



An  
Bord  
Pleanála

## Inspector's Report

**ABP321841-25**

<b>Development</b>	Demolition of rear extension and shed. Construction of ground, first floor extensions.
<b>Location</b>	No. 5 Stradbroke Cottages, Stradbroke Road, Blackrock.
<b>Planning Authority</b>	Dun Laoghaire-Rathdown County Council.
<b>Planning Authority Reg. Ref.</b>	D24B/0489/WEB
<b>Applicant(s)</b>	Fionnuala & Pat McSherry.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant permission with conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Anita Killian.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	11/04/25
<b>Inspector</b>	Anthony Abbott King

## **1.0 Site Location and Description**

- 1.1. No. 5 Stradbrook Cottages is located on the east side of Stradbrook Road. It is a mid-terrace single-storey three-bay cottage with a centrally placed front door.
- 1.2. The subject house is located in a terrace streetscape of single-storey cottages with pitched roofs (4-10 Stradbrook Cottages). The cottages are located directly onto the public pavement with back gardens leading to a rear access lane.
- 1.3. There is a service laneway to the rear of the houses on Stradbrook Cottages accessed from Stradbrook Road at the north gable of the terrace.
- 1.4. The cottages are not identical. The plot width and roof ridge height of individual cottages is not uniform. However, the terrace follows a rhythm of conformity in terms of building line and single-storey pitched roof profile.
- 1.5. No. 4 Stradbrook Cottages is a 3-bay end of terrace cottage with an asymmetric front facade abutting to the north. No. 6 Stradbrook Cottages is a mid-terrace 3-bay cottage with centrally placed entrance abutting to the south.
- 1.6. The houses on Stradbrook Cottages have legacy extensions to the rear.
- 1.7. The site area is given as 0.015 hectares.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the following:
  - Demolition of rear extension (approximately 13 sqm.) and shed.
  - Construction of ground floor flat roof extension (approximately 29 sqm.).
  - Construction of first floor extension (approximately 38 sqm.),
  - Internal alterations and associated site works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Grant permission subject to 12 condition.

3.1.1. The following conditions are relevant:

Condition (3)

*The roof area of the extension shall not be used as a balcony, roof (terrace) garden or similar amenity area.*

*Reason: In the interests of residential amenity.*

**3.2. Planning Authority Reports**

3.2.1. Planning Reports

The decision of the CEO of Dun-Laoghaire-Rathdown County Council reflects the recommendation of the planning case officer.

3.2.2. Other Technical Reports

The Drainage Department has no objection subject to conditions. The following conditions recommended by the Drainage Department are attached to the notification of the decision to grant planning permission.

Condition (5)

*The surface water runoff generated by the development shall be discharged to appropriately sized water butt(s) which shall be installed and retained as indicated in the application. Any overflow from the water butt(s) shall not connect to the public surface water sewer but shall drain to an infiltration system contained within the property curtilage, ie the rainwater garden as proposed on the planning drawings.*

*REASON: In the interest of public health.*

Condition (6)

*The surface water runoff generated by the development shall not be discharged to the public sewer but shall be discharged locally to the proposed raingarden as indicated in the application. The raingarden shall be designed, installed and retained on site in accordance with current best practice guidelines and the SuDS Manual (CIRIA C753). The applicant shall provide an appropriate freeboard to allow for water storage (100-300mm). A suitable soil permeability and depth shall be provided, depending on the proposed planting at topsoil level. The depth of sub-base to be*

*provided shall depend on the required storage capacity and the draining parameters of the soil (lined or unlined).*

*REASON: In the interest of public health.*

*Condition (7)*

*The proposed green roof shall be designed, installed and maintained in accordance with the requirements of Appendix 7.2 of the County Development Plan 2022-2028, BS EN 12056-3:2000 and The SUDS Manual (CIRIA C753).*

*REASON: In order to accord with the requirements of the Dun Laoghaire Rathdown County Development Plan 2022-2028.*

*Condition (8)*

*Any changes to parking and hardstanding areas shall be constructed in accordance with the recommendations of the Greater Dublin Strategic Drainage Study for sustainable urban drainage systems (SuDS) i.e. permeable surfacing, and in accordance with Section 12.4.8.3 Driveways/Hardstanding Areas of the County Development Plan 2022-2028. Appropriate measures shall be included to prevent runoff from driveways entering onto the public realm as required. Where unbound material is proposed for driveway, parking or hardstanding areas, it shall be contained in such a way to ensure that it does not transfer on to the public road or footpath on road safety grounds.*

*REASON: In order to accord with Section 12.4.8.3 of the Dun Laoghaire Rathdown County Development Plan 2022-2028.*

### **3.3. Third Party Observations**

There is one third party submission (appellant) on file objecting *inter alia* to the height, scale and precedent of the development.

