



An  
Bord  
Pleanála

## Inspector's Report ABP321783-25

<b>Development</b>	Construction of single-storey extension and all associated site works.
<b>Location</b>	27 Fergus Road, Terenure, Dublin 6W, D6W N977.
<b>Planning Authority</b>	Dublin City Council.
<b>Planning Authority Reg. Ref.</b>	WEB2479/24
<b>Applicant</b>	Ann Tilson.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Permission with conditions.
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	Ann Tilson.
<b>Observer</b>	None
<b>Date of Site Inspection</b>	18 <sup>th</sup> March 2025.
<b>Inspector</b>	Derek Daly

## **1.0 Site Location and Description**

- 1.1. The site is located in the southern suburb of Dublin city in an established residential area. On the site is a two storied dwelling which is part of a terrace with similar type properties located on either side the appeal site property fronting onto the northern side of the public road. To the rear is an existing single storied extension which runs the length of the garden along the boundary wall with number 29 Fergus Road located to the east and occupies a footprint of approximately 40% of the width of the site. There appears to be a small laneway which runs to the rear of the properties along this side of Fergus Road.

## **2.0 Proposed Development**

- 2.1. The proposed development as received by the planning authority on the 12<sup>th</sup> November 2024 is for the construction of a single-storey extension with mono-pitch roof to rear of existing house replacing the existing rear extension.
- 2.2. The proposed extension provides for an extension in footprint with the extension extending along the rear boundary of the site retaining a courtyard area bounded by the rear elevation of the existing dwelling to the north and the proposed extension to the east and south which the drawings indicate would be 3230mm in depth and 3300mm in width. The extension provides for a raising of the height of the extension with a monopitch roof which at maximum height of 3215mm above finished floor level would be approximate to the height of an existing flat roof rear extension on 29 Fergus Road and would slope downwards to a height of 2145mm. There are also changes to rear window openings at ground floor with an enlargement of the existing window, a new rooflight to rear of existing house roof and the repositioning of front door.
- 2.3. The gross floor space of existing buildings on the site is stated as 105.50m<sup>2</sup>, the gross floor space of work to be retained as 86.00m<sup>2</sup>, the gross floor space of demolition is 19.50m<sup>2</sup> and the gross floor space of proposed works 29.50m<sup>2</sup>.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. The decision of the Planning Authority was to grant planning permission subject to seven conditions.
- 3.1.2. Condition 2 (a) referred to *the bedroom extension along the boundary wall with number 25 Fergus Road shall be reduced in length from 4.8 metres to no more than 4 metres long, or a reduction of 0.8 metres. Reason: To provide for more usable private amenity space for the rear garden.*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The planning report dated the 13<sup>th</sup> January 2025 refers to the provisions of the current County Development Plan (CDP); an assessment of the proposal referring to appendix 18 of the Dublin City Development Plan 2022 which sets out guidance for rear extensions. There is no objection in principle but concern is expressed in relation to the provision of private amenity space to cater for this house which as proposed would with an additional would result in a four bedroom house and would retain a small courtyard garden of c.10.5m<sup>2</sup>.

It is indicated that in order to increase the private amenity space to the rear garden, it is recommended that the extension along the boundary wall with number 25 be set back by 0.8 metres, from 4.8 metres deep to no more than 4 metres deep. This would increase the private amenity space to c.13m<sup>2</sup>. The proposed extension which is single storey in nature was not considered would have any significant impacts on the adjoining properties in terms of overshadowing or loss of light. Permission was recommended and a condition requiring the reduction in depth referred to was recommended.

## 4.0 Planning History

### 4.1. P.A Ref. No 3618/19

Planning permission granted at number 27 Fergus Road the appeal site for provision of vehicular access for one car and all ancillary site works.

