

An
Bord
Pleanála

Inspector's Report

ABP321574-25

Development

The construction of a single storey porch extension to the front and two storey extension to the rear and side of existing dwelling.

Location

70, Devenish Road, Dublin 12.

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

WEB2274/24

Applicant(s)

Carmen Munoz.

Type of Application

Permission.

Planning Authority Decision

Dublin City Council

Type of Appeal

Third Party

Appellant(s)

Eileen Tobin.

Observer(s)

None.

Date of Site Inspection

10/03/25.

Inspector

Anthony Abbott King

1.0 Site Location and Description

- 1.1. No. 70 Devenish Road is a two-storey two-bay house located in a terrace of 8 houses (70-77 Devenish Road). Nos. 70 & 77 Devenish Road are the end of terrace houses that bookend the terrace.
- 1.2. Devenish Road forms part of a network of suburban streets and open spaces off the Bangor Road constructed by the local authority to garden city design circa 1930s. The houses are generally accommodated on linear plots with front and back gardens forming 8 unit and 4 unit residential terraces on Devenish Road.
- 1.3. A number of the houses in the suburban network of streets have been extended and / or refurbished. In instances infill houses have been accommodated in side gardens. A large number of properties have reconfigured front gardens to provide in-curtilage parking.
- 1.4. No. 70 Devenish Road has a relatively large enclosed landscaped front garden defined by high mature hedging. A dedicated back garden is bounded by the back gardens of the terraced houses on Stannaway Road. There is an existing shed in the back garden.
- 1.5. The abutting house to the east at no. 71 Devenish Road forms part of the same terrace (70-77 Devenish Road).
- 1.6. The adjoining house to the west at no. 69 Devenish Road is an end of terrace house with a side passageway interfacing with the side passageway of no. 70 Devenish Road. No. 69 Devenish Road has a single-storey side extension onto the shared property boundary with no. 70 Devenish Road.
- 1.7. The site area is given as 0.021 hecatres.

2.0 Proposed Development

- 2.1. The construction of a single storey porch extension to the front and two storey extension to the rear and side of existing dwelling.

3.0 Planning Authority Decision

3.1. Decision

Grant of planning permission subject to 6 conditions.

3.1.1. Condition 3 states:

The side extension shall maintain a minimum separation of 1m from the boundary with the adjoining house at no. 69 Devenish Road.

Reason: To protect adjoining residential amenities.

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. Prescribed Bodies

N/A

3.4. Third Party Observations

One third-party observation from the resident of the adjoining property at no. 71 Devenish Road (the appellant) dated 12 November, 2024. This submission is on file.

4.0 Planning History

There is no relevant recent planning history.

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.

Residential Extensions

- Chapter 15 (Development Standards), Section 15.11 is relevant and 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.*

- Appendix 18, Section 1.3 (Side Extensions) is relevant and *inter alia* states:

The Ground floor side extensions will be evaluated against proximity to boundaries, size, and visual harmony with existing (especially front elevation) and impacts on adjoining residential amenity. First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable. However, in certain cases a set-back of an extension's front facade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape, and avoid a 'terracing' effect. External finishes shall normally be in harmony with existing.

- Appendix 18, Section 1.4 (privacy) is relevant and *inter alia* states:

The Extensions should not result in any significant loss of privacy to the residents of adjoining properties. Generally, windows overlooking adjoining properties (such as in a side wall) should be avoided. Where essential, the size of such windows should be kept as small as possible and consideration should be given to the use of high-level windows and/ or the use of obscure

glazing where the window serves a bathroom or landing. Bedrooms in general should not be lit by obscure glazed windows as a means to prevent undue overlooking of adjacent properties.

- Appendix 18, Section 1.6 (Daylight) is relevant and states:

Large single or two-storey rear extensions to semi-detached or terraced dwellings can, if they project too far from the main rear elevation, result in a loss of daylight to neighbouring houses. Furthermore, depending on orientation, such extensions can have a serious impact on the amount of sunlight received by adjoining properties. On the other hand, it is also recognised that the city is an urban context and some degree of overshadowing is inevitable and unavoidable. Consideration should be given to the proportion of extensions, height and design of roofs as well as taking account of the position of windows including rooms they serve to adjacent or adjoining dwellings.

