



An
Bord
Pleanála

Inspector's Report ABP321499-24

Development	Construction of two extensions, widening of vehicular entrance, new pedestrian access to rear and all associated site & demolition works.
Location	76, Whitebeam Road, Dublin 14, D14HR92.
Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D24A/0786.
Applicant(s)	Niall & Niamh Cooney.
Type of Application	Permission.
Planning Authority Decision	Grant permission with conditions.
Type of Appeal	Third Party
Appellant(s)	Martin & Elizabeth Varley.
Observer(s)	None.
Date of Site Inspection	28/02/25.
Inspector	Anthony Abbott King.

1.0 Site Location and Description

- 1.1. No. 76 Whitebeam Road is located within a mature estate of detached and semi-detached red brick houses developed by T & A Crampton in the 1930's on the grounds of Clonskeagh Castle comprising Whitethorn, Whitebeam and Maple Road. A large number of these houses have been refurbished and extended.
- 1.2. No. 76 Whitebeam Road, is a two-storey two-bay gable fronted house, which is accommodated on a substantial plot with a large rear back garden.
- 1.3. There is a single-storey garage to the side of the dwelling with vehicular access to the plot from Whitebeam Road. The rear of the house is characterised by a two-storey flat roof extension and first-floor side roof terrace.
- 1.4. The neighbouring house at no. 78 Whitebeam Road is a double fronted house with a substantial single-storey wing / extension located between the main house and the boundary with. No. 76 Whitebeam Road.
- 1.5. Nos. 76 and 78 enjoy frontage onto a residential circus of suburban houses on Whitebeam Road with a circular green accommodating mature trees.
- 1.6. The rear gardens of the houses on this side of Whitebeam Road extend north-west toward the River Dodder. There is a walkway along the bank of the Dodder between the rear property boundary and the river water course known as the Dodder Trail.
- 1.7. Clonskeagh Castle at no. 80 whitebeam Road, built circa. 1789, is located on an elevated site to the south fronting the circus.
- 1.8. The rear boundary wall of no. 76 Whitebeam Road and of the adjoining properties elevating onto the Dodder Trail appears to be the original demesne wall of Clonskeagh Castle.
- 1.9. The site area is given as 0.1391 hectares.

2.0 Proposed Development

- 2.1. The proposed development comprises:

- (a) The construction of a rear two-storey extension and the extension to the rear first-floor terrace.
- (b) The construction of a two-storey stairwell extension to the front / side elevation.
- (c) The widening of the front vehicular entrance and the provision of a new rear pedestrian access gate to the Dodder Trail.
- (d) Minor elevation changes to existing elevations.
- (e) Internal reconfigurations.
- (f) All associated site development works.

2.2. Decision

Grant permission subject to 6 condition. Condition 2 is relevant and states:

(2). The proposed rear access pedestrian type gateway shall be omitted. No access gate is to be installed from the rear of the existing property / site onto the Dodder Greenway.

Reason: In the interests of clarity, the proper planning and sustainable development of the area, public safety and to help ensure the security of Council property the Dodder Greenway Park and to protect species habitats from habitat degradation that aligns with DLRCOCO's Biodiversity Action Plan 2021-2025.

2.3. Planning Authority Reports

2.3.1. Planning Reports

The decision of the CEO of Dun Laoghaire-Rathdown County Council reflects the recommendation of the planning case officer.

2.3.2. Other Technical Reports

Drainage Division no objection subject to condition.

The Parks & Landscape Services Department object to the formation of an access via a pedestrian gate to the rear of the property onto the greenway along the Dodder

River (Dodder Trail). The proposed pedestrian gate to the rear of the property should be omitted from the site plan, as the proposed gate would cause a precedent ultimately causing long term habitat fragmentation and degradation.

3.0 Planning History

There is no recent relevant planning history for the applicant site.

