

An
Bord
Pleanála

Inspector's Report

ABP321544-24

Development

Single storey extension to rear, new pedestrian gate to side onto Hazel Park and enlarged ground floor living room window to front elevation.

Location

1, Hazel Park, Dublin 6W.

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

WEB2246/24

Applicant(s)

Anna Chahoud.

Type of Application

Permission.

Planning Authority Decision

Grant permission

Type of Appeal

First Party

Appellant(s)

Anna Chahoud.

Observer(s)

(1) Philip O'Reilly.

Date of Site Inspection

10/03/25.

Inspector

Anthony Abbott King

1.0 Site Location and Description

- 1.1. No. 1 Hazel Park is a semi-detached late 20th century two-storey house with a front and back garden located on the west side of Kimmage Road Lower.
- 1.2. The abutting house at no. 2 Hazel Park to the north east is a matching semi-detached property.
- 1.3. Hazel Park is a small infill cul-de-sac accessed via Kimmage Road Lower comprising 10 houses including the houses within the cul-de-sac and nos.1 & 2 Hazel Park, which front onto Kimmage Road Lower.
- 1.4. Nos. 1 & 2 Hazel Park are located back to back with nos. 3 & 4 Hazel Park. Nos. 3 & 4 are an identical pair of semi-detached houses that elevate onto Hazel Park.
- 1.5. The front facades of Nos. 1-4 Hazel Park have similar two-storey pitched-roof projecting bays and recessed entrance doors. The 4 houses have modest rear gardens. No. 3 Hazel Park has been extended to the rear.
- 1.6. The Corrib Road Dublin Bus stop (bus nos. 9 & 54) is located immediate to the development site.
- 1.7. The site area is given as 0.001 hectares.

2.0 Proposed Development

- 2.1. Single storey extension to rear to provide W.C., home office and extended kitchen, new pedestrian gate to side onto Hazel Park and enlarged ground floor living room window to front elevation

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 8 conditions.

3.1.1. Condition 2 states:

(2) The development shall be amended as follows:

(a) The rear extension shall be reduced in depth by 1.5 metres, from 6.2 metres long to no more than 4.7metres long.

(b) The enlarged ground floor living room window to the front elevation shall be omitted. The two existing windows shall be retained.

Reason: In the interests of visual amenity, and to provide for additional private amenity space.

3.2. Planning Authority Reports

3.2.1. Planning Reports

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 third party submission objecting to the proposed development. The subject third party is the observer on this appeal.

4.0 Planning History

There is no relevant planning history on site. However, the following planning history at no. 3 Hazel Park (back to back property to the west) in the immediate vicinity is relevant.

Under Register Ref: 4646/18 planning permission was granted in February 2019 for the modification and extension of ground floor, to increase the kitchen and dining room, and a new additional bedroom at first floor level with side fenestration.

The proposed development would increase the floor area of the existing 2-storey house at no. 3 Hazel Park from 62 sqm. to 80 sqm. (18 sqm.).

5.0 Policy Context

Development Plan

The following policy objectives of the Dublin City Development Plan 2022-2028 are relevant:

Zoning

The zoning objective is 'Z1'(Map G): 'to protect, provide and improve residential amenities'.

Residential is a permissible use.

The following in the matter of Residential Extensions is relevant.

- Chapter 15 (Development Standards), Section 15.11 states for guidance and standards *inter alia* for residential extensions see Appendix 18.
- Appendix 18, (Ancillary Residential Accommodation) Section 1 (Residential Extensions) is relevant. 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.

- Appendix 18, Section 1.1 (General Design Principles) is relevant provides the following assessment criteria for applications for extensions to existing residential units, which 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).*

- Appendix 18, Section 1.2 (Rear Extensions) 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.*

Chapter 15, Section 15.11 (House Development) provides standards *inter alia* for floor area, Daylight / sunlight, private open space and separation distances between buildings.

In relation to Section 5.11.3 (Private Open Space) the following is relevant:

Private open space for houses is usually provided by way of private gardens to the rear of a house. A minimum standard of 10 sq. m. of private open space per bedspace will normally be applied. A single bedroom represents one bedspace and a double bedroom represents two bedspaces.....

