



An  
Bord  
Pleanála

## Inspector's Report ABP-321631-25

### Development

Construction of new single-storey extension to the side and rear of existing house with reworking of existing bay windows and new dormer to front elevation, attic conversion and all associated site works.

### Location

9 Roebuck Avenue, Mount Merrion,  
Blackrock, Co. Dublin, A94 K3V6

### Planning Authority

Dun Laoghaire Rathdown County  
Council

### Planning Authority Reg. Ref.

D24A/0855/WEB

### Applicant(s)

John & Sharon McDermott

### Type of Application

Permission

### Planning Authority Decision

Grant

### Type of Appeal

Third Party

### Appellant(s)

Frank Elmes

### Observer(s)

none

**Date of Site Inspection**

27<sup>th</sup> February 2025

**Inspector**

Aisling MacNamara

## **1.0 Site Location and Description**

- 1.1. The appeal site is located at no. 9 Roebuck Avenue in Mount Merrion, Co. Dublin. Dwellings along Roebuck Avenue are mostly detached single storey or dormer structures. Many dwellings have been altered and extended however the original 1930s character of the road is largely in tact. No. 9 Roebuck Avenue is a mid row bungalow served by vehicular entrance from Roebuck Avenue. The house is provided with on site parking to the front and a large rear garden. Adjoining properties include no. 20 Roebuck Avenue to the west and no. 7 Roebuck Avenue to the east. The rear boundary adjoins the rear garden of the adjoining residential property no. 30 The Rise. Roebuck Avenue is a relatively lightly trafficked residential road with footpaths either side.

## **2.0 Proposed Development**

- 2.1. Permission is sought for the following:

- New single storey extension to the side and rear of the existing house,
- New dormer to front elevation and attic conversion with new rooflights to roof,
- Remodelling of the existing bay windows
- Widening of existing entrance,

The area of the site is 0.09ha. The floor area of the existing building is 90sqm. The floor area of proposed works is stated to be 161sqm (application form).

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority made the decision by order dated 12<sup>th</sup> December 2024 to grant permission subject to 10 conditions.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

- The report of the Case Planner sets out the basis for a recommendation to grant permission.

#### 3.2.2. Other Technical Reports

- Drainage Section: recommends further information on matters pertaining to disposal of surface water and drainage.

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

One third party submission was received raising the following issues:

- Concern regarding overshadowing.
- Concern regarding overlooking.
- Concern regarding adequacy of the application details and drawings including site notice.

## 4.0 Planning History

There is no planning history for the subject site.

The planners report sets out details regarding the planning history of adjoining sites.

The following relates to no. 5 Roebuck Avenue:

PA21A/0843, ABP 312558-22 – Grant May 2022 – permission to extend and alter house and garage.

The following relates to no. 7 Roebuck Avenue:

PA D03A/0424 – Grant June 2003 – permission for alterations and extension.

PA15A/0442 – permission granted for widening of vehicular entrance and refused for a new entrance.

## 5.0 Policy Context

### 5.1. Development Plan

The Dún Laoghaire-Rathdown County Development Plan 2022-2028 applies.

- **Zoning:** ‘Objective A’ which seeks “to provide residential development and improve residential amenity while protecting the existing residential amenities”.
- **PHP19: Existing Housing Stock - Adaptation** It is a Policy Objective to:
  - Conserve and improve existing housing stock through supporting improvements and adaption 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.
- **PHP20: Protection of Existing Residential Amenity** It is a Policy Objective to ensure the residential amenity of existing homes in the Built Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.
- **HER21: Nineteenth and Twentieth Century Buildings, Estates and Features** It is a Policy Objective to:
  - i. Encourage the appropriate development of exemplar nineteenth and twentieth century buildings, and estates to ensure their character is not compromised.
  - ii. Encourage the retention and reinstatement of features that contribute to the character of exemplar nineteenth and twentieth century buildings, and estates such as roofscapes, boundary treatments and other features considered worthy of retention.
  - iii. Ensure the design of developments on lands located immediately adjacent to such groupings of buildings addresses the visual impact on any established setting.

- 12.3.3 Quantitative Standards for All Residential Development
- 12.3.7.1 Extensions to Dwellings

## 5.2. **Natural Heritage Designations**

There are no natural heritage designations on or in the vicinity of the subject site.

