



An
Bord
Pleanála

Inspector's Report ABP-321331-24

Development

Demolition of part of pitched roof, alterations to the internal layouts with construction of a two storey extension and all associated site works.

Location

Rowan Lodge, Ardeevin Road,
Dalkey, Co. Dublin, A96 HR62

Planning Authority

Dun Laoghaire Rathdown County
Council

Planning Authority Reg. Ref.

D24A/0486/WEB

Applicant(s)

Marlis and Jonathan Miller

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Fergus Hickey and others

Observer(s)

Ray and Joan Woodroffe

Ralph O'Callaghan

Kristen Dehn

Paul Kelly

Lisa Gaughran
Johnnie and Pamela Phillips
Agnieszka Whelan
Marcus and Sarah McAlinden
Sylvia Teskey
Kelvin Hickey
William Ebrill

Date of Site Inspection

7 February 2025

Inspector

Natalie de Róiste

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1.0 Site Location and Description

- 1.1.1. The subject site, Rowan Lodge, is a two-storey two-bedroom house (c. 82 sqm) with a hipped roof, with bedrooms to ground floor and living accommodation to first floor. The red line boundary (ie, the lands in the ownership of the applicant) includes the house and its garden (c. 85 sqm), and a car garage to the north accessed by a stepped laneway. The house is located giving onto a gated lane accessed from Cunningham Road, with its south elevation flush with the edge of the lane, and the side garden having a pedestrian gate onto this lane. The car garage has vehicular access from a driveway leading up from Ardeevin Road, shared with Glenrowan, a dormer bungalow located due north of the subject site, in a backlands location. Rowan Lodge has a largely blank north elevation, with a narrow service passage to the north, beyond which is the rear garden of Glenrowan. A two-storey house (the Octagon) is also located on the gated lane, with its garden and garage forming the west boundary to Rowan Lodge. To the east is an uncultivated green area which appears to be in the curtilage of a house to the north on Ardeevin Road.
- 1.1.2. The area at the blind end of the gated laneway has been landscaped as a garden, with a trampoline in situ on the date of the site visit. Two cars were parked on the lane on the date of the site visit, one outside the Octagon, one outside Rowan Lodge. There are a number of pedestrian gates giving onto the laneway; those leading to the gardens of Rowan Lodge and of the Octagon, the gate leading to Rowan Lodge's garage via the stepped laneway, and a number of gates leading to the rear gardens of houses on Ardeevin Road. The houses at the Knocknacree side do not have gates onto the lane.

2.0 Proposed Development

- 2.1.1. It is proposed to construct a new full-height two-storey extension with a pitched roof to the east gable of the existing house (82 sqm), with rooflights and solar panels to the new and existing roof, new windows to existing openings, a new window opening to the lane.

- The development as proposed included an extension of 91 sqm over two floors, with 32 sqm of private open space.
- The development permitted included an extension of 80 sqm over two floors, with 37 sqm of private open space. The hall door was recessed by 500 mm from the main elevation.

3.0 Planning Authority Decision

3.1. Decision

Grant permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Initial planner's report noted unusual layout of site; noted all material on file, Development Plan policy on front extensions, and Compact Settlement Guidance; sought further information with revised designs to provide appropriate private open space for a three-bed house and to prevent overdevelopment of the site, and to recess the front entrance from the laneway; further information on legal access to the site; further information on SuDS. Noted that visual amenity would be assessed following receipt of revised designs.
- Planner's report following submission of further information noted satisfaction with the revised design and the further information submitted, and recommended a grant subject to conditions.

3.2.2. Other Technical Reports

- Initial Drainage Planning report – no objections subject to conditions
- Drainage Planning report post-F.I. – no objections subject to conditions
- Transport Planning report – no objection subject to conditions

3.2.3. Conditions

- Ten conditions, including financial conditions. No amending conditions or compliance conditions

3.3. Prescribed Bodies

- No reports

3.4. Third Party Observations

Fifteen third party observations received, covering issues raised in appeal and observations.

4.0 Planning History

4.1.1. The planner's report refers to the following history files for the subject site, once part of Glenrowan.

- D94A/0669 – permission granted for renovations and refurbishments of mews as dower house.
- D01A/0471 – permission granted for subdivision of existing mews from main dwelling (to be used as separate residential unit) including minor car parking alterations and incorporate existing shared entrance at Glenrowan.

