



An
Bord
Pleanála

Inspector's Report

ABP-321617-25

Development

Demolition of the existing front porch & rear extension with removal of the existing hip roof for replacement with a gable roof. Construction of new extension and an attic conversion and all associated site works.

Location

4 Roebuck Road, Dublin 14, D14
RC98

Planning Authority

Dun Laoghaire Rathdown County
Council

Planning Authority Reg. Ref.

D24A/0832/WEB

Applicant(s)

DongXing Xu

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Eoin & Elaine Kirwan

Observer(s)

none

Date of Site Inspection

27th February 2025

Inspector

Aisling MacNamara

1.0 Site Location and Description

- 1.1. This is the site of two storey semi detached house within the urban built up area Roebuck in Dublin 14. The site is accessed from Roebuck Road – a busy regional road. The site is adjoined on either side and to the rear by existing residential properties. The subject house is part of row of eight semi detached houses along this side of Roebuck Road. Local neighbourhood shops and services at Gledswood Drive are located about 15 metres from the site and Rosemount Crescent containing a row of semi detached two storey houses and open space area is located on the opposite side of the road from the site.

2.0 Proposed Development

- 2.1. Permission is sought for the following:

- demolition of front porch and rear extension,
- construction of new single storey extension to front and part single and part double storey rear extension,
- removal of the existing hip roof for replacement with gable roof, attic conversion and two dormer extensions to rear roof,
- new rooflights to the front,
- widening of existing vehicular access,
- associated site works

The site has an area of 0.046ha. The floor area of the existing house is 154sqm. It is proposed to demolish 18sqm and to retain 136sq. The floor area of the proposed works is 119sqm.

3.0 Planning Authority Decision

3.1. Decision

The planning authority made the decision by order dated 5th December 2024 to grant permission subject to 10 conditions.

Condition 2

Prior to the commencement of development, the Applicant shall submit revised elevation and plan drawings for the written agreement of the planning authority, detailing the following:

- a) The omission of one of the proposed dormer structures;*
- b) The remaining proposed dormer structure relocated and centred on the roof slope, comprising a maximum width of 3.5m;*
- c) The height of the proposed first floor rear extension / parapet wall reduced, for a discernible visual separation between the parapet level of the proposed first – floor, rear extension and the dormer structure above, maintaining setbacks from ridge line and party boundaries.*

Reason: In the interest of residential and visual amenity and harmony.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The report of the Case Planner sets out an assessment and recommendation to grant permission.

3.2.2. Other Technical Reports

- Drainage Section: no objection subject to conditions in relation to surface water and drainage.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

Two third party observations were received raising the following issues:

- Likelihood dwelling to be used as commercial / student accommodation and adverse impacts this would bring to residential amenity by way of antisocial activity, noise disturbance, excessive parking and traffic.
- Excessive scale of proposed development, results in a three storey building which would result in overbearing, overlooking and adverse impacts on adjacent residential amenity, request roof be omitted, out of character.
- Concerns regarding the capacity of the foul drainage network to accommodate the development.
- Results in consolidation of unauthorised development.
- Misrepresentation on drawings of proposed development.

4.0 Planning History

There is no planning history associated with the subject site. The planners report sets out details of the planning history relating to adjoining sites.

5.0 Policy Context

5.1. Development Plan

The Dún Laoghaire-Rathdown County Development Plan 2022-2028 applies.

- Zoning: 'Objective A' which seeks "to provide residential development and improve residential amenity while protecting the existing residential amenities".
- PHP19: Existing Housing Stock - Adaptation It is a Policy Objective to:
 - Conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF.
 - Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.
- PHP20: Protection of Existing Residential Amenity. It is a Policy Objective to ensure the residential amenity of existing homes in the Built Up Area is

protected where they are adjacent to proposed higher density and greater height infill developments.

- 12.3.3 Quantitative Standards for All Residential Development
- 12.3.7.1 Extensions to Dwellings

5.2. Natural Heritage Designations

There are no natural heritage designations at the site or in the vicinity of the site.