## 5.3. **EIA Screening**

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

An appeal was lodged by the owners / occupiers of the adjoining property no.7 Roebuck Avenue located to the east of the site. The issues raised are summarised as follows:

- The submitted drawings misrepresent no.7 Roebuck Avenue. The drawings do not show the existing footprint and plan of no.7 which is as per D03A/0424. The west elevation of no.7 features five windows directly facing no.9 including kitchen / living /dining, utility, lounge and study.
- Concerns regarding overshadowing / loss of daylight – concerns raised that fails to comply with BRE Guidelines, no sunlight /daylight assessment has been submitted, there will be a material loss of daylight/ sunlight to the windows in the western façade of no. 7, sunlight will be obstructed (proposed development is to be constructed within the 90 degree span of due south and taking account of 25 degree rule of BRE Guidelines), the new development reduces the vertical sky component to 20% (west facing study) which is below the relevant standards.

- Concerns regarding overlooking impact – rooflights proposed on eastern slope of proposed roof will result in overlooking of no.7.
- Adverse impact on visual amenities of the area, out of character, failure to comply with HER21 for protection of nineteenth and twentieth century buildings, side extension extends the front building line – horizontal emphasis is discordant feature at odds with established pattern.
- Due to close proximity to eastern boundary, the proposed extension will appear overbearing and visually incongruous.

## 6.2. Applicant Response

The applicant has responded to the third party appeal. The issues raised are summarised as follows:

- Works pursuant to D03A/0424 for extension and alterations to no.7 have been considered. The works carried out are similar to that of the proposed development. The proposed works are in character with the pattern of development in the area.
- The appeal refers to five windows on the west elevation of no.7. The proposed development provides proportionately more separation to shared boundary than at appellants site.
- Daylight and Sunlight Analysis report submitted by H3D. The report was prepared using methodology of BRE209 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice'. The conclusions with respect to vertical sky component analysis, sunlight assessment on windows and overshadowing of garden, show that the reduction in daylight / sunlight caused by the proposed development is negligible.
- Reject that the proposed three rooflights on the eastern roof plane will result in overlooking – roof window 1 is high level non opening above ground floor foyer, pair of roof windows 2 is to storage around attic bedroom. There is similar pattern of roof windows on no. 7 facing the appeal site.

- Reject that the extension would be at odds with the pattern of development. Houses in this area have undergone redevelopment and the subject site is the only house yet not extended.
- At pre application stage the plans were revised to account for impacts on no.7, specifically the extension was set back 1200mm from boundary and east roof elevation hipped to reduce roof profile.
- Request Board uphold decision of planning authority to grant permission. All issues have been considered by planning authority.

### **6.3. Planning Authority Response**

The planning authority has responded stating that the grounds of appeal do not raise any new matter which in the opinion of the planning authority would justify a change in attitude to the proposed development.

### **6.4. Observations**

None received.

### **6.5. Further Responses**

- 6.5.1. The appellant submitted a further response to the submission from the applicant. The issues raised are summarised as follows:

- The appeal concerns relate to the proximity of the extension to the west-facing windows of no.7 and the impact that the extension will have on the amenity of these rooms. The appeal does not raise concerns in relation to the principle of the extension at the application site or the scale of the extension.
- Comparing the plans of original houses, extended houses and proposed development show that the proposed extension has a greater impact on no.7 than other similar development.
- The submitted Daylight and Sunlight Analysis does not include any assessment of the impact of the proposed development on sunlight access to the west facing study window at no. 7. The submitted Daylight and Sunlight Assessment does not include any shadow diagrams. There is a lack of



information to base a finding of likely overshadowing of the western side of no.7. Due to height and proximity, the development will result in material loss of sunlight to some windows in the western façade at no.7 and loss of residential amenity. Views from study window will be dominated by extension, there is no assessment of impact on views as per section 5.2.1 of the BRE Guidelines.

- Submitted a shadow mapping drawing showing that the development will overshadow the side windows of no.7 with majority of windows shaded from afternoon onwards.

6.5.2. The planning authority submitted a further response stating that no new matter has been raised which would justify a change in attitude to the appeal.

## **7.0 Assessment**

7.1. Having examined the application details and all other documentation on file, including all submissions received in relation to the appeal, and inspected the site, and having regard to relevant local policies and guidance, I consider that the main issues in this appeal are as follows:

- Residential amenity
- Design and visual amenity

### **7.2. Residential amenity**

7.2.1. The proposed development is for extension and alterations to an existing house and widening of the existing entrance. The proposed development is located in an area zoned for residential uses in the Dun Laoghaire Rathdown County Development Plan (CDP) 2022-2028. The principle of development is therefore acceptable.

7.2.2. The appellant has raised concerns in relation to the impact of the proposed development on the residential amenity of their property. I note the zoning objective is 'to provide residential development and to improve residential amenity while protecting the existing residential amenities'.

