



An
Coimisiún
Pleanála

Inspector's Report

ABP-322266-25

Development	House extension and associated works.
Location	46 O'Connell Gardens, Bath Avenue, Sandymount, Dublin 4.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	3976/24
Applicants	Paula Cunniffe and Barry Ryan.
Type of Application	Permission.
Planning Authority Decision	Grant permission subject to conditions.
Type of Appeal	Third Party
Appellant	Mary Layden.
Observers	None.
Date of Site Inspection	30 June 2025.
Inspector	B. Wyse

1.0 Site Location and Description

- 1.1. No.46 is a mid-terrace two storey house located on the southern side of O'Connell Gardens. There are gardens to the front and rear. The front garden is accessed by a pedestrian gate only. The road to the front is quite narrow with pay parking on its northern side and double yellow lines on its southern side. The Aviva Stadium is immediately to the rear of the property.

2.0 Proposed Development

- 2.1. The proposed development consists of a comprehensive renovation and extension of the house.

- 2.2. As originally submitted (8 July 2024) the main elements in the application included:

- Part single storey/part two storey rear extension. The two storey element would span the full width of the house and the single storey element would extend the full depth of the garden along one side and extend along the full width of the garden at the rear, leaving an enclosed courtyard type garden. The extension would provide additional living/kitchen accommodation at ground floor level and additional bedroom/bathroom accommodation at first floor level. Two small rear extensions would be demolished.
- A new porch to the front.
- New vehicular entrance to the front.
- Internal remodelling and associated site works.

Documentation submitted with the application included an Engineering Drainage Report and a an Architect/Planning Report.

- 2.3. The planning authority issued a further information request. It was suggested that the rear extension design be revisited to reduce the impact on neighbouring properties, specifically by omitting the rear garden room and linking corridor. It also indicated that the proposed vehicular entrance width exceeded maximum standards, that it might interfere with the nearby street tree and that there might be a requirement to omit the proposed porch extension.

2.4. The applicants response (22 February 2025) includes a revised set of drawings that correct some minor drafting errors on the original drawings and a comprehensive further information submission. The submission includes:

- A justification for the proposed design approach, noting the shadowing and other effects of the nearby stadium, and the role of the proposed rear garden room in this regard.
- The rear garden room and linking corridor is retained with a reduced parapet height of 2.845m (400mm less than previous).
- The width of the proposed vehicular entrance reduced to 2.72m and the proposed porch extension retained.
- Details of existing similar rear extensions in the general vicinity.

3.0 Planning Authority Decision

3.1. Decision

The decision to grant permission is subject to 10 conditions. Most of the conditions are standard. Condition 1 refers to the further information submission – the development, therefore, to be carried out as initially proposed but amended slightly as per that submission. Condition 5(a) stipulates that the vehicular entrance be a maximum of 2.7m wide.

3.2. Planning Authority Reports

3.2.1. Planning Reports (dated 28 August 2024 and 19 March 2025)

Basis for planning authority decision. Include:

- No requirement for appropriate assessment or environmental impact assessment.

3.2.2. Other Technical Reports

Transportation Planning Division (dated 19 August 2024 and 12 March 2025).

Include:

- Satisfied that revised entrance proposals accord with development plan standards.

Engineering Department – Drainage Division (dated 31 July 2024 and 18 March 2025). No objection subject to standard conditions.

3.3. Prescribed Bodies

No reports received from Irish Water or Irish Rail.

3.4. Third Party Observations

One objection received from the neighbouring resident at No. 45 O'Connell Gardens. Issues raised are similar to those raised in the grounds of appeal – see Section 8.1 below.

4.0 Planning History

None relevant.

5.0 Policy Context

Development Plan

Dublin City Development Plan 2022-2028.

Zoning: part Z1 *Sustainable Residential Neighbourhoods* and part Z9 *Amenity/Open Space Lands/Green Network*.

Appendix 18: Ancillary Residential Accommodation

Section 1.2 Extensions to Rear - includes:

First floor rear extensions will be considered on their merits, noting that they can have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the planning authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:

- *Overshadowing, overbearing, and overlooking - along with proximity, height, and length along mutual boundaries.*
- *Remaining rear private open space, its orientation and usability.*
- *Degree of set-back from mutual side boundaries.*
- *External finishes and design, which shall generally be in harmony with existing.*

Section 1.6 Daylight and Sunlight - 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.

5.1. Natural Heritage Designations

None relevant.

6.0 Environmental Impact Assessment (EIA)

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. Refer to Form 1 in Appendix 1 of report.

7.0 Water Framework Directive (WFD)

I have considered the proposed development in the light of the objectives of Article 4 of the Water Framework Directive, which seeks to protect and where necessary, restore surface and groundwater to reach good status and prevent deterioration. Having regard to the nature, small scale and location of the proposed development

in a serviced urban area, I am satisfied that there is no conceivable risk to any water body from the proposed development. No further assessment is required.