5.3. EIA Screening

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. 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

An appeal has been received from the owners /occupiers of 8 Roebuck Road, raising the following issues:

- The proposed development will impact on the existing private sewer serving the adjoining properties and concerns regarding disconnection of no.6 and no.8 Roebuck Road from the foul sewer.
- Potential for multiple residential uses, anti social behaviour concerns, request section 47 agreement to restrict to single residential use.
- Proposal for roof gable at second floor level is out of character with area, three storey building will be incongruous, excessive mass and scale, results in overlooking.
- Permission is sought for changes to an unauthorised development, existing unauthorised windows overlooking no.6 could be removed through condition.

- Proposal is premature, no connection agreement has been sought from Uisce Eireann.
- The applicant does not have the required legal agreements to carry out the development – no agreement to disconnect no. 6 and no.8 from the foul sewer, no agreement regarding boundary works to no.6.
- Permission should be refused.
- Documentation submitted including a copy of the submission to the planning authority.

6.2. Applicant Response

The applicant has submitted a response to the grounds of appeal, raising the following issues:

- The proposed pitched roof alteration is common feature in this area, there are a variety of pitched and hipped profiles in this area.
- The dormer extension is to the rear with no adverse visual impact, condition of the permission required the omission of one dormer and alterations which will reduce the size, massing, scale of the development.
- The existing side window on the first floor has been in place for many years and will remain. Propose to make it obscure to address impact on no.6.
- There will be no overlooking, overshadowing or overbearing, long garden with separation from neighbouring dwelling, good garden provides amenity for dwelling.
- Assumption that property will be converted to student accommodation or similar is speculative.
- Engineers report submitted in relation to foul sewer. Engineers report received from C.Eng. of 'Infinitefocus' setting out measures to address concerns raised in relation to the impact on the foul sewer. The report states:
 - There will be no increase in wastewater flow from the proposed extension (maintains the classification of a single dwelling for a single household).

- Irish Water codes of practice permits structures to be constructed over sewer lines provided measures are implemented.
- Sewer to be protected with measures including encasing foul line in concrete surround and laying of a new manhole within the site (drawings and details submitted).

6.3. Planning Authority Response

The planning authority has submitted a response stating that the grounds of appeal do not raise any new matter which in the opinion of the planning authority would justify a change of attitude to the proposed development.

6.4. Observations

None received.

6.5. Further Responses

The appellant has submitted a response to the applicants response. The following is a summary of the issues raised:

- The aerial sketch provided by the applicant shows row of hipped roof houses along Roebuck Road and Gledwood Row and row of gable ended houses along Rosemount Crescent. The introduction of a three storey gabled roof along Roebuck Road is out of character and scale with the existing hipped roof houses. Three storey extension will be incongruous, tall, overbearing with excessive mass. The proposed three storey house will have overlooking, overshadowing and overbearing impact on adjoining houses.
- Unusual for a single dwelling to provide 6 rooms with 2 ensuite and 4 separate bathrooms and an individual wc. These could easily be used as student accommodation, hostel or multi occupied residential use. No objection is raised by the applicant to use of section 47 agreement to restrict use to single residential use. The use of the house should not be for hostel, student accommodation or multi occupancy bed sit.

- Concerns over capacity of private sewer, no detailed survey has been carried out of sewer, no connection agreement has been submitted, having regard to large number of bathrooms it is difficult to suggest that wastewater flow rate will not increase. Proposal is premature pending the resolution of the issues with the sewer.
- Happy that the private sewer will be protected during construction, 2 manholes should be provided.
- The existing side windows overlooking no.6 Roebuck Road interfere with residential amenities.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all submissions received in relation to the appeal, and inspected the site, and having regard to relevant local policies and guidance, I consider that the main issues in this appeal are as follows:

- principle of development
- use of dwelling
- impact on foul sewer
- design and residential amenity

7.2. **Principle of development**

7.2.1. The proposed development is for demolition, extension and alterations to an existing house. The proposed development is located in an area zoned for residential uses in the Dun Laoghaire Rathdown County Development Plan (CDP) 2022-2028. The principle of development is therefore acceptable.

