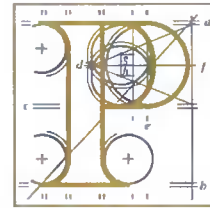


Our Case Number: ABP-312561-22

Planning Authority Reference Number: SD21B/0570



An  
Bord  
Pleanála

F.C.



South Dublin County Council  
Planning Department  
County Hall  
Tallaght  
Dublin 24

Date: 25 January 2022

Re: Removal of garage and kitchen, construction of two-storey extension to side and rear, bay window to front, single storey extension to rear with rooflights, dormer window to rear, attic conversion with rooflights, widening of vehicular entrance and associated site works  
42, Ballytore Road, Rathfarnham, Dublin 14, D14 FF22

Dear Sir / Madam,

Enclosed is a copy of an appeal under the Planning and Development Act, 2000, (as amended).

**Submissions of documents etc., to the Board. N.B. Copies of I-plans are not adequate, all drawings and maps should be to scale in accordance with the provisions of the permission regulations.**

1. The planning authority is required to forward specified documents to the Board under the provisions of section 128 and section 37(1)(b) of the Planning and Development Act, 2000, (as amended). Please forward, **within a period of 2 weeks beginning on the date of this letter, the following documents:-**

- (i) a copy of the planning application made to the planning authority and a copy of any drawings, maps (including ordnance survey number) particulars, evidence, a copy of any environmental impact statement, other written study or further information received or obtained by your authority in accordance with regulations under the Acts. If practicable, the original of any drawing with coloured markings should be provided or a coloured copy,
- (ii) a copy of any technical or other reports prepared by or for the planning authority in relation to the application,
- (iii) a certified copy of the relevant Manager's Order giving the decision of the planning authority,
- (iv) a copy of the notification of decision given to the applicant,
- (v) particulars of the applicant's interest in the land or structure, as supplied to the planning authority,

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Glaio Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

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 by [illegible]  
 [illegible]

(vi) a copy of the published notice and a copy of the text of the site notice erected on the land or structure,

(vii) a copy of requests (if any) to the applicant for further information relating to the application under appeal together with copies of reply and documents (if any) submitted in response to such requests,

(viii) a copy of any written submissions or observations concerning the proposed development made to the planning authority,

(ix) a copy of any notices to prescribed bodies/other authorities and any responses to same,

(x) a copy of any exemption application/certificate within Part V of the 2000 Act, (as amended), applies,

(xi) a copy of the minutes of any pre-planning meetings.

2. To ensure that the Board has a full and complete set of the material specified above and that it may proceed with full consideration of the appeal, please certify that the planning authority holds no further material relevant to the case coming within the above list of items by signing the certification on page 3 of this letter and returning the letter to the Board.

3. In addition to the documents mentioned above, please supply the following:- Particulars and relevant documents relating to previous decisions affecting the same site or relating to applications for similar development in near proximity. "History" documents should include;

a) the Manager's Order,

b) the site location, site layout maps, all plans and

c) particulars and all internal reports.

d) details of any extensions of time given in respect of previous decisions.

#### **Copies of I-plan sheets are not adequate.**

Where your records show that a decision was appealed to the Board, it would be helpful if you would indicate the Board's reference.

Submissions or observations by the planning authority.

4. As a party to the appeal you may, under section 129 of the 2000 Act, (as amended), make submissions or observations in writing to the Board in relation to the appeal within a **period of 4 weeks beginning** on the date of this letter. Any submissions or observations received by the Board outside of that period shall not be considered, and where none have been validly received, the Board may determine the appeal without further notice to you.

#### **Contingency Submission**

5. If the decision of your authority was to refuse permission, you should consider whether the authority wishes to make a contingency submission to the Board as regards appropriate conditions which, in its view, should be attached to a grant of permission should the Board decide to make such a grant. In particular, your authority may wish to comment on appropriate conditions which might be attached to a

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permission in accordance with section 48 and/or 49 of the 2000 Planning Act (Development / Supplementary Development Contributions) including any special condition which might be appropriate under section 48(2)(c) of the Act. Any such contingency submission, in circumstances which your authority decided to refuse permission, would be without prejudice to your authority's main submission in support of its decision.

