



An  
Bord  
Pleanála

## Inspector's Report

**ABP-322177-25**

<b>Development</b>	Demolition of existing rear chimney and side garage, proposed single storey side and rear extensions, ground floor and first floor alterations, new and altered windows and widening of existing front vehicular access.
<b>Location</b>	8 Ramleh Park, Dublin 6, D06 WK44
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	3030/25
<b>Applicant</b>	Martha & David Carroll
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	<ol style="list-style-type: none"><li>1. Barrie Hanley &amp; AnneMaria McEneaney</li><li>2. Annabelle &amp; Tommaso del Re</li></ol>
<b>Observers</b>	None
<b>Date of Site Inspection</b>	28 <sup>th</sup> May 2025
<b>Inspector</b>	Michael Walsh

## **1.0 Site Location and Description**

- 1.1. The site of this development is located in Ramleh Park, a mature housing estate seemingly built in the early part of the twentieth century. The density could be described as low to moderate. Access is from Milltown Road and, having regard to the absence of through routes, this estate has a residential environment of good quality.
- 1.2. No. 8, the site of this appeal, is typical of house types in this estate. It is one of a semi-detached pair. It has three bedrooms and, until recently, had a garage to the side. Unlike many houses in the estate, it was not extended. It has apparently been unoccupied for some time and has got into a neglected state.
- 1.3. The property is now hoarded off as a building site. A variety of works has recently been carried out. These include internal alterations and the demolition of the garage, apart from one side wall. The front gateway has been widened and, on the back wall of the house, scaffolding and sheeting have been erected. There has apparently been some ground clearance and removal of some trees at the back of the garden. A garden structure of modest size has been erected at the back of the garden. An area of stone paving and a small lawn have been laid beside this structure. The property is bounded by a mix of walls, hedges and fencing.
- 1.4. Referring to the adjoining houses, No. 7, together with No. 8, comprise a semi-detached pair. Nos. 9 and 10 also comprise a semi-detached pair. The main structure of No. 9 is very close to the boundary of No. 8. It has a ground floor extension with windows facing to the rear and a small side window facing No. 8.

## **2.0 Proposed Development**

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

Demolition of existing rear chimney & side garage, proposed single storey side & rear extensions comprising dining/ kitchen/ living room to side & bedroom en-suite to rear. Ground floor alterations include dressing room & bathroom within existing house. First floor alterations include two bedrooms en-suite. First floor side elevation window widened to match north elevation window, additional window at high level to hallway to match south elevation window. New windows to existing house. Widening of existing front vehicular access from 2.6m to 3.4m.

2.2 Observations on certain aspects carried out on the property were made by the applicant's architect, John Murphy, a short time following the making of the application. The applicants are stated in these observations to believe that these were, aside from the widening of the entrance, works to safeguard the property not needing planning approval. They have also been advised, given the stabilisation of the property, that no further works requiring planning permission would be carried out in advance of a planning approval being in place.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority, following the receipt of planning and other technical reports, decided to grant permission subject to eleven conditions.

#### **3.1.1. Conditions**

Many of the conditions are of a nature applicable to small-scale residential developments. They relate to such matters as compliance with plans, details of window glazing and finishes, drainage requirements, construction practices and payment of a development contribution. I note that No. 6 itemises Transportation Planning Division requirements, including a limit of 3.0m on the width of the entrance and a prohibition on outward opening gates.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The report of the planner concluded that the proposal is in line with the Z1 zoning objective of the site and that, subject to conditions, this proposal is in keeping with the policies and objectives of the Dublin City Development Plan 2022-2028.

#### **3.2.2. Other Technical Reports**

Two technical reports were received. The report of the Engineering Department – Drainage Division set out a number of requirements, including the need for a separate foul and surface water system and the incorporation of sustainable drainage systems in the management of surface water. The report of the

Transportation Planning Division stated that they had no objection subject to conditions limiting the width of the entrance to 3.0m, dishing of the footpath to the satisfaction of the Roads Maintenance Division and the recovery of all City Council costs from the developer.

### **3.3. Prescribed Bodies**

There are no observations from any prescribed bodies.

### **3.4. Third Party Observations**

There are observations from both of the third parties, by whom the appeals were lodged. There is also an observation from the applicant's architect, referred to above.

## **4.0 Planning History**

There is no information relating to any previous applications relating to this property. It can be inferred that the house on this property has been vacant for a lengthy period.

