



An
Bord
Pleanála

Inspector's Report ABP-321648-25

Development

Demolition of the existing side extension and construction of a new extension and all associated site works.

Location

Ard na Gréine, Ardeevin Road,
Dalkey, Co. Dublin, A96 XE68

Planning Authority

Dun Laoghaire Rathdown County
Council

Planning Authority Reg. Ref.

D24A/0844/WEB

Applicant(s)

John McHugh and Derval Mercer

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Conor Halpenny and Niamh Caffrey

Observer(s)

None

Date of Site Inspection

3 March 2025

Inspector

Natalie de Róiste

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1.0 Site Location and Description

- 1.1. The site comprises a detached house with large front and rear garden on the south side of Ardeevin Road. The two-storey house has a pitched roof, an entrance porch to the west gable, and a box bay window to the front. It has a two-storey flat-roofed rear return, and single-storey extensions to both east and west gables. The site is sloped, with a courtyard to the rear leading via a flight of steps up to the rear lawn, which is also accessed by a raised deck located at first floor level.
- 1.2. The site backs onto a gated service lane, with a pedestrian gate set in a rubble stone wall. The front boundary is formed by a crenellated rubble stone boundary wall, which matches those on neighbouring sites. The vehicular entrance has rendered piers and wing walls.
- 1.3. This part of Ardeevin Road is characterised by large houses on large plots, many of late nineteenth/early twentieth century construction. The semi-detached pair to the west (St Michael's, RPS nos 1522 and 1523, with a granite façade and red brick dressings) are protected structures. To the east is a red brick pair with full-height bay windows. The houses face Dalkey railway station.

2.0 Proposed Development

- 2.1. Permission is sought for the following works:
 - Demolition of the existing single-storey side extension (c. 35 sqm), and construction of a new single-storey extension (c. 59 sqm) to side and rear of existing house (stated area c. 298 sqm)
 - New dormer windows to front (c. 2.5 metres wide) and rear (c. 4.6 metres wide), removal of four of existing six rooflights
 - New side and rear escape stairs
 - Widening of existing vehicular entrance (from c. 2.85 metres to c. 4.35 metres)
 - Addition of rear boundary timber fence (c. 1.8 metres tall)
 - All ancillary hard and soft landscaping.

The application drawings and documents also show a raised boundary wall to the front, (from c. 1.1 metres to c. 1.8 metres in height), and the provision of a first floor door to the west of the return leading to a screened terrace (1.8 metres high privacy screen), although these elements were not stated in the public notices.

3.0 Planning Authority Decision

3.1. Decision

Grant with conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planner's report noted the character of the house and street, the planning history, development plan policy, the third party submission and technical reports. It considered the extension and dormers largely acceptable and compliant with development plan policy, but considered the external access deck/balcony overbearing and of poor architectural quality, and the amendments to the front boundary wall to be detrimental to the amenity of the area.

3.2.2. Other Technical Reports

- Drainage Planning – no objection subject to conditions
- Transport Planning – no objection subject to conditions, including maximum width of 3.5 metres for the vehicular entrance

3.2.3. Conditions

Twelve conditions, in total, including the following amending conditions:

2. The proposed development shall be modified as follows:

a. The proposed external access deck/balcony to the rear of the house shall be omitted from the proposed development. The external fire escape door shall be omitted and replaced with an appropriate window type.

b. The proposed raised front boundary wall shall be omitted from the proposed development. The front boundary with widened entrance (max 3.5 metres) shall be as per the existing height, with a low boundary wall and hedging.

REASON: In the interest of residential and visual amenity.

6. The width of the proposed widened vehicular entrance shall be no more than 3.5 metres in accordance with Section 12.4.8.1 General Specifications of the current DLRCC County Development Plan 2022-2028. Any proposed gates shall be inward opening only and shall be manually operated.

REASON: In the interest of traffic and pedestrian safety.

- 3.2.4. Conditions on materials, SuDS, construction works, use of the premises as a single dwelling unit, and development contributions were also attached.

3.3. Prescribed Bodies

No reports received.

3.4. Third Party Observations

One received, from the neighbour to the east (the appellant). Issues raised were subsequently raised in the appeal.