5.0 Policy Context

5.1. Dún Laoghaire-Rathdown County Development Plan 2022-28

5.1.1. The zoning objective for the subject development site is "A": To provide residential development and improve residential amenity while protecting the existing residential amenities.

5.1.2. Chapters of particular relevance include *Chapter 4 – Neighbourhood – People, Homes, and Place* and *Chapter 12 – Development Management*

5.1.3. *4.3.1.2 Policy Objective PHP19: Existing Housing Stock - Adaptation*

It is a Policy Objective to:

Conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF.

Densify existing built-up areas the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.

Section 12.3.7.1 Extensions to Dwellings provides guidance on various types of extensions (front, rear, side, and at roof level).

The following Section provides guidance with respect to porches, front extensions, side extensions, rear extensions, roof alterations, attic conversions and dormer extension.

(i) Extensions to the Front:

Porch extensions, other than those deemed to be exempted development, should be of appropriate design and scale relative to the design of the original house. The scale, height, and projection from the front building line of the dwelling should not be excessive so as to dominate the front elevation of the dwelling. The porch should complement the existing dwelling, and a more contemporary design approach can be considered.

Front extensions, at both ground and first level will be considered acceptable in principle subject to scale, design, and impact on visual and residential amenities. A break in the front building line will be acceptable, over two floors to the front elevation, subject to scale and design however a significant break in the building line should be resisted unless the design can demonstrate to the Planning Authority that the proposal will not impact on the visual or residential amenities of directly adjoining dwellings. Excessive scale should be avoided. Front extensions, particularly at first floor level, should reflect the roof shape and slope of the main dwelling. A minimum driveway length of 6 metres should be maintained.

(ii) Extensions to the Rear:

Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. The extension should match or complement the main house. First

floor rear extensions will be considered on their merits, noting that they can have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:

- *Overshadowing, overbearing, and overlooking - along with proximity, height, and length along mutual boundaries.*
- *Remaining rear private open space, its orientation and usability.*
- *Degree of set-back from mutual side boundaries.*
- *External finishes and design, which shall generally be in harmony with existing.*

5.2. Natural Heritage Designations

Rockabill to Dalkey SAC – 800 m east

Dalkey Islands SPA – 600 m east

Dalkey Coastal Zone and Killiney Hill pNHA – 300 m south

5.3. EIA Screening

- 5.3.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

6.0 The Appeal

6.1. Grounds of Appeal

One third party appeal was received on behalf of Fergus Hickey, Glenrowan (the house to the north), Gerald P. Whelan, Mark Taylor, and Garrett Whelan, with addresses due south of the site. Issues raised are summarised as follows:

- Third party objection not addressed by Local Authority
- Application not properly advertised, and should have been invalidated
- Notwithstanding very minor amendments at Further Information stage, the extension is oversized, not subsidiary to the main house, and constitutes overdevelopment, with the scale of an additional house in a visually sensitive location, covering most of the front garden, with the 37 sqm garden not meeting the standards set out in *Compact Settlement Guidelines* (40 sqm for a three-bedroom house).
- The very close proximity to Glenrowan's south boundary will cause undue overshadowing and overbearing impacts, exacerbated by the height difference in site levels. The proposal will be visually obtrusive to properties on Knocknacree, and will create excessive overlooking, due to the excessively large first floor windows. Louvres are insufficient. The proposal should be reduced to single-storey, or at least have a flat roof. Any first floor windows should be obscured.
- Development is contrary to *Section 12.3.7.1 Extensions to Front* of the County Development Plan
- The new access on the lane constitutes traffic hazard
- Development will interfere with ESB cable and phone line to Glenrowan. Overshadowing will increase electricity and gas costs, and there is a risk of damage to the trees in the garden – a greater setback is required.
- No expert reports on road safety, drainage, overshadowing, visual impacts, construction management submitted
- There is no detail on how construction traffic or fire tenders will access the site

- The development constitutes an adverse precedent and will impact negatively on property values. Report from a Registered Valuer submitted, noting potential to block natural light, obstruct or reduce sea views, and create substantial overshadowing, visual intrusion, unwanted overlooking.
- The development should be refused, or heavily modified
- The appellant's agent has received letters of a threatening or demanding nature from the applicant or their representatives, a thinly veiled attack on the appellant's right to participate in the planning process.