However, planning permission for an infill dwelling house, between no. 76 Whitebeam Road and the existing dwelling house at no. 78 Whitebeam Road, the demolition of the existing single-storey extension, new vehicular entrance to the existing house, and the subdivision of the adjoining lands at no. 78 Whitebeam Road, was granted permission under Register Reference D24A/0496. (August 2024).

3.1. Third Party Observations

There are two third party observations on file from the adjoining properties to the north (no. 74 Whitebeam Road) and to the south (no. 78 Whitebeam Road – the appellant). The resident of no. 74 Whitebeam Road supports the proposed development while the resident of no. 78 Whitebeam Road objects due to proximity to boundary and resultant loss in residential amenities.

4.0 Policy and Context

4.1. Development Plan

The Dun Laoghaire-Rathdown County Development Plan 2022-2028 is the local planning policy document. The following policy objectives are relevant:

- Chapter 13 (Land Use Zoning Objectives) Table 13.1.1 (Development Plan Zoning Objectives) is relevant.

The area zoning objective is (Map 1) “A”: *To provide residential development and improve residential amenity while protecting the existing residential amenities.*

Residential is a permitted use.

Urban Consolidation

- Chapter 4 (Neighbourhood-People, Homes and Place), Section 4.3.1.2, Policy Objective PHP19 (Existing Housing Stock-Adaptation) is relevant and states:
 - *Conserve and improve existing housing stock through supporting improvements and adaptation of homes consistent with NPO 34 of the NPF.*
 - *Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods. .*

Extensions

- Chapter 12 (Development Management) Section 12.3.7.1 (Extensions to Dwellings) provides guidance with respect to porches, front extensions, side extensions, rear extensions, roof alterations, attic conversions and dormer extension.
- Section 12.3.7.1 (ii) (Extensions to the Rear) is relevant and *inter alia* states:

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.*

Vehicular Entrances and Car Parking Standards

- Section 12.4.8 (Vehicular Entrances and Hardstanding Areas) requires vehicle entrances and exits to be designed to avoid traffic hazard for pedestrians and passing traffic. In general, for a single residential dwelling, the maximum width of an entrance is 3.5 metres.

The following national and regional planning policy documents are relevant in the context of sustainable residential land-use and the strategic policy objective to achieve compact growth:

- The National Planning Framework (NPF) (Project Ireland 2040) (Government of Ireland 2018);
- The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly (EMRA), (June 2019);
- The Department of Housing, Local Government and Heritage 'The Sustainable Residential Development and Compact Growth Guidelines for Planning Authorities', (15 January, 2024).

4.2. 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 2 on file.

5.0 The Appeal

5.1. Grounds of Appeal

The grounds of appeal are summarised below:

- The appellant is the owners of the adjoining house at no. 78 Whitebeam Road and a house being built at no. 77 Whitebeam Road (granted permission August 2024).
- No. 78 Whitebeam Road has a boundary wall within 1 metre of the proposed no. 76 Whitebeam Road.
- The appellant objected to the development in the first instance *inter alia* on the grounds of overlooking of their neighbouring properties from the proposed south and west fenestration and first-floor terrace extension.
- The proposed extended first-floor terrace located proximate to the shared property boundary will directly overlook the rear of no. 78 Whitebeam Road (conservatory and garden) and the proposed no. 77 Whitebeam Road (habitable rooms and garden).
- The first floor terrace is 2 metres from the habitable rooms at ground floor level and first floor ensuite bathroom of the proposed no. 77 Whitebeam Road. In addition two sets of double sliding doors will look into the ensuite bathroom.
- The owners of no. 76 Whitebeam Road confirmed by email that they would make changes to the development proposal (southern elevation) subsequent to negotiation that would in part address the concerns of the appellant including overlooking and noise.
- The applicant informed the appellant, by email, subsequent to conformation that revised plans would have to be submitted to the planning authority following a grant of permission that the amendments would not proceed.
- The agreed amendments included:
 - Removal of the first-floor glazed double set of sliding doors and replacement with a fixed window.
 - Removal of the ground floor side passage door and replacement with a fixed window.
 - Inclusion of a 2.1 metre high permanent privacy screen structure parallel with the shared property boundary.