Please quote the above appeal reference number in any further correspondence.

I hereby certify that the planning authority has complied with section 128 and section 37(1)(b) of the 2000 Act, (as amended), and that all material relevant to (ABP- \_\_\_\_\_) the request at 1 on page 1 of this letter has been forwarded.

Signed: \_\_\_\_\_

Print: ( \_\_\_\_\_ )

Date: \_\_\_\_\_

Yours faithfully,



Liam Halpin  
Direct Line: 01-8737280

BP07

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**DR DIARMUID Ó GRÁDA**  
PLANNING CONSULTANT

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An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1

20th January 2022

<b>AN BORD PLEANÁLA</b>	
LDG-	<u>047614-22</u>
ABP-	_____
<b>21 JAN 2022</b>	
Fee: €	<u>220</u> Type: <u>Cheque</u>
Time:	<u>1:25</u> By: <u>hand</u>

Re South Dublin County Council planning application ref.SD21B/570; proposed development at no.42 Ballytore Road, Rathfarnham, Dublin 14, D14 FF22

Dear Sir/Madam,

In the matter of the above planning application we hereby lodge an appeal on behalf of Ann-Marie Kenny, no.40 Ballytore Road, Rathfarnham, Dublin 14. Please find attached the Grounds of Appeal, the Council's letter acknowledging our observation and the requisite fee,

Yours faithfully,

Diarmuid Ó Gráda







# **GROUNDS OF APPEAL**

**PLANNING AUTHORITY:  
SOUTH DUBLIN COUNTY COUNCIL**

**PLANNING APPLICATION REF. NO. SD21B/0570**

**PROPOSED DEVELOPMENT  
AT NO.42 BALLYTORE ROAD,  
RATHFARNHAM,  
DUBLIN 14**

**DIARMUID Ó GRÁDA**

**JANUARY 2022**

## **1 CONTEXT**

Our client strongly objects to the decision of South Dublin County Council to grant permission in this case. The observation we lodged with the County Council clearly set house reasons why permission should be refused. The observation included a reference to the planning history which informs much of the assessment of this current application.

## **2 COUNCIL PLANNER'S REPORT**

The report of the Council planner acknowledged shortcomings in the proposal but permission was ultimately granted subject to five conditions. Most of those conditions dealt with matters of good housekeeping and they failed to address the items of concern to the observer. For example, condition no.2 deals with the threat to a roadside tree where changes were intended to the site entrance. Condition no.3 deals with the disposal of surface water.

The report of the Council planner acknowledged the protruding a two-storey feature of the proposal and admitted that it had no local precedent. However, the planner did not reach the logical conclusion and make appropriate adjustments or amendments to the design/layout.

## **3 SUBSTANTIVE CASE**

The substantive case for this third party appeal has been set out in the observation lodged with the Council. A copy of the observation is included here for the assistance of the Board.

## **4 CONTINGENCY SUBMISSION**

Our observation included a contingency submission and that appears to have been largely ignored. In that contingency we cited two simple and straightforward

amendments that could be considered. We now bring them to the attention of the Board. They are:

- 1 The proposed dormer to be moved eastwards by 1 meter,
- 2 The proposed west elevation of the rear extension be set back 1 meter from the site boundary.

## 5 CONCLUSION

In our opinion the proposed development would be oversized. It would have an awkward and overbearing design. We request the Board to refuse permission for the reasons set out below.

1 The proposed development, by reason of  
(1) Its excessive length, scale and proximity to the western site boundary, would be visually overbearing, dominant and obtrusive when viewed from the neighbouring property at no. 40 Ballytore Road and would have significant overshadowing impacts on that adjoining property,

(2) The height and proximity of the proposed dormer to the property boundary at no.40 Ballytore Road would be out of keeping with the character of the existing dwelling and surrounding area, and would be visually overbearing, dominant and intrusive when viewed from the neighboring property to the west.

