



An
Bord
Pleanála

Inspector's Report

ABP-322164-25

Development	Retention permission consisting of ground floor only extension. New storage shed at rear of site and all ancillary works.
Location	23A Oldbridge Park, Lucan, Co. Dublin, K78 P529
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD25B/0029
Applicant	Gary Hansard
Type of Application	Permission (Retention)
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant	Gary Hansard
Observers	None
Date of Site Inspection	25 th June 2025
Inspector	Michael Walsh

1.0 Site Location and Description

- 1.1. The Oldbridge estate is located in a relatively newly built residential area to the south of Lucan and close to the main Dublin-Cork railway line. Access to the estate is provided from Griffeen Avenue, a distributor road branching off the main Ballyowen Road, that being a through route linking Lucan with Tallaght. A new railway station, Klshege, has been opened where Ballyowen Road crosses the railway line. Some residential developments are currently under construction in the area between Griffeen Avenue and the railway line.
- 1.2. Oldbridge Park gives access to this estate from Griffeen Avenue. This road curves around and several other roads branch off it. The estate has matured since its construction and has a settled residential ambience. No. 23A has apparently been hived off from No.23 and is now a separate dwelling. Its general layout can be inferred from the plans submitted. The space in front is open to the road and has a hard surface, making it available for parking. A screen wall with a door defines a garden area. The door is located centrally in the screen wall, rather than in the position shown on the Ground Floor Plan. This garden area has a concrete surface and is used for storage of bins. It is bounded from the road by a high wall in the interest of privacy and this wall extends along the remaining frontage of the site. The hard surfaced area extends past the sunroom door and right around to the back of the site, as shown.
- 1.3. The sunroom, whose retention has been applied for, is located as shown. At the point where it is closest to the road boundary of the site, the corner has been cut back a small amount. The gap is nevertheless tight and this is emphasised by the overhang of the roof, which is shown to be just 900 mm from the boundary wall. The internal layout of the sunroom is generally as shown except that a small portion, mainly behind the dining room of the house, appeared to be cut off.
- 1.4. In the apex of the site, just inside the extreme end of the road frontage of the site, there is a small temporary type structure, possibly used for storage. The surfaced passageway continues around the back of the house. The small storage shed at the back corner of the site is solidly built. The doorway shown was blocked at the time of my inspection and appeared to have had use as a bathroom. A doorway from this part of the passageway into the shed of No.23 has been blocked up.

- 1.5. The layouts of other properties in the vicinity are generally as shown on the site layout plan. The houses generally have open surfaced spaces in front available for off-street car parking, in many cases of sufficient size to accommodate two cars. Spacing standards are generally good, such that outhouses, sheds, etc. can be accommodated without great difficulty.

2.0 Proposed Development

- 2.1. The full description of the development, as set out in the published notices, is as follows:

Retention permission consisting of ground floor only extension. New storage shed at rear of site and all ancillary works at 23A Oldbridge Park, Lucan, Co. Dublin, K78 P529.

- 2.2 The site area is stated to be 0.0214 ha. The gross area of existing buildings is stated to be 139m². The gross floor spaces of proposed works and work to be retained are stated to be 19m² and 87m² respectively. There are stated to be two existing parking spaces and no further spaces proposed.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for the following reasons:

1. The proposed development for retention is located in an area for which the zoning objective is to provide for residential development and protect and improve residential amenity, as set out in the current County Development Plan, whereby it is the policy of the planning authority to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity. Having regard to:
 - (a) the side and rear extension proposed for retention, which, because of its siting, scale and the confined nature of the site, would result in a poorly configured and unusable private amenity space, and
 - (b) the remaining rear garden, which would be reduced substantially below the required minimum rear garden area for a house of this size under Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), it is considered that the proposed development for retention would result in the overdevelopment of a restricted site, would seriously injure the amenity of residents of the

existing house and of neighbouring property, and would contravene the zoning objective for the area set out in the Development Plan. The proposed development for retention would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development for retention would set an undesirable precedent for other similar developments, which would in themselves and cumulatively seriously injure the residential amenity of the area and of property in the vicinity, and be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report reviews such matters as consultations, observations, details of planning history and relevant Development Plan policies. The substance of its assessment is set out below.

