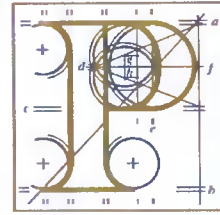


**Our Case Number: ABP-313607-22**

**Planning Authority Reference Number: SD22B/0088**



**An  
Bord  
Pleanála**

South Dublin County Council  
Planning Department  
County Hall  
Tallaght  
Dublin 24

**LAND USE, PLANNING  
& TRANSPORTATION DEPT.**

**20 MAY 2022**

**Date: 19 May 2022**

**Re: Construction of extension, alterations to interior and all associated site works  
37, Whitehall Road, Dublin 12**

Dear Sir / Madam,

Enclosed is a copy of 2 appeals 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,

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

Teil  
Glao Áitiúil  
Facs  
Láithreán Gréasáin  
Ríomhphost  
Tel  
LoCall  
Fax  
Website  
Email  
(01) 858 8100  
1890 275 175  
(01) 872 2684  
www.pleanala.ie  
bord@pleanala.ie

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

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.

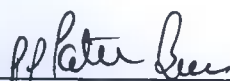
I hereby certify that the planning authority has complied with section 128 and section 37(1)(b) of the 2000 Act, (as amended), and that all material relevant to (ABP-313607-22) the request at 1 on page 1 of this letter has been forwarded.

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

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

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

Yours faithfully,



Liam Halpin  
Direct Line: 018737280

BP07

Teil  
Glao Áitiúil  
Facs  
Láithreán Gréasáin  
Ríomhphost

Tel  
LoCall  
Fax  
Website  
Email

(01) 858 8100  
1890 275 175  
(01) 872 2684  
www.pleanala.ie  
bord@pleanala.ie

64 Sráid Maoilbhríde  
Baile Átha Cliath 1  
D01 V902

64 Marlborough Street  
Dublin 1  
D01 V902

Rustic Lodge,  
39 Whitehall Road,  
Terenure,  
Dublin, D12 N265

The Secretary,  
An Bord Pleanála,  
Marlborough Street,  
Dublin 1.

<b>AN BORD PLEANALA</b>	
LDG-	<u>053518 - 22</u>
ABP-	_____
18 MAY 2022 <i>OK</i>	
Fee: €	<u>220</u> Type: <u>card</u>
Time:	<u>13.16</u> By: <u>hand</u>

16<sup>th</sup> May 2022.

Dear Sir/Madam,

**Ref: Planning Application SD 22B/0088**

**37 Whitehall Road, Terenure, Dublin D12.**

**Appeal of decision re extending beyond the building line at the front.**

We wish to appeal one of the decisions made by South Dublin County Council regarding building beyond the established building line. Point 4 refers.

Before laying out our reasons for this we would like to make the following 3 points:

### Point 1

Due to an error on the part of SDCC Planning Department, we did not receive any notification of the Decision to Grant Permission for application **Ref: SD 22B/0088 - 37 Whitehall Road, Terenure, Dublin D12**, which was granted on April 21<sup>st</sup> last, until Friday May 13<sup>th</sup> via email following our enquiry. The hard copy arriving this morning, 16<sup>th</sup> May, thus leaving us only a few days in which to compile this Appeal.

We have been unsuccessful in engaging Professional to help with this Appeal within the short time-frame caused by this error. We are in our late 70's and carers to our daughter. This has been a stressful additional burden.

### Point 2.

There is no mention, in the original planning application, of any demolition with regard to the 'replacement' of any of the existing structures outlined for renewal.

On reading through the various reports we were very upset to note that although our many concerns were referenced by the planners in SDCC, they do not seem to have been taken into consideration at all. Several major concerns re Stability Issues were not addressed nor were our concerns as to the possible damage to our property by granting this permission. This type of response, by the Council, creates *a worrying and stressful* situation for neighbours concerned about potential cost and damage issues, when they are simply told a note has been written to the applicant who should seek the consent of the adjoining property owners before proceeding, and with no reference being made to where liability lies in the matter.

It is our opinion that a condition should have been added to the Grant of Permission, stating that the Applicant would be responsible for all costs incurred as a result of the demolition of the existing (adjoining) structure on the Applicant's side, such as in under-pinning, making good the roof and weather-proofing the wall <sup>1</sup>

Our letter to SDCC:

1. **Demolition of this current structure at No: 37** could seriously jeopardise the stability of our side of the structure.

**Point 3.**

Reference: PR/0526/22 - Record of Executive Business and Chief Executive's Order.

The manager's report erroneously states; "A historical verbal permission was given by original owners to the owners at No. 39 allowing to build on top of the party (garden wall). "

Our actual wording was "..., the previous owner of 39, Whitehall Road, Daniel Broad, apparently gave verbal permission to Victor Byrne of 37, Whitehall Road, to build a wall on top of the party (then garden-wall) on the North-Eastern side of our property."