### **4.0 Planning History**

There is no recent relevant planning history.

## 5.0 Policy Context

### Development Plan

The Dun Laoghaire-Rathdown County Development Plan 2022-2028 is the local planning policy document. The following policy objectives are relevant:

The area zoning objective is “A” : *To provide residential development and improve residential amenity while protecting the existing residential amenities.*

### Urban Consolidation

- Chapter 4 (Neighbourhood-People, Homes and Place), Section 4.3.1.2, Policy Objective PHP19 (Existing Housing Stock-Adaptation) is relevant and states:
  - *Conserve and improve existing housing stock through supporting improvements and adaptation 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.*

### Extensions

- Chapter 12 (Development Management) Section 12.3.7.1 (Extensions to Dwellings) provides guidance with respect to porches, front extensions, side extensions, rear extensions, roof alterations, attic conversions and dormer extension.
- Section 12.3.7.1 (ii) (Extensions to the Rear) is relevant and *inter alia* states:

*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.*
- Section 12.3.7.1 (iv) (Alterations at Roof / attic Level) is relevant and *inter alia* states roof alterations / expansions to main roof profiles will be assessed against a number of criteria including:
    - 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.

#### Private Open Space

- Section 12.8.3.3 (Private Open Spaces) Table 12.10 (Private Open Space) is relevant:

house type	Private Open Space requirement (minimum)
1-2 bedroom	48 sq. m. *
3 bedroom	60 sq. m.
4 bedroom (or more)	75 sq. m.

- Appendix 7 (Sustainable Drainage System Measures), Section 7.12 (single house or extension) is relevant and *inter alia* states:

*The following requirements, as a minimum, apply for a new single house or extensions to an existing property (additional site-specific requirements may also be required):*

## **Sustainable Drainage Systems (SuDS)**

*In accordance with County Development Plan 2022-2028 Section 10.2.2.6 Policy Objective EI6: Sustainable Drainage Systems, the proposal must demonstrate that they meet the requirements of the Greater Dublin Strategic Drainage Study (GDSDS) policies in relation to Sustainable Drainage Systems (SuDS). The design must incorporate SuDS measures appropriate to the scale of the proposed development such as soakpits, permeable paving, rainwater harvesting, rain gardens, etc. that minimise flows to the public drainage system and maximises local infiltration potential.*

*All SuDS measures must be designed in accordance with the relevant industry standards and the recommendations of The SuDS Manual (CIRIA C753).*

### **5.1. Relevant National or Regional Policy / Ministerial Guidelines (where relevant)**

- The Department of Housing, Local Government and Heritage 'The Sustainable Residential Development and Compact Growth Guidelines for Planning Authorities', (15 January, 2024).

## **6.0 EIA Screening**

Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

See completed Form 1 on file.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

The grounds of appeal, prepared by Rooney Associates Architects on behalf of the appellant, are summarised below:

- The appellant requests the Board to overturn the decision of the planning authority and to refuse planning permission for the proposed development.

#### *Surface water drainage*

- The appellant's property at no. 6 Stradbrook Cottages has a single-storey rear extension, which extends along the boundary wall to the rear boundary of the property. The appellant is concerned that the proposed drainage solution is unclear and has not been properly assessed by the designers or by the local authority.
- The single-storey rear extension to no. 6 Stradbrook Cottages is of rendered hollow-block work construction with a flat roof. It is claimed that the proposed raised planters, acting as a rain garden, to be constructed as part of the drainage plan as indicated will compromise the appellant's property. The raised planters would abut the external wall of the extension above the DPC, introducing moisture into the foundations and external wall of the extension.
- The appellant requests that the raised planters (percolation beds) build up against the appellant's property be removed by condition. Furthermore, any SuDS proposal should be agreed with the planning authority prior to the commencement of development and have an overflow, which connects into the public sewer system.
- The appellant cites Section 7.1.2 of Appendix 7.1 (Sustainable Drainage System Measures) of the development plan, which *inter alia* sets out the requirements for extensions of an existing property in the matter of Sustainable Drainage Systems (SuDS), and Policy Objective E16 that development proposals must meet the requirements of the Greater Dublin Strategic Drainage Study (GDSDS) in relation to SuDS.
- The appellant submits to the Board, citing Condition 6 of the notification of the decision to grant permission, that the simple conditioning of the surface water drainage requirement on site with no provision for written agreement of proposals prior to construction does not provide for the proper planning of the proposed SuDS site strategy. It does not give the appellant any confidence