6.2. Applicant Response

A response was received on behalf of the applicant as follows:

- Planning authority clearly set out the basis for their decision
- The Development was properly advertised in line with the Development Management Guidelines (2007), and found to be valid
- The existing modestly sized house has limited amenity, and an extension is appropriate, consistent with Section 4.3.1 of the Development Plan and other policies. The proposed extension will increase living space, and increase privacy to the garden, providing an alternative access to the house. The concerns of the Local Authority were addressed by the revised plans submitted.
- There is no requirement in the Development Plan for extensions to be subsidiary to the main dwelling (unless a granny flat, protected structure or ACA is involved)
- There is precedent for extensions of this size in the area
- The standards for gardens quoted by the appellant refer to new housing, not existing; by comparison, an extension covering all but 25 sqm of a garden can be built without planning permission. The house also benefits from a walkway leading to the garage, planted, furnished, and fully screened.
- The proposal will not impinge on privacy, removing an existing balcony on the eastern façade, having only one obscure bathroom window on the north

elevation (towards Glenrowan), and with screening to windows to the south out of an abundance of caution regarding overlooking of Knocknacree Park properties (over 28 metres away, and at a higher level)

- Overshadowing to Knocknacree Park will be nil. Overshadowing to Glenrowan will be well absorbed, due to the existing number of mature trees.
- The site is not visible from the public realm. The proposal is consistent with the pattern of development in the area, harmonious and will integrate successfully into the area.
- There are no proposed changes to access arrangements to the site. The lane has always been the sole means of ingress and egress to the site.
- Regarding expert reports, the application complied with all relevant requirements in the material submitted
- The Development Plan only requires construction management plans for larger developments, not domestic extensions.
- There are only two buildings on the lane – The Octagon and Rowan Lodge, the subject site – and fears of creating a precedent are overstated. Given the sensitive design of the proposal, which mitigates against impacts on residential amenity, it is unclear how property values could be affected
- The applicants are the owners of the site, and have sufficient interest to make the application. A deed of conveyance and statutory declaration has been submitted regarding access, to the satisfaction of the Local Authority. Section 34(13) of the Planning and Development Act 2000 (as amended) is relevant here.

6.3. Planning Authority Response

The planning authority refers the Board to the previous planner's report, noting that the appeal does not raise any matter which would justify a change of attitude to the proposed development.

6.4. Observations

Eleven observations were received, from residents of Ardeevin Road, Knocknacree Park, and Cunningham Road.

William Ebrill, 3 Knocknacree Park

- Proposed development is not in keeping with the two original buildings (former outbuildings) on this lane
- Application relies on lane for access, overflow amenity, gardening, parking, due to overdevelopment
- Change of main entrance from Ardeevin Road to the lane is a concern; its origins are unknown, but was never designed for traffic
- No structural assessment of lane undertaken – cut into sloping site, with retaining wall supporting uphill ground
- Ownership of lane is disputed, and access to inspect lane behind Knocknacree Park properties is being denied
- Security may be compromised

Kelvin Hickey, Glenrowan, Ardeevin Road

- Overshadowing will affect solar panels
- Right of way along back lane is being interfered with
- Appealing the application is stressful, expensive, and detrimental to health
- Devaluation of property, as per report from estate agent/valuer
- Window at the rear of Rowan Lodge is unauthorised

Sylvia Teskey, 2 Knocknacree Park

- Concerns re works to embankment to rear wall of 2 Knocknacree House
- Risk of decreased security should gate not continue being closed
- Main access along the lane would be unwelcome precedent, leading to further development

