



An
Coimisiún
Pleanála

Inspector's Report

ABP-322213-25

Development

Part single-storey and part two-storey flat roofed rear extension and associated roof lights, internal alterations and associated and ancillary site works and services.

Location

59 Saint Lawrence O'Toole Avenue,
Saint Anne's Square, Portmarnock,
Dublin 13.

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F25A/0029E

Applicant(s)

Sean McDonagh and Julia Buckley

Type of Application

Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

Sean McDonagh and Julia Buckley

Observer(s)

None

Date of Site Inspection

5 June 2025

Inspector

Paul Christy

Contents

1.0 Site Location and Description	5
2.0 Proposed Development	6
2.1. Plans Submitted To Local Authority	6
2.2. Plans Submitted With The Appeal.....	6
3.0 Planning Authority Decision.....	7
3.1 Decision	7
3.2. Planning Authority Reports	7
3.3. Prescribed Bodies	9
3.4. Third Party Observations	9
4.0 Planning History.....	9
4.1. Subject site:.....	9
4.2. No.58 Saint Lawrence O'Toole Ave. (Adjoining Property On Eastern Side) .	9
4.3. No.41 St. Anne's Square Lower	10
5.0 Policy Context.....	10
5.1. Development Plan: Fingal County Development Plan, 2023-2029.....	10
5.2. Natural Heritage Designations	13
5.3. EIA Screening	14
6.0 The Appeal	14
6.1. Grounds of Appeal	14
6.2. Planning Authority Response.....	16
6.3. Observations	16
7.0 Assessment.....	16

7.1. Overview	16
7.2. Integration of Design With Existing Dwelling	17
7.3. Impact on Amenities of Adjacent Properties.....	18
7.4. Comparison With Other Rear Extensions	19
7.5. Appeal Submission Revised Design	20
8.0 AA Screening.....	21
9.0 Recommendation.....	22
10.0 Reasons and Considerations	22

Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The site is located in a residential suburb of the coastal town of Portmarnock. The locality is generally characterised by two-storey, semi-detached houses. The subject property is a two-storey, semi-detached dwelling typical of the area. It has a single-storey, flat-roof side extension used as a garage/shed. This is joined to a similar single-storey, flat roof extension of the adjacent dwelling (also one of a pair of semi-detached dwellings) on its eastern side. Currently, the subject property does not have a rear extension. There is a small shed in the rear garden.
- 1.2. The property to the west (the other half of the semi-detached pair - No. 60) has a single-storey extension with a mono-pitch roof along most of its rear elevation. There is also a single-storey flat roof 'shed' at the bottom of the garden of No. 60. This unit has modest fenestration on the elevation facing towards the 'parent' dwelling and would appear to be used for some form of domestic purpose. The party boundary between the subject dwelling and No. 60 is formed of a block wall measuring c.1.6m in height.
- 1.3. The dwelling to the east of the subject property (No. 58 - joined with the subject property by virtue of the single-storey extensions of either dwelling) was recently extended to the rear. That extension is set back c.1.05m from the party boundary, and is narrow in form. It is two-storey in height with a pitch roof, the ridge of which runs at right angles to the rear elevation of the principal module. The eaves level is consistent with the eaves of the principal module, while the ridge is stepped down from the ridge of the principal module. Between the extension and the party boundary there would appear to be a small outdoor entertainment space with a simple roof covering. On this side also, the party boundary is formed of a block wall measuring c.1.6m in height.

2.0 Proposed Development

2.1. Plans Submitted To Local Authority

- 2.1.1. The proposed development is for a rear extension extending cross the entire width of the subject plot, save for very narrow gaps between the development and the party boundary on either side. The footprint of the entire extension shows a projection of 3.9m out from the existing rear elevation. The plans provide for: a two-storey extension along the entire rear elevation of the principal module of the dwelling; a single-storey extension along the entire rear elevation of the existing single-storey side extension; plus further internal alterations to the existing dwelling. The proposed extension will provide for a new open plan kitchen and dining space, downstairs shower room, utility, home office, and two additional first floor bedrooms. A render finish is proposed for the entire development. The plans also show a patio area measuring 4m x 8.2m.
- 2.1.2. The design of the two-storey extension incorporates a flat roof, the height of which is approximately half-way between the eaves and ridge heights of the principal module. This is shown on the submitted plans as being +5.600 above a local datum (presumed to be the finished floor level or thereby).
- 2.1.3. A flat roof is also proposed for the proposed single-storey extension. The height is shown as being 0.6m above the height of the existing single-storey extension flat roof.

2.2. Plans Submitted With The Appeal

- 2.2.1. The plans submitted with the appeal include significant amendments to the roof design of the two-storey extension. In the revised plans, a hipped roof is proposed, the ridge line of which would run parallel with the rear elevation. The eaves height in the revised proposal is slightly above that of the existing eaves height of the principal module and the neighbour's property (4.97m above local datum). The proposed ridge height is shown as being slightly below the ridge height of the existing dwelling and that of the neighbouring property (6.65m above local datum compared to the

existing ridge height of 6.94 above local datum). No fenestration is proposed for either side elevation.

- 2.2.2. The revised plans introduce a brick finish to all ground floor elevations. A render finish is proposed for the elevations at first floor level. In the original application submitted to the Local Authority, all elevations were to be treated with a render finish.