4.0 Planning History

D15B/0312: Permission granted for single-storey ground floor side extension, and new roof over existing side extensions.

D09B/0107: Permission granted for 3 roof lights to front and rear of attic for non-habitable accommodation.

5.0 Policy Context

5.1. Dún Laoghaire-Rathdown County Development Plan 2022-28

- 5.1.1. The zoning objective for the subject development site is “A”: To provide residential development and improve residential amenity while protecting the existing residential amenities.
- 5.1.2. Chapter 4: Neighbourhood – People, Homes and Place sets out policies and objectives on housing in Section 4.3: Homes.

Policy Objective 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 the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.

- 5.1.3. Chapter 12 gives detailed guidance on Development Management.

Section 12.3.7.1 Extensions to Dwellings provides guidance on various types of extensions (front, rear, side, and at roof level).

The following Section provides guidance with respect to porches, front extensions, side extensions, rear extensions, roof alterations, attic conversions and dormer extension.

(i) Extensions to the Rear:

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. 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.*

(iii) Extensions to the Side: 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 façade 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.

Any planning application submitted in relation to extensions, basements or new first/upper floor level within the envelope of the existing building, shall clearly indicate on all drawings the extent of demolition/wall removal required to facilitate the proposed development and a structural report, prepared by a competent and suitably qualified engineer, may be required to determine the integrity of walls/structures to be retained and outline potential impacts on adjoining properties. This requirement should be ascertained at preplanning stage. Side gable, protruding parapet walls at eaves/gutter level of hip-roofs are not encouraged.

The proposed construction of new building structures directly onto the boundary with the public realm (including footpaths/open space/roads etc), is not acceptable and it will be required that the development is set within the existing boundary on site and shall not form the boundary wall. The provision of windows (particularly at first floor level) within the side elevation of

extensions adjacent to public open space will be encouraged in order to promote passive surveillance, and to break up the bulk/extent of the side gable as viewed from the public realm.

(iv) [] Dormer extensions to roofs, i.e. to the front, side, and rear, will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties. The design, dimensions, and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations. Dormer extensions shall be set back from the eaves, gables and/or party boundaries. Dormer extensions should be set down from the existing ridge level so as to not read as a third storey extension at roof level to the rear.

The proposed quality of materials/finishes for dormer extensions will be considered carefully as this can greatly improve their appearance. The level and type of glazing within a dormer extension should have regard to existing window treatments and fenestration of the dwelling. However, regard should also be had to size of fenestration proposed at attic level relative to adjoining residential amenities.

Particular care will be taken in evaluating large, visually dominant dormer window structures, with a balance sought between quality residential amenity and the privacy of adjacent properties. Excessive overlooking of adjacent properties should be avoided.

- 5.1.4. Section 12.4.8 sets out standards for vehicular entrances and hardstanding areas, and gives a maximum width of 3.5 metres for a single residential dwelling as a general rule.

5.2. Natural Heritage Designations

Rockabill to Dalkey SAC – 900 m east

Dalkey Islands SPA – 600 m east

Dalkey Coastal Zone and Killiney Hill pNHA – 400 m south

5.3. EIA Screening

- 5.3.1. 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

One third party appeal was received, from the neighbour to the west. Issues raised are summarised as follows:

- Proposal is excessive, out of scale, and injurious to neighbouring residential and visual amenities.
- Rear elevations not properly shown, hindering assessment of impacts. Reference to height of boundary hedge (which would be felled to facilitate works) is inappropriate and misleading.
- No rationale for demolition of existing extension and construction of another, contrary to Section 12.21 of Development Plan.
- Substantial dormer windows with minimal setback and extensive glazing are excessive in size, height, and scale, and will read as a third storey extension and create excessive overlooking, contrary to Section 12.3.7.1 (iv).
- Overbearing and overshadowing impacts on adjoining patio area, due to increased height (from 2.4 m to 3.545 m) of extension.
- Non-habitable attic space will not and cannot comply with building regulations for habitable space due to insufficient height, and the applicant is attempting to convert non-habitable space to habitable space.
- Should the Board grant permission, conditions omitting the rearmost part of the side extension, and the dormer windows, should be attached.

6.2. **Applicant Response**

None received.