## **5.0 Policy Context**

### **5.1. Development Plan**

The current development plan is the Dublin City Development Plan 2022-2028. The zoning objective applicable to this area is Z1 – Sustainable Residential Neighbourhoods. This objective is expressed as, *to protect, provide and improve residential amenities*. Section 1.0 of Appendix 18 (Ancillary Residential Accommodation) deals with Residential Extensions.

### **5.2. Natural Heritage Designations**

The subject site is located approximately 2.5 km from the South Dublin Bay & River Tolka Estuary SPA and from the South Dublin Bay SAC. There is a degree of overlap between these designated areas and this distance is measured to Strand Road in Sandymount.

### **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**

#### **6.1.1 Appeal of Barrie Hanley & AnneMaria McEneaney**

- The decision failed to address or glossed over their observations about this development.
- The Council should have issued a formal request for additional information in relation to works done, including the demolition of the garage.
- The appellants are happy to see an unused property brought back into use.
- This development would impinge on adjacent properties, with implications for amenities of neighbours.
- A large structure in the back garden has the appearance of a small bungalow and almost all of that garden will have been built on.
- The trend of concreting lawns and paving front gardens is giving rise to an increasing risk of pollution and flooding.
- This plan should be amended to a plan more in keeping with other recent developments in the area.

#### **6.1.2 Appeal of Annabelle & Tommaso del Re**

- While improvements to the property are welcomed, no consideration was given to concepts of “light” or “outlook” in the City Council report.

- Natural light and sunlight would be seriously compromised by this development and the large and tall extension, so close to the boundary, will affect their amenities.
- It appears that the scale of the extension has been overlooked by the Council and no development to this scale has been permitted on this estate.
- A large structure has been built in the back garden, resembling a small bungalow.
- An attached light and shade analysis gives a clear understanding of how the light to their property would be compromised.
- In a comparable case at No. 6 Ramleh Park the City Council made a request for further information and addressed concerns about the same overshadowing issue.

## 6.2. Applicant Response

### 6.2.1 Response to Appeal of Barrie Hanley & AnneMaria McEneaney.

- The Planning Authority had regard to the observations made.
- The application was validly made and would be readvertised, were the applicants requested to do so.
- The purpose of the submission of unsolicited information was for the information of the Planning Authority.
- The other works comprised exempted development, internal development and works (scaffolding) to weatherproof the house.
- The development is consistent in scale with other developments in the area, the removal of trees has had a positive benefit and No. 10 would not be affected.
- The applicants would be disposed to accept a condition to lower the ridge or put in a flat roof.
- Certain works done were emergency works.
- This is not a *residential complex* but a family home.

- The use of permeable paving on the driveway would reduce surface water runoff.

#### 6.2.2 Response to Appeal of Annabelle & Tommaso del Re.

- It is noted that there was no engagement with the third parties.
- It is for the Planning Authority to address the need for further information.
- In urban areas all buildings cast shadows but the issue relates to the degree of the impact.
- The proposal for a single storey extension is consistent with the scale of many extensions in the area.
- It is not obvious why an exempted shed is of any concern to the appellants.
- This is to be the applicants' family home, not an *urban complex*.
- As the proposed development is a single storey extension, there is no prospect of any effect on amenity or privacy.
- The removal of large trees has improved access to daylight to the appeal site and No. 9.
- Referring to the BRE Guidelines, it can be inferred from the shadow images submitted that more than 50% of the appellants' rear garden would receive more than two hours sunlight on March 21<sup>st</sup>.
- The applicants would be disposed to accept a condition to lower the ridge or put in a flat roof.

#### 6.3. Planning Authority Response

No response to the appeals has been received from the planning authority.

#### 6.4. Observations

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

#### 6.5. Further Responses

No further responses have been received by the Board in relation to this appeal.

## **7.0 Assessment**

### **7.1. Matters for Consideration**

These can be dealt with under the following headings.

- Implications of Works Done.
- Principle and Scale of Development.
- Likely Effects on Amenities of Adjacent Properties.

