



An
Bord
Pleanála

Inspector's Report ABP-322024-25

Development	<i>Demolish existing extension to the side of the house and building a 4 bed 2 storey with attic converted detached dwelling in the side garden</i>		
Location	<i>17 Grange Park Close, Dublin 5 D05TR20</i>		
Planning Authority Ref.	<i>4370/24</i>		
Applicant(s)	<i>Eoghan Costello and Gina Foley</i>		
Type of Application	<i>Permission</i>	PA Decision	<i>Grant Permission subject to conditions</i>
Type of Appeal	<i>First vs Conditions</i>	Appellant	<i>Eoghan Costello and Gina Foley</i>
Observer(s)	None		
Date of Site Inspection	<i>11th April 2025</i>	Inspector	Andrew Hersey

1. Site Location/ and Description. The site is located in a suburban residential area in Killbarrack, north west of Dublin City at 17 Grange Park Close. ¹The site is comprises of a semi-detached two storey dwelling with lean to extension to the south gable and single storey extension to the rear. The site also comprises of front, side and rear gardens

The site is located at the junction of Grange Park Green and Grange Park Road.

No 19 Grange Park Close is located to the north and No. 2 Grange Park Green is located to the west.

2. Proposed development. The proposed development comprises of permission to :

- *Demolish existing extension to the side of the house and*
- *Build a 4 bed 2 storey with attic converted detached dwelling in the side garden*
- A detached single storey shed to the rear garden of the proposed dwelling
- The stated floorspace associated with the proposal is a stated 188sq.m. and the site area is 0.0433ha.

3. PA's Decision Grant Permission subject to 11 conditions. Conditions of note include:

- Condition 2 refers to a S48 Development Contribution
- Condition 3 –The development shall be revised as follows: The first floor of the rear element of the proposed dwelling hereby approved shall be omitted resulting in a reduction of c.35 sq.m from the proposed 188 sq.m Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the buildings. Reason: In in the

¹ I note that there is a discrepancy in the house numbers. While the OS Map refers to the proposed development site as No 17 Grange Park Close – Google maps show this as No. 19 and it would appear from the case planners report that the said house is referred to as No 19. I note that the Eircode Address is 17.

interests visual amenity and to avoid an overbearing impact on the rear garden of no. 19 Grange Park Close.

- Condition 5 - The development shall comply with the following transport planning requirements of the planning authority a. Driveway entrance shall be a maximum 4.0m in width to serve the existing and proposed houses and shall not have outward opening gates b. There shall be no internal wall, fencing or other structure constructed within the front garden area c. Footpath and kerb to be dishd and new entrance provided to the requirements of the Area Engineer, Roads Maintenance Division d. All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer. Reason: In the interest of pedestrian and traffic safety and orderly development for the area
- Condition 8 The shed hereby approved shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses or for any use other than as a use incidental to the enjoyment of the dwelling house as such, unless authorised by a prior grant of Planning Permission. Reason: In the interests of residential amenity.
- Condition 9 relates to hour of operation of site works

3.1 Submissions: There is 1 submission on file dated 27th November 2024 which raises the following: issues

- Site overdevelopment
- The proposed height is higher than adjacent properties and that the design of the house is out of character with the area.
- The footprint of the house is too close to the existing being just 900mm whereas the minimum requirement is 2300mm and that it is also too close to the boundaries
- That because the building is too close to the boundaries, this will affect sight visibility for road users
- That the existing vehicular access is too restricted for the number of car parking spaces proposed.

- Overlooking to No. 2 Grange Park as a consequence of the short depth of the rear garden (5522mm)
- Overshadowing impacts on 17 and 19 Grange Park Close
- Discrepancies in drawings

3.2 Internal Reports.

- Transportation Planning Division (25th October 2024)– recommends that permission be granted subject to specific conditions and in particular that the existing vehicular entrance is to be made wider to create a shared entrance to serve the existing, 17 Grange Park Close and proposed house on site
- Drainage Division Report (4th December 2024) – no objection subject to conditions

4. Planning History

None on subject site

5. National/Regional/Local Planning Policy

5.1 The Dublin City Development Plan 2022-2028

- The site is zoned 'Z1' the objective of which is *'To protect, provide and improve residential amenities'*
- 15.5.2 Infill Development; Infill development refers to lands between or to the rear of existing buildings capable of being redeveloped i.e. gap sites within existing areas of established urban form. Infill sites are an integral part of the city's development due to the historic layout of streets and buildings. Infill development should complement the existing streetscape, providing for a new urban design quality to the area. It is particularly important that proposed infill development respects and enhances its context and is well integrated with its surroundings, ensuring a more coherent cityscape. As such Dublin City Council will require infill development:
 - To respect and complement the prevailing scale, mass and architectural design in the surrounding townscape.