that the drainage provisions have been adequately considered in the assessment of this application.

- The appellant also submits that Drawing 2023-2015-001 titled 'proposed drainage scheme with SuDS' offers no confidence that the proposals are based on calculations with no trial pits or percolation tests having been carried out by the applicant.
- It is claimed that the information submitted would appear to be schematic not backed up by calculations. Details within Drawing 2023-2015-001 are inconsistent and schematic in nature referring to soakaway pit details, which are not available given the restricted site size.
- Thus it is claimed that the applicant has failed to demonstrate that the requirement of the GDSDS in relation to SuDS has been satisfied, as provided for by Section 7.1.2 of Appendix 7 of the development plan.
- Furthermore, given the area of roofing to be drained and the small back garden area available for SuDS, a greater oversight of surface water solutions is required from the planning authority, as any failure of the drainage system is likely to lead to damage to our clients property from damp penetration through external walls or wash out of bearing substrate beneath the foundations.

#### *First floor extension*

- It is claimed that the scale and mass of the proposed first floor extension is out of scale with the historic stone cottages and would set a dangerous precedent for the substandard development of the subject terrace.
- An extract of Drawing No. 5SC-PLA-002 showing a section through the floor plan (east-west axis) front to rear is inserted in the appeal statement.
- The height of the first floor extension will extend 0.4 metres above the height of the existing roof ridge of the cottage. The development is inconsistent with previous decisions both by the Board and the planning authority.
- The planning case officer places some weight on the fact that the development is not visible, as shown on Drawing No. 5SC-PLA-002.

However, the extension by virtue of its height relative to the roof ridge will be visible for oblique views on Stradbroke Road.

- The appellant also questions the dimension of the (minimal thickness) green roof and flat roof over the rear extension with limited provision for structural beam upstands or falls.
- It is claimed that there is a restricted height over the staircase landing and bathroom of 1.95 metres. The dimension falls below the minimum clear height requirement of 2m for escape routes and staircases and below the 2.2m height of habitable rooms. This represents sub-standard development.
- It is claimed that no assessment has been considered of the impact of the works on the historic fabric of the building, which has traditional lime rendered stone walls with limited foundations in terms *inter alia* of structural loading on party walls.
- The appellant requests the Board to omit the first floor element of the approved development.

#### *Open Space*

- The planners report notes that the proposed rear amenity space does not accord with the minimum standard requirement of the county development plan or the Sustainable Residential Development and Compact Growth Guidelines for Planning Authorities for a 3 bedroom property.
- It is claimed the proposal represents over development in regard to the provision of open space, the impact on the existing building fabric and the single-storey building pattern given proposed scale and massing.

#### *Ground floor extension*

- The appellant has no objection to the ground floor rear extension.

## **7.2. Applicant Response**

N/A

### **7.3. Planning Authority Response**

The planning authority refer the Board to the previous planners report, as the grounds of appeal do not raise any new matters that would justify a change of attitude to the proposed development.