6.3. **Planning Authority Response**

The planning authority refers the Board to the previous planner's report, noting that the appeal does not raise any matter which would justify a change of attitude to the proposed development.

6.4. **Observations**

None received.

6.5. **Further Responses**

None received.

7.0 **Assessment**

- 7.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal and the report of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Visual amenity
- Overbearing impacts and overshadowing
- Overlooking

7.2. **Visual amenity**

- 7.2.1. The house is set at an elevated height, and as such is highly visible from the public road, notwithstanding the long front garden. The main impacts on visual amenity to the public realm would be from the front dormer, and the boundary amendments.

The side extension mirrors the fenestration and matches the materials of the existing house, in line with Development Plan guidance set out at Section 12.3.7.1 (iii).

7.2.2. The proposed dormer has a minimum setdown from the roof ridge, but a much more generous set back from the eaves, and is modestly sized relative to the roof area. The opening is not oversized, and the vertical subdivision of the window pane is in keeping with the house's fenestration. It is proposed to finish the side wall of the dormers in metal coloured to match the roof tone; the details of materials for the window frames can be agreed with the Planning Authority by compliance condition. The dormer would have no negative visual impacts on the streetscape, and complies with Development Plan policy.

7.2.3. I note the council condition omitting the raising of the front boundary wall. Regarding the proposal to raise the front boundary wall, this does not appear to me to be a visually successful proposal, being oversized for the piers, and requiring the partial rebuilding or reconstruction of a historic granite boundary wall, which is a seamless continuation of the neighbouring boundary walls (which form the boundary to the protected structures to the east). I consider a condition omitting this aspect of the works to be appropriate.

7.3. Overbearing impacts and overshadowing

7.3.1. The proposed extension to the east is larger than the existing extension. It is flat-roofed, with a parapet height c. 700 metres higher than the existing flat roofed extension (excluding the lantern), and c. 1.1 metres taller than the existing boundary wall (hidden behind a taller hedge). It projects behind the building line for c. 3.9 metres.

7.3.2. Notwithstanding that it is larger than the existing extension, it is not oversized. It is a single-storey extension, with an effective height of 3.48 metres on the appellant's side, running for a limited length of less than four metres behind the rear building line. Given the existing boundary treatment, the orientation of the appellant's house, and the scale of the plots as a whole, I have no concerns regarding overbearing impacts.

7.3.3. Regarding overshadowing, there will be additional overshadowing of the appellant's property as a result of the new extension. Given the minimal increase in height over

and above the existing boundary treatment, the additional overshadowing will not be significant, and the majority of the terrace will be unaffected. Additionally, the appellant's rear garden measures over 800 sqm and is south facing, and the garden as a whole will continue to enjoy good sunshine. Having regard to the assessment criteria set out in Section 12.3.7.1 for rear and side extensions, I consider this extension acceptable.

- 7.3.4. The screened deck structure at the west side of the house was omitted by condition 3, with the planner's report noting the potential for significant overbearing impacts on the house to the west, as well as the poor material finishes and architectural quality of this element of the design. The proposal is some 2.8 metres from the shared boundary, and located to the side of an existing two-storey return. In my view, it would not have unduly overbearing impacts, and materials could be addressed by a compliance condition. However, I note this element was described in public notices as 'new side and rear escape stairs' rather than a terrace with a privacy screen and I would have concerns that the neighbours at no 19 (who have made no submission on the application, or observation on the appeal) may not have been fully cognisant of the nature of the proposal. I further note that the applicant has not appealed the omission. I recommend a condition omitting this element of the proposal.

7.4. Overlooking

- 7.4.1. The proposed rear dormer extension is considerably wider than the front, but still less than half the width of the roof. It is set back significantly from the eaves, and set back by over six metres from the mutual boundary with Saint Mary's. Due to the significant setbacks, it does not read as a third storey extension, and complies with Section 12.3.7.1 (iv) of the Development Plan. The windows look directly over the rear garden of Ard no Gréine, with only oblique views over the appellant's garden. Overlooking impacts are further mitigated by the significant setback from the eaves. Impacts are acceptable, in this suburban context of mutual existing overlooking.