- Extensions to existing dwellings are generally acceptable, but subject to compliance with the provisions of the SDCC House Extension Design Guide (2025).
- The assessment of reasons for refusal in previous applications concludes that the proposal has not overcome reasons given for previous refusals and would provide an undesirable precedent for other similar developments.
- The drawings submitted are inconsistent with existing development but, in view of a recommendation for refusal, the need for the submission of more accurate drawings does not arise.
- The development is considered acceptable in terms of access and parking.
- The development is unlikely to result in a significant loss of permeable surfaces.
- The development is unlikely to have a significant effect on the Natura 2000 network.

3.2.2. Other Technical Reports

The Water Services report recommended refusal on the basis of insufficient clearance from a surface water sewer and lack of surface water attenuation.

3.3. Prescribed Bodies

A submission from Uisce Éireann noted that the problem with the proximity of the development to a watermain could be reviewed if Uisce Éireann provided a confirmation letter of feasibility and indicated that there was no objection to the use of the foul sewer.

3.4. Third Party Observations

Observations were made to the Planning Authority by three persons. Particular points made in these observations include the following:

- The original application was for a two-bedroom house but a three-bedroom house was built.
- Extensions to the house and a storage shed have been used as dwellings illegally.
- There has been a pattern of anti-social activity, including music, barbecues, smoking and constant coming and going.
- The outside space has been completely overdeveloped, resulting in passageways and a tiny communal space.
- The buildings constructed have an overbearing effect on adjoining property and the single-storey extension has an unsightly flat roof which is not in keeping with the neighbourhood.
- There is a family-orientated suburban location and residents should not have to contend with anti-social factors.
- A wall built around the site has taken up some of the estate's pathway.
- The granting of permission for these buildings would set a troubling precedent.
- Repeated applications have made it more difficult for people to oppose this development.

4.0 Planning History

A comprehensive list of previous decisions is set out in the Planning Report. The more notable of these are referred to briefly here.

S98A/0450. Permission granted for 184 houses and ancillary works in Oldbridge estate.

SD07A/0030. Permission granted for two-storey semi-detached house on site at side of No.23 Oldbridge Park.

SD08A/0802. Permission granted for retention of “as built” semi-detached house and for additional alterations to “as built” house.

SD09A/0135. Permission granted for retention of “as built” semi-detached house, retention of garden shed partly on site of No.23 Oldbridge Park and retention of raised concrete area at side of No. 23A.

SD14B/0168. Permission refused for single-storey extension to side and rear.

SD24B/0321. Permission refused for ground floor only extension to side/rear of existing house and storage shed at rear of site.

Enforcement History. Four files are referred to, two closed and two live.

5.0 Policy Context

5.1 Development Plan

The current development plan is the South Dublin County Council Development Plan 2022-2028. In this plan the zoning objective applicable to this site is RES (existing residential) and this objective is expressed as, *to protect and/or improve residential amenity*.

5.2 Ministerial Guidelines

The Sustainable Residential Development and Compact Settlements Guidelines (2024) specify minimum private open space standards for houses. For a 4-bedroom house the minimum requirement is 50 m².

5.3 Natural Heritage Designations

The closest Natura Sites are the Glenasmole Valley SAC and the Rye Water Valley / Carton SAC. The subject site is located approximately 10 km from the former and 5 km from the latter.

5.3 EIA Screening

The proposed development does not come within the definition of a “project” 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

The substance of the grounds is as follows:

- The house is on a corner site, which is not typical, and has a large garden allowing for the building proposed to be retained.
- There is still 65m² of garden space remaining, which is not below the standard.
- The size and scale of the building does not seriously injure the amenities and can hardly be noticed from the front and side of the existing dwelling.
- The building does not affect the sunlight of any neighbours.
- There are many houses in the Dublin area with worse extensions and this would not set an undesirable precedent.
- The Council could not get the description of the works correct on their website, which reflects on their competence.

6.2 Planning Authority Response

No response to the appeal has been received from the Planning Authority.

6.3 Observations

No observations have been made to the Board in relation to this appeal.

6.4 Further Responses

No further responses have been received by the Board.

7.0 Assessment

7.1 Matters for Consideration

It is appropriate to comment on these matters under the following headings:

- Clarification of Nature and Extent of Development.
- Layout and Density of Development.
- Quality of Private Open Space.
- Pattern of Development / Precedent.

