



An
Bord
Pleanála

Inspector's Report ABP-321845-25

| | |
|-------------------------------------|--|
| Development | Retention of building, construction of extension from main dwelling and building with all associated site works. |
| Location | 241 The Boulevard, Mount Eustace, Tyrrelstown, Dublin 15, D15 AH92 |
| Planning Authority | Fingal County Council |
| Planning Authority Reg. Ref. | FW24A/0480E |
| Applicant(s) | Renato and Sonia Guilalas. |
| Type of Application | Retention and Permission. |
| Planning Authority Decision | Refuse Permission |
| Type of Appeal | First Party |
| Appellant(s) | Renato and Sonia Guilalas. |
| Observer(s) | None. |
| Date of Site Inspection | 8 th May 2025. |
| Inspector | Lucy Roche |

Contents

| | |
|--|----|
| 1.0 Site Location and Description | 3 |
| 2.0 Proposed Development | 3 |
| 3.0 Planning Authority Decision | 5 |
| 3.1. Decision | 5 |
| 3.2. Planning Authority Reports | 5 |
| 3.3. Prescribed Bodies | 6 |
| 3.4. Third Party Observations | 6 |
| 4.0 Planning History | 6 |
| 5.0 Policy Context | 7 |
| 5.1. Fingal Development Plan 2023-2029 | 7 |
| 5.2. Natural Heritage Designations | 9 |
| 6.0 The Appeal | 9 |
| 6.1. Grounds of Appeal | 9 |
| 6.2. Planning Authority Response | 10 |
| 6.3. Observations | 11 |
| 7.0 Assessment | 11 |
| 8.0 AA Screening | 14 |
| 9.0 EIA Screening | 15 |
| 10.0 Water Framework Directive | 15 |
| 11.0 Recommendation | 16 |
| 12.0 Reasons and Considerations | 16 |
| Appendix 1 – Form 1: EIA Pre-Screening | |

1.0 Site Location and Description

- 1.1. The proposed development site is on The Boulevard, a residential street to the west of the R121 Regional Road in Tyrrelstown, Dublin 15. The site comprises No. 241 The Boulevard, a three-storey, four bed, end-of terrace dwelling and its curtilage. The site has a stated area of 0.012ha
- 1.2. The dwelling has a stated gross floor area of 121.05 sq. m. and incorporates a brick and render external finish. The dwelling is served by an area of private amenity space to the rear, backing onto Mount Eustace Crescent. Direct access is available from Mount Eustace Crescent where dedicated on-street parking is available. A single storey detached structure (the subject of this application) has been erected to the northeast corner of the site. The amenity space between the dwelling and the structure for retention is covered by a canopy type structure.
- 1.3. The surrounding area is primarily residential in nature with dwellings of similar design, form and appearance to No. 241. Garden. Sheds and similar structures are a feature of many gardens along The Boulevard.

2.0 Proposed Development

- 2.1. The proposed development comprises:
 - The retention of a single storey structure to the rear of No. 241 The Boulevard. The structure is in two sections. The main section to the south is shown on the drawings submitted with the application to comprises two rooms and toilet facilities. The current use of two rooms is not stated in the application / appeal. I did not access the interior of the structure on the date of inspection. The northern section comprises a storage shed that is accessed separately via the garden area, this section benefits from a dropped roof height of c. 0.7m which reflects the ground level slope in the rear garden (slopes south to north). The following details are noted:

| | | |
|-------------|-------------|------------|
| Floor Area | 33.53 sq. m | |
| Dimensions: | Height | 3.2m (max) |

| | | |
|----------------------|--|------|
| | Width | 3.9m |
| | Length | 8.6m |
| Design Features | Mono pitched roof with wide overhang to the west. | |
| External Finish | Dark grey composite cladding | |
| Internal Layout | As detailed on the drawings the structure currently accommodates two main rooms and a WC. Current use unknown. The proposal is for a playroom/den, dining area, utility and WC. | |
| Separation Distances | c. 0.531m from the party boundary with No.243 to the east and c. 2.245m from the party boundary with No.239 to the west. c. 2.35m from the rear elevation of the main dwelling | |