Marcus and Sarah McAlinden, Montpelier, Ardeevin Road

- Overlooking of rear garden by first floor windows (W 1.02 and W 1.03)
- Privacy depends on trees in Glenrowan (at risk of removal to increase light)
- End of lane has been annexed by applicants in unauthorised fashion, to detriment of right of way to Montpelier (crucial to access and maintain rear garden)
- Safety concerns regarding access to lane from new door(s) and lowered wall
- Overdevelopment of site, doubling size of house and building over garden, is linked to unauthorised use of right of way as amenity area, and should be refused
- Construction Management Plan/Traffic Management Plan/Built Heritage Assessment/ Arboricultural Assessment/Parking Plan/Drainage Planning Report required
- Inaccurate measurements
- In the event of a grant, amendments should be made by condition to limit footprint and window size, retain garden wall, submit construction management plan and Arboricultural impact study

Agnieszka Whelan, 6 Knocknacree Park

- Misleading and incorrect information in application – extension is to front, not side
- Overdevelopment of a constrained site
- Relocation of door an attempt to annex a right-of-way for their private use
- Overlooking of 6 Knocknacree Park
- Traffic hazard at gate at Cunningham Road, and on lane
- Past interference with embankment wall to rear of 6 Knocknacree Park
- Devaluation of property by between 11% and 16% estimated by estate agent/valuer

Johnnie and Pamela Phillips, New Quay Lodge, Cunningham Road

- Only official and legal access to subject property is via Ardeevin Road
- Overdevelopment of the site, with detrimental visual impacts and impacts on privacy
- Lane below 4.8 metre width for mews laneway in places

- Intensification of use of lane will intensify traffic hazard at gated entrance, noise impacts from gate, and compromise others' access
- Ownership of the lane has not been established, despite attempts via Land Registry, Registry of Deeds, and Tailte Eireann.
- Applicants have erected cameras, signage, and stone walls, and use it for parking and dumping garden waste
- No developments should be considered until ownership of, and rights of usage of, the laneway have been established

Lisa Gaughran, 8 Knocknacree Park

- Applicants access is from Ardeevin Road, they have no right-of-way on lane, and application is an attempt to relocate its access, with increased impacts on privacy of 8 Knocknacree Park, and traffic hazard due to increased use of gate and lane
- Further Information request and response were both inadequate
- Applicants have built full garden and playground at the end of the lane (affecting embankment wall), indicating their existing garden was inadequate, and now they wish to reduce it further
- Drainage provisions inadequate, will exacerbate flooding on Ardeevin Road
- Impacts on views from Knocknacree Park will depreciate property values. In the event of a grant, a flat roof should be mandated.
- No turning space for emergency vehicles
- Construction impacts
- Permission should not have been granted due to right-of-way dispute

Paul Kelly, St Michael's, Ardeevin Road

- Owner of the land to the rear of St Michael's, containing the access gate to the lane.
- The applicants' property (Rowan Lodge) is not one of those with an agreed right-of-way between previous owners, and they are not continual users of the lane. Right-of-way agreement stipulates the gate should be locked, and the lane used in daylight hours only.

- Access to property is stipulated by planning permission to be via Ardeevin Road, and this is the access that should be used, including by construction traffic

- Documents submitted were heavily redacted and hence difficult to understand

Kristen Dehn, 5 Knocknacree Park

- Overdevelopment of the site, with substandard garden remaining
- Lane currently rarely used at night
- Relocation of front door will result in loss of privacy, looking directly into garden and bedroom windows
- Traffic hazard from new front door, and at existing gate
- No building should be permitted until right-of-way dispute resolved

Ralph O'Callaghan, 4 Knocknacree Park

- Development will lead to intensification of use of lane, with noise, burglary risk, devaluation of property
- Poor precedent, leading to cumulative development and negative impacts on visual amenity

Ray and Joan Woodroffe, Weston, Ardeevin Road

- Risk of exacerbation of flooding
- Entrance gate on Cunningham Road extremely dangerous, no plan for safe management of construction traffic
- Overlooking, and impacts on visual amenity, exacerbated by level differences

6.5. Further Responses

The response to the appeal from the applicants was circulated to all parties on 13 January 2025, and further responses were received from Kelvin Hickey, William Ebrill, Johnnie and Pamela Phillips, Paul Kelly, Fergus Hickey (individual), Lisa Gaughrane, Sylvia Teskey, Fergus Hickey and others, Agnieszka Whelan, and the Local Authority.

These responses largely revisited and expanded on issues already raised in earlier observations by various parties (rights of access, overshadowing, overlooking, traffic hazard, precedent, visual amenity, overdevelopment, depreciation of property values, works to the lane and to the embankment, construction impacts, validity of the application).

