



An
Bord
Pleanála

Inspector's Report

ABP-321693-25

Development	Demolition of existing attic structure, new first floor dormer type structure over full area of rear roof of existing house, new first floor extension to the rear over existing ground floor rear structure, raising of ridge level of main roof to achieve habitable accommodation height and associated works. Proposed new works will accommodate new stairs, bedroom, bathroom and storage area at first floor level.		
Location	21, Rutland Cottages, Mountjoy, Dublin 1, D01 Y2C7.		
Planning Authority Ref.	WEB2410/24.		
Applicant(s)	Joseph and Maire McGucken.		
Type of Application	Permission	PA Decision	To grant permission with conditions
Type of Appeal	First Party v Decision	Appellant	Joseph and Maire McGucken
Observer(s)	None on file.		
Date of Site Inspection	29.04.2025.	Inspector	Des Johnson

1. Site Location and Description.

- 1.1 Rutland Cottages are in the Dublin north inner city, a short distance to the south of Summerhill, and to the east of Rutland Street Lower. This section of Rutland Cottages is a cul-de-sac, which drops in level from north to south.
- 1.2 The site is central to a row of single-storey cottages. At the time of inspection construction and refurbishment works were substantially complete, including the raising of the roof ridge, the provision of a dormer type structure and the construction of a two-storey extension to the rear.
- 1.3 There is a mixture of residential building types and heights in the area. No.21, Rutland Cottages backs on to Buckingham Village - a three-storey residential complex. These properties have returns with blank walls facing on to Rutland Cottages.

2. Proposed development.

- 2.1 The proposal is for development comprising the demolition of existing attic structure, new first floor dormer type structure over full area of rear roof of existing house, new first floor extension to the rear over existing ground floor rear structure, raising of ridge level of main roof to achieve habitable accommodation height and associated works. The proposed new works are to accommodate new stairs, bedroom, bathroom and storage area at first floor level.
- 2.2 The gross floor area of the existing dwelling is stated to be 40sqm, the proposed floor area is stated to be 24sqm, and the area to be demolished is 6.30sqm. The site area is 0.004ha.
- 2.3 It is proposed to connect to public services.

3. PA's Decision

- 3.1 The Planning Authority decided to Grant Permission subject to 8 conditions.
- 3.2 The conditions relate to the following:
1. Standard compliance
 2. Length of extension at first-floor level to be setback from the rear boundary by 1.3m, measured externally. The reason is in the interest of orderly development and visual amenity.
 3. Attic space not to be used for human habitation unless it complies with current building regulations.
 4. External finishes
 5. Drainage requirements
 6. Construction hours
 7. Noise control
 8. Debris, soil, and other material control.

3.3 The Planner's Report states that the site is an area zoned Z1 with the objective 'to protect, provide and improve residential amenities, and the proposed development is permissible where compatible with the overall policies and objectives for the zone, and would not have undesirable effects. The original consistency of ridges is already altered with similar extensions permitted which extend over existing ridges. It is proposed to increase the ridge by 195mm which will bring the roofline flush with adjoining dwellings. This is not a Conservation Area. The floor area of these cottages is extremely constrained and the proposed development will provide additional living space which will facilitate modern living. There are no historic or architecturally sensitive receptors in close proximity. Flexibility in approach is appropriate. The dormer would not be visible over the public realm, and the main visual impacts would be on immediate neighbours. There is a significant drop between Rutland Cottages and residential dwellings at Buckingham Village to the east, and there is a retaining wall. The proposal would increase the appearance of the scale of the retaining wall to approximately 9.05m. There will not be any significant loss to the residential amenities of No.22 Rutledge Terrace. In the case of 2879/17 relating to No.20 Rutlands Cottages, the Planning Authority Raised concerns over the bulk, scale, massing, and possible visual obtrusiveness, and the first-floor extension was pulled back from the rear boundary by a stated 1.3m. The Planning Authority have similar concerns in this case, and a setback of 1.3m is recommended.

3.4 Transport Infrastructure Ireland have no objections subject to a condition applying a section 49 Luas Line levy, if applicable.

4. Planning History.

4.1 None on file for subject site.

4.2 Reference 1272/06 – permission granted for extension and alterations to existing cottage to include the demolition of existing single-storey extension to rear and construction of a new 1.5 storey extension to rear of existing cottage along with associated works to include the replacement of and raising the existing ridge line, at 23, Rutlands Cottages. Condition 5 states. 'Prior to commencement of development, revised drawings shall be submitted to this authority for written agreement, showing the following amendments: i) The depth of the kitchen/dining area on the ground floor should be increased by one metre to a depth of 3.1m by reducing the size of bedroom 1. Reason: In order to provide an adequate standard of residential amenity.