### **7.4. Observations**

None

## **8.0 Assessment**

- 8.1. The following assessment covers the points made in the appeal submission and is consideration of the overall application. It is noted there are no new substantive matters for consideration.
- 8.2. The applicant proposes to refurbish, extend and upgrade the existing house on site. The planning authority have granted planning permission for the proposed works.
- 8.3. The existing accommodation on site comprises a 4 room single-storey cottage with ancillary rear extension and shed comprising a floor area of approximately 69 sqm (69.15 sqm). The applicant would retain approximately 57 sqm (56.53 sqm) of existing accommodation.
- 8.4. The applicant proposes to rationalise the accommodation on site resulting in the demolition of approximately 13 sqm (12.62 sqm) of existing floor area and the construction of a new floor area of approximately 67 sqm. (66.98 sqm).
- 8.5. The proposed additional floor area would be accommodated within a part single-storey and part two-storey rear extension. The rear two-storey extension would elevate onto a rear patio garden (39 sqm.).
- 8.6. The internal accommodation of the house would be reconfigured to facilitate modern living. The number of bedrooms on site would be increased from 2 bedrooms to 3 bedrooms.
- 8.7. The single-storey rear extension would accommodate a kitchen / living / dining area. The two-storey extension would accommodate two bedrooms and a family bathroom at first floor level.

8.8. The overall application including the appellants grounds of appeal are assessed under the following sub-headings:

- Zoning
- Adaptation of the housing stock
- First floor rear extension
- Streetscape / roofscape Impacts
- Ground floor rear extension
- Provision of private open space
- Other matters
- Development contribution

#### Zoning

8.9. The site is zoned Objective “A” of the Dun Laoghaire-Rathdown Development Plan 2022-2028, which seeks *to provide residential development and improve residential amenity while protecting the existing residential amenities.*

8.10. Residential development is acceptable in principle and may be permitted where the proposed development is compatible with the overall policies and objectives for the zone.

#### *Adaptation of the housing stock*

8.11. Section 4.3.1.2, Policy Objective PHP19 (Existing Housing Stock-Adaptation) provides for the improvement of the existing housing stock through supporting improvements and adaptation of homes consistent with national policy objectives on the reuse of existing buildings. The applicant proposes to refurbish and extend the existing house.

8.12. I note that on balance the applicant proposes to conserve and improve the existing modest nineteenth-century masonry constructed dwelling house while providing for additional accommodation on site.

8.13. I consider that the overall intent and scope of the development proposal would be consistent with Policy Objective PHP19. The merits of the development are interrogated below with reference to the individual new build elements proposed.

- 8.14. *First floor extension*
- 8.15. Section 12.3.7.1 (ii) (Extensions to the Rear) of the Dun Laoghaire-Rathdown Development Plan 2022-2028 *inter alia* provides 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.
- 8.16. I note that the subject house is a single-storey mid-terrace property with rear extensions.
- 8.17. The existing substantive cottage comprises a double pile single storey cottage with a double pitched roof. The rear volume of the cottage would appear to be a legacy extension of an original earlier single-pile cottage.
- 8.18. There is an additional small flat roof extension to the extreme rear of the cottage, which would be demolished.
- 8.19. The front pitched roof located above the front volume of the cottage (streetscape frontage) is an apex roof aligned with the roof profile of the terrace of cottages. The existing rear volume of the cottage supports a hipped style pitched roof conjoined to the front volume apex roof rear pitch.
- 8.20. The ridge height (5116mm) of the pitch roof above the front volume (streetscape) is significantly higher than the ridge of the hipped style pitched roof to the rear volume.
- 8.21. The applicant proposes to reconstruct the rear volume of the cottage to provide a two-storey flat roof extension. The extension would replace the existing hipped-style pitched roof with a flat roof that would extend west to incorporate and replace the rear pitch of the front volume apex pitch roof.
- 8.22. The flat roof of the two-storey extension would be located to the rear of the existing front volume pitched roof ridge rising to a maximum height of 5550mm. The flat roof would be an approximate 400mm higher than the ridge height of the front volume (streetscape) pitched roof (5116mm).
- 8.23. I note that an existing chimney would be extended to facilitate the increased height of the rear two-storey extension.

- 8.24. The junction of the ridge line of the existing front volume pitched roof and the new two-storey rear flat roof would be characterised by a lower height transition element that would ramp up to the height of the two-storey rear extension – please see Section CC on Drawing No. 5SC-PLA-002.
- 8.25. The two-storey rear extension would accommodate two double bedrooms and a family bathroom. The internal bathroom and first floor landing would be naturally lit by rooflights located within the roof transition structure.
- 8.26. The bedrooms would have fenestration orientated east toward the garden with no direct overlooking of adjoining properties.
- 8.27. The bulk and massing of the extension would be contained within the footprint of the double pile cottage rising above the abutting cottages at no.4 Stradbroke Cottages to the north and no. 6 Stradbroke Cottages to the south.
- 8.28. I consider that no overbearing, overshadowing or overlooking impacts would result given the location of the two-storey extension within the indicative historic footprint of the cottage and the pattern of development to the rear of nos. 4, 5 & 6 Stradbroke Cottages, which include existing single storey rear extensions.
- 8.29. The appellant claims that the proposed two-storey rear extension would set a precedent for high structures to be constructed behind the ridge line on Stradbroke Road setting a dangerous precedent for the substandard development of the subject terrace.