7.0 Assessment

7.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal and the report of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Legal issues
- Traffic hazard
- Residential amenity of the proposed extended dwelling
- Impacts on neighbouring residential amenity

7.2. Legal Issues

7.2.1. A large number of third parties have raised issues of rights of access to the site, stating that the applicants do not have a right of way over the lane, and that no permission should be granted in advance of resolution of legal disputes. I note also comments from the appellant at Glenrowan regarding their wayleaves over the applicant's property. In terms of legal interest, I am satisfied that the applicants have provided sufficient evidence of their legal interest to make an application. (There is no dispute regarding their title to their property, but rather the means of accessing the property). Any further legal dispute is considered a civil matter, and is outside the scope of the planning appeal. This is a matter to be resolved between the parties, having regard to the provisions of S. 34(13) of the 2000 Planning and Development Act.

7.2.2. Similarly, a number of observers have remarked on developments in the lane, including the creation of a garden area at the end of lane, and incursions in the

embankments which support the rear gardens of houses on Knocknacree. Issues of unauthorised development and enforcement are matters for the Local Authority, and outside the remit of this appeal. The Planning Authority have not supplied any indication that unauthorised development has taken place. I found no evidence that works to the lane were undertaken to accommodate the proposed development, or that the proposed development would require works outside the red line boundary. The proposed development can be considered on its merits.

7.3. Traffic Hazard

- 7.3.1. I note at the outset that there is no proposal within this application to change existing arrangements regarding vehicular access to the site. The proposal is for an extension to the house. A large number of observers have commented on the road conditions at the vehicular gate leading onto Cunningham Road; there are no proposed changes to this entrance, and (apart from construction traffic) there is no proposed change to the manner in which it is used.
- 7.3.2. Regarding construction traffic, as noted above, rights of access along the gated lane to Cunningham Road are a civil matter. Construction site safety is regulated by the Safety, Health and Welfare at Work (Construction) Regulations 2013 (as amended). Any road closures or traffic management (e.g., stop and go system) on the public road are an issue for licencing by the Transportation Department of the Local Authority.
- 7.3.3. Regarding traffic hazard due to the new front door facing onto the lane, this is a gated service lane without a large volume of traffic. I note the layout of the lane, which has a minimum width of 3 metres closest to the gate, widening in parts in front of the Octagon and Rowan Lodge (with a maximum width of some 7.4 metres due south of Rowan Lodge), and with a slight curve, does not have a high design speed. Given the existing environment, with existing pedestrian entrances already established from both the Octagon and Rowan Lodge, I have no concerns regarding traffic hazard due to the proposed new front entrance, which is set back by 500 mm from the front elevation.
- 7.3.4. Regarding access for emergency vehicles, the proposed extension to an existing property will not create any change to current conditions for emergency vehicles.

7.4. Residential amenity of the proposed extended dwelling

- 7.4.1. The proposed amended dwelling would have three bedrooms (6 bed spaces), three bathrooms, a large kitchen/dining room, and a separate living room. The remaining garden area measures c. 37 sqm. This excludes the service passage between the house and the northern boundary, and excludes the stepped path leading north to the garage.
- 7.4.2. Numerous parties have referred to the 40 sqm minimum for a (new) three bedroom house set out in the compact settlement guidelines. However, this is not a new house but an extension to an existing one. In any case, those guidelines state that building refurbishment schemes or urban infill schemes on smaller site may have open space standards relaxed in part or in whole, subject to overall design quality and proximity to public open space. I note also that under the Planning and Development Regulations 2001 (as amended) domestic extensions can be built under exempted development subject to certain conditions and limitations, including the retention of a remaining garden area of at least 25 sqm.
- 7.4.3. While the garden size is significantly smaller than that existing, and an order of magnitude smaller than many neighbouring gardens, it is not atypical for a garden in an urban location, where the house is extended. The site is c. 7 minutes' walk from the main shopping street, and c. 5 minutes' walk from the Dart station. I would note that the nearby estate of Craiglands has a number of houses with extensions, with gardens of similar size. While the garden appears small in its immediate context, in the wider context of urban development it is acceptable, and the third party assertions that the applicant is building over their entire garden are overstated.
- 7.4.4. Having regard to amenity, the garden is shallow, having a depth of less than 5.29 metres for more than half its width. It is located at the west end of the house, and as such would be overshadowed by the two-storey house (which has a gabled end, with a maximum height of 7.4 metres) in the evenings. It is proposed to lower the height of the garden wall to the south, and the contiguous elevation shows what may be railings or a fence. It would not be overshadowed from the south or east (apart from by its own boundary treatment). It is proposed to remove the existing garden shed and replace it with a small garden store. An outdoor barbeque /kitchen is also proposed, at the south side, with a small paved terrace, small lawn and sandpit, and