- To demonstrate a positive response to the existing context, including characteristic building plot widths, architectural form and the materials and detailing of existing buildings, where these contribute positively to the character and appearance of the area.
- Within terraces or groups of buildings of unified design and significant quality, infill development will positively interpret the existing design and architectural features where these make a positive contribution to the area.
- In areas of low quality, varied townscape, infill development will have sufficient independence of form and design to create new compositions and points of interest.
- Ensure waste management facilities, servicing and parking are sited and designed sensitively to minimise their visual impact and avoid any adverse impacts in the surrounding neighbourhood

5.2 Sustainable Residential Development and Compact Settlements (SRDCS)

- Policy SPPR1 – Separation Distances between first floor windows to be a minimum of 16 metres
- Policy SPPR 2 – Minimum Private Open Space for 4 bed unit is 50sq.m.

5.2 Natural Heritage Designations

The nearest designated site is;

- North Bull Island SPA (Site Code 004006) is located 1km to the east
- North Dublin Bay SAC (Site Code 000206) is located 1km to the east

6. The Appeal

6.1 A first party appeal with respect to condition 3 was lodged by Eoghan Costello on the 7th March 2025. The appeal in summary raises the following issues;

- That the appellant does not understand why the condition is being imposed and cites examples of other similar development in the vicinity (Planning Reg. Ref. 3852/07 and Planning Reg. Ref. 3215/23
- That there is still 100sqm. of garden space still remaining

- That the size and scale of the detached dwelling does not seriously injure the amenities of No 19 and a drawing is attached to the appeal to show that natural light only affects the first floor bathroom and not a first floor bedroom of No 19.

6.2 P.A. Response Dublin County Council responded to this appeal by letter dated the 28th March 2024. The following issues were raised;

- That the decision of the city council be upheld
- That if permitted a condition with respect to social housing and naming and numbering be imposed.

7. 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 Planning & Development Regulations 2001(as amended), I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. See Form 1 and Form 2 attached to this report.

8. 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 1km to the east of North Dublin Bay SAC (Site Code 000206) and 1km to the east of North Bull Island SPA (Site Code 004006)

The proposed development comprises of the construction of an infill dwelling in an urban area. No 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

The reason for this conclusion is as follows:

- The relatively small scale nature of the works proposed

- The extensive distances to the nearest Natura 2000 sites and the absence of any hydrological connect from the site to the same and
- Having regard to the screening report/determination carried out by the Planning Authority

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

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

9. Assessment

9.1 Introduction

9.1.1 A first party appeal vs Condition 3 was lodged by the applicant Eoghan Costello on the 7th March 2025. The appeal relates to Condition 3 which stipulates the requirement for design amendments and the reduction of floorspace at first floor level.

9.1.2 Section 139 (1) of the Planning and Development Act 2000, as amended, provides that an appeal may be brought against the decision of the Planning Authority to grant permission where the appeal relates only to a condition or conditions that the decision provides subject to the Board being satisfied, having regard to the nature of the condition or conditions, 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

9.1.3 With respect of the above, I consider, in this context that it is possible to make a determination on this the condition without having to consider the proposed development de novo in the first instance.

9.1.4 I am satisfied the substantive issues arising from the grounds of this first party appeal relate to the following matters

- Condition No 3
- Residential Amenities

9.2 Condition No. 3

9.2.1 Condition No. 3 states that ;

The development shall be revised as follows: The first floor of the rear element of the proposed dwelling hereby approved shall be omitted resulting in a reduction of c.35 sq.m from the proposed 188 sq.m Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the buildings.

Reason: In in the interests visual amenity and to avoid an overbearing impact on the rear garden of no. 19 Grange Park Close.