Thus, the proposed development would seriously injure the amenities of property in the vicinity, would contravene Policy H18 (residential extensions), H18 objective 1 relating to house extensions, would not accord with the South Dublin House Extension Design Guide referenced in the South Dublin County Development Plan 2016-2022 and would materially contravene the zoning objective for the area which seeks to protect and/or improve residential amenity

and would therefore contravene the South Dublin County Development Plan 2016- 2022 and the proper planning and sustainable development of the area.

2 The proposed development would set an undesirable precedent for other developments which would, in themselves and cumulatively, be harmful to the residential and visual amenities of the area and be contrary to the proper planning and sustainable development of the area.

**DR DIARMUID Ó GRÁDA**  
PLANNING CONSULTANT

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Planning Department,  
South Dublin County Council,  
Tallaght,  
Dublin 24

9th December 2021

Re planning application ref. no.SD21B/0570; proposed development at no.42  
Ballytore Road, Rathfarnham, Dublin 14

Dear Sir/Madam,

In the matter of the above planning application we hereby lodge an observation on behalf of Ann-Marie Kenny, no.40 Ballytore Road, Rathfarnham, Dublin 14. Please find attached the Grounds of Observation together with the requisite fee,

Yours faithfully,

Dr Diarmuid Ó Gráda



# **GROUNDS OF OBSERVATION**

**PLANNING AUTHORITY:  
 SOUTH DUBLIN COUNTY COUNCIL**

**PLANNING APPLICATION  
 REF.NO.SD21B/0570**

**PROPOSED DEVELOPMENT  
 AT NO.42 BALLYTORE ROAD,  
 RATHFARNHAM,  
 DUBLIN 14**

**DIARMUID Ó GRÁDA**

**DECEMBER 2021**

# 1 CONTEXT

1.1 This observation relates to a house within the mature well-established residential suburb of Rathfarnham. Ballytore Road lies a short distance south of the River Dodder and it is reached from Rathfarnham Road. Nos.40 and 42 Ballytore Road form a pair of two-storey semi-detached dwellings. They are fine typical suburban houses, laid out on the *Garden City* model i.e. with generously spaced with front and rear gardens, allowing ample space for tree planting and fine gardens, as shown below.



**APPLICANT'S PROPERTY (LEFT) AND OBSERVER'S HOME (RIGHT)**

The house within the subject site (no.42), seen on the left side above, has a stated floor area of 114 sq. meters approx.

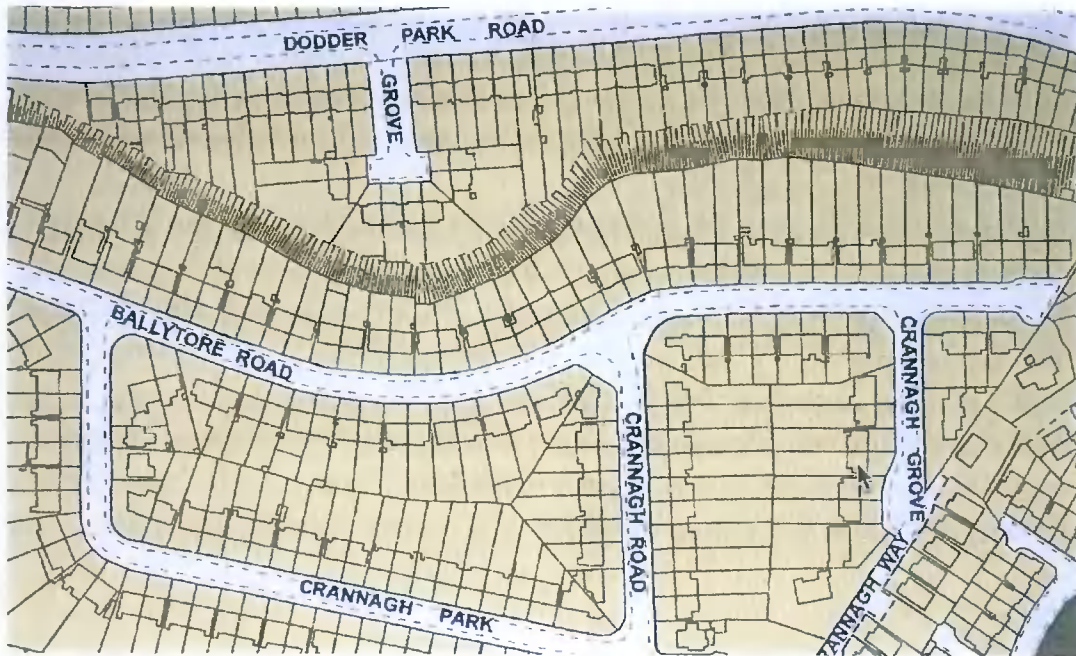
1.2 This application is for a major enlargement of that house. New extensions would protrude out on all sides. They would be oversized and misplaced, giving rise to a deleterious impact on the home of our client.