7.2.3. Impact on daylight and sunlight

- 7.2.4. The appellant has raised concerns in relation to the impact of the development on their property including the loss of daylight and sunlight to the windows on the western elevation of their property no. 7 Roebuck Avenue.
- 7.2.5. The applicant has submitted a Daylight and Sunlight Analysis. The assessment takes account of the impact of the proposed development on the existing adjoining house no.7 Roebuck Avenue including the works carried out under permission D03A/0424. The assessment was prepared using the methodology set out in the BRE Guidelines 'Sight Layout Planning for Daylight and Sunlight: A Guide to Good Practice, Third Edition 2022. The Guidelines include methodologies and standards for the protection of daylight and sunlight in existing buildings.
- 7.2.6. The vertical sky component (VSC) is a calculation of the amount of skylight that falls on a vertical window. A proposed development could have a noticeable effect on the daylight received by an existing window if the VSC value drops below 27% and the VSC value is less than 0.8 times the existing value. The assessment calculates the impact on the windows of the living /dining, study / bedroom 4 and lounge which are the relevant rooms to be assessed which could be impacted by the proposed development. The utility room is not tested which is acceptable having regard to the Guidelines which states that windows such as bathrooms, toilets, storerooms etc need not be assessed. All tested windows will receive skylight in accordance with the standards. The living dining has 5 windows and proposed VSC of window 1 is 35.99%, window 2 is 36.08%, window 3 is 35.35%, window 4 is 18.64% but the difference from the existing is 0.99, window 5 is 18.61% but the difference from the existing is 0.99. The study/bedroom 4 has one window with a proposed VSC of 19.17% but the difference from the existing is 0.98. The lounge has 2 windows and the proposed VSC of window 8 is 19.38% but the difference from the existing is 0.98 and the VSC of window 9 is 36.63%.
- 7.2.7. A development could potentially have a negative effect on the level of sunlight that a neighbouring property receives if the obstructing building is located to the south. The Guidelines suggest that windows with orientation within 90 degrees of due south should be assessed for a measure of sunlight that the window may expect to receive over a period of a year or the annual probable sunlight hours (APSH). A proposed development could have a noticeable effect on sunlight to an existing window if the APSH value drops below the annual (25%) or winter (5%) guidelines and the APSH

value is less than 0.8 times the baseline value and there is a reduction of more than 4% to the annual APSH. The guidelines suggest that all main living rooms of dwellings should be checked if they have a window facing within 90 degrees of due south. The submitted analysis states that there is one window to the main living room (lounge) that is within 90 degrees of due south. When tested, this window will receive a proposed APSH of 31.47% which is in accordance with the standards.

7.2.8. The Guidelines recommend that for a garden to appear adequately sunlit throughout the year, at least half of it should receive at least two hours of sunlight on March 21<sup>st</sup>. When tested, 93.98% of the garden amenity space of no.7 will receive at least 2 hours of sunlight which is in accordance with the standards.

7.2.9. In their further response, the appellants have raised concerns regarding the adequacy of the submitted analysis. They argue that the analysis does not consider the impact on sunlight to the west facing study window which they state is within 90 degrees of due south. They have submitted shadow diagrams to show that the majority of windows and solar panels will receive shade and will be impacted by 'perceived overshadowing'. They indicate that views from the study window will be obscured and dominated and reference is made to section 2.2.22 of the Guidelines which refers to obstructed views and privacy. In this respect, I am satisfied that the assessment carried out has used the methodologies outlined in the BRE Guidelines and that this is the appropriate robust best practice method by which impact on daylight and sunlight can be objectively measured and assessed. The analysis does not include an assessment of the impact of the development on sunlight to the west facing study window. Under the permitted layout D03A/0424, the relevant window is referenced as 'study / bedroom 4'. The Guidelines suggest that main living rooms be checked and I would take the view that the 'study / bedroom 4' room is not a main living room. Overall, I am satisfied that the information presented in the submitted analysis is satisfactory.

7.2.10. Having regard to the above, I am satisfied that the adjoining property no.7 Roebuck Avenue will receive satisfactory daylight and sunlight and that the amenity of the property will not be unduly compromised by reason of overshadowing from the proposed development.