9.2.2 It would appear from the planners report that the said condition was imposed in order to ameliorate the impact of overbearance of the existing property on the site and in order to integrate more successfully into the streetscape.

9.2.3 The Planning Authority (PA) sought a reduction in first floor space due to concerns of overbearance to no. 17 Grange Park Close - the existing house on site by way of a further information request (it is noted that the condition refers to no 19 which is the house further to the north. No 17 is the existing house on site.

9.2.4 The applicant responded to further information by way of a revised floorplan drawings showing a red dashed line at 45 degree angle at the north western corner of the proposed house which would appear to indicate the effect the proposed dwelling would have on the loss of daylight to the existing house No 17 on site.

9.2.5 The case planner in the assessment of this states that the issue of overbearance has not been addressed and that the issue of loss of light to the existing house on site has not been adequately addressed in the further information response.

9.2.6 The case planner in the assessment of the further information response states that in addition to the issue of loss of light which has not been adequality addressed, the reduction in the scale of the proposed house would also alleviate the PA concerns with regard to the scale of the proposed house being 188sq.m. on a modestly sized site.

- 9.2.7 The case planner also raises concerns with regard to the proposed double apex roof proposed and that the design of the same would be incongruous to streetscape. On this basis, the case planner recommends the reduction of the first floor first floor rear element of the proposed house i.e. the area at first floor comprising of 2 bedrooms and walk in wardrobe and part of a utility. This would result in the loss of 35sq.m. at first floor leaving only a single bedroom and an office which could be converted to a bedroom. It is also noted that the 2nd floor, the attic room is to remain which contains another bedroom and ensuite. This room is served by a flat roofed dormer which is partly hidden within the roofscape.
- 9.2.8 With respect to site overdevelopment, which is raised as a concern by the case planner, I note that the proposed dwelling has a floorspace of 188sq.m. on a site area of 433sq.m. The appellant states that this will still leave a rear garden of 100sq.m. which is more than adequate and exceeds the thresholds as set out in the SRCDS (50sq.m. for a 4 bedroomed house)
- 9.2.9 With respect to plot ratio and site coverage, Appendix 3 of the Dublin City Development Plan 2022 sets out thresholds for varying parts of the city. With respect to outer suburban area an indicative plot ratio of 1.0-2.5 is stipulated and site coverage of 45-60%.² The proposed plot ratio is 2.45 and the site coverage is 40%. This indicates that the site coverage is lower than the recommendation in the plan, however it is the case that the lower the site coverage the lesser the impact in terms impact to the residential amenities of adjacent properties.
- 9.2.10 On this basis I consider that the case planners concerns with respect to overdevelopment are unfounded and fundamentally I see no reason as to why it is necessary to scale back the proposed development.
- 9.2.11 With respect to the potential for the proposed development to impact upon the streetscape, because of the depth of the extension and because of the double apex roof, in general, I do not consider that this issue is significant in the context of this suburban area where there is no set architectural style. The use of a palette of

² 2 Dublin City Development Plan 2022-2028 Appendix 3 Table 2 Page 218

materials which is similar to the parent house on site and similar to other houses in the area will in general aid its integration into the area

9.3 Residential Amenities

- 9.3.1 The pertinent issue here is as to whether the proposed development and specifically the area of floorspace which the condition has omitted by way of the imposition of condition 3 will ameliorate any impact upon the residential amenities of adjacent properties in the vicinity and in particular the parent house on site i.e. No 17.
- 9.3.2 I note that that appellant has not submitted any meaningful analysis with respect to potential overshadowing. First Floor plans have been submitted of the proposed house and the existing house on site with a dotted red line at a 45 degree angle at the north western corner of the proposed house (drawing no.107 received 19th March 2025) It is not clear but potentially this line refers to the 45 degree rule is described in the guidance document *Site layout planning for daylight and sunlight: A Guide to Good Practice (3rd Edition, BRE, 2022)*.
- 9.3.3 The 45 degree rule is used to assess daylight to a neighbouring property where the proposed extension is perpendicular to the window of the neighbouring property. On the vertical plane, a 45 degree line is taken from the roof of the extension towards the ground of the neighbouring property and any window or part of a window within that area is likely to have reduced light. The guidance also considers the horizontal plane
- 9.3.4 The guidelines state that if the centre of the window lies outside the 45° angle on elevation, the impact of the extension is likely to be small.
- 9.3.5 The drawing referred to above which is an assessment of the rule in the horizontal plane clearly shows the first floor bathroom window is completely within the 45 degree line. When assessing the proposal in the vertical plane i.e. a 45 degree line is taken from the centre of the slope of the roof of the proposed house towards the ground of the neighbouring property, the bathroom window will not be within the 45 degree line but most of the large ground floor window of the kitchen living and dining room of the existing house will be within the line. Having regard to the foregoing and without the benefit of a comprehensive shadow analysis study, I consider that the proposed

