



An
Bord
Pleanála

Inspector's Report

ABP-321678-25

Development	Glass balustrade and louvred screen to balcony
Location	589 Woodview Cottages, Rathfarnham, Dublin 14
Planning Authority	South Dublin County Council.
Planning Authority Reg. Ref.	SD24B/0491
Applicant	Yvonne O'Brien
Type of Application	Retention and permission
Planning Authority Decision	Refuse retention/permission
Type of Appeal	First Party
Appellant	Yvonne O'Brien
Observers	None
Date of Site Inspection	24 March 2025
Inspector	B. Wyse

1.0 Site Location and Description

- 1.1. Woodview Cottages is a scheme of early 20th Century two storey terraced cottages located between the River Dodder and the village of Rathfarnham. No.589 is a mid-terrace house with a part two storey part single storey flat roofed rear extension. A glass balustrade has been erected around the perimeter of the lower flat roof and French doors open to the roof from the upstairs extended bedroom.
- 1.2. A rear lane provides rear access to the terrace of cottages. The Rathfarnham Mill development, a modern scheme of two storey houses and apartments, backs onto the other side of the lane.

2.0 Proposed Development

- 2.1. This comprises two elements as follows:
 - Permission to retain the balustrade, a 1.3m high glass screen with chrome rail.
 - Permission to erect a louvred screen on top of the balustrade to a total height of 1.8m. This screen to comprise horizontal powder coated aluminium rails. The glass screen also to be covered with opaque film.

The application documentation includes a Planning Statement that outlines the background to the application.

3.0 Planning Authority Decision

3.1. Decision

This is a decision to refuse retention and permission for the following reason:

Having regard to the provisions of the South Dublin County Development Plan 2022-2028, it is considered that the development proposed for retention and permission, by reason of its nature and proximity with adjoining and adjacent residential properties, would adversely impact on the amenities of these properties, and would be contrary to the 'RES' zoning objective of the site which seeks to protect and/or improve residential amenity. The proposal would thus be contrary the proper

planning and sustainable development of the area, and therefore cannot be favourably considered by the Planning Authority.

3.2. Planning Authority Reports

3.2.1. Planning Report

Basis for decision. Includes:

- The retention and provision of a balustrade around the edge of the flat roof ground floor extension would facilitate the use of this space as a roof terrace/balcony. The space adjoins the site boundaries of No.s 587 and 591, adjoining or in close proximity to the rear private amenity spaces of these properties. It would be about 4.8m from the rear site boundary and across the narrow lane from the amenity spaces of the Rathfarnham Mill houses.
- The proposal in full would adversely impact the amenities of adjoining properties by way of unacceptable overlooking. This would not accord with the principles of Section 4 of the House Extension Design Guide.
- The proposal is located at the rear of the site and would not be highly visible from the streetscape. If it was to be favourably considered information could be sought in relation to materials and finishes to the satisfaction of the Architectural Conservation Officer.
- No requirement for appropriate assessment or environmental impact assessment.
- The report includes a note that the site location map and site plan submitted with the application identified the wrong property – No.598 Woodview Cottages. However, on the basis of the statutory notices and other drawings and documentation submitted it was ascertained that the application properly referred to No.589 and the assessment was carried out accordingly. As the recommendation was for refusal revised location and site plans were not requested.

3.2.2. Other Technical Reports

None requested.

3.3. Prescribed Bodies

None requested.

3.4. Third Party Observations

One objection submitted from an adjacent resident concerned about overlooking of a back yard.

4.0 Planning History

PA Ref SD17B/0078 – This is the permission for the existing rear extension.

PA Ref S972 – This is a live enforcement file.

5.0 Policy Context

5.1. Development Plan

South Dublin County Development Plan 2022-2028

The site is subject to zoning objective 'RES' – *To protect and/or improve residential amenity.*

Woodview Cottages are located within the Rathfarnham Village including Willbrook Architectural Conservation Area (ACA).

Policy NCBH20 Objective 3:

To ensure that new development, including infill development, extensions and renovation works within or adjacent to an Architectural Conservation Area (ACA) preserves or enhances the special character and visual setting of the ACA including vistas, streetscapes and roofscapes.

Policy H14 – to support the extension of existing dwellings subject to the protection of residential and visual amenities.

Policy H14 Objective 1:

To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 12: Implementation and Monitoring and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

Section 12.6.8 – Design of residential extensions to have regard to the pattern of development in the immediate area and the South Dublin County House Extension Guide (2010) or any superseding standards.

The house extension guide has been superseded by the House Extension Design Guide 2025. While it repeats many of the basic principles set out in the earlier guide it does not contain any specific references to roof terraces or balconies.

The House Extension Guide 2010, as referenced in the planning authority Planners Report and in the grounds of appeal, includes (Section 4) that extensions should:

- Not overlook, overshadow or have an overbearing effect on properties next door.
- Be located, particularly if higher than one storey, away from neighbouring property boundaries.
- Not provide balconies and roof terraces unless they are specifically designed to avoid the potential for overlooking to neighbouring properties, for example with the use of solid or opaque enclosures.

5.2. Natural Heritage Designations

None relevant

5.3. Environmental Impact Assessment (EIA)

5.4. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and, therefore, the requirement for EIA screening does not arise. See Appendix 1, Form 1.

6.0 The Appeal

6.1. Grounds of Appeal

The main grounds can be summarised as follows:

- It is clarified that permission PA Ref SD17B/0078 provided for the first floor French (patio) doors that open to the roof of the ground floor extension.
Relevant drawings enclosed.
- The primary purpose in erecting the glass balustrade was to enable persons carrying out maintenance work in this area to do so safely.