## **5.0 Policy and Context**

### **5.1. Development Plan**

- 5.1.1. The statutory development plan is the Dublin City Development Plan 2022-2028.
- 5.1.2. The subject site is located on lands zoned Z1 (Sustainable Residential Neighbourhoods), with a land use zoning objective 'To protect, provide and improve residential amenity.
- 5.1.3. Chapter 15 refers to Development standards and section 15.11.3 refers to private open space in relation new development and a minimum standard of 10 sq. m. of private open space per bedspace will normally be applied. A single bedroom represents one bedspace and a double bedroom represents two bedspaces. In relation to proposals for house(s) within the inner city, a standard of 5 8 sq. m. of private open space per bedspace will normally be applied. These standards may be relaxed on a case by case basis subject to a qualitative analysis of the development. Rear gardens and similar private areas should: be screened from public areas, provide safe and secure play areas for children, be overlooked from the window of a living area or kitchen, have robust boundaries, and not back on to roads or public open spaces.
- 5.1.4. Volume 2 Appendix 18 – Section 1.1 in relation to residential extension indicates general design principles and that the design of residential extensions should have regard to the amenities of adjoining properties and in particular, the need for light and privacy. 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

Section 1.2 refers to extensions to rear and indicates 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.

## **5.2. National Guidelines**

- 5.2.1. Relevant Government Guidelines Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, Department of Housing, Local Government and Heritage, (2024). In relation to the 2024 Guidance, it is primarily focussed at new housing development.

Section 5.3.2 refers to private open space and SPPR 2 outlines Minimum Private Open Space Standards for Houses and that it is a specific planning policy requirement of these Guidelines that proposals for new houses meet the following minimum private open space standards: 1 bed house 20 sq.m 2 bed house 30 sq.m 3 bed house 40 sq.m 4 bed + house 50 sq.m. it is also indicated that for building refurbishment schemes on sites of any size or urban infill schemes on smaller sites (e.g. sites of up to 0.25ha) the private open space standard may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and proximity to public open space.

## **5.3. Natural Heritage Designations**

- 5.4. The subject site is not proximate to any European site.

## **5.5. EIA Screening**

- 5.6. 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 submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

## **6.0 The Appeal**

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

- 6.1.1. The first party appeal in summary refers to;

- The appeal is in relation to condition 2 (a) of the planning authority decision.
- It is proposed to replace an existing extension with a new extension to meet current standards.
- Future health and mobility was a consideration in the proposed development given the age of the applicant.
- In assessing open space for the court yard the planning authority has not taken into account that there is glazing on three sides of the proposed extension providing additional external open space increasing the space to 12.4 m<sup>2</sup>.
- The condition and consequent reduction in the floor area of the bedroom would seriously impede the usability of the bedroom for a person with mobility issues.
- Similar issues arise in relation to the reduction of the floor area of the wet room/bathroom and there is a need to retain area for wheelchair accessibility.

## 6.2. **Planning Authority Response**

The planning authority requests the Board to confirm its decision.

## 7.0 **Assessment**

- 7.1. The main issues in this appeal are principle of the development and the grounds of appeal. Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- The principle of the development
- Grounds of appeal.

### 7.2. **The principle of the development.**

- 7.2.1. The proposal as submitted is for the construction of single-storey extension and all associated site works in an area zoned residential and the principle of an extension

is acceptable. It is noted that the Planning Authority did not raise any issue in relation to the principle of the development.

### **7.3. Grounds of appeal**

- 7.3.1. The primary issue raised in the appeal relates to condition 2(a) of the planning authority decision.

The primary concern raised in the grounds is that future health and mobility was a consideration in the proposed development given the age of the applicant. The condition and consequent reduction in the floor area of the bedroom would seriously impede the usability of the bedroom for a person with mobility issues. Similar issues arise in relation to the reduction of the floor area of the wet room/bathroom and there is a need to retain area for wheelchair accessibility

- 7.3.2. It is also contended that in assessing open space for the court yard the planning authority has not taken into account that there is glazing on three sides of the proposed extension providing additional external open space increasing the space to 12.4 m<sup>2</sup>.
- 7.3.3. In relation to provision of private open space national and county development guidance primarily indicates standards in relation to new residential development and there is a more flexible approach in relation to existing development and consideration on a case by case basis and site specific considerations.
- 7.3.4. There is no doubt that the current proposal as originally submitted or as amended by condition 2(a) of the planning authority decision would not meet the standards for new residential development.
- 7.3.5. The issue therefore is to balance two aspects of residential amenity which is the provision of a habitable bedroom space making provision for a person with mobility issues and retaining the maximum private open space for the occupants of the dwelling. The condition 2(a) of the planning authority was included to address this balance.
- 7.3.6. In relation to the proposed extension at the rear adjoining the rear boundary it is proposed to extend the rear extension by 4925mm providing an internal depth of 3925mm.