This observation is lodged on behalf of the immediately adjoining neighbour at no.40 who would suffer excessively from the impact. In our opinion there would be a material contravention of the Council's zoning objective as expressed in the Development Plan (see below).



## 2 DEVELOPMENT PLAN

In the current County Development Plan these lands are shown within the RES zone.



As can be seen above the RES zone (olive/yellow colour) covers all of Ballytore Road. The stated objective of the Council for this zone is to protect and/or improve residential amenity. In our opinion the scale of the proposal rules out compliance with that objective.

## 3 PLANNING HISTORY

3.1 Application ref. no.SD18B/0072 was for excessive additions to the same house at no.42 Ballytore Road. The Council decided to refuse permission for two reasons, i.e.

- 1 The proposed development by reason of:
  - (i) *Its excessive height, excessive length, scale and proximity to both the eastern and western side boundaries, would be visually incongruous, overbearing, dominant and obtrusive when viewed from the neighboring properties at nos.40 and 44 Ballytore Road and would have significant overshadowing impacts on the adjoining properties at nos. 40 and 44 Ballytore Road.*

(ii) *The significant extensions and alterations to the front elevation would be inconsistent with the character and architectural style of the area and therefore would appear visually incongruous and have a detrimental impact on the visual amenities of the streetscape.*

(iii) *The height and proximity of the proposed dormer to the main ridge would be out of keeping with the character of the existing dwelling and surrounding area and would be visually overbearing, dominant and obtrusive when viewed from the neighboring properties.*

*Thus, the proposed development would seriously injure the amenity of property in the vicinity, would contravene policy H18 (residential extensions), H18 Objective 1 relating to house extensions, would not accord with the South Dublin House Extension Design Guide referenced in the South Dublin County Council Development Plan 2016-2022 and would materially contravene the zoning objective for the area which seeks to protect and/or improve residential amenity and would therefore contravene the South Dublin County Development Plan 2016-2022 and the proper planning and sustainable development of the area.*

2 *The proposed development would set an undesirable precedent for other similar developments which would, in themselves and cumulatively, be harmful to the residential and visual amenities of the area and be contrary to the proper planning and sustainable development of the area.*

3.2 In our opinion the current application retains too many of the failures cited by the Council in that previous proposal, e.g.

- Excessive height and length
- Excessive scale and proximity to side boundaries
- It would be visually incongruous and overbearing
- It would be dominant and obtrusive when seen from no.40
- It would have a significant overshadowing impact on no.40
- It would set an undesirable precedent.

## **4 PLANNING CONSIDERATIONS**

### **4.1 APPLICANT'S CASE**

We note that the applicant's letter to the Council begins with dialogue about the purported current defective state of the house and how, inter alia, this would be remedied by the installation of insulation. We wish to state the observer has no objection to works that would render the house more comfortable and sustainable. We must emphasize, however, that those works could be undertaken in a manner that would not detract unduly from no.40.