5.1. Relevant National or Regional Policy / Ministerial Guidelines (where relevant)

- 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, prepared by Micheál Ó Drisceoil Architect on behalf of the applicant, is summarised below:

- The appeal is against Condition 2 (a) & 2(b) of the notification to grant planning permission issued by the planning authority on the 27th November, 2024 (WEB2246/24).
- No. 1 Hazel Park is a modest 2-storey, 2-bedroom house with a floor area of 61 sqm. The site area is approximately 100 sqm. The applicant proposes to increase the internal floor area to approximately 80 sqm. The residual external open space would be 14.8 sqm.
- No.1 Hazel Park is one of ten semi-detached and terraced houses in a development of similar houses.
- The design of the extension was informed by the extension of no.3 Hazel Park adjoining to the rear granted planning permission for a 2-storey extension under DCC Register Ref: 4646/18. The application site plan is included copied within the appeal statement.
- The appellant notes that the residual private open space remaining to the rear of no. 3 Hazel Park is clearly dimensioned ($3.35 \times 5.34 = 19.89$ sqm). The residual amenity area is equivalent to 4.47 sqm. per bed space (4 bed spaces).

- The subject development proposal at no.1 Hazel Park would provide 4.93 sqm per bed space (for the 3 existing bed spaces) greater than that permitted at no. 3 Hazel Park.
- The appellant notes that the planners report attached to DCC Register Ref: 4646/18 highlights the 64% site coverage of the overall development at no. 3 Hazel Park noting that the indicative range is 45-60%. The subject planners report states that the proposal at no. 3 Hazel Park is considered acceptable given that historical site coverage in Hazel Park is moderate to high.
- The applicant a university lecturer proposes to extend the house on site to accommodate a working from home space. A downstairs W.C is also proposed.
- In the matter of condition 2 (a), the requirement to amend the design of the proposal by reducing the overall length of the extension by 1.5m as mandated by Condition 2(a) would render the proposal for a home office non-viable and omit the W.C.
- Furthermore, it is claimed the void space created by truncating the extension, measuring 4.1 sqm, would not be an amenity area. It would be a residual area for the collection of leaves & debris and would inevitably in logic over time become a roofed storage area.
- It is claimed the originally proposed extension in length and location, projecting into the garden at a right-angle to the existing rear ground floor elevation, preserves the visual and physical link between the existing living room and dining room and the rear private open space while accommodating the required additional accommodation.
- Drawing no. 241/031 is appended to the appeal statement. The drawing shows compliance with Condition 2(a). The drawing illustrates an open area between the rear wall of the extension and the rear garden wall with a separation distance of 1500mm denoted 'space of no amenity'.
- The appellant claims that the originally proposed extension optimises internal light and outdoor amenity while reducing potential impact on the adjoining

property keeping the extension roof to 2100mm (internal ceiling height) where it abuts the neighbouring no. 2 Hazel Park.

- The adjoining neighbour has not raised an objection and the neighbour to the rear of the property at no. 3 Hazel Park well wishes the development. The appellant notes that the adjoining properties at nos. 2 & 3 Hazel Park have structures erected in their private open space up against their boundaries with the applicant property.
- In the matter of Condition 2 (b), the planning assessment recognises the reason for the amalgamation of the two existing window openings is to get more light into an internal room. It is claimed that this is the precise reason for the modification given that the subject room is very dark and has poor aspect.
- The appellant does not accept that the modification to the existing fenestration would disrupt and would be incompatible with the established architecture and character of the area as claimed by the third party observer.

7.2. Applicant Response

N/A

7.3. Planning Authority Response

None to date.

7.4. Observations

There is one observation from Philip O'Reilly, 68 Gandon Close, Harold's Cross, Dublin 6W. The observation is summarised below:

- The recognition of the constraints and setting of the existing house on site should inform the development proposal, which as proposed fails to satisfy the minimum standards of the Dublin City Development Plan 2022-2028.
- The requirement for 30 sqm. of amenity space (3 bed space) cannot be satisfied by the proposed development. The existing house has an

approximate acceptable 39 sqm. of amenity space, which would be reduced by 13 sqm. to 26 sqm.