- Permission is also sought for the construction of a new single storey flat roof extension connecting the main dwelling to the building for retention.

| | | |
|-------------|------------|-------|
| Floor Area | 4.10 sq. m | |
| Dimensions: | Height | 2.4m |
| | Width | 1.84m |
| | Length | 2.35m |

2.2. The proposal would provide an additional 37.63 sq. m of accommodation, extending the GFA of the dwelling to c158.68 sq. m. As per the drawings submitted the proposal would allow for the retention of 28.95 sq. m of private amenity space to the rear.

3.0 Planning Authority Decision

3.1. Decision

Fingal County Council did by order dated the 20th of January 2025, refuse permission for the proposed development for 2no reasons as follows:

1. The subject site is zoned 'RS' Residential with the objective to 'provide for residential development and protect and improve residential amenity' with the vision to 'ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity', in the Fingal Development Plan 2023-2029. The proposed development and development to be retained are located on a narrow plot and the totality of development given the constraints of the site would be considered to be overdevelopment of this restricted site. Moreover, having the building form extending from the rear wall of the house to the rear boundary wall would be overbearing on the neighbouring properties particularly no's 239 and 243 The Boulevard. In addition, the materials used, colour and extensive overhang and lack of usable open space fail to integrate the development within its surroundings and exacerbate its build form and would fail to complement the existing dwelling house. The development as such would be contrary to Section 14.10.2.3 of the Fingal Development Plan 2023-2029, would be seriously injurious to residential amenity and would be considered to be contrary to the proper planning and development of the area.
2. The applicants have submitted insufficient information regarding the surface water drainage arrangement. In the absence of same the development may be considered to be prejudicial to public health.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The report of the Case Planner forms the basis of the decision to refuse permission. The Case Planner considers that the proposal would comprise overdevelopment of a restricted site and that it would be overbearing on neighbouring properties. The lack of information on surface water drainage is also raised as an issue.

3.2.2. Other Technical Reports

- Water Services: No objection regarding flood risk. The report requests additional information on surface water drainage arrangements.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Planning History

FCC Ref: F99A/1620 Permission granted by Fingal County Council on 6th April 2000 for residential development comprising 2,119 no. 1, 2, 3 and 4 bed dwellings and ancillary site works, and the reservation of a 3.54 ha site for primary school, neighbourhood shopping and sundry support residential community services.

Condition No. 30 of the permission sets out the following:

“Having regard to the provision of small rear garden sizes and narrow frontage houses, notwithstanding the exempted development provisions of the Local Government (Planning and Development) Regulations 1994 (or any amendment or replacement of said Regulations), no additional development whatsoever shall take place within the curtilage of each house save with a prior grant of planning permission

Reason: To prevent overshadowing and overlooking of neighbouring private space and buildings by exempted development”.

5.0 Policy Context

5.1. Fingal Development Plan 2023-2029

5.1.1. Zoning: The appeal site is zoned 'RS- residential with the objective 'to provide for residential development and protect and improve residential amenity'. The vision for this area is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.

5.1.2. Airport Noise Zones: The site is situated within Noise Zone C associated with Dublin Airport.

5.1.3. Section 3.5.13.1 Extensions to Dwellings

The need for people to extend and renovate their dwellings is recognised and acknowledged. Extensions will be considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area.

5.1.4. Section 14.6.6.4 Overlooking and Overbearance

Development proposals must assess levels of overbearance and potential to cause significant levels of overlooking to neighbouring properties. Issues in relation to excessive overlooking and overbearance may be addressed through relocation or reduction in building bulk and height. Mitigation measures to ameliorate overbearance should be considered and may include alterations to the bulk and massing of the proposed scheme relative to neighbouring property. Overlooking may also be addressed by appropriate design-led solutions including the sensitive placement of fenestration and balcony treatments.

