

An
Bord
Pleanála

Inspector's Report

ABP321865-25

Development	Retention of rear extension and associated works.
Location	12 Eugene street, Dublin 8.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4399/24
Applicant(s)	Darren Reddy.
Type of Application	Retention Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party
Appellant(s)	Roisin Cronin & Edel Reilly.
Observer(s)	None.
Date of Site Inspection	31/03/25.
Inspector	Anthony Abbott King

1.0 Site Location and Description

- 1.1. No. 12 Eugene Street is a single-storey two-bay period terraced cottage located on the south side of Eugene Street in a streetscape of similar cottages.
- 1.2. Eugene Street comprises two identical single-storey linear streetscapes of conjoined cottages with modest rear yards.
- 1.3. The majority of cottages have been extended to the rear.
- 1.4. The site area is given as 69 sqm.

2.0 Proposed Development

- 2.1. The retention of a rear single-storey extension.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 4 standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the CEO of Dublin City Council reflects the recommendation of the planning case officer.

3.2.2. Other Technical Reports

No objection subject to condition.

3.3. Prescribed Bodies

N/A

3.4. Third Party Observations

There is one third party objection on file (from the appellants).

4.0 Planning History

There is no relevant recent planning history on the subject site.

The relevant planning history in the vicinity is as follows:

- Under reg. Ref: 3999/23 planning permission was granted subject to 9 conditions for the demolition of an existing single-storey extension and the construction of a replacement two-storey extension to the rear of no. 13 Eugene Street.
- Under reg. Ref: 2127/21 planning permission was refused for the demolition of an existing single-storey extension and the construction of a replacement two-storey extension to the rear of no. 13 Eugene Street. The following reason for refusal is recorded:

(1) Having regard to the Z1 zoning objective, as set out in Dublin City Development Plan 2016-2022, and the height and scale of the extension, 1.3 metres higher than the ridgeline of the existing dwelling, it is considered that the extension is excessive in height, would have a negative impact on the character and scale of the dwelling and on the character of the streetscape. Furthermore the proposal would provide a poor level of residential amenity for future occupants in terms of overlook and aspect due to the location of the window of bedroom No. 2 into a narrow light well. The proposal would therefore seriously injure residential amenities, depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

- Under reg. Ref: 2956/21 retention permission was granted for two storey rear extension with extension of roof ridge and conversion of attic with stairs to provide new bedroom and store at no. 27 Fingal Street.

5.0 Policy Context

Development Plan

The following policy objectives of the Dublin City Development Plan 2022-2028 are relevant:

Zoning

The zoning objective is 'Z1'(Map E): 'to protect, provide and improve residential amenities'.

Residential is a permissible use.

Residential Extensions

- Chapter 15 (Development Standards), Section 15.11 is relevant and states for guidance and standards *inter alia* for residential extensions see Appendix 18.
- Appendix 18, (Ancillary Residential Accommodation) Section 1 (Residential Extensions) is relevant. Section 1.1 (General Design Principles) *inter alia* states:

The design of residential extensions should have regard to the amenities of adjoining properties and in particular, the need for light and privacy. In addition, the form of the existing building should be respected, and the development should integrate with the existing building through the use of similar or contrasting materials and finishes.

- Appendix 18, Section 1.1 (General Design Principles) is relevant provides the following assessment criteria for applications for extensions to existing residential units, which 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 (Extensions to the Rear) *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.....

Chapter 15, Section 15.11 (House Development) provides standards *inter alia* for floor area, Daylight / sunlight, private open space and separation distances between buildings.

In relation to Section 5.11.3 (Private Open Space) the following is relevant:

Private open space for houses is usually provided by way of private gardens to the rear of a house. 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. Generally, up to 60-70 sq. m. of rear garden area is considered sufficient for houses in the city. 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.

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

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination.

See completed Form 1 on file.