#### *Streetscape impacts*

- 8.30. The appellant claims that the proposed first floor extension is out of scale with the historic stone cottages. It is claimed the rear two-storey extension would be raised above the existing ridge height and would be obliquely visible from Stradbroke Road visually disrupting the streetscape.
- 8.31. Section 12.3.7.1 (iv) (Alterations at Roof / attic Level) of the Dun Laoghaire-Rathdown Development Plan 2022-2028 provides guidance in the matter of roof level alterations including careful consideration and special regard to the character and size of the structure, its position on the streetscape, its proximity to adjacent structures and the existing roof variations on the streetscape.

- 8.32. The ridge height of the pitch of roof of the terrace (no. 4-10 Stradbroom Cottages) is nuanced rather than uniform. No. 4 & 5 Stradbroom Cottages have an identical ridge height with the ridge height of no. 6 Stradbroom Cottages (appellant) marginally lower than the two cottages to the north.
- 8.33. Drawing No. 5SC-PLA-002 shows the site line from an immediate observation point on Stradbroom Road and indicates that the two storey extension would not be visible.
- 8.34. The appellant highlights that the extension will be visible from oblique views on Stradbroom Road as it rises towards Deansgrange. I note the appellant's observation. Please see accompanying photographic record.
- 8.35. I acknowledge that there may be visibility from elevated vantage points of the differential (approximate 400mm) between the roof ridge height of the existing front single-storey volume and the set-back two-storey flat-roof extension volume.
- 8.36. However, I do not consider that the proposed two-storey extension would introduce a visually intrusive element into the streetscape at Stradbroom Cottages by reason of the significant set-back from the street frontage on Stradbroom Cottages of the rear two-storey extension, the existing pitch roof ridge nuance of the terrace and the modest 400mm differential in height.
- 8.37. Therefore, I do not consider that the proposed development would adversely impact the visual and residential amenities of area given that on balance the bulk and massing of the flat-roof two-storey extension would be screened by the streetscape pitched roof volume of the existing cottage.
- 8.38. Finally in the assessment of the two-storey element of the proposed development, I consider that the extension would not have a significant adverse impact on the existing cottage at no. 5 Stradbroom Cottages, or on the adjoining properties at nos. 4 & 6 Stradbroom Cottages, and would in general be consistent with Section 12.3.7.1 (ii) (Extensions to the Rear) and Section 12.3.7.1 (iv) (Alterations at Roof / attic Level) of the Dun Laoghaire-Rathdown Development Plan 2022-2028.

*Single-storey extension*

- 8.39. The applicant proposes to demolish existing ancillary structures to the rear and to construct a single-storey extension that would extend to the rear of the proposed two-storey extension.

- 8.40. The extension would accommodate a rear garden orientated kitchen / living / dining room open plan reception area. The maximum extension height including parapet detail would be 3200mm.
- 8.41. The single-storey extension would extend for the full width of the site. The extension would be indented along the shared property boundary with no. 6 Stradbrook Cottages, to the south, while it would project along the shared property boundary with no. 4 Stradbrook Cottages, to the north.
- 8.42. The full projection of the extension into the garden along the northern boundary and the corresponding indent along the southern boundary would facilitate a corner south-east orientation window / door opening onto a reconfigured rear patio garden from the kitchen / living / dining room.
- 8.43. I note the appellant has no objection to the single-storey rear extension.
- 8.44. I do not consider that the proposed single-storey extension would result in adverse overlooking, overbearing or overshadowing impacts of the adjoining properties in the terrace.
- 8.45. I consider that the proposed single storey extension would in general be consistent with Section 12.3.7.1 (ii) (Extensions to the Rear) of the Dun Laoghaire-Rathdown Development Plan 2022-2028 in the matter of ground floor extension (see the assessment of private open space provision below).
- 8.46. The proposed single storey extension would have a green roof. The planning authority have recommended a bespoke condition in the matter of the regulation of the roof area of the extension in the interests of residential amenity, which shall not be used as a balcony, roof (terrace) garden or similar amenity area.
- 8.47. The regulation of the use of the green roof can be dealt with by way of condition if a positive recommendation is recorded.