7.2.11. Overlooking impact

- 7.2.12. The appellants have raised concerns that the proposed rooflights on the eastern slope of the proposed roof will result in overlooking of their property no. 7 Roebuck Avenue.
- 7.2.13. The eastern slope of the proposed new roof contains three proposed rooflights. The largest rooflight closest to the boundary serves the ground floor foyer and the two smaller rooflights serve upstairs storage. Having regard to the angle of the roof and to the position of the rooflights on the roof, the use of the proposed rooms and the separation between the two properties, I am satisfied that the privacy of no. 7 would not be unduly compromised by overlooking.
- 7.2.14. Overbearing impact
- 7.2.15. The proposed extension is a single storey extension to side and rear. The extension is setback from the side boundary with no. 7 by 1.2m and there is a separation of over 2m between the proposed development and the dwelling at no.7. The roof profile is to be altered to hipped roof to accommodate the proposed extension and roof conversion. The height of the proposed extension matches that of the existing house and the maximum ground to ridge height of the house is 6.14m. Having regard to the layout, the modest height and scale of the proposed works, and the separation and juxtaposition of both houses, I do not consider that the works would be visually intrusive or have an overbearing impact on the adjoining house no. 7.
- 7.2.16. In conclusion, I am satisfied that the proposed works would not significantly compromise the amenity of the adjoining property no. 7 and that the development is in accordance with the objective to provide for residential development and to protect residential amenity.

### **7.3. Design and visual amenity**

- 7.3.1. The appellants raise concerns that the proposed development adversely impacts on the appearance of the existing house and adversely impacts on the character and visual amenity of the area.
- 7.3.2. I note objective PHP19 of the CDP which is an objective to conserve and improve existing housing stock through supporting improvements of existing homes. The proposed development is for an extension to a small existing house. The works will improve and upgrade the existing house and this is in accordance with PHP19.

- 7.3.3. I also note objective HER21 of the CDP which aims to encourage appropriate development of exemplar nineteenth and twentieth century buildings. The house dates from the 1930s and has not been extended or altered. It is located within a row of other detached bungalows constructed during this period. This is an attractive street and many of the buildings have retained many of the original features. Many of these original houses have been extended and altered with varying designs so that there is no strict formal architectural composition across this row.
- 7.3.4. I note the design guidelines set out in section 12.3.7.1 in relation to extensions to dwellings which sets out guidance with respect to side and rear extensions, roof alterations, attic conversions and dormer extensions. This advice generally aims to promote good design and the protection of residential amenity.
- 7.3.5. The proposed works involve the alteration of the roof profile from pyramidal design to hipped design and the construction of a roof dormer to the front roof, the construction of an extension which increases the mass of the building as viewed from the street and the replacement of windows in the two existing front bays with new aluminium windows. The extension is proportionate in scale and massing to the existing house and is finished in render and matching roof tiles. Many of the roofs along this row have been altered and I am satisfied that the change in roof profile can be accommodated and that the altered roof integrates with the existing roof. The front dormer does not dominate the main roof and respects the form of the main roof. I am satisfied that the architectural appearance of the house is acceptable and that the proposed works respect the original design and finish of the existing house. Having regard to the existing pattern of development, I am satisfied that the proposed works would not disrupt the architectural composition of the street. I am satisfied that the proposed works would not undermine the character of the streetscape or the visual amenity of the area and that the works are in accordance with HER21 and are in accordance with the design guidance for extensions as set out in the CDP.

## **8.0 AA Screening**

- 8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act as amended. The subject site is not located within or adjacent to any European site. The closest European sites are the South

Dublin Bay Special Area of Conservation and South Dublin Bay and River Tolka Estuary Special Protection Area located 1.4km to the northeast. 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 an appreciable effect on a European site. The reason for this conclusion is as follows:

- The small scale and domestic nature of the development.
- The location of the development in a serviced urban area, the distance to the Natura 2000 site network and the absence of pathways to any European site.

I consider that the proposed development would not be likely to have a significant effect individually or in-combination with other plans or projects, on a European site and appropriate assessment is therefore not required.

## **9.0 Recommendation**

I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations as set out below.

## **10.0 Reasons and Considerations**

Having regard to the established residential use on the site, the prevailing pattern and character of development in the area, and the nature, scale and design of the proposal, it is considered that, subject to compliance with the conditions set out below, the proposal would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and public health. The proposal would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **11.0 Conditions**

1. 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.

Reason: In the interest of clarity.

2. The external finishes of the proposed extension shall harmonise with those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

3. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Aisling Mac Namara  
Planning Inspector

25<sup>th</sup> March 2025



# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	321631		
<b>Proposed Development Summary</b>	Construction of new single-storey extension to the side and rear of existing house with reworking of existing bay windows and new dormer to front elevation, attic conversion and all associated site works.		
<b>Development Address</b>	9 Roebuck Avenue, Mount Merrion, Blackrock, Co. Dublin, A94 K3V6		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b> x	Proceed to Q2.
		<b>No</b>	No further action required
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>		State the Class here.	Proceed to Q3.
<b>No</b>	x		No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required

<b>No</b>			Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>		State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	x	<b>Pre-screening determination conclusion remains as above (Q1 to Q4)</b>
<b>Yes</b>		<b>Screening Determination required</b>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_