4.3 Reference 2879/17 – Permission granted for extension of existing roof structure to the rear in dormer construction. Works to involve increasing the ridge level of the existing roof and lowering the existing attic floor level to achieve room head heights. Works to also include a single storey extension above the existing bathroom at the rear of the property. The proposed works to provide a new

bedroom, bathroom and hallway and all associated works. Development at 20, Rutland Cottages. Condition 1 relates to standard compliance, including compliance with Further Information (FI). The FI submitted included the proposal to raise the height of the dwelling to provide an attic style conversion/extension now reduced in depth to rear by a stated 1.3 metres. This reduction in depth is in response to concerns over bulk, scale, massing and possible visual obtrusiveness.

5.Planning Policy

5.1 The Dublin City Development Plan 2022-2028 applies. The site is in an area zoned Z1 with the objective *'to protect, provide, and improve residential, amenities'*.

5.2 Appendix 18 relates to Ancillary Residential Accommodation. Section 1.1 refers to General Design Principles. In assessing applications for extensions to existing residential units 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)

Section 1.2 refers to Extension to the Rear. It states that 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.

Section 4 refers to Alterations at Roof Level/ Attics/ Dormers/ Additional Floors. The following criteria will be considered in assessing alterations at roof level:

- Careful consideration and special regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures.
- Existing roof variations on the streetscape.
- Distance/ contrast/ visibility of proposed roof end.
- Harmony with the rest of the structure, adjacent structures, and prominence

6. Natural Heritage Designations

South Dublin Bay and River Tolka Estuary SPA & pNHA – c. 1.6km to the east.

7. The Appeal

7.1 This is a First Party appeal against the decision made by Dublin City Council to approve with conditions the proposed development. The grounds of appeal may be summarised as follows:

- The proposed development aligns with the zoning objectives and planning policies of the Development Plan
- A neighbouring property (No.23, Rutland Cottages) was granted permission without conditions setting a precedent
- The rear of the house is facing a solid wall with no windows and cannot be viewed from surrounding neighbours. There would be no light impact on neighbours
- A 1.3m setback (from the rear boundary) is to align with the first-floor extension at No.20. No.20 setback was due to the view of neighbouring properties and the amount of light reaching the neighbouring garden. These concerns do not apply to the proposed development.
- The proposed development will face a solid wall with no windows or other openings. There would be no visual interaction between the proposed extension and any neighbouring properties. The neighbours on either side have already undergone second storey extensions, and no neighbouring windows, gardens, or other living areas are in a position to be affected by the proposed extension reaching the boundary wall
- No gardens, courtyards, or other areas in neighbouring properties would be deprived of natural light. No.22 has no back garden
- The distance from the boundary wall to the building at the rear of the property is substantial at over 7 metres. This mitigates any concerns about overshadowing or privacy intrusion.
- Rutland Cottages are the least imposing buildings in the area, in comparison with the larger apartment complexes, flats and Rutland School development in the area.

- There have been no complaints from neighbours about the proposed development. A letter of support is attached from neighbours to the rear of the property.
- The proposal is to ensure that there is enough habitable space as rental property, which has been vacant for many years. With a reduced floor plan, the property would have to remain a 1-bedroom home. The proposal would provide sufficient habitable space for modern living standards.
- A series of photographs are submitted in support of the grounds of appeal.

7.2 P.A. Response

7.2.1 None on file.

8.EIA Screening

8.1 The proposed development is not of a class contained in Schedule 5 of the Planning and Development Regulations 2001, as amended and, as such, the need for screening or EIA does not arise.

9.0 Assessment

9.1 The proposal is for the following:

- Alteration of existing attic structure
- Raising the ridge height to match the adjoining roof ridges
- Construction of dormer type structure over rear roof
- Construction of first-floor extension to rear over existing ground floor structure
- New stairs leading to first-floor habitable accommodation.

The gross floor area of the new construction is stated to be 24sqm.

9.2 At the time of inspection, construction works were substantially complete. The development provides for new bathroom, hall, storage and stairs in new roof structure, and a bedroom at first-floor level to the rear. The bedroom as constructed has a blank wall facing on to Buckingham Village and a new window in the south east elevation.

9.3 I consider that the key planning issues to be addressed are as follows:

- Status of appeal
- Policy issues
- Visual and residential amenities
- Section 49 contribution
- Appropriate assessment.