#### *Open Space*

- 8.48. The appellant claims that the proposal represents over development as the rear amenity space does not accord with the minimum standard requirement of the county development plan or the Sustainable Residential Development and Compact Growth Guidelines for Planning Authorities for a 3-bedroom property.



- 8.49. Section 12.8.3.3 (Private Open Spaces) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 provides guidance in the provision of private open space for residential development.
- 8.50. The applicant proposes to accommodate a 3-bedroom dwelling on site. Table 12.10 (Private Open Space) requires 60sqm. of private open space for a 3-bedroom property.

*SPPR2*

- 8.51. SPPR2 of the Sustainable Residential Development and Compact Settlement Guidelines (January 2024) requires a minimum open space provision of 40 sqm for a 3-bedroom house. I note the open space provision proposed at 39 sqm. would be marginally less than the 40 sqm. standard.
- 8.52. Section 5.3.2 (Private Open Space) of the Guidelines highlight that minimum private open space standard in development plans often reflects the traditional suburban separation standard and width of a dwelling. A more graduated and flexible approach that supports the development of compact housing and takes account of the value of well-designed private and semi-private open space should be applied.
- 8.53. The Guidelines clarify that private open space must form part of the curtilage of the house and be designed to provide a high standard of external amenity space in one or more usable areas. Furthermore, open spaces may take the form of traditional gardens or patio areas at ground level.

*Compliance with private open space standards*

- 8.54. The proposed reconfigured rear garden would provide a rear patio garden of approximately 39 sqm. I note that the open space provision would not satisfy the quantitative standards of the development plan. However, Section 12.8.3.3 of the development plan provides that in instances where an innovative design response is provided on site a relaxation in the quantum of private open space may be considered.
- 8.55. I note that the existing rear garden albeit larger in area provides for a fractured amenity area residual in character given the relationship between the property boundaries, the footprint of the existing flat roof extension and the footprint of the garden shed.

- 8.56. I consider that the proposed patio garden given its south east orientation and integrated landscaping would satisfy qualitative standards providing for an enhanced private amenity area.
- 8.57. On balance I consider that the open space provision proposed would be consistent with Section 5.3.2 (Private Open Space) with the Sustainable Residential Development and Compact Settlement Guidelines (January 2024) and with Section 12.8.3.3 of the Dun Laoghaire-Rathdown County Development Plan 2022-2028.

Other Matters

- 8.58. In the matter of surface water drainage, the appellant claims that the proposed surface water drainage solution is unclear and has not been properly assessed by the designers or by the local authority.
- 8.59. Furthermore, the appellant claims given the area of roofing to be drained and the small back garden area available for SuDS, a greater oversight of surface water solutions is required from the planning authority, as any failure of the drainage system is likely to lead to damage to our clients property from damp penetration through external walls or wash out of bearing substrate beneath the foundations.
- 8.60. Firstly, I note that the volume of surface water and the capacity of the site to assimilate the same level of rain fall will not change. Furthermore, I note that the Drainage Planning Section of the planning authority has no objection to the proposal subject to condition.
- 8.61. Secondly, the applicant proposes a rain garden, which incorporates a number of SuDS measures including a green roof on the lower rear extension, attenuation water within minimum 200L rain water butt, raised rain water planter and permeable paving.
- 8.62. I note discrepancies in the submitted drawings in relation to the location and extent of the raised rain water planters.
- 8.63. The appellant expresses concern that the proposed raised planters would abut the external wall of the appellants extension above the DPC, introducing moisture into the foundations and external wall of the extension.
- 8.64. I note that the submitted drawing P1 (Stage\_2) (Nov 2024) proposed ground floor does not indicate a raised planter along the shared rear property boundary of no. 5

and no. 6 Stradbroke Cottages. However, a more comprehensive raised planter is schematically indicated on the submitted Drainage Drawing No.001 (November 2024)

- 8.65. The appellant argues that the simple conditioning of the surface water drainage requirement on site with no provision for written agreement of proposals prior to construction does not provide for the proper planning of the proposed SuDS site strategy.
- 8.66. I consider that the appellants requirement for the submission of surface water drainage details for the review and written agreement of the planning authority is a reasonable request given the lack of clarity provided in the submitted drawings in regard to the precise details of the SuDS measures proposed. I consider this matter can be dealt with by way of a standard surface water drainage condition.