7.0 The Appeal

7.1. Grounds of Appeal

The grounds of appeal are summarised below:

- The appellants claim that the issues raised in their submission to the planning authority have not been addressed. The planning authority submission is appended to the appeal statement (Appendix A).
- The foot print of the houses on Eugene Street is extremely small. These houses have been extended overtime on an ad hoc basis. A number of houses have no open space to the rear with 100% site coverage.
- Dublin City Council agreed to the disposal of a small piece of open space at the rear of the Eugene Street properties to the north of Margret Kennedy Road.
- The small piece of open space between Eugene Street and Margret Kennedy Road presents a significant opportunity to improve the living conditions of current and future residents on Eugene Street.
- The appellants understand that the area of space / footprint the subject of appeal is modest. However, the significance must be understood in the context of city living where limited access to open space is precious.
- No other development to the rear of the Eugene Street houses has extended into the recently acquired additional garden spaces. No precedent exists. It is claimed all other property owners who have extended have retained the additional rear space as garden space including nos. 11 & 13 Eugene Street recently extended to the rear.
- No 13 Eugene Street has recently been granted planning permission for a two-storey rear extension under Reg. Ref: 3999/23 retaining the additional open area.
- The appellants also cite a refusal at no.13 Eugene Street under Reg. Ref: 2127/21 noting the acknowledgement in the planning assessment that 16

sqm. of private open space was considered an acceptable provision of private open space for residents / tenants.

- The appellants interrogate how a provision of 4.5 sqm. of internalised open space can be acceptable to the planning authority as an amenity space in the instance of the subject development given the previous 16 sqm. open space benchmark.
- It is claimed that the internalised open area is no more than a storage area for bins given that bin storage is not shown on the submitted floor plans.
- The residents on the street have recently been reminded that by Dublin City Council that bin storage must be provided within the footprint of the residence. It would appear that two bedrooms face into the 4.5 sqm internal storage space, which provides poor residential amenity.
- The example of no.13 and no.3 Eugene Street should be used as precedent rather than Fingal Street (Reg. Ref: 2956/21), as both houses have extended footprints since 2021 when the additional open space to the rear was added.
- It is claimed that confusion may have arisen by reason of not conducting a site visit. The appellants include a photograph for clarity showing the rear extension at no. 12 Eugene Street, located within the additional open space, contextualised with nos.10 & 11 Eugene Street where the rear additional open area is retained (Appendix B).
- The appellants claim that the additional land to the rear of the houses on the south side of Eugene Street offer an opportunity to allow planning authorities to apply standards around private open space, as set out in Section 15.11.3 of the Dublin City Development plan 2022-2028.
- The grant of a retention permission at no.12 Eugene Street would set a precedent for future development of the recently acquired additional open space to the rear of the subject houses, which would have a negative impact on amenity for current and future residents and would result in an inconsistent streetscape to the rear of the houses.
- The appellants remain deeply concerned that the development has been built over a shared private sewer. It is noted that the Drainage Section of Dublin

City Council do not have an issue with regard to public drainage. The matter of the private shared drain constructed circa. 2018 has not been addressed. Appendix C contains correspondence from Dublin City Council (DCC) regarding the construction of the shared private drain.

- The issue of land ownership was not addressed in the planning assessment process. The plot of land may not have been in the ownership of the applicant at the time of construction. The appellants are surprised that potential unauthorised development on DCC lands was not interrogated. Appendix E provides further concerns in the matter of landownership issues.
- It is claimed that the standard of residential accommodation is poor particularly with regard to lighting in the second bedroom given that there is no window in the side elevation of the extension.

7.2. Applicant Response

N/A

7.3. Planning Authority Response

The planning authority requests An Board Pleanála to uphold its decision.

7.4. Observations

N/A

8.0 Assessment

- 8.1. The following assessment covers the points made in the appeal submission and encapsulates my overall consideration of the application following examination of the submitted documentation and subsequent to my site visit. It is noted there are no new substantive matters for consideration.

Development to be retained in context

- 8.2. The applicant proposes to retain an existing unauthorised rear extension. The extension is shown on the submitted drawings as the end section of an elongated

extended cottage covering the entirety of the residential plot with the exception of a small lightwell.

- 8.3. The existing floor area of the house is given as 48 sqm. The floor area of the extension is given as 16 sqm.
- 8.4. The subject single-storey cottage had an existing rear extension. The applicant has reconfigured the cottage and legacy extension internally and constructed a new extension on a satellite footprint external to the historic cottage plot.
- 8.5. The satellite area forms part of a strip of ground provided by Dublin City Council in the redevelopment of St. Teresa's Gardens to the property owners on this side of Eugene Street.
- 8.6. It is claimed by the appellant that the satellite area was intended as an open space amenity extending the historic cottage plots to the south by approximately 4m.
- 8.7. The planning authority granted retention permission subject to standard conditions.

