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

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: WEB5750/25**

**Appeal** by Perry and Niamh Ogden against the decision made on the 23<sup>rd</sup> day of January, 2026 by Dublin City Council in relation to the application for permission/outline permission for development comprising demolition of non-original extension to rear, construction of proposed single and two-storey extension to rear, replacement of existing rooflights to original roof and new rooflight to existing return roof, new solar panels, new boundary wall treatment, modifications to opes and elevational treatment and all necessary associated site works and services at 12 Tower Avenue, Rathgar, Dublin in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions a permission for demolition of non-original extension to rear, construction of proposed single storey extension to rear, replacement of existing rooflights to original roof and new rooflight to existing return roof, new solar panels, new boundary wall treatment, modifications to opes and elevational treatment and all necessary associated site works and services and to refuse permission for the first floor (two-storey) element of the proposed extension).

## Decision

**GRANT permission for the demolition of non-original extension to rear, construction of single storey extension to rear, replacement of existing rooflights to original roof and new rooflight to existing return roof, new solar panels, new boundary wall treatment, modifications to opes and elevational treatment and all necessary associated site works and services in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for two-storey extension to rear based on the reasons and considerations marked (2) under.**

### Reasons and Considerations (1)

Having regard to the information submitted with the application and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with the zoning objective for the site and polices with respect to residential extensions as set out in the Dublin City Development Plan 2022-2028, would not be injurious to the visual or residential amenities of the area or to adjoining properties, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. This element of the proposed 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. This permission excludes the first-floor extension of the development.

**Reason:** In the interest of residential amenity.

3. The garden store shall be used for purposes ancillary to the use of the main dwelling on the site as a single dwelling unit. It shall not be separated from the main house by sale or lease, used for sleeping accommodation or used for any commercial purposes without a separate grant of planning permission.

**Reason:** In the interests of residential amenity.

4. External finishes shall be indicated on the plans submitted unless otherwise agreed in writing with the planning authority prior to commencement of the development.

**Reason:** In the interest of visual amenity.

5. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, details of the proposed surface water drainage system shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of public health.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Monday to Fridays, between 0800 and 1400 hours on Saturday and not at all on Sundays and Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** To safeguard the residential amenities of adjoining property in the vicinity.

## Reasons and Considerations (2)

In deciding not to accept the Inspector's recommendation to grant this element of the development, the Commission considered that the applicants have not provided additional supporting documentation in the current application that addresses the concerns raised in the previous application under planning register reference WEB2756/25 (ACP PL-500077-DS) in relation to visual overbearance, overshadowing of adjacent properties, and harmonisation with the existing and adjoining dwellings. This element of the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



**Tom Rabbette**

**Planning Commissioner of An Coimisiún**

**Pleanála duly authorised to authenticate  
the seal of the Commission.**

Dated this 6<sup>th</sup> day of May 2026