5.1.5. Section 14.10.2 Residential Extensions

The need for housing to be adaptable to changing family circumstances is recognised and acknowledged and the Council will support applications to amend existing dwelling units to reconfigure and extend as the needs of the household change, subject to specific safeguards. In particular, the design and layout of residential extensions must have regard to and protect the amenities of adjoining properties, particularly in relation to sunlight, daylight and privacy. The design of

extensions must also have regard to the character and form of the existing building, its architectural expression, remaining usable rear private open space, external finishes and pattern of fenestration. Additionally, careful consideration should be paid to boundary treatments, tree planting and landscaping. The following section provides guidance in relation to, front extensions, side extensions, rear extensions, first floor rear extensions, roof alterations including attic conversions and dormer extensions.

5.1.6. Section 14.10.2.3 Ground Floor Extensions (rear)

Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining to serve the dwelling house. The proposed extension should match or complement the existing dwelling house.

5.1.7. Section 14.10.4 Gardens Rooms

Garden Rooms can provide useful ancillary accommodation such as a playroom, gym, or study/home office for use by occupants of the dwelling house. Such structures should be modest in floor area and scale, relative to the main house and remaining rear garden area. Applicants will be required to demonstrate that neither the design nor the use of the structure would detract from the residential amenities of either the main residence or of adjoining property. External finishes shall be complementary to the main house and any such structure shall not provide residential accommodation and shall not be fitted out in such a manner including by the insertion of a kitchen or toilet facilities. Such structures shall not be let or sold independently from the main dwelling.

5.1.8. Noted Policies and Objectives

Policy SPQHP41 Residential Extensions

Support the extension of existing dwellings with extensions of appropriate scale and subject to the protection of residential and visual amenities.

Objective SPQHO45: Domestic Extensions

Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.

Objective DMSO27: Minimum Private Open Space Provision

Ensure a minimum open space provision for dwelling houses (exclusive of car parking area) as follows:

Houses with 4 or more bedrooms to have a minimum of 75 sq. m. of private open space located behind the front building line of the house.

Narrow strips of open space to the side of houses shall not be included in the private open space calculations.

5.2. Natural Heritage Designations

5.2.1. The subject site is not located on or adjacent to a designated site.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first party appeal against the decision of Fingal County Council to refuse permission for the proposed development. The grounds of appeal are summarised as follows:

- The applicants, unaware of planning laws in Ireland, constructed a 31.55sqm building in their rear garden without the benefit of planning permission.
- They are now seeking to retain this structure and to construct a flat roof extension to connect it to the main dwelling making it more accessible to the family home while meeting the minimum planning requirement of 25sqm of open space in the rear garden.

- Fingal County Council (FCC) were unjust in the refusal and could have asked the applicants to change the façade of the structure to re-harmonise with the main house.
- The building is not overpowering to the adjacent and attached dwellings as none of the people in these properties objected to the planning permission and retention.
- FCC could have requested the removal of the storage part of the building in order to decrease its length and provide more open space in the rear garden.

6.2. Planning Authority Response

The planning authority's response to the grounds of appeal can be summarised as follows:

- The application was assessed against the policies and objectives of the FDP etc. The planning authority considered that the development would not comply with Development Plan policy and guidance for development in residential areas.
- The planning authority reiterates the constrained nature of the site, the unusable and lack of provision of private open space and the negative impact on surrounding development, in addition to the negative precedent it would set.
- In the event that the appeal is successful, the Planning Authority requests the following be included:
 - A financial contribution and/or a provision for any shortfall in open space and/or any Special Development Contributions required in accordance with Fingal County Council's Section 48 Development Contribution Scheme.
 - The inclusion of Bond/Cash Security for residential developments of 2 or more units.
 - Conditions should also be included where a tree bond or a contribution in respect of a shortfall of play provision facilities are required.

