



An
Bord
Pleanála

Inspector's Report ABP 322236-25

Development	House extension and associated works.
Location	11 Saint Brigid's Crescent, Dublin 5.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	3021/25.
Applicants	Tony Drummond and Roisin Ryan.
Type of Application	Permission and retention.
Planning Authority Decision	Grant permission subject to conditions.
Type of Appeal	Third Party
Appellants	Patrick and Grainne O'Malley.
Observers	None.
Date of Site Inspection	26 May 2025.
Inspector	B. Wyse.

1.0 Site Location and Description

- 1.1. No.11 Saint Brigids Crescent is a semi-detached house in the established inner suburb of Artane. The house has been extended at ground floor level to the side and rear. The extension features a mono-pitch roof with a clerestorey window that is visible from the front over the garage.
- 1.2. No.10, the appellants house, is the adjacent property to the north.

2.0 Proposed Development

- 2.1. Retention permission is sought for the existing extension.
- 2.2. Permission is sought for a flat roof to the extension and the construction of a first floor extension over to the rear and to the side over a part of the extension and the garage. The extension will provide additional bedroom and bathroom accommodation. Permission is also sought to widen the vehicular entrance from 3m to 3.4m.
- 2.3. The party boundary between No.11 and No. 10 is somewhat unusual. It is not straight, as indicated on most of the drawings, but includes a kink or notch as correctly represented on Drg. No. PP-02 'Existing Ground Floor Plan'.

3.0 Planning Authority Decision

3.1. Decision

To grant permission subject to 8 conditions.

The conditions are generally standard except Condition 3 which disallows the widening of the entrance as the proposed width would exceed development plan standards.

3.2. Planning Authority Reports

3.2.1. Planning Report

Basis for the planning authority decision. Includes:

- The proposed bathroom windows to the side elevation are suitable for screening. The slender window proposed to the side of the extended front bedroom would be 1.2m from the neighbouring property and facing the gable end, so is considered acceptable.
- The first floor extension is of an appropriate scale and is set well off adjacent property boundaries. There would be no overbearing impact on these properties or any undue overshadowing.
- Adoption of the Transportation Planning Division recommendation in relation to the entrance.
- No requirement for appropriate assessment or environmental impact assessment.

3.2.2. Other Technical Reports

Transportation Planning Division – recommends omission of the widened entrance by reference to development plan standards (Section 4.3.1, Appendix 5: Transport and Mobility: Technical Requirements).

Drainage Division – recommends standard conditions.

4.0 Planning History

None.

5.0 Policy and Context

5.1. Development Plan

Dublin City Development Plan 2022-2028.

Zoning Z1 – *To protect, provide and improve residential amenities.*

Appendix 18: Ancillary Residential Accommodation

Section 1.1, includes:

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)*

Section 1.4, includes:

Extensions should not result in any significant loss of privacy to the residents of adjoining properties. Generally, windows overlooking adjoining properties (such as in a side wall) should be avoided. Where essential, the size of such windows should be kept as small as possible and consideration should be given to the use of high-level windows and/ or the use of obscure glazing where the window serves a bathroom or landing.

Section 1.6, includes:

Large single or two-storey rear extensions to semi-detached or terraced dwellings can, if they project too far from the main rear elevation, result in a loss of daylight to neighbouring houses. Furthermore, depending on orientation, such extensions can have a serious impact on the amount of sunlight received by adjoining properties. On the other hand, it is also recognised that the city is an urban context and some degree of overshadowing is inevitable and unavoidable. Consideration should be given to the proportion of extensions, height and design of roofs as well as taking account of the position of windows including rooms they serve to adjacent or adjoining dwellings.

Appendix 5: Transport and Mobility; Technical Requirements.

Section 4.3.1, includes:

Vehicular entrances shall be designed to avoid creation of a traffic hazard for passing traffic and conflict with pedestrians. Where a new entrance onto a public road is proposed, the Council will have regard to the road and footway layout, the impact on on-street parking provision (formal or informal), the traffic conditions on the road and available sightlines.

For a single residential dwelling, the vehicular opening proposed shall be at least 2.5 metres or at most 3 metres in width and shall not have outward opening gates.

5.2. Natural Heritage Designations

None relevant.

5.3. EIA Screening

5.4. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for EIA screening does not arise. See Appendix 1, Form 1.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal is submitted by Patrick and Grainne O'Malley, 10 Saint Brigids Crescent, the adjacent house to the north. Documentation submitted includes the submission made to the planning authority. The main grounds can be summarised as follows:

- The is no condition on the planning decision requiring screening to the proposed windows to the bathroom and ensuite at first floor level. These windows will give rise to overlooking of the kitchen and conservatory areas of the appellants property.
- The proposed gable window to the extended front bedroom is set back 923mm from the common boundary and not c.1200mm as stated in the planning authority planners report. The window is unnecessary and will restrict the appellants ability to upgrade and improve their property at first floor level.
- The proposed master bedroom extension should be set back by a modest dimension, say 200mm, from the main gable to define the original profile of the house and break up the proposed expansive façade. There would be virtually no impact on the size of the bedroom.

- A survey drawing enclosed shows the precise relationship between the properties, including the correct alignment of the common boundary. It demonstrates the unacceptable degree of overlooking and overbearance that the proposed development would give rise to.
- The wall immediately abutting the appellants property could be reduced by 250mm, from the 3500mm shown on Drg. PP06, to somewhat improve the level of light to their kitchen.
- The appellants seek acceptable modifications to the proposal, not outright refusal.

6.2. **Applicant Response**

None received.

6.3. **Planning Authority Response**

The Board is requested to uphold the planning authority decision and to apply a Section 48 condition.