5.2. Applicant Response

The applicant response is summarised below:

- The appellant is using the planning system opportunistically their appeal should be declared invalid or without substance. Otherwise the grounds of appeal should be treated as trivial in the extreme.
- The main issues of concern are a 900mm increase in the dept of the existing terrace and the addition of a side passage door for access to bins, which the applicant consider insubstantial and frivolous.
- The first floor terrace is pre-existing (60 years) and the legacy status was noted by the planning officer. The appellant is using the opportunity of the applicant's home refurbishment to change a feature of their existing home.
- The applicant cites the existing neighbouring first-floor terrace at no. 74 Whitebeam Road in support of the extension of the subject terrace, including a photograph of same in the submission.
- The applicant notes that the site of no. 76 Whitebeam Road is 1 metre lower than the site of no. 78 Whitebeam Road.
- The removal of a side passage door at ground floor level on the grounds of noise and traffic lacks any reasonableness or substance given the fact that the door replaces an existing window facing a boundary wall in a home accommodating a family within a suburban location.
- The applicant made offers of mitigation to the appellant in order to avert an appeal and consequent delay. However, the applicant considers that the proposed refurbishment development represents a modest alteration and extension to a family home and consider aligned with the planning authority that no mitigation is warranted.
- The applicant provided written support for the authorised two-storey house within the side garden of no. 78 Whitebeam Road.
- Finally, the house requires immediate refurbishment and the applicant is currently in rental accommodation. The existing BER is G.

5.3. Planning Authority Response

The planning authority refer the Board to the previous planners report. It is considered that the grounds of appeal do not raise any new matters that would justify a change of attitude.

5.4. Observations

None

6.0 Assessment

- 6.1. The following assessment covers the points made in the appeal submission and the letter of response from the applicant and is my overall consideration of the application. It is noted there are no new substantive matters for consideration.
- 6.2. The applicant proposes to upgrade the existing dwelling house on site to bring the property into line with building regulations and energy performance. The applicant proposes to demolish approximately 63 sqm of existing floor area including a side garage. The gross floor area of the proposed works is approximately 31 sqm (31.27 sqm).
- 6.3. The proposed works comprise a ground floor and first floor rear extension and a side extension. The rear extension would facilitate the internal reconfiguration of the ground floor reception space and the first floor bedrooms and bathrooms.
- 6.4. The side extension would accommodate the relocation of the house entrance from the front elevation to the side of the property and the provision of a new staircase. The front elevation fenestration would be amended to omit the entrance door and a box window would be substituted with a marginal project beyond the front building line.
- 6.5. The extension to the rear would have a flat roof and an extensive covered terrace. An existing first floor terrace located proximate to the neighbouring property boundary to the south with no. 78 Whitebeam Road would be extended.
- 6.6. The substantive matter under appeal is the extension of the first floor terrace and the provision of enhanced access from the house at first floor level to the terrace.

Zoning

- 6.7. The zoning objective is “A”: *To provide residential development and improve residential amenity while protecting the existing residential amenities.* The extension of an existing dwelling house is permissible subject to compliance with the overall policy objectives for the zone, would not have undesirable effects and, would otherwise be consistent with the proper planning and sustainable development of the area.

