

An
Bord
Pleanála

Inspector's Report

ABP321597-25

Development

The construction of a single-storey extension to the rear of previously approved development ABP306245-19 and all associated site works.

Location

No.1 Sydenham Road, Ballsbridge, Dublin 4.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

WEB2074/24

Applicant(s)

James Coyle.

Type of Application

Permission.

Planning Authority Decision

Grant permission with conditions

Type of Appeal

Third Party

Appellant(s)

Dr Paula Bolger.

Observer(s)

None.

Date of Site Inspection

19/03/25.

Inspector

Anthony Abbott King

1.0 Site Location and Description

- 1.1. The development site comprises the truncated rear garden of no. 1 Sydenham Road. No.1 Sydenham Road is a two-storey period property, which is subdivided into a number of residential units.
- 1.2. The development site is accessed via a narrow laneway to the side of No. 1 Sydenham Road. There are a number of vehicular access gates along the laneway to the rear of properties on the Merrion Road. The subject lane extends in a right angle to the rear of nos. 1-5 Sydenham Road.
- 1.3. The development site is defined by Harris fence panels. The development of a mews house has commenced with the foundations of the house clearly demarcated by the works completed to date.
- 1.4. The mews house on the adjoining development site, to the rear of nos. 3 Sydenham Road, is advanced to roof construction stage.
- 1.5. The site area is given as 429 sqm.

2.0 Proposed Development

- 2.1. The construction of a single-storey extension to the rear of previously approved development ABP306245-19 and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 3 conditions.

Condition 2 states:

The terms and conditions of the permission for the original development, which was issued under Reg. Ref: 4142/19 (ABP Ref: 306245-19) shall be fully complied with, except where modified by this permission.

Reason: To provide for an acceptable standard of development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the CEO 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 are a number of third-party objections from the residents of no. 3 Sydenham Road (the owner of no.3 Sydenham Road is the appellant).

4.0 Planning History

The following planning history is relevant.

- Under Register Reference ABP306245-19 (DCC 4142/19) planning permission for a detached two-storey mews house was granted subject to 5 conditions.

Reasons & Considerations

The Board granted permission subject standard conditions having regard to the of the National Planning Framework (NPF) and the zoning provisions of the Dublin City Development Plan 2016-2022. The Board was therefore satisfied that whilst contrary to Section 16.10.16 (I), which states that potential mews laneways must have a minimum carriageway of 4.8 metres in width, the development would be justified in accordance with government policy on the delivery of housing from its current undersupply as provided for in the Rebuilding Ireland Action Plan and with Objective 11 of the NPF.

The Board stated that the proposed development would be acceptable in terms of pedestrian cyclist and pedestrian safety and would also be acceptable in terms of visual and residential amenity of adjoining properties and the amenity of future occupants.

The planning history of the adjoining property at the rear of no. 3 Sydenham Road is relevant

- Under Register Reference 4124/21 permission was granted for alterations to the approved two storey 2 storey 2 bed mews house previously granted under Dublin City Council ref: 2679/21. The alterations include construction of a new bedroom at attic level located in the valley between the front and back roofs.

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 H): *'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) 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:

Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. The extension should match or complement the main house.

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 appellant is the resident of the adjoining property at no. 3 Sydenham Road. The grounds of appeal are summarised below:

- The applicant submitted a general application rather than a retention application, as the foundations of the 7sqm. single-storey extension have commenced. A photograph of the development site is appended to the appeal statement (Exhibit 2).
- It is claimed that the development would represent an overdevelopment of the mews site. The main house on Sydenham Road has 22 bed spaces with limited open space provision. The mews house would have a deficit open

space provision of 32 sqm. reduced from the authorised 38 sqm. as provided for under DCC 4142/19.