It is also stated in the applicant's letter that the intention is to mitigate the concerns expressed by the Council regarding application ref. SD18B/0072 (described above). Clearly, mitigation alone would not meet the zoning requirement that is to protect residential amenity. To be acceptable for the zoning the proposal must satisfy the concerns of the Council regarding the protection of residential amenity at no.40. We acknowledge there are aspects of the proposal that have regard to the planning history (essentially ref. SD18B/0072) but there are too many of the previous failings still to be seen.



**APPLICANT'S PROPERTY AT NO.42**

## **4.2 EXCESSIVE HEIGHT AND SCALE**

In our opinion the intended scheme, when measured in scale and bulk, would have an excessive impact on our client. There would be excessive overlooking, overbearing and overshadowing. This would result in notable disamenity and a serious loss of property value at no.40.

## **4.3 INCONSISTENT WITH ESTABLISHED STREETScape**

**4.3.1** This part of Ballytore Road derives considerable amenity from the consistent appearance and lateral spacing of the houses, based on the *Garden City* layout. An attractive harmony is achieved by the mutual respect expressed in retaining conformity to that design template. In light of the RES zoning objective any infill scheme would have to be cognizant of that streetscape context. In our opinion, Ballytore Road is not a place for erratic design that would upset the well-established streetscape.

The projecting additions would unsettle this well-formed arrangement. We are informed that the Council has hitherto been quite consistent in prohibiting any outsized porch or other intrusive extension along this section of Ballytore Road. Our client is anxious to see that policy continued.

**4.3.2** The lodged drawings show far-reaching departures from the established pattern of domestic architecture. This unsettling change is best observed in the proposed rear elevation. The features of the design confirm how inconsistent the scheme is when juxtaposed with the well-established pattern that affords Ballytore Road its distinctive appearance.

## **4.4 EXCESSIVE OVERSHADOWING**

These houses at nos.40 and 42 are both north-facing. That orientation has far-reaching implications for overshadowing at no.40. We note that the intended rear

extension would be placed up against the dividing boundary. It would project along the perimeter almost 4 meters into the back garden. The main body of the rear extension would be almost 4 meters high. Our client would therefore be confronted with an excessive barrier screen that would cut off sunlight and daylight.

For the same reason the proposed rear extension would give rise to substantial overshadowing. There would be extensive darkening of no.40 during the morning and it would extend into the early afternoon. It would convert too much of our client's home into a damp and gloomy space. Such a result is intolerable where the Council's zoning objective is to protect residential amenity. That damaging impact must be measured in the receiving environment where the outcome would be felt. Put simply, the applicant's proposal would not protect residential amenity. It certainly would not improve it.

#### **4.5 INCONSISTENT DESIGN**

The lodged elevations reveal the application has not taken due account of being part of a pair of semi-detached houses. There would be an unsettling change and our client at no.40 is entitled to expect that the Council will secure a proper design balance protecting the amenity of the family home. Any outcome must be based on the finding that the observer's semi-detached house is not visually belittled or rendered out of kilter.

#### **4.6 OVERBEARING**

The proposed side elevation reveals how the building profile would be substantially increased and that would be done to the detriment of our client. That rear wing needs to be set back at least a meter from the dividing boundary.

#### **4.7 ROOF LEVEL INTRUSION**

The application shows an additional floor to be inserted at roof level. It would be lit by south-facing windows. The cross-section reveals that the second-floor window would cause excessive overlooking of the observer's property. Attic level space should have high-level windows preventing overlooking.

We see no justification for lowering standards here and we believe there would be a material contravention of the development plan zoning objective.

#### **5 CONTINGENCY SUBMISSION**

To achieve compliance with the Council's zoning objective some amendments need to be made to the flank of the rear extension and to the lateral separation (west side) of the dormer. In the event of the Council deciding to grant permission we request:

- (i) The proposed dormer be moved eastwards by 1 meter,
- (ii) The proposed west elevation of the rear extension be set back 1 meter from the site boundary.