### **7.2. Implications of Works Done**

- 7.2.1 It is clear that works of some substance have already been carried out, as pointed out by the appellants, but it is necessary to clarify the nature of these works. In the broader context the house was in poor condition and there were significant safety considerations. These works included a variety of items, including internal works to the house, carried out essentially in accordance with Section 4(1)(h) of the Planning Act 2000 as amended, these works thereby having no implications for the consideration of this appeal. I would also refer here to the submission by the applicants' architect made to the Planning Authority as unsolicited further information. I infer that the authority were correct in accepting this submission and it is open to the Board to have such regard to it as they consider appropriate.
- 7.2.2 One particular item highlighted is the demolition of the garage. This is queried in an observation to the Planning Authority by reference to Class 50(b) of the Planning and Development Regulations. It is debatable whether a garage at the side of a house is actually part of the habitable house, rather than an ancillary element. The practicalities in this case are that there were safety considerations in relation to the garage. It could in any case be replaced and the current position is that this space is proposed to be incorporated into the extended house.
- 7.2.3 The structure in the garden is quite small and a type of structure found widely in gardens. It appears to have been constructed to a good standard and the provision of garden structures of this type is generally provided for in the Planning Regulations. This is effectively an independent development and has no implications for the proposed extension.



7.2.4 The widening of the gateway comprised works which, in the absence of a grant of permission, are unauthorised. The widening, which is of a nature to facilitate construction activity, can easily be reversed. A width of 3.4 metres is proposed, which exceeds the limit of 3 metres for vehicular openings specified in Appendix 5 of the Development Plan. A condition to this effect could be attached to a decision to grant permission in this case.

### 7.3 Principle and Scale of Development

7.3.1 The houses in this estate provide a good standard of accommodation. They have moderately spacious plot sizes such that they can readily be extended. Where a house is occupied over a period of decades, it is likely to happen that needs for space will change, giving rise to requirements for extensions and alterations of one type or another. The house on this site has not been extended but the applicants have apparently identified a need for a substantial extension at ground floor level.

7.3.2 The nature of the proposed extension is such that the resulting site coverage would be high. The floor area of the extended house is given as 209.29m<sup>2</sup>. This is substantial but scarcely out of line with the floor areas of many houses in this general area. In this regard, details of several large extensions in the neighbourhood have been listed in the response to the first appeal. The reference in the appeals to an *urban* or *residential complex* is contested and the proposed use of the extended house is stated to be as a family home. Given that the extension is confined to the ground floor, the actual site coverage is higher than would be the case if part of the extension were at first floor level. Noting that the site widens out to the back, the remaining area of open space would still be substantial and well above the basic requirement of the Development Plan. The figure of 2.15 for plot ratio given on the application form has clearly been miscalculated.

7.3.3 A particular issue raised in this regard is that of sustainable drainage. Surface water sewers are normally available in the Dublin area but consideration also needs to be given to flooding risks. In this regard the report of the Drainage Division has specified a number of requirements for drainage, including the use of sustainable drainage systems. These requirements have been set out in a condition attached to the decision in this case. I note in this regard that permeable paving and a gravel surface are proposed to be laid in the front garden area.

#### **7.4 Likely Effects on Amenities of Adjacent Properties**

- 7.4.1 The immediately adjoining properties are Nos. 7 and 9. No.10 is also quite close and one of the appeals was made by the occupants of that property. The proposed ground floor extension is close to the side boundaries of the site on both sides, but it extends further back on the side adjoining No. 9. Part of the extension on the side adjoining No. 9 is shown to have a pitched roof abutting the property boundary.
- 7.4.2 Residential amenities are clearly susceptible to loss of sunlight. In this case the backs of the houses face in a generally northerly direction. This orientation would tend to limit the extent of sunlight received by windows at the backs of houses. The back garden would still enjoy sunlight in early mornings and late evenings, and also during the day for much of the year. Referring to the adjoining properties, the back of No. 7 faces to some extent in a north-westerly direction so that summer evening sun would not be greatly affected. It is also the situation that the proposed extension does not extend back very far along this boundary. No. 9 however faces north so that the proposed extension, being close to the site boundary, would have greater effects on sunlight to that property.
- 7.4.3 The detailed shadow diagrams submitted with the second appeal illustrate conditions in various seasons. The extent of shadowing clearly varies with season and time of day and the diagrams illustrate situations in December, March, June and September at times in afternoons and evenings. In December at 3 pm the shadows clearly are long, and the effects of the additional shadows caused by the proposed development would be limited. In mid-summer in contrast, the diagrams show an increase in overshadowing at 6 pm though still plenty of sunlight to the adjoining garden; shadows would be longer at 8 pm, but at a time closer to sunset. The March and September situations should be similar apart from the implications of the annual time change. The 4 pm diagrams for March and September show a substantial amount of sunlight to the garden of No. 9, though there are early sunsets in March. The 6 pm diagram for March, at a time close to sunset, inevitably shows a high degree of overshadowing.
- 7.4.4 The response to the second appeal refers to the BRE guidelines and the requirement that at least 50% of an amenity area receives two hours of sunlight on March 21<sup>st</sup>. The shadow diagrams for March 21<sup>st</sup> have been analysed and the