First floor roof terrace and first-floor fenestration

- 6.8. The appellant claims that the proposed extended first-floor terrace and associated access fenestration located proximate to the shared property boundary will directly overlook the rear of no. 78 Whitebeam Road (conservatory and garden) and the proposed authorised infill house, known as no. 77 Whitebeam Road, (habitable rooms and garden), which would have a significant adverse impact on the residential amenity of the adjoining properties in terms of privacy and noise.
- 6.9. Section 12.3.7.1 (Extensions to Dwellings) of the Dun Laoghaire-Rathdown Development Plan 2022-2028 provides guidance in the matter of domestic extension. Section 12.3.7.1 (ii) (Extensions to the Rear) provides specific guidance in the matter of extensions to the rear of a dwelling house.
- 6.10. This section *inter alia* provides that 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.
- 6.11. The applicant cites the pre-existence of the rear first-floor terrace at no. 76 Whitebeam Road and the neighbour’s rear first-floor terrace at no.74 Whitebeam Road in support of the extension of the first-floor terrace, which would have a new glass balustrade.
- 6.12. I note the location of the first-floor terrace to the rear of no. 74 Whitebeam Road. I also note the location of the subject terrace at no. 76 Whitebeam Road, which is located proximate to the property boundary with no. 78 Whitebeam Road.

- 6.13. I note that the subject first floor terrace is pre-existing and that it would be marginally extended (900mm). I note that it is located approximately 1.5m from the shared property boundary with no. 78 Whitebeam Road. I consider that the pre-existence of the terrace with first floor access from the interior of the house is a material consideration.
- 6.14. I do not consider that a marginal increase in the first-floor terrace floor area and a change in fenestration, giving access to the terrace, would result in a material change in circumstances in the matter of the overlooking of the adjoining property at no. 78 Whitebeam Road given the existence of an accessible first-floor terrace as a potential observation platform at present.

Authorised infill house (no. 77 Whitebeam Road)

- 6.15. I have reviewed the site plan, floor plans and elevations of the authorised 2-storey 3-bedroom infill house to be located between the shared property boundary with no. 76 Whitebeam Road and the two-storey side gable of the main house on site at no. 78 Whitebeam Road (Register Reference D24A/0496).
- 6.16. I note that the authorised infill house would have an elongated footprint extending from the front building line (footprint recessed by 2m) on Whitebeam Road into the interior of the plot along the shared property boundary. The infill house in terms of building form would include a single-storey element that would extend approximately 9m from the established rear building line on this section of Whitebeam Road into the rear garden.
- 6.17. I note that the authorised infill house would have a long predominantly blank elevation to the shared property boundary.
- 6.18. I can confirm on the day of my site visit that no demolition or construction works have commenced at the appellant property at no. 78 Whitebeam Road.
- 6.19. I also consider that the configuration of the authorised infill house on the subdivided plot at no. 78 Whitebeam Road, in particular the screening effect of the single storey element of the house projecting 9m beyond the 2-storey element of the house along the shared property boundary, would mitigate overlooking and other concerns in the matter of the rear amenity spaces of nos. 77 & 78 Whitebeam Road.

6.20. I do not consider that the proposed extension of the first floor terrace and associated fenestration would have an adverse impact on the residential amenities of the existing and proposed adjoining properties on site at no. 78 Whitebeam Road.

Overall refurbishment and extension works to the dwelling house

6.21. The letter of application, prepared by Wilson Hill Architects, details the overall works to extend and refurbish the subject house, which would extend the property to the rear, reconfigure the house internally and make more general modifications, including a side stairwell extension, changes to fenestration and the relocation of the main entrance.

6.22. I note that one of the two third-party submissions on the original planning application was from the neighbouring property at no. 74 Whitebeam Road supporting the development given that the subject dwelling is in need of refurbishment.

6.23. I consider, after examination of the submitted drawings and conducting a site visit, that the proposed works to the main dwelling house would in general be consistent with Section 12.3.7.1 (Extensions to Dwellings) of the Dun Laoghaire-Rathdown Development Plan 2022-2028, which provides guidance *inter alia* in the matter of front, side and rear domestic extension.

6.24. Finally, in the matter of the proposed substitution of a ground floor door for an existing window opening in the side elevation (south elevation), I consider that the change in fenestration is reasonable and is acceptable in principle.