Zoning

- 8.8. The site is zoned Z1 (Residential) in the Dublin City Development Plan 2022-2028: 'to protect, provide and improve residential amenities'. Residential development is acceptable in principle and may be permitted where the proposed development is compatible with the overall policies and objectives of the zoning.
- 8.9. The development to be retained is permissible under the zoning objective for the area.

Rear extension of the existing dwelling house

- 8.10. Appendix 18, Section 1.3 (Rear Extension) *inter alia* requires 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.
- 8.11. The single-storey extension to be retained extends from the main house to the rear boundary wall of the site and is accessed across an internalised lightwell via a short link corridor. The extension to be retained and the main house are an integrated whole.

- 8.12. The internal lightwell measures approximately 5 sqm (1767mm x 2760mm = 4.877 sqm). The lightwell is denoted as a “garden” on the submitted drawings (Retained Plan: DRG. 100086407-08).
- 8.13. The extension extends for the full width of the site 3890mm and has a length of 3800mm. The extension accommodates a double bedroom and a shower room (Bedroom 2).
- 8.14. The internalised lightwell provides light to the double bedroom in the extension (Bedroom 2) and also provides light to the single bedroom to the rear of the main house (Bedroom 1). The bedroom windows directly align. The opposing window distance between bedrooms is 1767mm.
- 8.15. Appendix 18, Section 1.1 (General Design Principles) provides assessment criteria for applications for extensions to existing residential units including the achievement of a high quality design. I consider that the opposing window distance between aligned bedroom windows at less than 2m is suboptimal.
- 8.16. I further consider that the site plan represents a congested form of development notwithstanding the inner city location and terraced configuration of the subject plot.
- 8.17. I conclude that the development to be retained would be inconsistent with Appendix 18, Section 1.1 (General Design Principles) in terms of quality design by reason of the poor aspect of Bedroom 2, receiving light from an narrow internalised lightwell and, the sub-optimal opposing window distances between Bedroom 1 and Bedroom 2.

Potential impact of adjoining residential amenities

- 8.18. The blank west elevation is visible from the adjoining properties to the west. It exhibits a render finish onto the property boundary. I consider that the extension onto the shared property boundary would exhibit an appropriate simple and defined elevation.
- 8.19. The extension has a flat roof profile. The internal height dimension is given as 2400mm. The external height dimension is 2600mm.
- 8.20. I consider that the extension to be retained would not have an adverse impact on adjoining residential amenities given its single-storey height, flat roof profile and internalised fenestration.

Amenity open space

- 8.21. The substantive ground of appeal relates to private open space provision, which the appellants claim is deficient and results in substandard development.
- 8.22. It is claimed that the additional land to the rear of the houses on Eugene Street, provided to the property owners in the redevelopment of St. Teresa's Gardens, allows planning authorities to apply standards around private open space, as set out in Section 15.11.3 of the Dublin City Development plan 2022-2028.
- 8.23. The appellant cites recently extended neighbouring houses, which have retained the additional open space in particular a grant of planning permission for a two-storey extension of the adjoining house at no. 13 Eugene Street.
- 8.24. I note the planning history in the vicinity including the refusal and subsequent grant of planning permission at no. 13 Eugene Street. However, I consider that the proposed development should be assessed solely on its own merits.

Open space standards

- 8.25. Section 15.11.3 (Open Space) of the Dublin City Development Plan 2022-2028 requires a minimum standard of 10 sqm. of private open space per bedspace will normally be applied. A single bedroom represents one bedspace and a double bedroom represents two bedspaces.
- 8.26. 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.
- 8.27. I consider that the applicable standard of open space in the instant of the proposed development is 5– 8 sq. m. given the location of the development site within the canal ring.
- 8.28. The subject house has a single and a double bedroom (accommodated in the extension to be retained), which is a total of 3 bedspaces. Therefore, the minimum private open space requirement is 15 sqm.
- 8.29. The houses on Eugene Street have modest historic plots. The amenity space comprises rear yards and these yards have been developed over time. However, the footprint of the extension is located within a satellite landholding recently required to the south of the historic plot.

- 8.30. The rear garden recently acquired appears to have been fully developed in order to accommodate the footprint of the extension to be retained.
- 8.31. The available open area comprises an oblong light-well with an indicative east-west axis internalised within the residential plot. This lightwell replaces an elongated light-well with a north-south axis.