6.3. Observations

None

7.0 Assessment

7.1. Introduction

7.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal and the reports of the planning authority, having regard to relevant local/regional/national policies and guidance and having inspected the site, I consider that the main issues in this appeal are those set out in the planning authority's reasons for refusal. I am satisfied that no other substantive issues arise. The main issues in determining this appeal are as follows:

- Principle of Development
- Impact on Visual and Residential Amenity
- Surface Water Drainage

7.2. Principle of Development

7.2.1. The proposed development is in an area zoned for residential uses. The principle of development is therefore acceptable, subject to the detailed considerations below.

7.3. Impact on Visual and Residential Amenity

7.3.1. The first reason for refusal considers that the development, due to its scale, form, design and proximity to boundaries, constitutes overdevelopment of a restricted site, is overbearing on neighbouring properties and fails to complement the existing dwelling house.

7.3.2. The proposal comprises the extension of No. 241 The Boulevard by way of the retention of a single storey detached structure to the rear (33.53 sq. m.) and the

construction of a new single storey flat roof addition (4.1 sq. m) that is intended to link the main dwelling to the building for retention.

7.3.3. It is of relevance to note that normal exempted development provisions have been restricted for houses in The Boulevard by virtue of a condition imposed on the parent permission as detailed in section 4.1 above.

7.3.4. Regarding the structure for retention (as detailed in section 2.1 above). The Fingal Development Plan (FDP) in Section 14.10.4 provides guidance on 'garden rooms'. The FDP recognises that such structures can provide useful ancillary accommodation to the main dwelling but states that that such structures shall not provide residential accommodation and shall not be fitted with kitchen or toilet facilities. The guidance also specifies that garden rooms should be modest in floor area and scale, relative to the main house and remaining rear garden area and include external finishes that are complementary to the main house.

7.3.5. In my view the structure for retention, does not accord with the guidance set out in Section 14.10.4, for the following reasons:

- The structure has a large floor area (33.53 sq. m.) relative remaining rear garden area. The structure occupies a substantial portion of the rear garden area leaving only limited amenity space to the south and west of the structure. The amenity value of the space is, I consider, further diminished by the large oversailing roof on the structure's western elevation.
- As detailed on the plans submitted with the application and appeal, the structure incorporates toilet facilities.
- The structures external finish differs materially from that of the main dwelling.

7.3.6. However, I note that the application includes proposals for the construction of a new flat roof addition that is intended to link the structure for retention to the main dwelling so that it reads as an extension to the dwelling rather than a standalone structure.

- 7.3.7. Sections 3.5.13.1 and 14.10.2 of the FDP set out the policy and guidance for residential extensions in Fingal. Essentially, extensions will be considered favourably where they do not have a negative impact on residential amenity or on the nature of the surrounding area. The guidance states that 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 to serve the dwelling house and that the proposed extension should match or complement the existing dwelling house.
- 7.3.8. Again, in my view the development would not accord with the provisions for residential extensions as set out in the FDP. The proposed 'link' extension would further reduce the area of private amenity space to serve the dwelling house. The plans submitted indicate a retained garden area of 28.95 sq. m. which I consider relatively low for a four bedroomed dwelling. For context, I refer the Board to Objective DMSO27 of the FDP which seeks to ensure that houses with 4 or more bedrooms have a minimum of 75 sq. m. of private open space located behind the front building line of the house. Additionally, I would have concerns regarding the usability of the retained garden area, due to its narrow width and arrangement. In my opinion the space would have limited amenity value for occupants of the property.
- 7.3.9. The structure reaches a maximum height of c3.2m, exceeding the height of the boundary wall and the height of similar structures on neighbouring properties. The top of the structure is visible from Mount Eustace Crescent. In my opinion the extension due to its height relative to site boundaries, its length (which would extend the entirety of the rear garden) and its proximity to adjoining site boundaries, would have an overbearing impact on the neighbouring properties. Furthermore, the extension in terms of its design and material finish does match or complement the existing dwelling house.
- 7.3.10. It is contended in the first party grounds of appeal that Fingal County Council could have asked the applicants to change the façade of the structure to re-harmonise with the main house and / or to remove the storage part of the building, to decrease its length and provide more space in the garden. No proposals in this regard have been submitted as part of the appeal. In my opinion the removal of the shed structure

would not address the concerns raised as the additional area of open space provided would be of limited amenity value due to its location at the end of the garden, in a restricted area between the extended dwelling and rear boundary wall.