7.2.2. The appellants have raised that the proposed works would consolidate unauthorised development on the site. They indicate that the original house has been subject to works including ground floor rear extension (dining and utility), porch and first floor side extension (bedroom 3 and master bedroom). They have particular concerns in relation to the existing window in the side elevation of bedroom 3 and the overlooking impact of this window on the adjoining property.

- 7.2.3. There is no record of permission for the works referred to by the appellant. Whilst not specifically addressed by the planning authority, the planners report indicates that there is no record of enforcement on the site. In addition, the issue of the alleged unauthorised development has not been addressed by the applicants. I am unclear as to the planning status of the works referred to by the appellants.
- 7.2.4. Part of the alleged unauthorised works are to be retained and incorporated into the new proposed development. It is open to the Board to either seek additional information to clarify the planning status of the works or the refuse permission on the basis of the lack of information to show that the proposal would not result in the consolidation of an alleged unauthorised development.
- 7.2.5. However, information from the aerial photographs dating to 2008 show that the works referred by the appellant are in place for some years. I note that if unauthorised development has taken place for in excess of seven years, no enforcement action can be taken by a local authority. The issue of the alleged unauthorised development was not progressed by the planning authority at application stage. Having regard to the long established nature of the works, I am satisfied that notwithstanding the lack of information regarding its planning status, that in this case, it is reasonable to progress with the consideration of the proposed development.
- 7.2.6. Regarding concerns raised with respect to existing windows that are alleged to be unauthorised – this is a matter for the planning authority and not An Bord Pleanala. In the proposed development, the existing first floor window in the side elevation is to be retained as the window of the proposed ensuite. As part of the proposed development, it is proposed to install obscure glass in this existing window. The window is not to serve a habitable room and I consider that the proposal is acceptable and mitigates overlooking and addresses overlooking concerns raised regarding this window.

7.3. Use of dwelling

- 7.3.1. The appellants have raised concerns that the proposed alterations would allow for the subdivision of the house into multiple residential units, for use as student accommodation, hostel etc.

7.3.2. In this regard the proposed development is described as a proposal for demolition, extension and alterations to an existing house. The drawings show that the proposed ground floor is for sitting room, dining / kitchen / utility, music room, under stair WC and a guest room (with WC). The proposed first floor show bedroom 1 (with ensuite), bedroom 2 (with ensuite), bedroom 3 (with ensuite) and master bedroom (with ensuite). The proposed attic floor plan shows home office (with ensuite and store) and a play room/ gym. The house is to be served by one internal stairs, one front door to porch and hallway, sliding doors from kitchen / dining to rear outdoor space, door from kitchen / dining to a small internal courtyard and door from utility to the side access. The house is served by one vehicular access (to be widened) and one rear garden area. I consider that the design is representative of a single dwelling house. I am satisfied that the design is as per the description and that the proposed development is for a single dwelling house and not multiple residential units.

7.3.3. I do not consider that it would be reasonable to attach a condition requiring an agreement under section 47 of the Planning and Development Act 2000 (as amended) for the purpose of restricting or regulating the use of the development. Should the Board decide to grant permission, a condition can be attached to restrict the use of the extension so that it is jointly occupied with the existing dwelling as a single residential use.

7.4. Impact on foul sewer

7.4.1. The appellants have raised concerns regarding the impact on the private foul sewer serving the adjoining properties along Roebuck Road.

7.4.2. The drawings and details show that there is an existing private sewer running along the rear of house numbers 2 to 8 Roebuck Road and under 34 Glendwood Drive where it connects to the public foul sewer on the public road near the corner of Glendwood Drive and Roebuck Road.

