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

**Planning Authority: Dun Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D25B/0718/WEB**

**Appeal** by Julie Kennedy against the decision made on the 16<sup>th</sup> day of February, 2026 by Dun Laoghaire-Rathdown County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Attic conversion with dormer to rear roof to accommodate stairs to allow access to attic conversion as non-habitable storage space with roof windows to front, removal of chimney, first floor extension to side over existing all with associated ancillary works, all at 1 Oakton Park, Ballybrack, Glenageary, County Dublin.

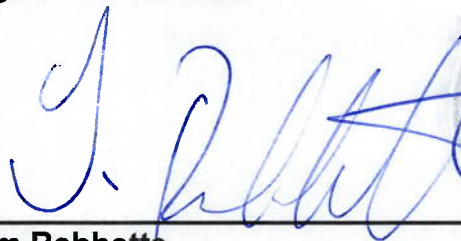
## **Decision**

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 REMOVE condition number 2 and the reason therefor.

## Reasons and Considerations

Having regard to the nature, scale and extent of the first floor extension to the side of the existing dwelling and, in particular, its location on top of an existing ground floor extension previously granted planning permission, which is already located on the boundary with the public realm, the Commission considered that, in this instance, the first floor extension on the boundary is a reasonable site-specific design and construction solution, and the extent of the roof overhang of the public realm is limited. As the proposed development does not propose a new boundary wall but rather extends vertically an existing boundary wall, the Commission considered that the proposed development would not conflict with Section 12.3.7.1(iii) (Extensions to the Side) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028. The development, as proposed, would not adversely impact on the visual amenities of the area. The Commission considered that condition number 2 of the planning authority's decision was unwarranted in the circumstances.

In deciding not to amend condition number 2, as recommended by the Inspector, the Commission noted that the degree of roof overhang is limited, does not impede the use of the public space below, and the gable roof finish proposed reflects the existing roof gables in the area.



**Tom Rabbette**

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



Dated this 8<sup>th</sup> day of June 2026.