#### **6 CONCLUSION**

In our opinion the intended development would be oversized. That would arise from an awkward design. In the context of this mature pair of semi-detached houses it would be seen as a misfit. For the reasons set out below we ask the Council to refuse permission in this case.

- 1 The proposed development, by reason of,
  - (i) Its excessive length, scale and proximity to the western site boundary, would be visually overbearing, dominant and obtrusive when viewed from the neighboring property at no.40 Ballytore Road and would have significant overshadowing impacts on that adjoining property.

(ii) The height and proximity of the proposed dormer to the property boundary at no.40 Ballytore Road would be out of keeping with the character of the existing dwelling and surrounding area, and would be visually overbearing, dominant and intrusive when viewed from the neighboring property to the west.

Thus, the proposed development would seriously injure the amenity of property in the vicinity, would contravene Policy H18 (residential extensions), H18 Objective 1 relating to house extensions, would not accord with the South Dublin House Extension Design Guide referenced in the South Dublin County Council Development Plan 2016-2022 and would materially contravene the zoning objective for the area which seeks to protect and/or improve residential amenity and would therefore contravene the South Dublin County Development Plan 2016-2022 and the proper planning and sustainable development of the area.

2 The proposed development would set an undesirable precedent for other similar developments which would, in themselves and cumulatively, be harmful to the residential and visual amenities of the area and be contrary to the proper planning and sustainable development of the area.





An Rannóg Talamhúsáide, Pleanála agus Iompair  
Land Use, Planning & Transportation Department  
Telephone: 01 4149000 Fax: 01 4149104 Email: [planning.dept@sdblincoco.ie](mailto:planning.dept@sdblincoco.ie)

Dr Diarmuid ó Gráda  
16, Louvain  
Roebuck Road  
Dublin 14.

Date: 10-Dec-2021

Dear Sir/Madam,

**Register Ref:**  
**Development:**

SD21B/0570

Removal of existing garage and kitchen to side of dwelling; construction of a two-storey extension to front and side of existing dwelling extending existing hipped roof to maintain existing ridge height; new bay window to front under new lean-to roof with minor alterations to fenestration at first-floor level; single-storey extension to rear with rooflights; dormer window to rear roof slope to facilitate attic conversion with additional rooflight to front; widening of existing vehicular entrance to 3.5m; all associated site works.

**Location:**  
**Applicant:**  
**Application Type:**  
**Date Rec'd:**

42, Ballytore Road, Rathfarnham, Dublin 14, D14 FF22  
Paul Manley & Sarah Jane Varden  
Permission  
11-Nov-2021

I wish to acknowledge receipt of your submission in connection with the above planning application. The appropriate fee of €20.00 has been paid and your submission is in accordance with the appropriate provisions of the Planning and Development Regulations 2001(as amended). The contents of your submission will be brought to the attention of the Planning Officer during the course of consideration of this application.

This is an important document. You will be required to produce this document to An Bord Pleanála if you wish to appeal the decision of the Council when it is made. You will be informed of the decision in due course. Please be advised that all current applications are available for inspection at the public counter and on the Council's Website, [www.sdblincoco.ie](http://www.sdblincoco.ie).

You may wish to avail of the Planning Departments email notification system on our website. When in the **Planning Applications** part of the Council website, [www.sdblincoco.ie](http://www.sdblincoco.ie), and when viewing an application on which a decision has not been made, you can input your email address into the box named **"Notify me of changes"** and click on **"Subscribe"**. You should automatically receive an email notification when the decision is made. Please ensure that you submit a valid email address.



**Please note:** If you make a submission in respect of a planning application, the Council is obliged to make that document publicly available for inspection as soon as possible after receipt. Submissions are made available on the planning file at the Planning Department's public counter and with the exception of those of a personal nature, are also published on the Council's website along with the full contents of a planning application.

Yours faithfully,

M. Furney  
for **Senior Planner**

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