7.4.3. The appellants have raised concerns that the existing private sewer is substandard and does not have capacity for the additional loading associated with the proposed development noting the number of bathrooms/ toilets proposed. In this respect, the proposed drainage plan drawing shows that it is proposed to connect the subject house directly to the existing public foul sewer at the front of the house in Roebuck

Road. Therefore the proposed development does not connect to the private sewer in the rear garden and will not impact on the capacity of the private sewer.

- 7.4.4. In any case, I would note that the proposed works relate to an existing house which is to remain an existing house and I do not consider that there is a material intensification of use or loading on the sewer network, so as to warrant further investigations of the standard of the sewer network.
- 7.4.5. The proposed rear extension is to be constructed partly over the existing private sewer in the rear garden. In their response to the appeal, the applicant has submitted an engineers report showing measures to protect the sewer including bridging over the sewer and encasing the sewer in concrete surrounding and the laying of a new manhole within the site to allow for maintenance. This is standard construction practice and I am satisfied that these measures are reasonable and adequate and will protect the sewer and allow for maintenance. Should permission be granted, it is recommended that a condition be attached so that these measures are implemented and agreed with the planning authority prior to development.
- 7.4.6. The appellants have argued that the proposal is premature pending a connection agreement from Uisce Eireann. In this respect, I would note that both the existing and proposed house connects to the public foul sewer and therefore there is no significant change in the existing arrangement. An Uisce Eireann connection agreement is required for any new or modified connection to the public sewer. Should permission be granted, a condition or advice note can be attached requiring the developer enter into a connection agreement with Uisce Eireann for any new or modified connection to the public foul network.
- 7.4.7. The appellants are concerned that they will be disconnected from the private sewer that serves them. In this regard, I would note that the drainage drawing does not show any proposed alterations to the existing sewer. In any case, it would be a matter for the applicant to ensure that they have the necessary legal permission from the owners of the private sewer to carry out any works to a private sewer.
- 7.4.8. In conclusion, I am of the opinion that the proposed development which includes a connection to the public sewer and measures for the protection of the existing sewer in the rear garden, is acceptable and I do not consider that there is a significant risk to public health. I do not consider that the proposed works are premature pending

the delivery of foul infrastructure to serve the development or is premature pending the agreement of Uisce Eireann.

7.5. Design and residential amenity

- 7.5.1. The appellants have raised particular concerns regarding the roof / attic alterations and to the overall scale, height and massing of the proposed rear extension and to the impacts on visual and residential amenity.
- 7.5.2. The proposed works to the roof include the conversion of the attic space to residential accommodation and the replacement of the existing hip roof with a gable roof and construction of two dormer extensions in the rear roof plane.
- 7.5.3. Development management standards and parameters relating to extension and alterations to existing houses are set out in section 12.3.7 of the CDP. Section (iv) of section 12.3.7.1 relates specifically to alterations at roof / attic level. The following design guidance is provided: *“Dormer extensions to roofs, i.e. to the front, side, and rear, will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties. The design, dimensions, and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations. Dormer extensions shall be set back from the eaves, gables and/or party boundaries. Dormer extensions should be set down from the existing ridge level so as to not read as a third storey extension at roof level to the rear.”*
- 7.5.4. The development relates to a semi detached house within a row of similar semi detached houses. Throughout the years, the houses on this row have been altered with extensions and alterations. Whilst I accept that there is a uniform pattern of hipped roofs along this row, I am satisfied that the alteration of the design of the roof profile to gable roof is a relatively small change to the overall appearance of the house and that the alteration can be accommodated without being detrimental to the appearance of the house or the character of this area.
- 7.5.5. The two roof dormers are located on the rear roof and will not be visible from the front of the house. The dormers do not exceed the ridge level of the house and are set back from the gables and ‘read’, in my opinion, as dormer projections and not as a third storey. The bulk and scale of the dormers is proportionate to the roof and does not dominate the roof. The dormers are to be clad in zinc finish. I consider that the appearance of the two dormer extensions is acceptable and would integrate with

the existing house and that there would not be an adverse impact on the visual amenity of the area.