- The appellant claims given the precedent of recent subdivision in the main house on Sydenham Road that the proposed extension may be used as a bedroom and that the two authorised bedrooms in the mews house may be subdivided - all to increase rental yield. Thus the minimum 10sqm. open space standard should be maintained.
- Section 15.13.5.4 and Section 4.3.8 of Appendix 5 of the Dublin City Development Plan outline the aims and objectives of a shared surface mews laneway. A minimum carriageway width of 4.8m is required. In circumstances where these widths cannot be provided safe access and egress for all vehicles and pedestrians must be demonstrated
- The roads authority have outlined that a 3m laneway is substandard, as the optimum width is 3.3m. This planning application aims to reduce the laneway width from the approved 3m laneway to 2.2m. However, within the site / lane there is sufficient space to maintain a 3m laneway as approved.
- A new roads authority review should be conducted to outline the high risk to pedestrians given that cars will have to reverse out of the 60m laneway to the public road.
- There are at present vehicles accessing / egressing the properties along the laneway including 30 active car parking spaces. The laneway is also an active pedestrian laneway and provides access to 20 pre-63 apartments, an emergency accommodation centre for young children and mothers and a HSE service provider.
- The appellant cites a Dublin Circuit Court Order S.160 planning injunction directing the applicant to comply with Dublin City Council Planning Ref: 4142/19 / ABP Ref: 306245-19 specifically to maintain a minimum 3m laneway width and 1m gap between the mews and the laneway (Exhibit 3 appended).
- The appellant claims in the matter of DRG. 24001-PL (RFI)-1.03 (Site Plan – As proposed), submitted to the planning authority by way of further

information response, that the drawing is incorrect in showing a laneway width of 3m.

- The proposed 3m laneway width is incorrect, as the laneway measurement includes the indent of a gateway to another property at no. 64 Merrion Road – a claimed depth of 600mm – located directly opposite the proposed gable of the authorised mews house (Exhibit 4 appended).
- Furthermore, the appellant claims that the 600mm indent is not in the applicant's ownership. The applicant does not have the requisite interest in the strip of land to the right hand side of the laneway measurement to make the laneway appear to be 3m for this planning application.
- There is no letter of written consent to include the indent in the application, as provided for under Section 22 of the Planning and Development Regulations 2001 (as amended). There is no indentation to the property line of 64 Merrion Road, as shown on the Ordnance Survey Map (Exhibit 5 appended).
- The appellant claims that the applicant intended to reduce the laneway width without clearly notifying the planning authority or the public. It is claimed that the proposed development is not in accordance with Condition 1 of the parent permission.
- Finally, the appellant claims that the laneway shown in the further information response is below the width of the established right of way over 120 years extant. The right of way for 8 houses, including the appellant's property, is established since the houses were constructed.

7.2. Applicant Response

None recorded to date.

7.3. Planning Authority Response

None to date.

7.4. Observations

None.

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 application form. The appellant claims that the applicant should have applied for retention permission rather than permission. I note that 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.
- 8.3. Furthermore, I note on the day of my site visit that the foundations of the authorised mews house are clearly visible on site. The foundation of the proposed rear extension is not part of the laid foundations. I refer the Board to the attached photographic record.
- 8.4. The relevant planning matters are assessed below.
- Development Plan Policy
 - Other matters

Zoning

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

Development Plan policy residential extension

- 8.7. The applicant proposes to extend the authorised mews houses (ABP306245-19) located to the rear of no.1 Sydenham Road. The authorised house has a floor area of 93 sqm. It is intended to build a single-storey rear extension of 7.6 sqm.

- 8.8. The proposed extension would omit a small plant room on the site of the extension. The extension would be used as a home office accessed from the living room / dining area in order to facilitate working from home.
- 8.9. 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.

Rear extension

- 8.10. Appendix 18, Section 1.3 (Rear Extension) provides guidance on the construction of rear extensions. Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. The extension should match or complement the main house.

Impacts on the amenities of adjacent properties

- 8.11. The proposed single-storey extension would have a footprint of 7600mm (2800mm x 3815mm). It would project 3815mm from the rear elevation of the authorised mews house. The material finish would match the authorised mews house (brick and metal roof to match approved).
- 8.12. The extension would be located to the south-west of the adjoining mews development to the rear of nos. 3 Sydenham Road positioned along the shared property boundary (DCC 4124/21).
- 8.13. The north-east property boundary is characterised by the massing of a two-storey gable elevation (with habitable attic accommodation) under construction, which is constructed to roof level. The single-storey extension would abut a 1800mm brick wall between the extension and the blank two-storey gable of the adjoining mews house.
- 8.14. I consider that no overbearing, overlooking or other adverse impacts would result from the proposed single-storey development in the matter of the adjoining property to the north-east.