Status of appeal

9.4 The 1st Party grounds of appeal clearly state that the appeal is against the decision to approve the development. The grounds submitted substantially relate to the requirement of the Planning Authority, as set out in Condition 2, to setback the length of the first-floor extension by 1.3m from the rear boundary in the interest of orderly development and visual amenity. In these circumstances, I consider it appropriate to consider the entire proposed development rather than through Section 139 of the Planning and Development Act 2000, as amended.

9.5 The application is for permission. At the time of inspection, the development (slightly altered) was substantially complete. Technically the retention of development should be sought. This assessment considers the application made, and does not give weight to the fact that the development is substantially complete.

Policy issues

9.6 The site is in an area zoned Z1 with the objective '*to protect, provide and improve residential amenities*'. The premises is not listed, and this is not a designated Conservation Area. The proposed development is permissible in principle within the Z1 zoning. The proposed development is for the upgrade and increase of habitable accommodation in the inner city, and this is consistent with national policy. I consider that the proposed development is acceptable in principle on policy grounds.

Visual and Residential amenities

9.7 The proposed development is similar in design to other developments in the area. The increased ridge height would align with the ridge height of adjoining properties and is visually acceptable. The rear of the proposed first-floor extension presents a blank wall to Buckingham Village, which have returns with blank walls facing Rutland Cottages. Having regard to the established pattern of development in the area, I consider this to be acceptable.

9.8 The Planning Authority required a setback of the first-floor extension by 1.3m from the boundary wall in the interests of orderly development and visual amenities. This would significantly reduce the floor area of the proposed bedroom. Given the established pattern of development in the area, I can see no significant planning benefit

to this requirement. Overall, I consider the proposed development to be acceptable on visual grounds.

9.9 The proposed first-floor extension faces north east, and would not give rise to any significant overshadowing of adjoining property. The proposed development has a window in the north eastern elevation facing Buckingham Village. (The constructed development has a blank wall, and a window in the south eastern elevation). I consider that the window in the north eastern elevation should be omitted, and a condition attached that it be replaced by a window in the south eastern elevation (as constructed), which would not give rise to any significant direct overlooking issues.

Section 49 financial contribution

9.10 This is an existing residential unit. No new residential unit is proposed. In these circumstances, I consider that a condition requiring a Section 49 financial contribution is not appropriate.

Appropriate Assessment

9.11 I have considered the permitted development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in an established residential area, separated from designated European sites as detailed in Section 6 of this report. The proposed development consists of the construction of an extension in to an existing roof structure, and a first-floor rear extension over existing ground floor structure to existing dwelling. No nature conservation concerns are raised. Having regard to the nature and scale of development, location in an existing residential area, and separation from and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as 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

10. Recommendation

I recommend that permission for the development be granted.

Reasons & Considerations

Having regard to the zoning objective for the area as set out in the Dublin City Development Plan 2022-2028, the nature and scale of the proposal, and the established pattern of development in the area, it is considered that the proposed development, subject to the following conditions, would be visually acceptable, would not be unduly injurious to the residential amenities of the area, and would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the following conditions.

Reason: In order to clarify the development hereby permitted.

2. The external finish to the extension (including the dormer extension) shall harmonise with the existing house in respect of materials and colour.

Reason: In the interest of visual amenity.

3. The window in the north-eastern elevation of the first-floor extension shall be omitted, and replaced by a window in the south-eastern elevation. Details of the window shall be agreed in writing with the Planning Authority before any occupation of the first-floor extension, and the development shall be in accordance with the written agreed details.

Reason: In the interest of residential amenity.

4. Drainage details shall be to the requirements of the Planning Authority.

Reason: In the interests of orderly development and public health.

5. The site and building works shall only be carried out between the following hours:

- Mondays to Fridays- 7.00am to 6.00pm
- Saturday – 8.00am to 2.00pm
- Sundays and Bank Holidays – No activity

Any deviation from these times shall be submitted in advance for the written agreement of the Planning Authority.

Reason: In the interest of residential amenity.

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.

Des Johnson

Planning Inspector

Date

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	321693-25		
Proposed Development Summary	Development in attic space and first-floor domestic extension.		
Development Address	21, Rutland Cottages, Mountjoy, Dublin1, D01 Y2C7.		
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	Yes
		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			
No	No		
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	No		
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			

5. Has Schedule 7A information been submitted?		
No		
Yes		

Inspector: _____ Date: _____