conclusions are to the effect that this requirement would be complied with. While this area is a residential suburban area with reasonably spacious standards of layout, the underlying position is that all buildings and structures in the area cast some shadows. In this case, having regard to the shadow diagrams and the BRE guidelines, it is considered reasonable to accept the application of these guidelines and to conclude that the proposed development would not significantly affect the amenities of adjacent property by reason of excessive overshadowing. Referring to the removal of trees at the back of the garden, this has not had implications for sunlight to nearby gardens but has, in the opinion of the applicants, improved daylighting.

- 7.4.5 Overlooking is a potential source of injury to residential amenities. In this case the existing window on the side elevation is proposed to be widened and a further window installed to light the stairwell. The physical relationship of the respective houses is such that overlooking from these windows should not be a problem. In any case the use of opaque glass could be required in a condition.
- 7.4.6 The visual mass of buildings can be a significant factor in giving rise to adverse effects on residential amenities. In this case the entirety of the extension is at ground floor level and this is a mitigating factor. The mass of the extension is modest alongside the boundary of no. 7 but greater alongside the boundary of no. 9. The house on that property is very close to the boundary and, while it has been extended, the development now proposed extends back much further. The part of this extension projecting further out from the rear boundary of No. 9, though having just one floor, is shown to have a high side wall and would have a degree of visual mass which would be likely to have an adverse effect on the amenities of that property.
- 7.4.7 A further consideration in this area arises from the portion of the extension having a pitched roof. It is not so much that the pitched roof is inherently out of place in this location but that, for its basic rectangular form to be completed, it would need to overhang the adjoining property. Any overhang is of necessity avoided but this is dealt with by cutting back the roof in a somewhat awkward manner. This would effectively give rise to a degree of bulking up along the boundary, which would tend to increase the overbearing effect.

7.4.8 It would be reasonable to consider at this stage whether problems relating to particular features of the proposal might be capable of mitigation by the imposition of a condition or conditions requiring specified modifications to be submitted to and agreed with the Planning Authority. This is an approach which has apparently been taken in some cases by the Planning Authority. An example referred to in the second appeal is the grant of permission for an extension to No. 6 Ramleh Park (Reg. Ref. No. 4855/07). I consider however that any changes sought should be precisely defined and should not radically alter the form and character of the development in question.

7.4.9 In this case I consider that the main problem arises from the massing of the portion of the development in close proximity to the property boundary. In this regard the applicants are stated to be disposed to accept conditions, either reducing the ridge height to not more than 4.5m or roofing the entire extension with a flat roof. The former suggestion would scarcely make much difference. The latter suggestion would still leave a high wall along the property boundary and eliminate one positive feature of the proposed development, that being the pitched roof. A preferable option in my opinion would be for the outermost portion of the extension to be reduced in width by a figure of 1.34 metres. This would enable the extension to be moved back from the property boundary and enable the entire rectangular form of the pitched roof to be contained within the subject property. Arising from this, the span of this roof would be reduced, the ridge would be moved further from the boundary and the height to the ridge, allowing also for a modest reduction in the pitch, would be reduced. These modifications, being modest in nature, ought to result in a significant reduction in visual obtrusion effects on the adjoining property, while accepting that there would be a small reduction in floor space in the proposed extension.

## **8.0 AA Screening**

8.1 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 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

- 9.1. On the basis of the above assessment, I recommend that permission be granted for the development proposed subject to conditions. These conditions include one condition seeking modifications to be made to the structure of the extension and other conditions limiting the width of the driveway entrance gate and requiring certain windows to be glazed with opaque glass. The recommended draft decision details are set out in the following sections of the report.

## 10.0 Reasons and Considerations

Having regard to the location of the site in a mature residential area and the provisions of the Dublin City Development Plan 2022-2028, it is considered that the proposed development, subject to compliance with the conditions set out below, would not materially affect the amenities of property in its vicinity, would not endanger public safety by reason of traffic hazard and would in general be consistent with the proper planning and sustainable development of the area.