7.2 Clarification of Nature and Extent of Development

- 7.2.1 Referring to the planning history of development on this site, there have been several grants of permission for the existing house on this site, some arising from retention of variations to permissions already granted. The most recent permission granted for this house is that granted under Reg. Ref. SD09A/0135 for the retention of the as-built semi-detached house. I consider it reasonable to infer that the house on this site has been built in accordance with the respective plans submitted and that there is no material issue regarding its status as an authorised structure.
- 7.2.2 In contrast, the same position does not arise in the case of the sunroom extension. The planning status of this appears to have arisen in the decision made under Reg. Ref. SD14B/0168 to refuse permission for a single-storey extension to side and rear. The extension was built, presumably at some stage in the years following that decision. The next application, made under Reg. Ref. SD24B/0321, was for the retention of the ground floor extension and for a new storage shed. Permission for this development was refused. It can be inferred that this development is similar in all material respects to that which is the subject of the current appeal, except that it was not appealed. I note that the extension at issue has a flat roof, whereas the extension originally applied for was shown to have had a pitched roof.

- 7.2.3 The shed is shown as a very small structure at the back of the site. It was apparently built prior to the making of the application under Reg. Ref. SD09A/0135, as its retention was included within the list of works included in that application. The shed however was shown on the plans to be part of a larger structure, most of it located in the back garden of No. 23. The one door into the combined shed was shown to be from the back yard of No. 23A. A condition attached to the respective grant of permission specified that the shed be permanently subdivided and used solely for specified appropriate purposes. Regardless of its possible status as an authorised development, its retention is included in the current application. In this regard there appear to be no particular problems with its retention and the wording of the reasons given for the refusal of the subject development indicates that the primary concern of the Planning Authority is the retention of the larger extension to the side / rear of the existing house.
- 7.2.4 Allegations about inappropriate uses and behaviours are made in observations to the Planning Authority. These include concerns about unauthorised construction, overdevelopment of outside space and use as separate dwellings of sheds, not necessarily excluding the shed at the rear of No. 23. There are references in the Planning Report to enforcement action. The Board have no role in this area and the development involved in this appeal needs to be considered on the basis of the information provided in the application. The house at No. 23A is shown as a single dwelling unit and it is reasonable to accept it as such. The sunroom is shown as an addendum to the existing house and again it is reasonable to accept it as such.
- 7.2.5 The point is made in the Planning Report on the file that the drawings submitted are inconsistent with existing development on site. More accurate drawings were not requested due to a recommendation for refusal. The position, as I see it, is that the sunroom, being the main component of the development, is in existence and that the drawings are sufficient to assess the development, including the layout and extent of open spaces on the site. I would also refer also to a discrepancy between the boundaries shown on the Site Location Plan and on the Retention Ground Floor Plan. The site is shown on the former to include a somewhat smaller area than on the latter; part of the small shed is excluded. I infer that the boundaries shown on the latter can be taken to be correct. In observations to the Planning Authority there are claims that the property boundary was unlawfully extended, taking up some of the

pathway. I did not observe any obvious constriction on the pathway and this issue was not clearly identified in the Planning Report.

7.3 Layout and Density of Development

- 7.3.1 The house is of a size which is broadly consistent with the general size of houses in this estate. The figures given on the application form indicate a floor area of 87m² for the existing house and a floor area of 19m² for the extension. The essential problem is that there are underlying constraints with the location and layout of the site. The site is close to having a triangular form with a long road frontage. A large portion of the site in front of the house is open to the road. A substantial portion of the remaining private area behind the building line is now occupied by the sunroom extension. This extension is very close to the site boundary at one point. The spaces around it function mainly as circulation routes, giving access to the back of the house and the small shed. Taking into account the extent of site coverage and the nature of the remaining spaces, the effective result is that the site is overdeveloped.