new planting to supplement existing planted areas. Espalier fruit trees are proposed along the south wall. Virginia Creeper and Climbing Hydrangea are proposed to the south elevation of the extension.

- 7.4.5. Notwithstanding the evening overshadowing and modest size, the proposed garden is well appointed, not exposed to public view, and would provide reasonable amenity to the residents. Additionally, the site is close to high-quality outdoor amenity areas (c. 10 minutes' walk to Dalkey Hill, c. 15 minutes' walk to Killiney Hill Playground, c. 15 minutes' walk to Dillon's Park on the seafront, and c. 15 minutes' walk to Coliemore Harbour).

7.5. Impacts on Neighbouring Residential Amenity

- 7.5.1. A number of neighbours have expressed concerns regarding overlooking; overshadowing; overbearing impacts and impacts on visual amenity; and construction noise and inconvenience.
- 7.5.2. The Development Plan sets out guidance on extensions of various types, and the Planner's Report cites the guidance on front extensions. While this is an extension to the front elevation of the house, it is in a backlands location and adjacent to the rear gardens of neighbouring properties, and as such the guidance regarding rear extensions (Section 12.3.7.1 ii) is of relevance. This notes the potential of first floor extensions for negative impacts on the amenities of adjacent properties, and sets out the factors to consider in determining such applications; including overshadowing, overbearing and overlooking, along with proximity, height, and length along mutual boundaries.
- 7.5.3. The proposed extension is built close to the boundary with Glenrowan to the north (c. 820 to 990 mm). There is one obscured window, serving the bathroom, proposed at first floor level. The neighbour at Glenrowan has concerns regarding noise privacy. Due to the proximity to the boundary, these concerns are reasonable, and a fixed window would be appropriate. There are also three rooflights in the north elevation. Due to the floor to ceiling height (4.7 metres at the apex) and the location of these rooflights at the roof ridge, none of these rooflights permits views to the north.
- 7.5.4. Regarding overlooking to the south, ground levels rise to the south, and as a result, the first floor windows are at a higher level than the boundary walls, but at a lower

level than the ground floor windows of no 6 and 7 Knocknacree Park, which are over 30 metres away. The landing window, while large, serves a circulation space, and the landing is set back a metre within the building, with a void between the landing and the window. This landing window is, in any case, over 9 metres from the boundary with no 6 Knocknacree Park, and c. 6.5 metres from the rear boundary of 7 Knocknacree Park. The bedroom window is c. 6.3 metres from the rear boundary of 7 Knocknacree Park, with proposed slats at an angle to preclude direct views to the south, and direct the angle of view at a raking angle towards no 8 and 9 Knocknacree Park (with a greater distance to these properties). Subject to appropriate angled timber louvres to the bedroom window, there would be no undue overlooking of properties to the south. The first-floor bedroom window to the east is located some 28 metres from the boundary with 1 Ullardmor, and would have no undue overlooking impacts on this property due to the distance. The window would be 5 metres from the boundary with the rear garden of Montpelier; however, the view would be across the very end of the very large garden, and I have no concerns about impacts on their residential amenity.