Relaxation of open space standards

- 8.32. I note that the original lightwell shown on the floor plan (Historical Plan DRG. No. 100086407-06) measures approximately 4 sqm. The replacement lightwell, denoted as a "garden", measures an approximate 5 sqm. (4.877 sqm.) A net gain of less than 1 sqm.
- 8.33. Section 15.11.3 (Open Space) provides that private open space standards may be relaxed on a case by case basis subject to a qualitative analysis of the development.
- 8.34. I note the observation of the appellant that no dedicated bin storage is shown on the submitted drawings. I concur that the bin storage area must be accommodated within the lightwell.
- 8.35. I consider that the internal location within the site plan of the denoted "garden" and its diminutive size indicates that the substantive functionality of the space is as a lightwell rather than an amenity space per se.
- 8.36. I consider that the "garden" as provided in the form of an oblong lightwell would not satisfy quantitative and qualitative open space standards.
- 8.37. Furthermore, I would concur with the appellant that the development to be retained would establish a poor precedent for the future extension of houses on this side of Eugene Street into the open space recently acquired to the south of their historic plots providing for substandard residential development.
- 8.38. Finally, I consider that a dedicated private amenity area that would satisfy qualitative standards including usable floor area, orientation, functionality and landscaping while not fully satisfying quantitative standards may be acceptable in terms of development plan policy given the tight inner city plot configuration and pattern of development in the area.

8.39. I conclude that the site configuration to be retained provides no meaningful amenity open space within the residential plot and, as such, fails to meet minimum development plan standards for private open space.

Other Matters

8.40. The appellant claims that the issue of land ownership was not addressed in the planning assessment process. It is also claimed that the plot of land on which the extension is constructed may not have been in the ownership of the applicant at the time of construction, as Dublin City Council may not have completed the land transfer of the 4m wide strip to the south of the historic plot.

8.41. The Development Management Guidelines for Planning Authorities (June 2007), Section 5.13 (Issues relating to title to land) states that the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land. These are ultimately matters to be dealt with and resolved by the Courts.

8.42. Finally, the appellant claims the development has been built over a shared private sewer. The matter of the private shared drain constructed circa. 2018 has not been addressed.

8.43. I note the concerns of the appellant. I also note the response of the Drainage Division, Engineering Department, of the planning authority who have no objection to the development subject to condition.

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 dwelling house 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 refusal of planning permission for the reasons and considerations set out below:

11.0 Reasons and Considerations

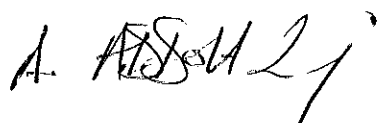
Having regard to the grounds of appeal, the residential zoning objective, the pattern of development in the area and the policy framework provided by the Dublin City Development Plan 2022-2028, it is considered that the proposed development to be retained would be inconsistent with Appendix 18 (Ancillary Residential Accommodation), Section 1.1 (General Design Principles), in terms of domestic extension design quality, and would be inconsistent with Section 15.11.3 (Open Space) of the Dublin City Development Plan 2022-2028, in terms of amenity open space provision, representing a substandard form of residential development that would set a poor precedent for the extension of neighbouring properties in the vicinity and, as such, would be inconsistent with the proper planning and sustainable development of the area.

12.0 Refusal

1.	The development to be retained would fail to provide a dedicated amenity space for the occupiers of no. 12 Eugene Street that would satisfy minimum quantitative and qualitative private open space standards consistent with Section 15.11.3 (Open Space) of the Dublin City
----	---

	Development Plan 2022-2028. Furthermore, the development to be retained would be inconsistent with Appendix 18, Section 1.1 (General Design Principles) in terms of quality design by reason of poor aspect of Bedroom 2, receiving light from an narrow internalised lightwell and, the sub-optimal opposing window distances between Bedroom 2 and Bedroom 1, which are directly aligned at a distance of less than 2m.
--	---

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.



Anthony Abbott King
Planning Inspector

22 April 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP321865-25		
Proposed Development Summary	Domestic extension		
Development Address	12 Eugene Street		
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	Tick/or leave blank		Proceed to Q3.
No	Tick or leave blank	X	Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank		EIA Mandatory EIAR required
No	Tick/or leave blank	N/A	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	N/A	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?

No	X	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: A. M. L.

Date: 02/04/25