- The planning authority have with reason appropriately conditioned the permission to enforce minimum open space standards.
- No. 1 Hazel Park is one of four identical houses of relatively moderate size. The 4 identical in harmony houses are located back-to-back and are constructed on an extremely restricted site.
- The subject houses comprise part of a late 20th Century infill development constructed circa 1980 that do not relate in building date or form with the period cottages in the vicinity on Kimmage Road Lower notwithstanding the appellants citing of the elevation variations of the subject cottages to justify fenestration changes to no.1 Hazel Park.
- The observer claims that the uniformity of the 4 houses should be protected and maintained notwithstanding that one of the houses at no. 3 Hazel Park has been extended inappropriately (DCC Reg. Ref: 4646/18) and under the provisions of a previous development plan.
- The proposal would establish a dynamic for uncoordinated designs and styles, which would result in existing uniformity and residential amenity being compromised or destroyed. Furthermore, bad developments such as the development at no. 3 Hazel Park, which does not comply with minimum open space and other density standards, should not set a precedent.
- It is claimed that the changes proposed to the front elevation on the ground floor of no.1 Hazel Park will be out of character with the housing stock in the vicinity and will seriously disrupt the uniformity of the neighbouring houses at nos. 2,3 & 4 Hazel Park, which are constructed as a harmonised set piece.
- The observer claims that each of the individual houses (1-4 Hazel Park) that make up the 4 identical back-to-back units must be considered in their totality rather than as individual autonomous stand-alone buildings.
- The introduction of a landscape / horizontal window (amalgamate the 2 front portrait windows) to the front elevation replacing the existing portrait windows would destroy the visual uniformity and cohesion of these houses materially

and adversely impacting the character and setting of the house and the surrounding area.

- Furthermore, the south-easterly aspect of no. 1 Hazel Park would not support fenestration change on the grounds of increased natural light penetration to internal room(s).
- The optimum natural light enhancing solution is to puncture window openings in the south-west gable wall of the house.
- Finally, as a committed conservationist of 50 years' experience the observer concludes that the fenestration changes to the front of no. 1 Hazel Park is inconsistent with the principles of proper planning and development and that the local authority is correct to include a condition to maintain the front elevation of the house in its present form.
- A review of the immediate streetscape on Kimmage Road Lower indicates the subtle variety and differences between adjoining dwellings. The appellant cites nos. 341 & 343 Kimmage Road Lower, a pair of cottages in a terrace of 4 houses with two and one window respectively, noting all of the 4 properties have different front facades.
- Finally, the appellant cites Section 4(1) (h) of the Planning and Development Act arguing that the proposed fenestration modification does not materially affect the external appearance of the structure.

8.0 Assessment

- 8.1. Having reviewed the application, the appeal and conducted a site visit, I consider that the only planning matters at issue in this case are Condition 2(a) and 2(b) and that no other planning matters need to be considered by the Board. The conditions the subject of this appeal are assessed below.
- 8.2. I am satisfied that the proposed development is otherwise in accordance with the proper planning and sustainable development of the area.
- 8.3. There is one observation on this appeal from Philip O'Reilly. The observations are considered in the assessment below.

Development proposal in context

- 8.4. The applicant proposes alteration works to the existing dwelling house including elevation changes and the extension of ground floor accommodation on site. The extension would comprise a single-storey flat roof extension located along the shared property boundary with no. 2 Hazel Park. The extended floor area would comprise 12 sqm (6m x 2m).
- 8.5. The extension would extend at a right angle from the rear two-storey elevation of the house for the full length of the garden. It would contain a kitchen extension, home office and W.C. configured in sequence entered from the existing kitchen area.
- 8.6. The proposed extension fenestration would elevate onto the residual back garden, which would form a linear patio area between the west elevation of the extension and the side boundary wall of no. 1 Hazel Park.
- 8.7. The site area is given as 100 sqm. The floor area of the existing 2-storey house is approximately 60 sqm.
- 8.8. The planning authority granted planning permission subject to condition including a modification condition number 2.