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 are summarised below:

- The failure to consider the appellant's third-party submission constitutes a significant procedural error, as the local authority IT system failed to register the submission. The failure was acknowledged by the planning authority who offered a refund of the €20 observation fee.
- The appellant asks the Board to reconsider the decision of the planning authority and to review matters of due process arising from the failure to register a third party objection and also in the matter of the impact of the development on the appellant's property.
- The appellant claims that the proposed development would have a negative impact on her adjoining property at no. 71 Devenish Road in terms of overshadowing, blocking sunlight and negatively affecting the overall value of the property.
- The original letter of objection submitted on the 12/11/24 is appended to the appeal statement. The letter of objection states that the development if approved, as currently planned, will have a significant impact on the overall living conditions and value of the appellant's home.
- It is claimed in the letter of objection that the amount of natural light entering the kitchen of no. 71 Devenish Road would be negatively impacted by the development, including light coming through two windows and potentially light received through a Velux roof light.

7.2. Applicant Response

N/A

7.3. Planning Authority Response

No response to date.

7.4. Observations

N/A

8.0 Assessment

8.1. The following assessment covers the points made in the appeal submission and encapsulates my overall consideration of the application. It is noted there are no new substantive matters for consideration.

8.2. Firstly, in the matter of the lodgement of a third-party submission, it is not the function of An Bord Pleanála to interrogate the procedures of the planning authority in the process of the subject planning application. The relevant planning matters are assessed below.

8.3. I note that the subject third-party submission to the planning authority is on file.

Zoning

8.4. The site is zoned Z1 (Residential) in the Dublin City Development Plan 2022-2028: *'to protect, provide and improve residential amenities'*. Residential development is acceptable in principle and may be permitted where the proposed development is compatible with the overall policies and objectives of the zone.

8.5. The development proposed is a permissible use under the zoning objective for the area.

Development Plan policy residential extension

8.6. The applicant proposes to extend the existing dwelling house at no. 70 Devenish Road. The existing house has a floor area of 56 sqm. It has not been extended to date.

8.7. The proposed works at both ground and first floor level would extend the house to an overall 88 sqm. The proposal at first floor level would provide 3 bedrooms instead of the existing two bedrooms.

8.8. Appendix 18 (Ancillary Residential Accommodation), Section 1.1 of the Dublin City Development Plan 2022-2028 provides guidance on the general design principles for the extension of an existing residential unit. The guidance *inter alia* requires that extension should not have an adverse impact on the scale and character of the existing dwelling, should not adversely affect the amenities enjoyed by the occupants of adjacent buildings, should exhibit a high quality design and should make a positive contribution to the streetscape.

Front extension

- 8.9. The applicant proposes to construct a single-storey front façade porch. The porch would have a modest footprint, would have side fenestration, an overall height of 3m and would exhibit a flat roof.
- 8.10. I note that a number of houses on Devenish Road have single-storey front porches. I consider that a front porch is an evolved elevation characteristic of the houses on Devenish Road and, as such, is part of the pattern of development on the Road.
- 8.11. I note the porch would have a light grey render finish.
- 8.12. I consider that the design of the proposed porch is acceptable in principle and in detail.

Side extension

- 8.13. Appendix 18, Section 1.3 (Side Extensions) of the Dublin City Development Plan 2022-2028 *inter alia* states that ground floor side extensions will be evaluated against proximity to boundaries, size, and visual harmony with existing front elevations and impacts on adjoining residential amenity.
- 8.14. First floor side extensions will generally be acceptable where the extension would match the existing dwelling in design and height. However, in certain cases a set-back of an extension's front facade and its roof profile and ridge may be sought to protect amenities.
- 8.15. The applicant proposes to build a two-storey side extension onto the main house, which is an end of terrace property. No. 70 Devenish Road is one of eight houses in a terrace that forms part of a streetscape of terraces. The side extension would be visible from the street albeit set back at a significant distance from the main façade.
- 8.16. The extension would be 5790mm in height. It would be above the eaves height of the existing house and lower than the ridge height of the existing pitched roof (7490mm). The extension would exhibit a flat roof profile and would integrate with the proposed two-storey rear extension.
- 8.17. The side extension would accommodate a shower room and kitchen extension at ground floor level. In combination with the rear extension it would provide for the reconfiguration of the first floor to provide additional bedroom accommodation.