7.4 Quality of Private Open Space

- 7.4.1 This issue is essentially tied in with the density issue. Standards for provision of private open space are set out in the current Development Plan and the Sustainable Residential Development and Compact Settlements Guidelines (2024). The numerical components of these standards are broadly similar, 70 m² in the County Development Plan and 50 m² in the Compact Settlements Guidelines. The Ground Floor Plan submitted indicates that an area of 65 m² is available, excluding the parking area but including the spaces around the sunroom. The Planning Authority have queried the accuracy of plans submitted but I infer that they are adequate for the purposes of assessing the spatial extent of the open space provision. In any case it is clear that the assessment of the adequacy of open space provision is very dependent on the quality of the space provided.
- 7.4.2 The space on the Ground Floor Plan, comprised in the extent of the garden area identified, is shown to amount to 65 m². This space extends right around the sunroom extension to the back of the house. To examine the several components of this space, there is one portion having a regular shape between the parking area and the extension. This is a usable area of private open space. It has a concrete surface and is a space where bins can be stored. It can be readily accessed from the house. Its area is stated in the Planning Report to be approximately 22 m², a figure that I

would not take issue with. The remaining areas of open space, in contrast, essentially comprise circulation areas. Their description on the Retention Ground Floor Plan as “garden area” is not accurate. They appear quite narrow in parts and I see their function as providing access to the sunroom door, the back of the house and the separate small shed.

7.5 Pattern of Development / Precedent

- 7.5.1 The problem in this regard arises from the layout of the site in that the main open area, prior to the construction of the sunroom, was located alongside Oldbridge Park. This part of the site is bounded from the road by a wall, high enough to ensure privacy. The sunroom extension is on one floor but it is built very close to the road boundary and its overhanging roof is a prominent feature in views from the road. Added to the extent and nature of development on the site, this emphasises the issue with the retention of the sunroom extension. The second reason for refusal is based on the creation of a precedent. In this regard No. 23A could be seen as not having a typical layout but there are houses in the estate, whose back gardens are on road frontages, so that there is substance in this reason for refusal.

8.0 AA Screening

I have considered this development proposal in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. 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. 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.

9.0 Recommendation

On the basis of the above assessment, I recommend that permission be refused for the retention of the ground floor only extension to the side/rear of the existing house and that permission be granted for the retention of the new storage shed at rear of site. The recommended draft decision details are set out in the following sections of the report.

10.0 Reasons and Considerations

Refusal of Permission for Retention of Ground Floor Extension

1. The development proposed for retention is located in an area for which the zoning objective in the South Dublin County Development Plan 2022-2028 is *To protect and / or improve residential amenity*. Having regard to:
 - (a) the pattern of development on the site, the extent of the built form on the site and the poor configuration of open spaces within the site and
 - (b) the shortfall which has arisen in the provision of an area of private open space of sufficient size and quality to comply with the specified minimum standards set out in the South Dublin County Development Plan 2022-2028,it is considered that the development proposed for retention would result in the overdevelopment of a restricted site, would seriously injure the amenities of residents of the existing house and of neighbouring property, would contravene the zoning objective for the area set out in the Development Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The development proposed for retention would, having regard to its location on the property, its proximity to the adjoining road and its visual prominence in this location, set an undesirable precedent for other similar developments, which would in themselves and cumulatively seriously injure the residential amenities of property in the neighbourhood and be contrary to the proper planning and sustainable development of the area.

Grant of Permission for Retention of Storage Shed

Having regard to the small size of this structure, its relatively unobtrusive location and its use in association with the existing house on this property, it is considered that, subject to compliance with the attached conditions, its retention would not be inconsistent with the proper planning and sustainable development of the area.

11.0 Conditions (Applicable to Retention of Shed)

1.	<p>This building, whose retention is proposed, shall be used solely for uses incidental to the enjoyment of the existing dwellinghouse on the property and shall not be used for residential accommodation or the carrying out of any trade or business, including the letting or sale of the structure independently from the existing dwellinghouse on the property.</p> <p>Reason: To prevent unauthorised development.</p>
2.	<p>The door to this building from the adjoining yard, as shown on the Retention Ground Floor Plan submitted, shall be opened.</p> <p>Reason: To facilitate the use of this building.</p>

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.

Michael Walsh
Planning Inspector

10 July 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-322164-25		
Proposed Development Summary	Ground floor only extension to side/rear of existing house and new storage shed		
Development Address	23A Oldbridge Park, Lucan, Co. Dublin		
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	√	
	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			
No	√		
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	NA		
No			
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	NA		

5. Has Schedule 7A information been submitted?		
No	✓	Screening determination remains as above (Q1 to Q4)
Yes		

Inspector: Michael Walsh

Date: 10 July 2025