

An
Coimisiún
Pleanála

Commission Order
ABP-322957-25

Planning and Development Act 2000, as amended

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD25B/0216

Appeal by Philip Reynor care of Jason Walsh Architectural and Engineering Services of 12 Ard Mor Crescent, Tallaght, Dublin against the decision made on the 9th day of June, 2025 by South Dublin County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Proposed dormer roof to the rear roof slope at existing attic level plus two number velux roof lights to the front roof slope plus first floor front extension over existing ground floor extension, also two box style windows at first floor level located on existing side gable plus alterations to existing ground floor rear extension to consist of change of roof style from gable roof to flat roof and all associated site works, all at 2A Kiltipper Close, Aylesbury, Tallaght, Dublin.

Decision

Having regard to the nature of the condition the subject of the appeal, the Commission is satisfied that the determination by the Commission of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 2 and the reason therefor.

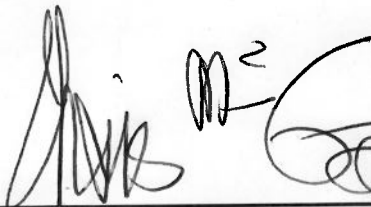
Reasons and Considerations

Having regard to the modest change to the roof profile to the existing rear ground floor extension, such that the alteration would otherwise fall within the scope of exempted development provisions, to the fact that the proposed development does not expand the depth of the extension, and to the overall disposition of the existing and adjoining dwellings including rear garden areas with a southern aspect, it is considered that the retention of condition number 2 is not warranted and that the modest change to roof profile proposed, would not seriously injure the amenities of property in the vicinity and would constitute an otherwise acceptable form of built form at this residential location. The removal of condition number 2, would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the recommendation of the Inspector to retain condition number 2, the Commission considered the totality of the documentation submitted with the application, including the contiguous rear elevations (existing and proposed). The Commission also considered the depth of the existing ground floor extension at the subject dwelling and noted that no change to this depth is proposed. The Commission also noted the

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referencing of the Inspector to a 45 degree angle rule. In this context, the Commission noted that such an analysis, while useful, is not definitive as a determinant as to whether a proposed development would warrant a grant or refusal of permission. Specifically, on the facts of the case, the Commission noted that the deployment of such a 45 degree line from the reprofiled roof would not interfere with the larger of the rear windows at ground floor of the adjoining property (number 2). The modest scale of the proposed change to the roof profile is also considered relevant, noting that it would otherwise be considered exempt development by reference to the relevant provisions of the Planning and Development Regulations 2001, as amended. Nor did the Commission consider that a specific shadow analysis study was necessary to reach a judgement. The Commission was satisfied that a clear, reasoned determination of the proposed development can be reached on the basis of the available information on file, including drawings. In conclusion, the Commission did not share the assessment of the Inspector that the proposed development would injure the amenities of the adjacent property. In reaching this conclusion, the Commission noted and shared the opinion of the Inspector that the proposed flat roof would not be overbearing or unreasonably dominant.



Chris McGarry

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 28th day of October 2025.