6.4. **Observations**

None.

7.0 **Assessment**

- 7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise.
- 7.2. The issues raised focus on items of detail in relation to possible impacts on the appellants property.
- 7.3. The first matter of concern relates to the proposed bathroom and ensuite windows at first floor level. While the planning authority planners report acknowledged that they could be screened no condition to this effect was attached to the decision. The standard condition requiring opaque glazing should be attached.

- 7.4. The next matter relates to the proposed gable end window to the extended front bedroom. The appellants are correct that this would be just 923mm from the party boundary. The concern raised is that it could affect the development potential of the appellants property at first floor level and I agree that this is a possibility where, for example, rights to light might become an issue. The window is not essential as the bedroom would have two larger windows to the front elevation. I consider that the most reasonable solution is to require the omission of the window.
- 7.5. In relation to the suggestion to trim up to 200mm off the width of the proposed master bedroom in order to relieve the new gable wall, and hence reduce its expanse, I do not consider that this is necessary or reasonable. I agree with the planning authority that the overall proportions of the proposed extension are appropriate so that it would not be overbearing relative to the appellants property. Subject to the attachment of conditions as suggested above there would be no undue overlooking.
- 7.6. I do not consider it either necessary or reasonable to require the reduction in height of the wall immediately abutting the appellants property. The reduction sought, 250mm, is marginal and is unlikely to affect the light regime given the close proximity of the two storey element of the extension. Though not entirely clear from the drawings such a modification might also have undue structural implications for the roof in this area which appears to be designed to house quite extensive roof lighting.
- 7.7. The Board will note, as per Section 2.1 above, that there are some inaccuracies in the application drawings in relation to the common boundary between No.s 10 and 11, and that this matter is raised in the grounds of appeal. As stated the correct boundary alignment is shown on application Drg. No. PP-02 'Existing Ground Floor Plan' and it is also correctly represented on the survey drawing submitted by the appellant. Apart from the issue dealt with at Section 7.4 above, and where the correct drawings bring clarity to the issue and which I have taken into account in my assessment, the discrepancy on the drawings has no material bearing on the consideration of the proposed development. The Board might wish to attach a condition requiring a revised set of drawings, correctly representing the common boundary, to be submitted to the planning authority and I include same in my recommendation below.

- 7.8. Finally, the Board will also note that the omission of the widened entrance, as per Condition 3 of the planning authority decision, is not under appeal and has not been raised by the applicants in response to the third party appeal. If the Board is minded to address the matter it will need to consider that it is a new issue in the appeal and that the procedures under Section 137 of the Act apply.
- 7.9. For the sake of completeness I would submit that the proposed widened entrance is acceptable from a planning perspective. While the proposed width of 3.4 metres exceeds the development plan maximum of 3 metres, the latter standard is in the nature of guidance and some degree of flexibility can be appropriate. The proposed widening, in this case in the context of an established residential area with light traffic conditions, would not give rise to traffic hazard or obstruction of pedestrians. In light of the considerations set out at Section 7.8 above, however, my recommendation below retains the planning authority condition.
- 7.10. In conclusion, I consider that the planning authority decision should be substantively upheld subject to the addition of appropriate conditions as suggested above.

8.0 Appropriate Assessment Screening

- 8.1. The proposed development comprises a domestic extension in an established suburban area where mains services are readily available.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, small scale and location of the project, and taking account of the screening determination of the planning authority, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site.

I conclude, 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. Appropriate Assessment, therefore, is not required.

9.0 Recommendation

9.1. I recommend that permission be granted subject to conditions.

10.0 Reasons and Considerations

It is considered, subject to compliance with the following conditions, that the proposed development would not injure the amenities of residential property in the vicinity. The proposed development, therefore, would be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of the development the developer shall submit a revised set of drawings for the written agreement of the planning authority that accurately illustrate the common boundary between the subject property and the adjacent property at No.10 St. Brigids Crescent.</p> <p>Reason: To ensure that the development as permitted is properly represented on the application drawings.</p>
3.	<p>The proposed widening of the vehicular entrance shall be omitted.</p> <p>Reason: To comply with development plan standards for domestic vehicular entrances.</p>
4.	<p>The proposed side window to the extended front bedroom shall be omitted.</p>

	Reason: To protect the residential amenities of the adjacent property.
5.	<p>The proposed windows to the upstairs bathroom and ensuite shall be glazed with obscure glass.</p> <p>Reason: To protect the residential amenities of the adjacent property.</p>
6.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interest of public health.</p>
7.	<p>The developer shall prevent any mud, dirt, debris or other building material from being carried onto or placed on the public road as a result of the construction works and shall repair any damage to the public road arising from the works.</p> <p>Reason: In the interest of traffic safety and amenity.</p>
8.	<p>Site development and building works shall be carried out between the hours of 0700 and 1900 Mondays to Fridays inclusive, between 0800 and 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.</p> <p>Reason: To safeguard the amenity of property in the vicinity.</p>
9.	<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. 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</p>

	<p>matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 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> <p>.</p>
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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.

B. Wyse
Planning Inspector

11 June 2025

Appendix 1 - Form 1
EIA Pre-Screening
[EIAR not submitted]

An Bord Pleanála Case Reference	322236 - 25		
Proposed Development Summary	House extension and associated works.		
Development Address	11 Saint Brigids Crescent, Dublin 5.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			

		Threshold	Comment (if relevant)	Conclusion
No	X	N/A		No EIAR or Preliminary Examination required
Yes		Class/Threshold.....		Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes		Screening Determination required

Inspector: B. Wyse Date: 11 June 2025