



An  
Coimisiún  
Pleanála

Commission Order  
ACP-323335-25

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**Planning and Development Act 2000, as amended**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: WEB2134/25**

**Appeal** by James Stafford care of Peter Johnathon Carroll of 30 Blackhall Place, Stoneybatter, Dublin against the decision made on the 16<sup>th</sup> day of July, 2025 by Dublin City Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of the existing single storey extension and construction of a new single storey extension, with ground floor level glazed lightwell courtyard with accessible roof garden to first floor level, with provision of privacy screening, defensive planting and raised plants to rear. Two number rooflights with PV solar array to rear roof, internal reconfiguration, and associated site works. Accommodation consists of living-kitchen-dining area, shower room, one number bedroom/study and storage to ground floor level with two number bedrooms, shower room and new access door to roof garden at first floor level, all at 38 Blackhall Place, Stoneybatter, 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, as amended, to AMEND condition number 2 so that it shall be as follows for the reason set out.

2. The development hereby permitted shall incorporate the following amendments:
  - (a) The proposed first floor roof garden shall be reduced in depth by an offset of 1.2 metres from the rear (eastern) boundary and a raised planter with 1.5-metre-high screening shall form the eastern edge of the revised roof terrace area. The rear parapet wall on the eastern boundary of the site shall be reduced in height to a maximum 250 millimetres above roof level.
  - (b) The frameless glazed screening above the perimeter parapet walls shall be replaced with a metal railing/perforated screen.

- (c) The roof garden shall be planted in accordance with a scheme of landscaping. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Revised drawings and landscaping details incorporating the above amendments shall be submitted for the written agreement of the planning authority prior to commencement of development.

**Reason:** To protect the amenities of surrounding properties.

## **Reasons and Considerations**

Having regard to the provisions of the Dublin City Development Plan 2022-2028, including, inter alia, Volume 2 Appendix 18 in relation to residential extensions, the Z1 zoning of the land, the inner urban location where there are limited opportunities for ground floor amenity provision, the innovative design solution proposed for the provision of open space, the design quality of the proposed extension and private amenity space, it is considered that the proposed roof garden, subject to the amendments outlined above, would not unacceptably affect the amenities of neighbouring properties nor would it result in any significant loss of privacy to the residents of adjoining properties.

In deciding not to accept the Inspector's recommendation to attach the planning authority's condition number 2 requiring the omission of the roof terrace and glazed door to the terrace, the Commission considered that the quality of design, which responds to the specific site conditions, and the material palette specified for the proposed roof garden, with integrated planting and screening to the perimeter, would mitigate against undue overlooking, overbearing and overshadowing of neighbouring properties and, subject to the amendments outlined above, would provide for an attractive private amenity space on a restricted urban site, would not give rise to undue overlooking or loss of privacy, and would not injure the residential amenities of the adjoining properties.



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**Emer Maughan**

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

Dated this 11<sup>th</sup> day of November 2025.