- The current application includes the use of the enclosed space as a balcony to access the roof for maintenance and as a small amenity space.
- The addition of the louvred screen and opaque film would screen the enclosed area on the roof and eliminate the potential for overlooking of any residential properties in the vicinity.
- These measures are influenced by the Council's House Extension Guide (2010) and the advice provided in relation to balconies and roof terraces. This includes a photographic image to illustrate that eye-level height boundary panels to avoid overlooking may be acceptable. Copy (Appendix 3 to the Guide) enclosed.
- Given the nature of the application, that includes retention of the balustrade, there is no objection to the attachment of a condition requiring the louvred screen to be erected and the opaque film to be applied within 3 months, or such period as deemed appropriate, of the date of the grant of permission.
- In the context of the location of the property in an ACA it is contended that the development would have no material impact given its location to the rear of the cottages. However, there is no objection to the attachment of a condition as referred to in the planning authority Planners Report requiring materials and finishes to be agreed with the Architectural Conservation officer.
- The submission includes corrected versions of the site location map and block (site) plan identifying No.589 as the property the subject of the application.

6.2. Planning Authority Response

The planning authority confirms its decision. Issues raised have been covered in the chief executive order.

6.3. Observations

None received.

7.0 Assessment

7.1. The main issues in this appeal are those referred to in the planning authority reason for refusal and those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Residential Amenity
- Conservation
- Drawings Issue
- Appropriate Assessment

7.2. Residential Amenity

- 7.2.1. It is apparent in this case that the planning authority Planner's assessment focussed on the retention element (the glass balustrade) of the proposal and did not give any substantive consideration to the permission elements (the proposed louvred screen and the opaque film to the glass panels). With these latter additions, bringing the overall height of the screen to 1.8m, and noting that the louvres are to be angled upwards, the potential for overlooking from the balcony/roof terrace would be effectively eliminated, thus overcoming the primary concern underlying the planning authority reason for refusal.
- 7.2.2. Similarly, in so far as the planning authority Planners Report referenced the 2010 house extension guide, it did not engage, in the assessment, with the provision in the guide that explicitly allowed for balconies/roof terraces of the type proposed here, designed to avoid the potential for overlooking to neighbouring properties, for example with the use of solid or opaque enclosures. The grounds of appeal correctly point to this provision in the guide and include a photographic image from the guide illustrating what such a structure might look like.
- 7.2.3. It is worth also noting the limited size/area of the balcony/roof terrace in this instance. The enclosed space is just 1.4m deep across the rear with a side extension that is less than 1m deep. It is quite a small area with limited scope for use.
- 7.2.4. I note that the applicants have indicated that they would have no objection to a condition requiring the erection of the louvred panel and the attachment of the opaque film within 3 months of a grant of permission. This makes sense and I

recommend the attachment of a condition of this nature – see also Section 7.3.2 below.

7.2.5. I conclude, therefore, that the appeal should be upheld.

7.3. Conservation

7.3.1. As noted Woodview Cottages is located within an Architectural Conservation Area (ACA). Given that the proposed alterations are to the rear of the property, and that the rear of the terrace of which it forms a part is characterised by a wide mix of rear extensions of varied designs and finishes and which do not impinge on the front streetscape of the cottages, their defining feature, I do not have any concerns from a conservation perspective in relation to the proposed development.

7.3.2. However, I note that the comments of the planning authority Planner and the applicants on this issue and the reference to a condition being attached to any permission requiring details in relation to materials and finishes to be agreed with the planning authority Architectural Conservation Officer. In the circumstances, I recommend the attachment of such a condition. The time allowed for the erection of the louvred screen and the opaque film should take account of this process.

7.4. Drawings Issue

7.4.1. This refers to the incorrect site location map and site plan submitted to the planning authority with the application. As noted the grounds of appeal include corrected versions. All other documentation submitted with the application was correct, including in particular the statutory notices. As per Section 3.4 above the planning authority did receive an observation on the application from an immediate neighbour and I have taken the issue raised, overlooking, fully into account in my assessment in relation to all potentially affected properties. In the circumstances I do not consider that any disadvantage to third parties has arisen and I consider that the Board can proceed to determine the appeal.

7.5. Appropriate Assessment Screening

7.5.1. Having considered the nature, small scale and location of the project within an established urban area, and taking account of the screening determination of the planning authority, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

- 7.5.2. I conclude, on the basis of objective information, 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. Appropriate Assessment, therefore, is not required.

8.0 Recommendation

- 8.1. I recommend that retention permission and permission be granted subject to conditions.

9.0 Reasons and Considerations

Having regard to the proposed addition of the louvred screen and the opaque film that would prevent overlooking from the balcony/roof terrace, and the small area of the enclosed space, it is considered that the proposed development would not adversely affect the amenities of residential properties in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 15th day of January 2025, except as may otherwise be required in order to comply with the following condition.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Details of the materials and finishes proposed for the louvred screen and the opaque film shall be submitted for the written agreement of the planning authority. These elements shall be fitted within 3 months of the agreement.</p> <p>Reason: In the interest of ensuring a satisfactory standard of development having regard to the location of the property in an Architectural Conservation Area.</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.

B. Wyse
Planning Inspector

2 April 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	321678		
Proposed Development Summary	Retention and completion of domestic balcony enclosure		
Development Address	589 Woodview Cottages, Rathfarnham, Dublin 14.		
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"/>	Tick if relevant and proceed to Q2.	
	No	Tick if relevant. No further action required	
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	State the Class here.	Proceed to Q3.
No	Tick or leave blank	<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	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No	Tick/or leave blank		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	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		Screening determination remains as above (Q1 to Q4)
Yes	Tick/or leave blank	Screening Determination required

Inspector: ____B. Wyse Date: ____ 26 March 2025