It is concerning that this was noted incorrectly.

**Point 4.**

**Our Appeal of decision regarding *Alteration to front elevation.***

*Alterations to front elevation*

We disagree, in part, with the statement that, "The proposed alterations to the front of the dwelling is considered acceptable in terms of impacts on the visual and residential amenity of the area" ....

This may not affect the residential amenity of the general area but it will have a huge impact on the visual appearance of our house, which could be dwarfed by it.

- The enormous bulk, to roof height, towering above a much used part of our front garden will be intrusive to us.
- It will rise up behind our front garden wall and hedge, *if the latter survives*, and from our perspective be very overpowering.<sup>2</sup>

We note that permission is granted based on the fact that the development *broadly* complies with the design guidelines for extensions as set out in the 'House Extension Design Guide' in the current South Dublin County Council Development Plan 2016-2022. However, there are also many reasons given in this section of the Guide where this option is not advisable:

Section 4. Elements of Good Extension Design: Green Box: Point 111:

***"Do not overlook, overshadow or have an overbearing affect (sic) on properties next door."***

Two of the above elements will have an impact on our home. Please refer to our original letter of 28<sup>th</sup> Mar 2022 to SDCC. *Rear Dormer Window*. Whilst we would have preferred the use of Velux window we accept that this will most likely be a bedroom and as such will not be inhabited during the day time, thus reducing the potential for overlook. Note the roof views of neighbouring properties in the attached photos.

Section 4. Elements of Good Extension Design: Paragraph 2 page 6.

***"It (The Council) does wish to prevent poorly designed extensions that will spoil the appearance of the property of have a negative impact on the amenity of neighbouring properties"***

Comment: It is our belief, that in the grant of permission, forward of the building line, to 37 Whitehall Road, the Council is allowing a negative impact on the amenity of our property at 39 Whitehall Road.

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<sup>2</sup> Attached please find our sketch of the impact or the mass and overpowering impact of the *front Elevation, wall and roof on no: 39 which is a dormer bungalow.*

#### Section 4. Elements of Good Extension Design:

Page 16: *“Avoid building an extension more than 1.5m in front of the existing front wall of the house if there is a regular building line along the street.”*

We note that all examples shown are porches or single story extensions.

*and*

#### Section 4. Elements of Good Extension Design:

**Key Points to address in the design:** Page 12: *Overbearing impact.*

*“Locate extensions, particularly if higher than one storey, away from neighbouring property boundaries. As a rule of thumb, a separation distance of approximately 1m from a side boundary per 3m of height should be achieved.”*

- Whilst there are many varying styles of houses on Whitehall Road, none are forward of the Street Building Line.
- Where there are L shaped buildings the majority are bungalows.
- Where there are porches beyond the building line, they are all at single storey height.

*The proposed build in front of the building line and adjoining our boundary will therefore total the following:*

- The new build includes a Proposed Extension of 1.35 m beyond the original building line, to the full height, i.e., two stories and, with a width of 3.8 m.
- Added to this, the front extension has a further window projection of 0.3 metres onto this at second story height
- This is in addition to a new build side extension to the existing house.
- The new construction, at this point, will be extensive in length (over 30 feet) and two stories,

We have concerns about the greatly increased mass of the proposed front and side extension, which in our opinion, due to its proximity, will seriously damage the aesthetic quality of our home.

Comment: We feel that bringing the extension forward of the building line is a step too far for us to contend with. Whilst, in deference to our nice neighbours, we reluctantly accept the mass of the build, to the boundary line, we would ask that the board revert to the use of the building line for the frontage of this proposed extension.

#### **5. Reference: PR/0526/22 - Record of Executive Business and Chief Executive’s Order.**

“2. Modifications to Roof Profile: (i) The proposed gable roof reconfiguration shall be redesigned from a fully pitched roof profile to a half-hipped roof profile”.

It should be noted here that our rear garden plays a huge roll in our lives. With regard to the overbearing effect on our property from the mass of the ‘new-build’ we were pleased that the planners concurred with our view that a full gable pitched roof profile would create a visual imbalance and would not only detract “from the existing symmetry of this established road” but also the symmetry of the house roofs on either side of our property when viewed from both front and rear.

Comment: Therefore we welcome the fact that the proposed fully pitched roof profile of 37 has been conditioned by the Council to change to a half-hipped roof. We trust that An Bord Pleanála will retain this condition in the interest of our visual amenity. Photographs attached.

**6. How can future development of our property be protected?**

If at any time in the future there is a requirement to build up above the garage/studio on to our property to provide for our daughter can this be achieved?

As it is impossible to achieve a metre gap on the No. 37 side of the boundary, could this mean that we could be refused permission because we would effectively be creating a terrace?