Condition 2(a)

- 8.9. In the matter of Condition 2(a), the planning authority reduced the length of the extension by 1500mm increasing the residual rear garden area to 17 sqm. and consequently setting the extension back from the rear garden wall with no. 3 Hazel Park (from a projection length of 6.2m to 4.7m from the existing rear two-storey elevation of the house).
- 8.10. The appellant requests the Board to remove Condition 2(a), as it is claimed the reduction in the length of the ground floor extension by 1.5m, as required by the condition, would omit the proposed ground floor W.C. and make the home office unviable.
- 8.11. The appellant claims that the height of the extension onto the shared property boundary is 2100mm (internal ceiling height) would reduce the height and massing on the shared property boundaries with nos. 2 & 3 Hazel Park reducing the impact on the neighbouring properties.

8.12. The truncated rear garden would be reconfigured as a hard-surface space with permeable paving and a break out gate in the side boundary masonry wall onto the Hazel Park cul-de-sac.

No. 3 Hazel Park

8.13. The appellant cites the 2-storey extension to the rear and side of no.3 Hazel Park, adjoining to west, granted planning permission under DCC Register Ref: 4646/18.

8.14. The appellant states that the residual private open space remaining to the rear of no. 3 Hazel Park is clearly dimensioned ($3.35 \times 5.34 = 19.89$ sqm). The residual amenity area is equivalent to 4.47 sqm. per bed space (4 bed spaces), which is less than the residual space per bedspace (4.93 sqm.) that would result from the construction of the proposed extension to the rear of no. 1 Hazel Park the subject of appeal.

8.15. The observer notes that the authorisation for the two-storey extension to the side and rear of no. 3 Hazel Park was granted under the provisions of the previous development plan.

8.16. I consider that the proposed development should be assessed solely on its own merits.

Compliance drawing

8.17. The appeal statement is accompanied by Drawing no. 241/031. The drawing shows compliance with Condition 2(a). The drawing illustrates an open area between the rear wall of the extension and the rear garden wall with a separation distance of 1500mm denoted 'space of no amenity'

8.18. Drawing no. 241/031 also illustrates the modified internal arrangement of the proposed extension, which would omit the W.C. and provide a micro home office. I note that the modified internal ground floor arrangement is suboptimal.

8.19. I would concur with the appellant that the modification of the development proposal as mandated by condition 2(a) would result in a depreciation in proposed internal residential amenity without a corresponding increase in usable external amenity space.

8.20. I concur that the original design would preserve the visual and physical link between the existing living room and dining room and the rear external amenity space while accommodating the required additional accommodation.

8.21. I consider that the original design of the ground floor extension projecting into the garden to extend for the full-length of the garden to the back wall and located at a right-angle to the existing rear ground floor elevation would be spatially preferable.

8.22. I note that there are no objections from the adjoining property owners.

Development plan Open space requirement

8.23. I also note the minimum open space requirements of the Dublin City Development plan 2022-2028. Section 5.11.3 (Private Open Space) requires a minimum open space standard of 10 sqm. per bed space.

8.24. No.1 Hazel Park is a two-bedroom house with 3 existing bed spaces (1 double & 1 single bedroom) requiring a minimum of 30 sqm. of open space. The residual back garden would provide an approximate 14.8 sqm, which is significantly less than the minimum development plan standard.

SPPR2

8.25. SPPR2 of the Sustainable Residential Development and Compact Settlement Guidelines (January 2024) requires a minimum open space provision of 30 sqm. for a 2-bedroom house.

8.26. However, the Guidelines highlight that minimum private open space standard in development plans often reflects the traditional suburban separation standard and width of a dwelling. A more graduated and flexible approach that supports the development of compact housing and takes account of the value of well-designed private and semi-private open space should be applied.

8.27. The Guidelines clarify that private open space must form part of the curtilage of the house and be designed to provide a high standard of external amenity space in one or more usable areas. Furthermore, open spaces may take the form of traditional gardens or patio areas at ground level.

Development plan open space standard in context

8.28. The Dublin City Development plan 2022-2028. Section 5.11.3 (Private Open Space) *inter alia* states:

Private open space for houses is usually provided by way of private gardens to the rear of a house. A minimum standard of 10 sq. m. of private open space

per bedspace will normally be applied..... these standards may be relaxed on a case by case basis subject to a qualitative analysis of the development...

8.29. I note that the development plan envisages open space provision in the form of rear gardens where a 10sqm. provision per bed space will normally be applied. However, I consider that normal circumstances do not apply in the instance of extension of the subject dwelling house given the pattern of development in the immediate area, which is characterised by infill housing.