8.0 The Appeal

8.1. Grounds of Appeal

The appeal is lodged by Mary Layden of 45 O'Connell Gardens, the adjoining house to the east of the subject property. The main grounds can be summarised as follows:

- As a consequence of the Aviva Stadium development the appellants property has lost roughly half of its natural light and all privacy. The proposed development would result in it being hemmed in with the loss of significant light on two sides – attached photographs refer.
- The proposal would have a serious and adverse effect on light to the appellants house and the enjoyment of the garden.
- The height and length of the proposed two storey element of the extension should be reviewed. The proposed height goes half way up the existing roof – it should be lowered. The length, at 4m, is excessive.
- The value of the appellants property would be severely impacted.
- A shadow analysis should be carried out.

8.2. Applicant Response

Includes:

- The subject property, No.46, is one of the few in the locality that has not been refurbished or extended.
- The roof level of the single storey element was reduced to mitigate the impact on neighbours.
- The height and length of the two storey extension are very similar to, or in many cases, less than surrounding homes in the vicinity. The height is in keeping with the height of the two storey extension on the appellants property.

- It is not practical to reduce the height to eaves level as this is below the internal ceiling height of the existing first floor (currently 2450mm) and would not be in keeping with suggested minimum heights in the building regulations.

8.3. **Planning Authority Response**

None received.

8.4. **Observations**

None received.

9.0 **Assessment**

- 9.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise.
- 9.2. The main issue is the impact of the proposed rear extension on the residential amenities of the adjoining property to the east, No.45. The focus is on the two storey element of the extension and no substantive objection is raised against the remaining single storey elements. I confirm that I have no issue with the latter (as revised in the further information submission). No issue is raised either in relation to the proposed front porch or vehicular entrance and I have no difficulty with these proposals (again referring to the modified proposals put forward in the further information submission).
- 9.3. I agree with the appellant that the proposed extension is likely to result in some loss of light to the rear of their house and to their garden. It is also the case, however, that the relevant development plan provisions acknowledge that where extensions to houses are proposed in an urban context some level of overshadowing is inevitable (see Section 5.0 above). It is a question, therefore, of striking a reasonable balance.
- 9.4. While the proposed extension, at first floor level, would extend 4m out from the rear façade along the boundary with No.45 this would be only slightly more than the depth of the existing extension to that property (c.2.5m) or the extension to No.44 (c.3.5m). It would also be broadly similar to several other existing two storey extensions in the general vicinity.

- 9.5. In terms of the proposed height of the extension the applicants have explained this reasonably. It is necessary to maintain the existing ceiling heights. The point is well illustrated in the section drawings submitted and which also show how the existing ceiling heights are only achieved because the room volumes protrude partly into the roof space of the house. The height of the extension would also be broadly similar to those existing extensions on other properties in the vicinity, including that at No.45.
- 9.6. In short I consider that the proposed two storey element of the extension is not excessive given the context and that the loss of light likely to result to the adjoining property would not be unduly significant. While some sense of being hemmed in might also result, again, given the context, I do not consider that this would be unduly onerous.
- 9.7. There are also some elements of mitigation to be considered in this case. First, and notwithstanding the effects of the nearby stadium, the rear of No.45 is south facing with the consequential benefits in terms of sunlight and daylight. Secondly, the main living room of the house is dual aspect, with windows/doors in both elevations, again with consequential benefits in terms of light.
- 9.8. The appellant suggests that the value of her property would be severely impacted. This is a difficult issue to judge. On the one hand any perceived negative effect of the proposed extension might be seen this way. On the other hand it could equally be argued that the proposed extension, and others in the vicinity, demonstrate the development potential of these properties, thus significantly adding to their value. I would not draw any firm conclusions on this matter.
- 9.9. Finally, it should be noted that while the appellant suggests that a shadow analysis should be carried out there is no indication in the development plan for such an exercise for this type of proposed development. I do not consider that such an exercise is warranted in this case as it would in all likelihood point to similar conclusions as drawn above.

10.0 Appropriate Assessment (AA) Screening

- 10.1. Having considered the nature, small scale and location of the project within an established urban area, and taking account of the screening determination of the planning authority, I am satisfied that it can be eliminated from further assessment

because it could not have any effect on a European Site.

- 10.2. 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.

11.0 Recommendation

- 11.1. I recommend that permission be granted subject to conditions.

12.0 Reasons and Considerations

It is considered that the proposed development, as amended in the further information received by the planning authority on 27 February 2025 and subject to compliance with the following conditions, would not seriously injure the residential amenities of properties in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 27th day of February 2025, 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>The existing dwelling and the proposed extension shall be jointly occupied as a single residential unit and the extension shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p>

	Reason: To restrict the use of the extension in the interest of residential amenity
3.	<p>All external finishes shall harmonise with the existing finishes of the house in respect of materials and colour.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<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>
5.	<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>
6.	<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>
7.	<p>The vehicular entrance shall be not more than 2.7m in width and shall not have outward opening gates.</p> <p>Reason: In the interests of vehicular and pedestrian safety.</p>
8.	<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 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</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
--	--

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

18 July 2025

Appendix 1 - Form 1 EIA Pre-Screening

Case Reference	
Proposed Development Summary	House extension and refurbishment.
Development Address	
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of	

<p>proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold</p>
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>State the Class and state the relevant threshold</p>

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____B. Wyse_____ Date: _____18 July 2025

INTENTIONALLY BLANK