- 7.3.7. On drawing no PP/05 referring to proposed plans internal dimensions of the retained courtyard open space on the proposed GF plan is indicated as 3380mm by 3230mm which is an area of 10.92 m<sup>2</sup>. There is also a proposed FF plan which indicated a courtyard with a depth of 3280mm and width of 3130mm which is an area of 10.27m<sup>2</sup>. The planning authority have indicated a retained small courtyard garden area of circa 10.5m<sup>2</sup>.
- 7.3.8. The contention of the appellant is that the Planning Authority calculation does not take into consideration that the open space area does not take into account that there is a glazing area on three sides providing additional external space and would provide for a courtyard area of 12.4m<sup>2</sup> which would be significantly closer to the 13m<sup>2</sup> which the planning authority wish to achieve by the imposition of condition 2 (b).
- 7.3.9. It is however noted having examined the submitted documentation that the recess to the glazed area is approximately 300mm from the solid element of external walls and there is also an overhang from the roof. It is difficult to envisage that the level of increase in courtyard space would be of the magnitude suggested in the grounds of appeal and also whether this area would be a useable open space.
- 7.3.10. The level of open space available whether as proposed or amended by condition 2(a) is deficient when considered in terms of new housing standards. I do however consider that the reduction in floor area of the building and recessing the depth to 4 metres does not significantly improve the quality of private open space to warrant reducing the habitable space. I would therefore consider condition 2 (a) should be omitted in a grant of planning permission.
- 7.3.11. In relation to other aspects of the proposed development including the front door repositioning I would have no objection. The existing house already has a single storey rear extension that runs the length of the boundary with the property to the east with a ridge height of approximately 2.8 metres in height and the new extension which will have a sloping monopitch roof with a maximum ridge height of approximately 3.4 metres an increase of 0.6 metres in height. I do not consider that this increase will have any significant impacts on the adjoining properties in terms of overshadowing or loss of light.



- 7.1. For the reasons already stated I consider that condition no 2(a) should be omitted in a grant of planning permission and that the appeal can be addressed under section 139(1) of the Planning and Development Act 2000 as amended.

## **8.0 Appropriate Assessment Screening**

- 8.1. I have considered the proposal for the construction of a single-storey extension to an existing dwelling together with all associated site development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is an established residential site.
- 8.2. The proposed development comprises in effect a relatively minor increase in floor area to an existing as outlined in section 2 in the Inspectors report. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows; the nature of the development, the distance to designated sites and the absence of pathway to these sites.
- 8.3. I conclude that 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 and likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## **9.0 Recommendation**

- 9.1. Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to OMIT condition number 2(a).

## 10.0 Reasons and Considerations

Having regard to the nature of the proposed development, the scale of the development, the pattern of development in the area and the existing residential use on site and the provisions of the Dublin City Development Plan 2022-2028 it is considered that that omission of condition number 2(a) is reasonable and the proposed development as submitted would not seriously injure the amenities of the occupants of the dwelling and of property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

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.

---

Derek Daly  
Planning Inspector

31<sup>st</sup> March 2025

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála</b> <b>Case Reference</b>	321782-25		
<b>Proposed Development</b> <b>Summary</b>	Construction of single-storey extension and all associated site works.		
<b>Development Address</b>	27 Fergus Road, Terenure, Dublin 6W.		
<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>	Tick if relevant and proceed to Q2.
		<b>No</b> <b>X</b>	Tick if relevant. 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>	Tick/or leave blank	State the Class here.	Proceed to Q3.
<b>No</b>	Tick or leave		Tick if relevant. No

<b>X</b>	blank		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>	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory  EIAR required
<b>No</b>  <b>X</b>	Tick/or leave blank		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>	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)

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	<b>X</b>	<b>Screening determination remains as above (Q1 to Q4)</b>
<b>Yes</b>	Tick/or leave blank	<b>Screening Determination required</b>

**Inspector: Derek Daly      Date: 31<sup>st</sup> March 2025**