8.30. Finally, I note that development plan open space standards may be relaxed on a case by case basis subject to a qualitative analysis of the development.

8.31. I consider that on balance the residual rear amenity area is acceptable in the instance of the proposed development given the inner suburban location of the development site, the proposed patio configuration (the residual area is provided with permeable paving) with an optimum south-west orientation and the privacy provided by the screening of the proposed extension itself to the north-east.

Impact on adjoining residential amenity

8.32. Finally, I consider that the proposed extension given its modest footprint, height and flat roof profile would not have an adverse impact on the visual and residential amenities of the adjoining properties at nos. 2, 3 & 4 Hazel Park and would therefore be consistent with Appendix 18, Section 1.2 (Rear Extensions) of the Dublin City Development Plan 2022-2028.

Condition 2(b)

8.33. In the matter of Condition 2(b), the planning authority concluded that the amendment proposed to the front window of the house at ground floor level replacing the existing two windows should be omitted from the development.

8.34. The appellant claims that the local authority planning assessment correctly recognised the reason for the amalgamation of the two existing window openings as a matter of a lack light penetration to internal rooms. It is claimed that the living room / dining room is very dark and has a poor aspect.

8.35. The front façade of nos. 1 & 2 Hazel Park are characterised by two-storey pitched roof bay window projections. The appellant proposes to replace the existing two

vertical emphasis windows within the ground floor bay of no. 1 Hazel Park with one horizontal emphasise window opening.

- 8.36. The appellant claims the mix of fenestration openings and styles in the adjoining streetscape on Kimmage Road Lower mitigates a required uniformity. I note the electric front facades on this section of Kimmage Road Lower.
- 8.37. I also note that nos. 1 & 2 Hazel Park are a pair of semi-detached houses that have identical front fenestration.
- 8.38. I note that the observer cites the unique architectural character (late 20th Century) and the similarity of the houses at nos. 1,2, 3 & 4 Hazel Park. The observer advocates the retention of the existing portrait fenestration maintaining the uniformity of the semi-detached houses fronting onto Kimmage Road Lower at nos. 1 & 2.
- 8.39. I would concur with the planning case officer that the proposed change in fenestration is not in keeping with the style of the house and the abutting house and would detract from the overall character of the pair of existing semi-detached houses at nos.1 & 2 Hazel Park.

Conclusion

- 8.40. I conclude that Condition 2 (a) should be omitted and Condition 2 (b) should be retained.

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 and is not immediate to a European Site. The proposed development comprises a domestic extension 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 amendment of Condition 2 to omit Condition 2(a) and retain Condition 2(b) for the reasons and considerations outlined below.

11.0 Reasons and Considerations

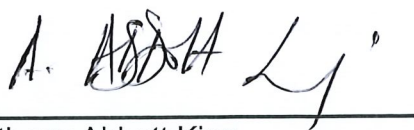
Having regard to the grounds of appeal, the residential zoning objective and the pattern of development in the area, it is considered that the proposed development, subject to condition, is a reasonable improvement of accommodation on site, would not adversely impact on the residential and visual amenities of adjoining properties, would be consistent with Appendix 18 (Ancillary Residential Accommodation) of the Dublin City Development Plan 2022-2028 and the provisions of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (January 2024) and, as such, would be consistent with the proper planning and sustainable development of the area.

12.0 Condition 2

2.	<p>The development shall be amended as follows:</p> <p>(a) The enlarged ground floor living room window to the front elevation shall be omitted. The two existing windows shall be retained.</p> <p>Reason: In the interests of visual amenity, and to provide for additional private amenity space.</p>
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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.

A handwritten signature in black ink, appearing to read 'A. Abbott King', written over a horizontal line.

Anthony Abbott King
Planning Inspector

18 March 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP321544-24		
Proposed Development Summary	Domestic Extension		
Development Address	No. 1 Hazel Park, Dublin 6W.		
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	X
		No	
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		Proceed to Q3.
No	Tick or leave blank	x	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	Tick/or leave blank		EIA Mandatory EIAR required
No	Tick/or leave blank	N/A	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	N/A	Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			

No	x	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: A. ASST 2j

Date: 18/03/25