made.
- A disagreement that proposed development should exactly mirror that of number 34.
- No encroachment will occur.
- There is no requirement to consult with neighbouring property.
- Examples of other similar development situations thought the Gilford area are shown.

6.3. Planning Authority Response

- 6.3.1. The planning authority's response requested that the Board uphold the decision to grant permission and that a condition requiring the payment of a section 48 development contribution be attached.

6.4. Observations

- 6.4.1. An observer refers to issues that concern dormer extensions and the requirement to be a subordinate structure, rooflines and that a rear extension will affect light to internal rooms.

7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Extension Design – Separation Distance
- Other Matters

7.2. Extension Design – Separation Distance

- 7.2.1. The appeal site is zoned Z1 with a land use objective that is to protect, provide and improve residential amenities. Residential is a permissible use on lands zoned Z1. Therefore, the proposed development is considered in accordance with the zoning objective. It is noted that the planning authority, third party and observer raised no objection in principle to the proposed development, rather it is the specific design elements of the proposal that raise concerns.
- 7.2.2. The principal issue of concern for the appellant, the occupier of the neighbouring property is that insufficient separation distance between first floor extensions have been provided. There is criticism about drawings and misrepresentation, but in essence the appellant goes into some detail and explains that a 200mm separation off the shared boundary is not enough for construction and maintenance purposes. In the eyes of the appellant, the proposed development does not follow the advice in the development plan about first floor side extensions and terracing impacts. Reference is made to the allowances made in the previous application (318840) and no encroachment across a shared boundary should occur. The applicant has responded to each of these criticisms and favours their proposal as submitted and approved by the planning authority. The appellant has not raised any other issues in terms of residential amenity and generally supports the proposal to construct additions to the existing dwelling.
- 7.2.3. The area of Gilford Park/Dive and wider area of Sandymount is attractive and mature in character. The houses date from the early to mid-twentieth century and have been updated and extended in a number of ways over the years. Along Gilford Park amongst similar houses, I noticed a number of two storey side extensions that are built along the front building line of the existing dwelling and up to the shared

boundary. In some instances, two storey side extensions meet with no separation distance and in others significant gaps appear. In the greater scheme of things, all of these two storey side extensions do not, in my view, diminish the design quality and aesthetic of the area. In that context, I am satisfied that the principles set out in appendix 18 of the development plan to do with ancillary residential accommodation and the wider streetscape impacts have been complied with.

- 7.2.4. At a finer scale, I note that the appeal site was the subject of a similar proposal appealed to the Board, ABP-318840-24 refers. Permission was granted in that case after some refinements were made by condition 2 of the Board order dated 13th June 2024. The proposal now before the Board takes on board the various concerns expressed by the Reporting Inspector at the time and the decision ultimately taken by the Board. From my analysis of the drawings submitted, I can see that a 200mm set back from the main building line has been proposed and this is a response to the requirements of the development plan regarding set back and the avoidance of a terracing effect. I note the appellant's comments that refer to a roofline that does not take the same indentation, a pragmatic approach by the applicant, but this is in my opinion a very minor point of detail and does not warrant amendment.
- 7.2.5. With respect to the main contention of set back off the boundary, I can see that a separation of 177 mm (as measured online, drawing 1711 – 105 refers) has been provided and the roof overhang and rainwater goods come right up to the shared boundary. The appellant's own side extension as it currently stands, is set well off the shared boundary and this is acceptable too. This is not an unusual approach to a first-floor side extension and a range of separation or none at all is replicated in a number of other circumstances across the Gilford area. The appellant makes two main points from their perspective, one of access during construction and the other of maintenance once completed. The recurrent issue is one of access and a lack of consent to do so from the appellant. In the first instance, a planning permission is not a licence to build, the consent of third parties may be required for construction access and that is purely a matter between those concerned. As for the maintenance aspect of access, I note that the applicant has specified a brick finish to the side extension, and this would traditionally require less maintenance over its lifespan. I am satisfied that from a construction access point of view, the two parties can and should agree this matter between themselves and the Board have no role here. In

terms of long-term maintenance, I am satisfied that the selection of a brick finish is a sensible as well as aesthetically satisfactory response and no further action is required.

- 7.2.6. I have considered the variety of other similar first floor extensions in the wider area. I note that the appellant's existing side extension, it is a neat and well proportioned addition. It was well considered, well executed and is a fine addition to the streetscape. However, I am not so critical as the appellant of the applicant's proposal, it is the second iteration of an attempt to better fit it to its surroundings and I find very little to fault. If constructed in its present form, I am certain that it too will achieve the same merit to be found with the appellant's existing development and others in the vicinity. I am satisfied that the proposal meets the requirements of the current development plan, will positively add to visual attractiveness of the area in general and not create any adverse residential amenity impacts.

7.3. Other Matters

- 7.3.1. Rear Extension – an observation was made that is critical of the rear ground floor extension and the impact it will have on internal lighting. In addition, the observer is critical of the design and scale of the rear dormer and its scope for overlooking and impact on residential amenity. Firstly, I note that neither the immediate neighbour (the appellant) nor the planning authority raised any issues with regard to the rear dormer or ground floor extension. Given that the proposal now before the Board is for a hipped roof profile, the rear dormer is consequently reduced in scale and prominence. Secondly, the scope for overlooking is extremely limited as the nearest dwelling is more than 60 metres away to the west. In terms of overlooking towards rear gardens either side, there is little difference between a first-floor bedroom window and a setback roof dormer in terms of what can be seen to the left or right. I am satisfied that there will no loss of residential amenity from overlooking to any property in the vicinity. Lastly and with reference to the residential amenity impact to the applicants should they build at ground floor level and limit internal light. While the concerns of the observer are well meaning, the applicant's proposal has been designed with three large rooflights and large expanses of glazing to the western elevation. I am satisfied that sufficient light will penetrate internal spaces and that the residential amenities associated with the exiting dwelling have been adequately considered and mitigated by the applicant.

8.0 Appropriate Assessment (AA) Screening

- 8.1. I have considered the house extension in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The subject site is located at 32 Gilford Park, Sandymount, Dublin 4, no relevant designated sites are close by. The proposed development comprises extensions to an existing dwelling.
- 8.3. No nature conservation concerns were raised in the planning appeal.
- 8.4. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- Small scale and nature of the development
 - Distance from nearest European site and lack of connections]
- 8.5. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.6. 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

- 9.1. Having regard to the above assessment, and based on the following reasons and considerations, it is recommended that permission be granted subject to conditions.

10.0 Reasons and Considerations

Having regard to the zoning objective for the site, the provisions of the Dublin City Development Plan, 2022 -2028, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the amenities of the area. The proposed

development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The proposed 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.

Reason: In the interest of clarity.

2. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

3. A schedule of all external finishes to be used shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

4. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

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

Reason: In the interest of public health and surface water management.

6. 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 commencement of development or in such phased payments as the planning authority may facilitate and shall be 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 Act 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.

Stephen Rhys Thomas
Senior Planning Inspector

4 February 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321482-24		
Proposed Development Summary	Extension to existing extension and roof.		
Development Address	32 Gilford Park, Sandymount, Dublin 4		
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	Tick if relevant. No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	Tick/or leave blank	State the Class here.	Proceed to Q3.
No	✓	Class of development relates to a 'house' or 'dwelling unit'. Extension/ modification to an individual house/ dwelling is not a class or type.	✓ 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	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes	Tick/or leave blank	Screening Determination required

Inspector: _____ **Date:** _____