



An
Bord
Pleanála

Inspector's Report

ABP-321963-25

Development	Demolition of shed to rear, new single storey extension to side and rear of house.
Location	78 Cabra Drive, Cabra, Dublin 7
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	4416/24
Applicant(s)	Glenn Scott
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Glenn Scott
Observer(s)	None
Date of Site Inspection	28/03/2025
Inspector	Gillian Kane

1.0 Site Location and Description

- 1.1.1. The subject site is located on the eastern side of Cabra Drive, a mature residential cul-de-sac running south off Cbar Road in the north Dublin suburb of Cabra.
- 1.1.2. Currently on site is a two-storey semi-detached dwelling, with a single storey shed to the side. The cul-de-sac comprises pairs of similar dwellings, some of which have garages to the side. The dwelling to the immediate south, no. 77 has been extended to the side at ground and first floor level. To the north of the subject site is a fuel filling station.

2.0 Proposed Development

- 2.1. On the 26th November 2024, permission was sought for a development comprising the demolition of a single storey shed and the construction of a single storey extension (60sq.m.) to the side of an existing two storey semi-detached dwelling.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 30th January 2025, the Planning Authority issued a notification of their intention to GRANT permission subject to 9 no. conditions. Condition no. 4 states:

- 4 As required the applicant may set back the front of the ground floor side extension to future proof the provision of any first-floor side extension to match that of no. 77 Cabra Drive and in such event shall then re-submit drawings prior to commencement of development for written approval, indicating the set back which should be recessed similar to the adjoining property no. 77 Cabra Drive.

Reason: In the interest of the visual amenities of the area.

3.2. Planning Authority Reports

- 3.2.1. **Drainage Division:** No objection subject to standard conditions.
- 3.2.2. **Planning Report:** Notes that adjoining dwelling at no. 77 has extended at ground and first floor level to the side, with a setback from the front elevation of approx. 500mm. States that should the subject property seek to extend at first floor level, it

would be required to be set back and set down to avoid asymmetry between the two dwellings. Recommendation to grant permission subject to conditions.

3.3. **Prescribed Bodies**

3.4. **TII:** Apply section 49 levy if applicable.

3.5. **Third Party Observations**

3.5.1. None on file.

4.0 **Relevant Planning History**

4.1.1. None on file.

5.0 **Policy Context**

5.1. **Dublin City Council Development Plan 2022-2028**

5.1.1. The subject site is zoned Z1: Sustainable Residential Neighbourhoods in the 2022-2028 city Development Plan. Z1 lands have the stated objective to 'protect, provide and improve residential amenities'. Residential is a permissible use.

5.1.2. **Appendix 18** of the plan refers to Ancillary Residential Accommodation, with section 1 dealing with residential extensions. **Section 1.1** setting out general design principles, states that "Applications for extensions to existing residential units should:

- Not have an adverse impact on the scale and character of the existing dwelling
- Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, outlook and access to daylight and sunlight
- Achieve a high quality of design
- Make a positive contribution to the streetscape (front extensions)

There is a general presumption against front extensions that significantly break the building line, unless it can be justified in design terms and demonstrated that such a proposal would have no adverse impact on the character of the area or the visual/ residential amenities of directly adjoining dwellings.

5.1.3. **Section 1.3** relates to extensions to the side, stating "Ground floor side extensions will be evaluated against proximity to boundaries, size, and visual harmony with existing (especially front elevation) and impacts on adjoining residential amenity"

5.2. Natural Heritage Designations

- 5.2.1. North Dublin Bay SAC (000206) and North Bull Island SPA (004006) are approx. 5km to the east.