*Building Regulations & associated matters*

- 8.67. The appellant claims inconsistency with building norms in regard to specific dimensions shown on the submitted drawings and highlights matters in relation to building structure.
- 8.68. A restricted height dimension over the staircase landing and bathroom of 1.95 metres is cited for example. It is claimed the dimension falls below the minimum clear height requirement of 2m for escape routes (staircases) and below the 2.2m height of habitable rooms.
- 8.69. I consider that the issue of compliance with building regulations will be evaluated under a separate legal code and need not concern the Board for the purposes of this appeal.
- 8.70. I note any issue of oversailing or encroachment into neighbouring property is a civil matter and cannot be resolved through the planning process having regard to the provisions of Section 34(13) of the 2000 Planning and Development Act.
- 8.71. Finally, it is noted that the proposed works are located within the site boundary red line.

### *Development Contribution Scheme*

- 8.72. The Dun Laoghaire-Rathdown County Council Development Contribution Scheme 2023-2028 (adopted 9<sup>th</sup> October, 2023) requires a contribution rate of €116.36 per sqm. for domestic extension.
- 8.73. The first 40 sqm. of a domestic extension to a dwelling house is exempted. Any domestic extension that exceeds 40sqm development contributions shall be determined and charged in accordance with the Scheme calculated per square metre of development subject to a maximum contribution equivalent to that payable in respect of one residential unit.
- 8.74. I consider that a development contribution condition should attach in the instance of the proposed development, as the existing dwelling house will be extended in excess of 40 sqm, as the applicant proposes to construct a new floor area of 66.98 sqm.

## **9.0 AA Screening**

I have considered the proposed development in-light of the requirements S177U of the Planning and Development Act 2000 (as amended).

The subject site is located within an established urban area and is connected to piped services and is not immediate to a European Site. The proposed development comprises the extension of an existing single-storey cottage as set out in Section 2.0 of this report.

No significant nature conservation concerns were raised in the planning appeal.

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 any effect on a European Site given the small-scale nature of the development.

I conclude 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.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 Recommendation

- 10.1. I recommend a grant of planning permission subject to condition for the reasons and considerations set out below.

## 11.0 Reasons and Considerations

- 11.1. Having regard to the grounds of appeal, the residential zoning objective and the policy framework provided by the Dun Laoghaire-Rathdown Development Plan 2022-2028, it is considered that the proposed development subject to condition would provide a reasonable level of accommodation on site, would not have an adverse impact on the residential amenities of the adjoining properties at nos. 4 & 6 Stradbroke Cottages, would not have a significant adverse visual impact on the receiving streetscape at nos. 4-10 Stradbroke Cottages, in general would be consistent with Section 12.3.7.1 (Extensions to Dwellings) of the Dun Laoghaire-Rathdown Development Plan 2022-2028 and, as such, would be consistent with the proper planning and sustainable development of the area.

## 12.0 Conditions

1.	<p>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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>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</p>

	<p>authority.</p> <p><b>Reason:</b> To prevent flooding and in the interests of sustainable drainage.</p>
3.	<p>The roof area of the extension shall not be used as a balcony, roof (terrace) garden or similar amenity area.</p> <p>Reason: In the interests of residential amenity.</p>
4.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
5.	<p>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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission
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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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Anthony Abbott King  
Planning Inspector

14 April 2025

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP321841-25		
<b>Proposed Development Summary</b>	Domestic Extension		
<b>Development Address</b>	No. 5 Stradbroom Cottages		
<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	
	<b>No</b>		
<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		Proceed to Q3.
<b>No</b>	Tick or leave blank	X	Tick if relevant. 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>	Tick/or leave blank		EIA Mandatory EIAR required
<b>No</b>	Tick/or leave blank	N/A	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	N/A	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>		<b>Screening Determination required</b>

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