No. 69 Devenish Road

- 8.18. No. 69 Devenish Road is adjoining to the west. No. 69 is an end of terrace property in a terrace that is set forward of the subject terrace (70-77 Devenish Road) and it has a single-storey side extension located onto the boundary with no. 70 Devenish Road.
- 8.19. The proposed extension to no. 70 Devenish Road would be set-back from the property boundary with no. 69 Devenish Road by 1m, projecting 1165mm from the existing side elevation. The 1m separation distance from the boundary would maintain external access from the front of the property to the rear garden.
- 8.20. The planning case officer notes a discrepancy in the submitted drawings citing an inconsistency of 50mm in the separation distances between the side elevation of the existing house and the shared property boundary with no. 69 Devenish Road (the floor plans and elevation drawings show an existing gap of 2165mm while the site plan shows a gap of 2215mm).
- 8.21. I would concur with the planning case officer that a 1m separation distance should be maintained between the extended dwelling house and the shared property boundary. This matter can be dealt with by way of condition.
- 8.22. The proposed fenestration would be located to the front and rear of the extended property. The side extension would exhibit a blank rendered wall to the adjoining dwelling house located to the west, as such, there would be no direct overlooking of the adjoining property at no. 69 Devenish Road.
- 8.23. I consider that the proposed side extension would not have an adverse impact on the adjoining property at no. 69 Devenish Road given the separation distance between these end of terrace properties above ground floor level.

Separation of adjoining terraces

- 8.24. I note that if in the future a first-floor side extension to no. 69 Devenish Road is proposed, the maintenance of a 1m separation distance from the shared property boundary in combination with the proposed 1m separation distance provided by the subject application would ensure that an appropriate spatial gap is preserved between the terraces.

8.25. I consider that the set back from the front facade of the side extension and the proposed 1m separation gap with the shared property boundary would ensure that the streetscape building blocks remain visually separate and would mitigate conjoined terraces.

8.26. I consider on balance that the proposed two-storey side extension would be consistent with Appendix 18 of the Dublin City Development Plan 2022-2028.

Rear extension

8.27. Appendix 18, Section 1.3 (Rear Extension) provides guidance on the construction of first floor rear extensions, which 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.

8.28. The guidance *inter alia* requires that first floor rear extensions will be considered in terms of their length, height and proximity to mutual boundaries. Furthermore, assessment will include overshadowing, overbearing and overlooking impacts, remaining rear private open space and the material finish and design of the extension, which should be in harmony with the existing dwelling.

No. 71 Devenish Road

8.29. It is noted that the dwelling house to be extended is a terraced house. The appellant is the resident of the abutting house in the terrace at no. 71 Devenish Road. It is also noted that there is an existing single-storey extension to the rear of no. 71 Devenish Road.

8.30. The proposed 2-storey rear extension would project 2250mm (as shown on the submitted drawings) from the existing rear elevation. It would extend 5770mm across the rear of the property from the shared property boundary (indented) with no. 71 Devenish Road integrating with the proposed side extension.

8.31. The extension would have a grey render finish, parapet detail with dark metal capping and new windows. I consider that the rear extension would harmonise with the existing dwelling house in terms of its building form and material finish.

8.32. The rear garden net the extension footprint would be reduced in area. However, an acceptable private amenity space would be maintained (41 sqm.).