development will overshadow windows and reduce light into the existing house on the site.

9.3.6 On this basis there is merit in omitting the floorspace at first floor level as described in condition 3 of the schedule of conditions as this will substantially reduce overshadowing impacts to the existing house on site.

9.3.7 With respect to overlooking, I do have concerns with respect to first floor windows overlooking the adjacent property to the west, No 2 Grange Park Green. There is a window on the gable of the first floor of the said property and there are three windows at first floor of the proposed house which are located directly opposite this window and which are within the 16 metre threshold as stipulated in the SRDCS (Policy SPPR1). Condition 3 will set back first floor windows on the rear elevation of the proposed house by approximately a further 5 metres which will put the threshold above the 16 metre threshold.

9.3.8 On this basis, Condition 3 as imposed by the Planning Authority will result in the protection of the residential amenities of the existing property on site and the adjacent property No. 2 Grange Park Green to the west.

10. Recommendation

10.1 Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND condition number 3 as follows:

11 Reasons and Considerations

11.1 Having regard to the residential land use zoning for the site, and to the pattern of development in the area, it is considered that the proposed house on an infill site, by reason of its scale, nature and design, and its location with respect to adjoining

properties, would injure the residential amenities of adjacent properties by reason of overlooking and overshadowing. The planning authority's Condition 3 requiring the omission of part of the first floor is therefore warranted.

11.2 I recommend that Condition No. 3 be amended as follows:

The development shall be revised as follows: The first floor of the rear element of the proposed dwelling hereby approved, comprising of two bedrooms, ensuite, wardrobe and half of the utility ,resulting in a reduction of c.35 sq.m shall be omitted and revised plans, drawings and particulars showing the above amendments shall be submitted to, and agreed in writing with the Planning Authority prior to the commencement of development.

Reason: To avoid overlooking of adjacent residential properties to the west and loss of light to rooms and the rear garden of the existing dwelling on site.

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.

Name: Andrew Hersey

Planning Inspector

Date: 3rd June 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP322024-25		
Proposed Development Summary	<i>Demolish existing extension to the side of the house and building a 4 bed 2 storey with attic converted detached dwelling in the side garden</i>		
Development Address	<i>17 Grange Park Close, Dublin 5 D05TR20</i>		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>		Yes	√
		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	√ Class 10 (b) (i) Part 2 Housing Projects	
No	Tick or leave blank		√
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			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		The threshold is 500 dwelling units. 1 unit is proposed	Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			
No	√	Screening determination remains as above (Q1 to Q4)	
Yes		Screening Determination required	

Inspector: _____

Date: _____

Form 2
EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP- 322024-25	
Proposed Development Summary	<i>Demolish existing extension to the side of the house and building a 4 bed 2 storey with attic converted detached dwelling in the side garden</i>	
Development Address	<i>17 Grange Park Close, Dublin 5 D05TR20</i>	
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
Characteristics of proposed development (<i>The proposed development comprises of a new dwelling in the side garden of an existing house</i>	
r	<i>The development is situated in an urban area in Dublin 5 where services are present. There are no sensitive environmental receptors on site or in the vicinity of the same.</i>	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	<i>Having regard to the modest nature of the proposed development, its location removed from sensitive habitats, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</i>	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	No
There is significant and realistic doubt regarding the	Schedule 7A Information required to enable a Screening Determination to be carried out.	No

likelihood of significant effects on the environment.		
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector: Andrew Hersey

Date: 03/06/2024

DP/ADP: _____ Date: _____
 (only where Schedule 7A information or EIAR required)