7.5. Other Issues

- 7.5.1. The appellant refers to 12.21 of the Development Plan, which encourages the repair, retrofitting and reuse of houses, rather than their demolition. This section refers to

houses, rather than extensions. The proposed development complies with this Section.

- 7.5.2. The appellant's comments on elevation drawings are noted: the rear elevation drawing shows the raised garden area, rather than the lower half of the ground floor rear elevation. However, the section drawings show the rear elevation. Validation is a matter for the planning authority, and the application was deemed valid. The appellant has demonstrated a clear understanding of the height and scale of the extension, and has not been disadvantaged by the drawings.
- 7.5.3. Regarding the use of the attic, the planning authority attached a number of notes including *Note 4: Any attic floorspace which does not comply with Building Regulations in relation to habitable standards shall not be used for human habitation.*
- 7.5.4. Such a note is appropriate, and in keeping with the Ministerial Guidelines on Development Management for Planning Authorities (2009).
- 7.5.5. I note the condition regarding the use of the house as a single dwelling unit; I consider this condition superfluous, as any subdivision of the house would require planning permission.

8.0 Appropriate Assessment

- 8.1.1. Having regard to the nature and small scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on any European site.

9.0 Recommendation

I recommend permission be granted, for the reasons and considerations below.

10.0 Reasons and Considerations

Having regard to the provisions of the Dun Laoghaire Rathdown Development Plan 2022-28, including Section 12.3.7.1 and Section 12.4.8, the character of the area,

the scale and nature of the domestic development, and the inner suburban context, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential or visual amenities 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 proposed development shall be modified as follows:
 - a. The proposed external access deck/balcony to the rear of the house shall be omitted from the proposed development. The external fire escape door shall be omitted and replaced with an appropriate window type with opaque glazing.
 - b. The proposed raised front boundary wall shall be omitted from the proposed development. The front boundary with widened entrance (max 3.5 metres) shall be as per the existing height, with a low boundary wall and hedging.

REASON: In the interest of complying with the regulations regarding public notices, and in the interests of visual amenity.

3. The width of the proposed widened vehicular entrance shall be no more than 3.5 metres in accordance with Section 12.4.8.1 General Specifications of the current DLRCC County Development Plan 2022-2028. Any proposed gates shall be inward opening only and shall be manually operated.

REASON: In the interest of traffic and pedestrian safety, and to comply with Development Plan standards.

4. The proposed dormer windows shall be finished in timber or aluclad, to match the colour of the dormer box and existing roof. Any proposed replacement windows shall match the existing on a one-for-one basis. The remaining material finishes of the development shall be as per the submitted plans and particulars, unless otherwise agreed in writing with the Planning Authority prior to commencement of development.

REASON: In the interest of visual amenity.

5. 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.

6. Site development and building works shall be carried out between the hours of 8 a.m to 7 p.m. Mondays to Fridays inclusive, between 8 a.m. and 2 p.m. on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

REASON: To safeguard the amenity of property in the vicinity.

7. All necessary measures shall be taken by the Applicant and Contractor to:

- a) prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining properties as a result of the site construction works,
- b) repair any damage to the public road arising from carrying out the works,
- c) avoid conflict between construction activities and pedestrian/vehicular movements on the surrounding public roads during construction works.

REASON: To protect the amenities of the area and in the interests of road safety.

- 8. 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.

NOTE: Any attic floorspace which does not comply with Building Regulations in relation to habitable standards shall not be used for human habitation.

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.

Natalie de Róiste
Planning Inspector

12 March 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321648-25		
Proposed Development Summary	Demolition of the existing side extension and construction of a new extension and all associated site works.		
Development Address	Ard na Gréine, Ardeevin Road, Dalkey, Co. Dublin, A96 XE68		
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	<input checked="" type="checkbox"/>
		No	<input type="checkbox"/>
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	<input type="checkbox"/>	State the Class here.	Proceed to Q3.
No	<input checked="" type="checkbox"/>		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	<input type="checkbox"/>	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No	<input type="checkbox"/>		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	<input type="checkbox"/>	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)
5. Has Schedule 7A information been submitted?			
No	<input type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q4)	
Yes	<input type="checkbox"/>	Screening Determination required	

Inspector: _____ Date: _____