Yours sincerely,



Laurence and Pauline Foster.

Email: [laurencefoster2482@hotmail.com](mailto:laurencefoster2482@hotmail.com)

Phone: 01 455 5946.

- Encl: 1. Appendix:1 Copy of Impact Sketch indicating points of issue/queries.  
2. Overlook Photographs.  
3. Photo of front of property aspect.

**Front Aspect of No. 37 Whitehall Rd Proposed Development.**







... .. PLANNING POSITIVE IMPACT SKETCH



**An Rannóg Talamhúsáide, Pleanála agus Iompair  
Land Use, Planning & Transportation Department**

**Telephone: 01 4149000 Fax: 01 4149104 Email: [planning.dept@sdublincoco.ie](mailto:planning.dept@sdublincoco.ie)**

**Pauline & Laurence Foster  
39, Whitehall Road  
Terenure  
Dublin 12**

**Date: 01-Apr-2022**

Dear Sir/Madam,

**Register Ref:** SD22B/0088

**Development:** New single storey ground floor extension to the rear elevation including internal ground and first floor plan alterations; new ground and first floor extension to the front/side elevation; fenestration alterations to the front first floor landing window and ground floor entrance door; roof alterations required for first side extension including conversion of existing and proposed attic spaces with roof dormer to the rear elevation for the provision of a bedroom, ensuite bathroom and attic storage at second level and roof windows to the front elevation ; including the widening of existing vehicular entrance onto Whitehall Road and all associated site works.

**Location:** 37, Whitehall Road, Dublin 12

**Applicant:** Lisa and Fergal Griffin

**Application Type:** Permission

**Date Rec'd:** 25-Feb-2022

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.sdublincoco.ie](http://www.sdublincoco.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.sdublincoco.ie](http://www.sdublincoco.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**

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

**Pauline & Laurence Foster**  
39, Whitehall Road  
Terenure  
Dublin 12

**Date:** 13-May-2022

Dear Sir/Madam,

**Register Ref. No:** SD22B/0088  
**Development:** New single storey ground floor extension to the rear elevation including internal ground and first floor plan alterations; new ground and first floor extension to the front/side elevation; fenestration alterations to the front first floor landing window and ground floor entrance door; roof alterations required for first side extension including conversion of existing and proposed attic spaces with roof dormer to the rear elevation for the provision of a bedroom, ensuite bathroom and attic storage at second level and roof windows to the front elevation ; including the widening of existing vehicular entrance onto Whitehall Road and all associated site works.

**Location:** 37, Whitehall Road, Dublin 12  
**Applicant:** Lisa and Fergal Griffin  
**App. Type:** Permission  
**Date Rec'd:** 25-Feb-2022

I wish to inform you that by Order dated 21-Apr-2022 it was decided to **GRANT PERMISSION** for the above proposal.

This decision together with the conditions/reasons attached to the decision is recorded in the Planning Register kept at this office in accordance with Article 7 of the Planning & Development Act 2000.

This Register may be inspected during office hours 9.00 a.m. – 4.00 p.m. and interested parties may obtain a certified copy of an entry therein on payment of a fee of €9.00 in respect of each entry. Alternatively, the information can be accessed on-line at [www.sdublincoco.ie](http://www.sdublincoco.ie) by selecting “**Planning Applications**” and conducting a search using available information such as the Planning Application number, Applicant Name or Location. Scanned planning files can be downloaded at this site.

It should be noted that any person who made a submission within 5 weeks of the date of receipt of the application by the Planning Authority and which was accompanied by the appropriate fee of €20.00 may appeal to An Bord Pleanála against the decision or any conditions attached to the Council's decision **within 4 weeks** beginning on (and including) the date of the Council's decision.

Interested parties are advised to consult An Bord Pleanála to ascertain if an appeal has been lodged by the applicant.

In cases where the Planning Authority is notified of an appeal having been lodged, this information is published on a weekly basis on the Council's website [www.sdublincoco.ie](http://www.sdublincoco.ie), under the heading "*Weekly Lists*".

All appeals against decisions of the Planning Authority and all correspondence in relation to new and existing appeals should be addressed to The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1 (Tel. 8588100 – LoCall: 1890 275 175).

Any appeal made to An Bord Pleanála will be invalid unless it is fully complete and the correct fee is received by An Bord Pleanála within the statutory appeal period. The fee in respect of an appeal by an applicant for permission relating to commercial development is €1,500; unauthorised commercial development is €4,500; other unauthorised development €660; any other appeal is €220.

Submissions or observations made to An Bord Pleanála by or on behalf of a person (other than the applicant) as regards an appeal made by another person must be accompanied by a fee of €50 and must be received within four weeks from and including the date of the receipt of the appeal by An Bord Pleanála.

Yours faithfully,

M Furney  
*for Senior Planner*