7.3.11. In light of the above, I recommend that permission be refused.

7.4. Surface Water Drainage

7.4.1. The planning authority, in their second reason for refusal consider that the proposed development would be prejudicial to public health due to the lack of information on surface water drainage arrangements for the site. The planning authority's decision in this regard is informed by the report of the Water Services Department that includes a request for additional information on the surface water drainage arrangements for the development including appropriate and commensurate SuDS measures that comply with the principles of the GDSDS (Greater Dublin Strategic Drainage Study, 2005).

7.4.2. The plans submitted with the application and appeal indicate that the development is connected to an existing surface water sewer/drain on The Boulevard. No further information has been provided. The issue of surface water drainage is not addressed in the grounds of appeal. Given the extent of hard surfaced area provided in the rear garden area, I would agree with the need for appropriate surface water drainage arrangements for the site, including where possible the implementation of SUDs measures. However, I believe that this matter could be adequately addressed by way of condition in the event of a grant of permission.

8.0 AA Screening

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

8.2. The subject site is located on The Boulevard, a residential street in Tyrrelstown, Dublin 15. The site is not on or within proximity to any designated European Site. The closest site being the Rye Water Valley/Carlton SAC, c. 9km to the southwest. The proposed development comprises works within the curtilage of an existing

dwelling, facilitating an extension of the property at ground floor level. No nature conservation concerns were raised in the planning appeal.

8.3. 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. The reason for this conclusion is as follows:

- The established residential use of the site
- The nature and scale of the development proposed.
- The distance to the nearest European site, intervening land uses and the lack of connections; and,

8.4. 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.

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

9.0 EIA Screening

9.1. I refer the Board to the completed Form 1 in Appendix 1.

9.2. The proposed development is not of a type listed under Part 1 or 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended) nor is it considered a sub-threshold development for the purposes of Schedule 7 of the Planning and Development Regulations. An EIAR is not therefore required.

10.0 Water Framework Directive

10.1. I have considered the proposal in light of the objectives set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or

permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

I recommend that permission should be refused for the reasons and considerations stated below.

12.0 Reasons and Considerations

- 12.1. The application site is zoned with the objective “provide for residential development and protect and improve residential amenity” in the Fingal Development Plan 2023-2029. Having regard to the limited site size and scale, height and design of proposed development, it is considered that the proposal would result in an unsatisfactory standard of residential amenity for future and existing occupants of the house and result in overdevelopment of the site by reason of inadequate provision of good quality open space. Furthermore, the proposed development due to its height, scale and the proximity to site boundaries would have an overbearing impact on the neighbouring properties and would detract from the amenities of the area. The proposed development and the undesirable precedent it would set for future development in the area would, therefore, be contrary to 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.

Lucy Roche
Planning Inspector

15th May 2025

Form 1

EIA Pre-Screening

| | | | |
|--|---|--|---|
| An Bord Pleanála Case Reference | ABP-321845 | | |
| Proposed Development Summary | Retention of building, construction of extension from main dwelling and building with all associated site works | | |
| Development Address | 241 The Boulevard, Mount Eustace, Tyrrelstown, Dublin 15, D15 AH92 | | |
| 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 | X |
| | | 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 | | State the Class here. | Proceed to Q3. |
| No | X | | No further action required |
| 3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class? | | | |
| Yes | | State the relevant threshold here for the Class of development. | EIA Mandatory EIAR required |
| No | | | Proceed to Q4 |
| 4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]? | | | |
| Yes | | 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 | X | Pre-screening determination conclusion remains as above (Q1 to Q4) |
| Yes | | Screening Determination required |

Inspector: _____ **Date:** _____