## 11.0 Conditions

1.	<p>Insofar as the Planning &amp; Development Act 2000 (as amended) and the Regulations made thereunder are concerned, the development shall be carried out in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the conditions attached hereto. For the avoidance of doubt, this permission shall not be construed as approving any development shown on the plans, particulars and specifications, the nature and extent of which has not been adequately stated in the statutory public notices.</p> <p><b>Reason:</b> To comply with permission regulations.</p>
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2.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000 (as amended). The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the Planning Authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000 (as amended) that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
3.	<p>The development shall not commence until revised plans, drawings and particulars showing the following amendments have been submitted to and agreed in writing with the Planning Authority, and such works shall be fully implemented prior to the occupation of the building.</p> <p>(a) The portion of the extension, which projects furthest into the area of the back garden and is shown to accommodate a large kitchen / dining area, shall be reduced in width from 6340mm (external measurement on the north elevation of this portion of the extension) to a figure not exceeding 5500mm.</p> <p>(b) This reduction in width shall be achieved by moving the east-facing wall of the extension a distance of not less than 840mm towards the west from its position shown on Drawing No. 2409.08/07A.</p> <p>(c) The span of the pitched roof portion of the extension roof shall not exceed 5960mm, the location of the central ridge shall be adjusted</p>

	<p>accordingly and the roof pitch shall not exceed 25 degrees.</p> <p>(d) The length of the pitched roof, measured along its ridge, shall not exceed 6400mm and the eastern slope of the roof shall not be cut back, as shown on Drawing No. 2409.08/08A.</p> <p>(e) The locations of the rooflights, chimney and north elevation windows shall be adjusted accordingly.</p> <p><b>Reason:</b> To ensure the protection of the amenities of property in the vicinity.</p>
4.	<p>The first-floor window to bedroom no. 2 and the en-suite bathroom window to bedroom no. 2 shall be permanently glazed with opaque glass.</p> <p><b>Reason:</b> In the interest of residential amenity and privacy of future occupiers.</p>
5.	<p>All external finishes shall harmonise with the existing finishes of the house in respect of materials and colour.</p> <p><b>Reason:</b> To protect the residential and visual amenities of the area.</p>
6.	<p>The entire house shall be used as a single dwelling only.</p> <p><b>Reason:</b> To ensure an adequate standard of residential amenity.</p>
7.	<p>The proposed development shall comply with the following requirements of the Transportation Planning Division:</p> <p>(a) The driveway entrance shall be 3.0 metres in width and shall not have outward opening gates.</p> <p>(b) The footpath and kerb shall be dished and the new entrance provided to the requirements of the Division.</p> <p>(c) 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.</p> <p><b>Reason:</b> In the interest of orderly development.</p>

8.	<p>The proposed development shall comply with the following requirements of the Drainage Division:</p> <p>(a) The developer shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.</p> <p>(b) The development shall incorporate Sustainable Drainage Systems in the management of surface water, including a proposal to construct a soakaway as part of the development.</p> <p>(c) Any new paving shall be carried out in a sustainable manner so that there is no increase in surface water run-off to the public drainage network.</p> <p><b>Reason:</b> To ensure the protection of the public drainage infrastructure and the satisfactory management of surface water run-off.</p>
9.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>
10.	<p>The construction of the development shall be managed in accordance with a The Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall, inter alia, include the following requirements.</p> <p>(i) Details of the limitations on the hours of operation.</p> <p>(ii) Details of all necessary measures to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads and the steps to be taken to remove any such spillage or deposit at the developer's expense.</p> <p><b>Reason:</b> to protect the amenities of the area</p>
11.	<p>The developer shall comply with the requirements set out in the Codes of Practice from the Drainage Division, the Transportation Planning Division and the Noise &amp; Air Pollution Section.</p> <p><b>Reason:</b> To ensure a satisfactory standard of development.</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.

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Michael Walsh  
Planning Inspector

26 June 2025

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP-322177-25		
<b>Proposed Development Summary</b>	Demolition of existing rear chimney & side garage, proposed single storey side & rear extensions, ground floor and first floor alterations and widening of existing front vehicular access.		
<b>Development Address</b>	8 Ramleh Park, Milltown, Dublin 6, D06 WK44		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
Yes			
No	✓		
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
Yes	NA		
No			Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
Yes	NA		

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

Inspector: \_\_\_\_\_

Date: 26 June 2025