- 8.33. The appellant claims that the proposed development would have a negative impact on the adjoining property at no. 71 Devenish Road in terms of overshadowing, blocking sunlight / daylight and negatively affecting the overall value of the property.
- 8.34. Section 1.4 (privacy) *inter alia* states extensions should not result in any significant loss of privacy to the residents of adjoining properties. Generally, windows overlooking adjoining properties (such as in a side wall) should be avoided.
- 8.35. The proposed rear extension fenestration at ground and first floor level is located in the rear elevation overlooking the north-west orientation back garden. I consider that there would be no direct overlooking of adjoining properties.
- 8.36. Section 1.6 (Daylight) *inter alia* states that large single or two-storey rear extensions to dwellings can, if they project too far from the main rear elevation, result in a loss of daylight to neighbouring houses. Furthermore, depending on orientation, such extensions can have a serious impact on the amount of sunlight received by adjoining properties.
- 8.37. The height of the extension would be 5790mm, which is above the eaves height of the existing dwelling house. I note the submitted drawings indicate a 45 degree sunlight angle is maintained in accordance with BRE daylight standards.
- 8.38. The rear gardens of nos. 70 & 71 Devenish Road have a north-west orientation. The proposed two-storey extension is to the south-west of no. 71 Devenish Road. I consider that the two-storey extension may result in a marginal loss of south-west sunlight to the abutting property at no. 71 Devenish Road.
- 8.39. However, I do not consider that the two-storey extension would have a significantly adverse impact on the existing residential amenity of the property in terms of daylight and overbearing impacts given that there is an existing single-storey extension to the rear of no. 71 Devenish Road.
- 8.40. I acknowledge that the projection of the proposed two-storey rear extension at first floor level by 2250mm from the existing rear elevation of the terrace (70-77 Devenish Road), along the shared property boundary with no. 71 Devenish Road, would significantly alter the physical relationship along the shared property boundary with no. 71 Devenish Road.

- 8.41. However, I do not consider that the height and projection of the extension along the shared boundary would have significant adverse overshadowing impacts, including the penetration of sky light to the existing single-storey extension.
- 8.42. On balance I do not consider that significant adverse impacts would result from the construction of the proposed extension given the existing single-storey extension to the rear of no. 71 Devenish Road, the projection of the first floor rear extension by a reasonable 2250mm from the existing rear elevation of the terrace and the flat roof profile of the two-storey extension.

Conclusion

- 8.43. I would concur with the conclusion of the planning case officer that the proposed front porch and extension to the rear and side would have no undue adverse impact on the scale and character of the existing house and the residential and visual amenities of adjoining properties.

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 the extension of an existing dwelling house as set out in Section 2.0 of this report.

No significant nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site given the small-scale nature of the development.

I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

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

11.0 Reasons and Considerations

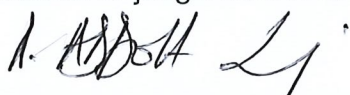
Having regard to the grounds of appeal, the residential zoning objective, the pattern development in the area and the policy framework for domestic extension set out in Appendix 18 (Ancillary Residential Accommodation) of the Dublin City Development Plan 2022-2028, it is considered that the proposed development to extend the existing dwelling house at no. 70 Devenish Road, subject to condition, would be consistent with Appendix 18, Section 1.0 (Residential Extensions) of the Dublin City Development Plan 2022-2028, would provide a reasonable upgrade of the existing accommodation on site, would not have an adverse impact on the amenities of adjoining properties, including no. 71 Devenish Road abutting, and, as such, would be consistent with the proper planning and sustainable development of the area.

12.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The side extension shall maintain a minimum separation of 1m from the boundary with the adjoining house at no. 69 Devenish Road.</p>

	Reason: To protect adjoining residential amenities by providing a spatial gap between nos. 69 & 70 Devenish Road while ensuring the visual separation of the adjoining terraces on Devenish Road.
3.	Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works. Reason: In the interest of public health.
4.	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. Reason: In the interest of visual amenity.
5.	Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 800 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.

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

18 March 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	WEB2274/24		
Proposed Development Summary	Domestic Extensions		
Development Address	70 Devenish Road, Dublin 12		
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. ASHLEY Lj

Date: 18/03/25