- 7.5.5. A certain amount of overshadowing is to be expected in urban environments. There will be additional overshadowing to the rear garden of Glenrowan, as it lies due north of the property, in close proximity. As a rule of thumb, if a garden gets 2 hours of sunlight over 50% of its area on March 21st, it will provide adequate amenity and appear well sunlit throughout the year. No shadowpath diagrams or shadow study were submitted. Given the size of Glenrowan's rear garden (over 300 sqm), and the existing large mature trees in the southwest corner, it would typically have good capacity to absorb additional overshadowing.
- 7.5.6. However, the level differences (some 3 metres) increase the effective height of the house and its proposed extension (which, at 7.13 metres high, is relatively modest in absolute terms). The provision of a gabled roof rather than a hipped roof, and the length of the elevation along the south boundary (some 18 metres), would further exacerbate overshadowing. I have concerns regarding potential for undue overshadowing impacts to the rear garden.
- 7.5.7. Regarding overbearing impacts, due to the level differences and the distance from the properties to the south, there is no risk of overbearing impacts on these properties. I note the image submitted with the estate agent/valuer's report, showing

impacts on sea views from the kitchen of no 6 Knocknacree Park, and a similar image in the first observation from Agnieszka Whelan, which show the extension blocking part of the sea view from the ground floor. Given the location and size of the extension, its distance from no 6, and its location downhill, I do not consider the visual impacts to be so significant as to merit a refusal.

7.5.8. The potential for overbearing impacts is greater to the north, due to the level differences involved, and the greater proximity to the boundary. The two houses (Glenrowan and Rowan Lodge) are located at an angle to each other, and the extension would be located further away than the existing house, but more directly to the rear. The distance from the extension to the appellant's house would be between c. 14 metres and c. 19 metres, although as noted above there is a minimal setback from the boundary, and this distance is due to the size of Glenrowan's rear garden. I note the existence of a mix of deciduous and evergreen trees in the rear garden of Glenrowan, with the deciduous trees located between the house and the appeal site. These trees would provide some screening in summer, although they are of modest height. The proposed extension would, combined with the existing house, create a long elevation of some 18 metres along the boundary. This would have an enclosing effect on the rear garden, and block the outlook from the appellant's house and garden, contrary to the zoning objective *"to provide residential development and improve residential amenity while protecting the existing residential amenities"* and contrary to the guidance set out in Section 12.3.7.1, regarding proximity, height, and length along mutual boundaries. As such, I am recommending a refusal.

7.5.9. Regarding noise impacts from construction, I note an observer suggestion to limit working hours beyond that in the bye-laws, in the event of a grant of permission. As this would be likely to increase the duration of the construction works, I consider it counter-productive.

7.6. Other Issues

7.6.1. A number of third parties raised the issue of flooding. This is a relatively small increase in roof area, and the Drainage Planning Department of the Local Authority were satisfied that the run off can be absorbed within the site.

- 7.6.2. A number of third parties raised concerns regarding the validity of the application, the description of development, the manner in which it was advertised, and the material contained in the application. I note that these matters were considered acceptable by the planning authority, who validated the application. I am satisfied that the manner in which the application was advertised did not prevent the concerned parties from making representations. The above assessment represents my de novo consideration of all planning issues material to the proposed development.

8.0 Appropriate Assessment

- 8.1.1. Having regard to the nature and small scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on any European site.

9.0 Recommendation

I recommend permission be refused, for the reasons and considerations below.

10.0 Reasons and Considerations

The proposed two-storey extension located less than a metre from the rear boundary of the rear garden of Glenrowan, on an elevated site to the south, would have unacceptable overbearing impacts on that property, and potential for unacceptable overshadowing impacts. The proposed development would be contrary to the guidance set out in Section 12.3.7.1, and would contravene the residential zoning objective for the site, *“to provide residential development and improve residential amenity while protecting the existing residential amenities.”*

Natalie de Róiste

Planning Inspector

19 February 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321331-24		
Proposed Development Summary	Demolition of part of pitched roof, alterations to the internal layouts with construction of a two-storey extension and all associated sight works		
Development Address	Rowan Lodge, Ardeevin Road, Dalkey, Co. Dublin, A96 HR62		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	<input checked="" type="checkbox"/>
		No	<input type="checkbox"/>
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	<input type="checkbox"/>	State the Class here.	Proceed to Q3.
No	<input checked="" type="checkbox"/>		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	<input type="checkbox"/>	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No	<input type="checkbox"/>		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	<input type="checkbox"/>	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			
No	<input type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q4)	
Yes	<input type="checkbox"/>	Screening Determination required	

Inspector: _____ Date: _____