- 8.15. The rear extension would be located 5275mm from the rear property boundary with no. 1 Sydenham Road. I consider that the proposed development would not have an adverse impact on no.1 Sydenham road given the single-storey nature of the extension and the separation distance between the proposed extension and the shared property boundary with the main house at no.1 Sydenham Road.
- 8.16. I conclude that the proposed extension would not have an adverse impact on the residential and visual amenities of adjoining properties given its modest footprint, height, material finish and limited projection.

Open Space

- 8.17. The appellant claims that the proposed development would represent an overdevelopment of the mews site. It is claimed that the cumulative development of the authorised mews house and the rear extension would provide for a substandard amenity space to the rear of the authorised mews house.
- 8.18. The planning authority required clarification by way of further information on the 31/10/24 of a number of matters including open space provision. A further information response was received on the 06/11/24 *inter alia* including a clarification of the residual rear garden area.
- 8.19. The open space provision is given as 34 sqm., as shown on further information DRG. 24001-PL(RFI)-1.03 (November 2024), which is the net rear garden area following the subtraction of the footprint of the extension and an approved store.
- 8.20. 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. The authorised mews house has a total of two double bedrooms requiring a development plan standard of 40 sqm. of open space.

SPPR2

- 8.21. 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. I consider 30 sqm. to be the relevant quantitative open space standard.
- 8.22. 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.

- 8.23. The applicant confirms by further information response that the rear garden as proposed would be screened from public areas and would be safe and secure for children overlooked by the kitchen / living room area of the house.
- 8.24. I consider that the proposed 34 sqm. of open amenity space proposed to the rear of the authorised mews house and single-storey extension would satisfy the quantitative and qualitative standards of the Sustainable Residential Development and Compact Settlement Guidelines.

Applicant's motivation in the extension of the authorised dwelling house.

- 8.25. Finally, in the matter of open space, the appellant claims, given the precedent of recent subdivision in the main house at No. 1 Sydenham Road, that the proposed extension could be used as a bedroom and that the two authorised bedrooms in the mews may be subdivided. Thus the minimum 10sqm. open space standard should be maintained.
- 8.26. The appellant cites the motivation of the applicant to extend and subdivide is to increase rental yield. The applicant has submitted a planning application to provide a ground floor home office. I accept the bona fides of the applicant.

Other Matters

- 8.27. The appellant cites a Dublin Circuit Court Order S.160 directing the applicant to comply with Dublin City Council Planning Ref: 4142/19 / ABP Ref: 306245-19 specifically in the matter of the provision of a minimum 3m laneway width and 1m gap between the mews and the laneway (Exhibit 3). I note these matters.
- 8.28. The planning authority requested further information on the 31/10/24 *inter alia* in regard to matters relating to the broader development site area. The applicant was requested to provide revised drawings and particulars, including site layout plans and floor plans which accurately show the development as permitted under the parent application (ABP306245-19).
- 8.29. The revised drawings requested by the planning authority would include the width of the laneway, the permitted bicycle parking spaces and the approved boundary treatments.

- 8.30. Further information was received on 06/11/24 providing clarification, including an augmented site layout plan DRG. 24001-PL(RFI)-1.03 showing the overall development as proposed. The planning case officer noted the submitted drawings and recommended a grant of planning permission subject to standard conditions.
- 8.31. DRG. 24001-PL(RFI)-1.03 (dated November 2024) *inter alia* illustrates a 3m laneway width in the location of mews house gable with an additional 1m gap between the gable and the property boundary onto the lane.
- 8.32. The appellant claims that the proposed laneway width is effectively 2400mm (2.2m stated within the appeal statement), as the laneway measurement includes the indent of a gateway to another property at no. 64 Merion Road opposite. It is claimed that the gate indent has a depth of 600mm.
- 8.33. Furthermore, the appellant claims that the 600mm indent is not in the applicant's ownership. Therefore the width of the laneway is less than 3m. It is claimed that the indent should be excluded from the overall laneway width calculation, as there is no letter of consent on file to include the indent in the application.