5.3. EIA Screening

- 5.3.1. 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. Refer to Form 1 in Appendix 1 of report.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The applicant has submitted a first party appeal against the decision of the Planning Authority to refuse permission. The grounds of the appeal can be summarised as follows:
- The proposed extension aligns with the existing architectural features of the property and area. A recess would disrupt and undermine the cohesive design.
 - The recess would significantly reduce the usable space within the extension, limiting the functionality of the rooms and making the design impractical.
 - The proposed recess would limit the use of the room as a bedroom, impacting the use of the house as a growing family.
 - The recess does not offer any additional privacy or amenity benefits for neighbouring properties. The extension is not positioned to cause overshadowing or overlooking.
 - There have been no objections to the proposed development.
 - Many extensions have been permitted without a recess required.
 - The Board is requested to consider the condition.

6.2. Planning Authority Response

- 6.2.1. The Board is requested to uphold the decision of the Planning Authority. If permission is granted, a section48 development contribution condition should be attached.

7.0 Assessment

- 7.1.1. I have examined the file, considered national and local policies and guidance and inspected the site. Section 139 of the Planning and Development Act 2000- 2016 provides that where an appeal is made to the Board against only a condition of a permission and where the Board is satisfied that a de novo assessment of the appeal is not required, that the Board may issue a direction to the Planning Authority relating to the attachment, amendment or removal of the condition.
- 7.1.2. In the case of the current appeal against condition no. 4, I am satisfied that the appeal accords with the criteria of section 139 and therefore I restrict my assessment of the appeal to condition no. 4 only.

7.2. Condition no. 4

- 7.2.1. Condition no. 4 of the Planning Authority decision to grant requires the developer to set back the front of the ground floor side extension to future proof the provision of any first-floor side extension of the subject dwelling to match that of the adjoining no. 77 Cabra Drive. The Planning Authority planning report refers to the possible development of the extension at first floor level and the requirement for the extended dwelling to match the adjoining dwelling which has a setback ground and first floor level.
- 7.2.2. I note and accept the submission of the appellant that a set back at the front elevation would compromise the functionality of the extension, limiting the use of the room as a habitable bedroom. The set back of the extension and the resultant significant impact on the usability of the extension to address a future development that is not currently planned, is considered to be unduly onerous. The modification to the front elevation from a single storey extension to the side, is limited, particularly given that the dwelling is the first in the cul-de-sac and therefore has only one residential neighbour to address. I consider the minimal visual gain from a setback of the proposed ground floor extension to be significantly out weighed by the functionality of the dwelling as currently proposed.
- 7.2.3. I note the provisions of appendix 18 of the development plan with regard to extensions to existing dwellings. It is considered that the proposed extension, would not have an adverse impact on the scale and character of the existing dwelling, would not adversely affect amenities enjoyed by the occupants of adjacent buildings

in terms of privacy, outlook and access to daylight and sunlight, and would make a positive contribution to the streetscape.

- 7.2.4. It is considered that amendment required by condition no. 4 would be made with no appreciable gain to the residential amenity of the area, or the adjoining dwelling or the visual amenity of Cabra Drive but with significant disadvantage to the subject dwelling. The proposed single storey extension to the side and rear is in keeping with the existing and adjoining dwelling and the overall pattern of development in the area. I am satisfied that the proposed development is acceptable in terms of visual impact and residential amenity and is in compliance with the requirements of appendix 18 of the development plan. I recommend that condition no. 4 be removed.

8.0 AA Screening

- 8.1.1. Having regard to the nature and scale of the proposed residential development in a fully serviced built-up urban area, no appropriate assessment issues arise and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

9.0 Recommendation

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 4 and the reason therefore.

10.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development and to the pattern of development in the area, it is considered that the imposition of condition number 4 is unnecessary and the removal of this condition would not contravene the provisions, as set out in the current Development Plan for the area and would not set a precedent.

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.

Gillian Kane
Senior Planning Inspector

02 April 2025

Form 1

EIA Pre-Screening

An Bord Pleanála	ABP-321963-25		
Case Reference			
Proposed Development Summary	Single storey extension to side, demolition of shed to rear		
Development Address	78 Cabra Drive, Cabra, D7		
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	Tick if relevant and proceed to Q2.
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
No	Tick or leave blank	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.	

Inspector: _____

Date: _____