Pedestrian access gate in the existing rear boundary wall

6.25. The Parks & Landscape Services Department object to the formation of an access, via a pedestrian gate to the rear of the property, onto public lands along the Dodder River bank. The Department notes that the existing greenway (Dodder Trail) and riparian zone to the rear of no. 76 Whitebeam Road plays a pivotal role as a wildlife corridor for birds, bats, invertebrates, otters, badgers, foxes, squirrels and fish that reside in and along the River Dodder.

6.26. I note that the existing rear boundary wall would appear to be the original demesne wall of Clonskeagh Castle located on an elevated site to the south of the subject development.

6.27. I concur with the Parks & Landscape Services Department recommendation that the proposed pedestrian gate to the rear of the property should be omitted from the development. This can be dealt with by way of condition.

Vehicular access widening

6.28. The applicant proposes to widen the existing vehicular access from 2935mm to 3500mm from Whitebeam Road onto the residential plot. The Transport Planning Division of the planning authority do not appear to have reported on the widening proposal.

6.29. I would concur with the planning case officer that the vehicular widening proposal is acceptable in principle given that the proposed width of the vehicle entrance at 3.5m would be in accordance with the maximum width mandated for single residential dwellings in Section 12.4.8 (Vehicular Entrances and Hardstanding Areas) of the Dun Laoghaire-Rathdown Development Plan 2022-2028.

Conclusion

6.30. I conclude that the proposed extension and refurbishment works, subject to condition, would provide a reasonable upgrade of accommodation on site consistent with the residential zoning objective and pattern of development in the area, which is characterised by mature suburban semi-detached and detached houses many of the properties in the vicinity having been refurbished and extended.

6.31. Appropriate Assessment 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 development is not proximate to a European Site(s). I note the site is proximate to the river Dodder, which flows into Dublin Bay (location of European sites). However, I also note that the development site is separated from the water course by the Dodder Trail (greenway) and a high masonry boundary wall.

The proposed development comprises refurbishment and 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.

7.0 Recommendation

- 7.1. I recommend a grant of planning permission subject to condition for the reasons and considerations outlined below.

8.0 Reasons and Considerations

- 8.1. Having regard to the grounds of appeal, the residential zoning objective, the pattern development in the area, characterised by mature suburban houses which have been refurbished and extended, the policy framework for domestic extension provided by the Dun Laoghaire-Rathdown Development Plan 2022-2208, it is considered, subject to condition, that the proposed development would be consistent with Section 12.3.7.1 (Extensions to Dwellings) of the Dun Laoghaire-Rathdown Development Plan 2022-2028, would provide a reasonable upgrade of the existing accommodation on site, would not have an adverse impact on the residential amenities of adjoining properties, including no. 78 Whitebeam Road and, as such, would be consistent with the proper planning and sustainable development of the area.

9.0 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>The proposed rear access pedestrian type gateway shall be omitted. No access gate is to be installed from the rear of the existing property / site onto the Dodder Greenway.</p> <p>Reason: In the interests of clarity, the proper planning and sustainable development of the area, public safety and to help ensure the security of Council property the Dodder Greenway Park and to protect species habitats from habitat degradation that aligns with DLRCOCO's Biodiversity Action Plan 2021-2025.</p>
3.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
4.	<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>
5.	<p>Details of the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</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.

Anthony Abbott King
Planning Inspector

07 March 2025

Form 2
EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP- 321499-24	
Proposed Development Summary	Extension(s) and refurbishment of dwelling house / widening of vehicular access to Whitebeam Road	
Development Address	No. 76 Whitebeam Road	
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The development would have a modest footprint, comprising a net reduction in floor area, and would require minor demolition works of 63 sqm.	
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The development is located on zoned residential lands in an established suburban area on piped services.	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the modest nature of the proposed development, its mature suburban location and the absence of significant in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	No

There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector:

Date: _____

DP/ADP: _____
(only where Schedule 7A information or EIAR required)

Date: _____