Landownership issues

- 8.34. I note that the subject lane does not form part of the application site. I also note that the lane is demarcated in blue on the submitted site layout.
- 8.35. The applicant site is clearly demarcated by the red line boundary shown in the submitted site plan (DRG. 24001-PL-1.03 dated September 2024). The planning applicant relates to a rear extension. The footprint of the extension is clearly within the submitted red-line site boundary.
- 8.36. I consider the application valid in terms of landowner consent.

Laneway width

- 8.37. The appellant claims that roads authority have outlined that a 3m laneway is substandard, as the optimum width is 3.3m. The appellant claims that the planning application aims to reduce the laneway width from the approved 3m I to 2.2m even though within the site / laneway there is sufficient space to maintain a 3m laneway as approved.
- 8.38. I note that the subject laneway is narrower at certain pinch points along its length. The adjudicating planning inspector on the parent application (ABP306245-19)

measured the lane at the entrance onto Sydenham Road as less than 2.4m in width. The Inspectors Report notes that there is a pinch point along the laneway alignment of 2.1m.

8.39. The appellant claims that a new roads authority review should be conducted owing to the deficient laneway width given the consequent risk to pedestrians of reversing vehicles accessing / egressing the properties along the laneway including 30 active car parking spaces.

8.40. I consider that the matter of lane width was dealt with as part of the parent application. The Board granted planning permission noting in the reasons and considerations that the proposed development would be acceptable in terms of cyclist and pedestrian safety.

8.41. Finally, I note that the indent of the gate into the rear of no. 64 Merrion Road is visually and functionally part of the laneway. I consider that Drawing DRG. 24001-PL(RFI)-1.03 (dated November 2024) submitted by way of further information accurately represents the width of the laneway as 3m in width.

Public notice and the reduction in laneway width

8.42. The appellant claims that the applicant intended to reduce the laneway width without clearly notifying the planning authority or the public. It is claimed that the proposed development is not in accordance with Condition 1 of the parent permission in the matter of the submitted drawings, which *inter alia* show the width of the laneway.

8.43. The submitted planning drawings under the parent permission (ABP306245-19 / DCC 4142/19) include a site plan DRG. No. 19/22/1 dated July 2019, which shows a laneway width of 3m and a 1m gap between the gable end of the mews house and the property boundary onto the subject lane.

8.44. I have compared the site plan DRG. No. 19/22/1 (dated July 2019), submitted under the parent application, and Drawing DRG. 24001-PL(RFI)-1.03 (dated November 2024) submitted in response to further information. I note no material difference in the spatial relationships shown on the drawings.

Right of way width

- 8.45. Finally, in the matter of the width of the established right of way serving 8 houses, including the appellant's property, it is claimed that the right of way is shown incorrectly on the submitted further information drawings.
- 8.46. The Development Management Guidelines for Planning Authorities (June 2007), Section 5.13 (Issues relating to title to land) states that the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land. These are ultimately matters to be dealt with and resolved by the Courts.

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 authorised mew. 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 outlined below.

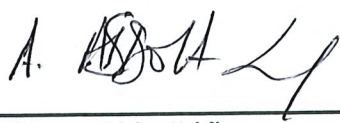
11.0 Reasons and Considerations

Having regard to the grounds of appeal, the residential zoning objective and the policy framework provided by the Dublin City Development Plan 2022-2028, including Appendix 18 (Ancillary Residential Accommodation), the proposed development of a single-storey 7.6 sqm rear extension to the authorised mews house on site, subject to condition, would be consistent with Appendix 18, Section 1.3 (Rear Extension) of the Dublin City Development Plan 2022-2028, would not have an adverse impact on the residential and visual amenities of adjoining properties 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, as amended by the further plans and particulars submitted on the 06 day of November 2024, 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 terms and conditions of the permission for the original development, which was issued under Reg. Ref: 4142/19 (ABP Ref: 306245-19) shall be fully complied with, except where modified by this permission.</p> <p>Reason: To provide for an acceptable standard of development</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.

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

Anthony Abbott King
Planning Inspector

21 March 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP321597-25		
Proposed Development Summary	Domestic Extension		
Development Address	No. 1 Sydenham Road		
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

Date: 2/03/25