



An
Coimisiún
Pleanála

Commission Order
PL-500702-DR-26

Planning and Development Acts 2000, as amended

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D25B/0619/WEB

Appeal by Hagen Bueckert and Deirdre Harrington against the decision made on the 22nd day of December 2025 by Dún Laoghaire-Rathdown County Council to grant, subject to conditions, a permission to Owen and Marta Kelly in accordance with the plans and particulars lodged with the said Council.

Proposed Development: The development consists of: First floor extension to side over garage and single storey front extension to garage and porch, removal of chimney and build-up of side gable and conversion of the attic to new bedroom with wc and dormer window to rear roof, single storey home gym / wc to rear garden and all associated site development works at 76 Clonkeen Road, Blackrock, County Dublin.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the residential zoning of the site, to the relevant provisions of the Dún Laoghaire Rathdown County Development Plan 2022-2028, to the modest nature, scale and form of the development proposed and to the pattern of residential development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development, would not seriously injure the residential and visual amenities of the area, would not adversely affect the amenities of property in the vicinity by reason of overlooking, overbearance, overshadowing or by the nature of design, would constitute an appropriate form of extension to an established dwelling in an area containing a range of house and design styles, would accord with the totality of relevant development plan policy with regard to extensions and alterations at roof/attic level to established dwellings, and would be acceptable in terms of pedestrian and traffic safety. The proposed development 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, the Commission considered the totality of the documentation on file, including the third-party appeal and the assessment of the proposed development by the planning authority. The Commission noted that the two core expressed concerns of the inspector related to the alteration of the roof from hipped profile to an A framed profile and separation distance to the adjoining property with a consequent argued impact by reason of overshadowing. On these points, the Commission noted and concurred with the conclusions of the planning authority on each element of the proposed extension/alteration to the established dwelling, including; that having regard to the location, overall form and massing, it is considered that the side extension would not unduly impact on the amenities of neighbouring properties in terms of overlooking,

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overshadowing or overbearing appearance; and that having regard to roof alterations (hipped roof to gable ended pitched roof) that it is not considered that the proposed alteration would result in any significant adverse visual impact on the existing streetscape.

On the issue of argued overshadowing as a result of the proposed A frame roof profile, the Commission noted and acknowledged the commentary of the inspector that 'in making this consideration I have regard to and note the landing window [of the adjoining property] does not serve a habitable room within the third party property and whilst this may negate my position, it nevertheless would reduce natural light in circulation space that is of sufficient concern to find the proposed development unacceptable to residential amenity.' The Commission disagreed that such a modest change to roof profile with an acknowledged change (albeit modest) in massing close to a single window serving a landing area within a dwelling, would constitute a material adverse impact on the adjoining property. In this regard the Commission determined that a refusal of permission would not be warranted by reference to the arguments recommended by the Inspector.

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. All external finishes, including roof tiles/slates, shall harmonise in material, colour and texture with the existing dwelling on site.

Reason: In the interest of visual amenity.

3. The proposed detached garden structure shall be used solely for use incidental to the enjoyment of the dwellinghouse and shall not be used to provide residential accommodation for a family member/ granny flat. The structure shall not be subdivided from the existing house, either by way of sale or letting or otherwise.

Reason: To prevent unauthorised development.

4. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management.

5. The developer shall pay to the planning authority a financial contribution in respect of the 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 Coimisiún 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.



Chris McGarry

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

Dated this  **day of**  **2026**