- 7.5.6. Regarding overlooking from the roof dormers, the design guidance in section (iv) states the following: *“Particular care will be taken in evaluating large, visually dominant dormer window structures, with a balance sought between quality residential amenity and the privacy of adjacent properties. Excessive overlooking of adjacent properties should be avoided.”* The two dormers are to contain windows which are directed to look towards the rear garden. I also note that the dwelling and the adjoining houses are served by a long rear gardens in excess of about 30 metres. Having regard to the design and orientation of the windows, I do not consider that the windows would result in significant overlooking of the adjoining properties.
- 7.5.7. Having regard to the location and design of the roof alterations, I do not consider that there is a significant risk of overshadowing of adjoining properties.
- 7.5.8. The planning authority granted permission subject to condition 2(a) to omit one of the proposed dormers, 2(b) to alter the design of the remaining dormer and 2(c) to reduce the height of the parapet of the proposed first floor extension. I consider that the design of the roof profile and dormer extensions as originally presented at planning application stage is acceptable and further design revisions are not required.
- 7.5.9. Section (ii) of section 12.3.7.1 relates to extensions to the rear. The Guidelines state: *“Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. The extension should match or complement the main house.*
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.”

Having regard to the setback of the extension from the side boundaries, the projection of the first floor 3.6m from the main rear elevation which is proportionate to the main house, the flat roof design, the large private amenity space at the site and the adjoining properties, the pattern of development in the area, the orientation of

the house and the location of the first floor windows and the external finishes which harmonise with the existing house, I consider that design, mass and scale of the proposed rear extensions are satisfactory, would integrate with the existing house and would not have a significant adverse impact on visual amenities or residential amenities by reason of overlooking, overshadowing or overbearing impacts.

8.0 AA Screening

8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act as amended. The subject site is not located within or adjacent to any European site. The closest European site is South Dublin Bay Special Area of Conservation (SAC) and South Dublin Bay and River Tolka Estuary Special Protection Area (SPA) located approximately 2.6km to the east. 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 an appreciable effect on a European site. The reason for this conclusion is as follows:

- The small scale and domestic nature of the development
- The location of the development in a serviced urban area, the distance to the Natura 2000 site network and the absence of pathways to any European site.

I consider that the proposed development would not be likely to have a significant effect individually or in-combination with other plans or projects, on a European site and appropriate assessment is therefore not required.

9.0 Recommendation

I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations as set out below.

10.0 Reasons and Considerations

Having regard to the provisions of the Dun Laoghaire Rathdown County Development Plan 2022-2028, the established residential use on the site, the prevailing pattern and character of development in the area, and the nature, scale and design of the proposal, it is considered that, subject to compliance with the

conditions set out below, the proposal would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and would not be prejudicial to public health. The proposal would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. 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.

Reason: In the interest of clarity.

2. 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.

Reason: To restrict the use of the extension in the interest of residential amenity

3. The external finishes of the proposed extension shall harmonise with those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

4. The glazing to the first floor en-suite window on the side elevation shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

Reason: In the interest of residential amenity.

5. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

6. Prior to the commencement of development the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for any new or modified service connection to the wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

7. Prior to commencement of development, the developer shall submit details of measures for the protection and maintenance of the existing sewer located to the rear of the house, for the written agreement of the planning authority.

Reason: In the interests of orderly development and public health.

8. 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 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

An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: 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.

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.

Aisling Mac Namara
Planning Inspector

18th March 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	321617-25		
Proposed Development Summary	Demolition of the existing front porch & rear extension with removal of the existing hip roof for replacement with a gable roof. Construction of new extension and an attic conversion and all associated site works.		
Development Address	4 Roebuck Road, Dublin 14		
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	Proceed to Q2.
		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)?			
Yes		State the Class here.	Proceed to Q3.
No	x		No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No			Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes		State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

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

Inspector: _____ Date: _____