3.0 Planning Authority Decision

3.1 Decision

- 3.1.1. Refuse, for one reason. The reason referred to *'the bulky design'* and *'extensive area of flat roof at upper floor level'*, and referenced detrimental consequences for both the host dwelling and neighbouring properties. In terms of inherent design issues, it was asserted that the extension *'would present as an unsympathetic and dominant addition to the rear elevation failing to integrate with the style of the existing dwelling'*. For neighbouring properties, it was determined that the development: would be *'visually overbearing when viewed from the surrounding rear private amenity spaces'*; and *'would impact on the residential amenity of the adjoining property to the rear by way of overshadowing and loss of natural light.'* It was concluded that the development would be contrary to Policy 14.10.2.4 and Objective SPQH045 of the Fingal Development Plan, 2023-2029.

3.2. Planning Authority Reports

- 3.2.1. Planning Report: One report on file dated 12 March 2025 signed by a Senior Executive Planner (SEP), endorsed by an Administrative Officer, and signed off by a Senior Planner. Having noted relevant Development Plan policies and planning history in the locality, the report then focuses on the inherent design merits of the proposal, and potential impacts on the residential amenity of No. 60 (the other half of the pair of semi-detached dwellings).
- 3.2.2. Regarding the inherent design merits, the following points are noted in the Report:

- The proposed first floor *'would present as a particularly dominant and bulky addition to the rear elevation.'*;
- The flat roof, extending above the eaves line to the mid-point of the rear roof slope, *'is considered to lack symmetry and fail(s) to integrate appropriately with the style of the original dwelling.'*;
- The proposed extension *'is not considered subordinate to the main dwelling.'*; and
- The proposed depth of extension *'across the width of the rear elevation at first floor level is excessive.'*

3.2.3. In terms of the impact on residential amenities, the SEP makes the following observations:

- Considers that the proposed development would be *'visually overbearing when viewed from the surrounding private amenity spaces.'*; and
- The proximity of the adjoining neighbour's first floor window to the boundary *'is a matter of concern in terms of the loss of light source and overshadowing.'*
The SEP goes on to observe that *'The internal floor plans ... are likely to be similar in that this window would serve a bedroom and therefore significant (sic) in terms of the impact to residential amenity.'*;

3.2.4. Regarding relevant planning history in the locality, the SEP:

- Refers to the applicants' reference in their Design Statement to the approved first floor extension at No. 58. Notes that a review of these plans *'... would indicate a modest single bedroom extension featuring a pitched roof and reduced width more in keeping with the existing dwelling form.'* Recommends a similar design approach for the subject development as the current plan would not comply with Development Plan standards. Notes that a larger development was refused at No. 58.
- Refers to planning history at (the nearby) No. 41 St. Anne's Square where a similar first floor extension was omitted by condition and a subsequent application was approved for *'a development of a sympathetic design'*.

- 3.2.5. Fingal County Council Water Services Dept: No objection re flood risk; no objection re surface water drainage, subject to standard conditions

3.3. **Prescribed Bodies**

- 3.3.1. Dublin Airport Authority: Notes that the site is within Dublin Airport Zone C and refers to Objective DAO11 in the Development Plan, which policy '*seeks to strictly control provision of new residential development and other noise sensitive uses within Zones A, B and C ...*'. Requests that, in the event of a grant of permission, a condition is attached '*requiring the noise sensitive uses to be provided with noise insulation to an appropriate standard, having regard to the location of the site within Noise Zone C... This is to ensure appropriate internal noise levels of habitable rooms in accordance with the aforementioned Development Plan Objective...*'

3.4. **Third Party Observations**

- 3.4.1. None.

4.0 **Planning History**

4.1. **Subject site:**

- 4.1.1. None.

4.2. **No. 58 Saint Lawrence O'Toole Ave. (Adjacent Property On Eastern Side)**

- 4.2.1. P.A. Ref. F23B/0071: Part single-storey and part two-storey rear extension. 2023 Refusal. Considered overbearing and dominant on the roof slope to the rear; visually obtrusive and would negatively impact on the level of residential amenities of the surrounding area. Would thereby materially contravene the specified provisions of the Development Plan.

- 4.2.2. The proposed first floor in this application extended across c.50% of the rear elevation, was set back from the party boundary by 1.05m at first floor level, and incorporated a flat roof, the ridge height of which was higher than the eaves height of the principal dwelling.
- 4.2.3. P.A. Ref. F23B/0113: Part single-storey and part two-storey rear extension. 2023 Grant.
- 4.2.4. The proposed first floor in this application also extended across c.50% of the rear elevation and was also set back from the party boundary by c.1.05m at first floor level. However, the design of the roof was amended from that submitted with the previous application in that the eaves height was at the same level as the principal dwelling and a pitched roof was proposed at right-angles to the principal roof, with the ridge height stepped down from the ridge of the principal dwelling.

4.3. **No. 41 St. Anne's Square Lower**

- 4.3.1. P.A. Ref. F22A/0643: Part single-storey and part two-storey rear extension. 2023 Grant.
- 4.3.2. The proposed first floor in this application extended across approximately two-thirds of the original principal dwelling (the dwelling had already been extended to the side) and was immediately adjacent to the party boundary. A hipped roof design at right angles to the principal roof was proposed with the eaves height and the ridge height matching the principal dwelling. The depth of the extension was 2.7m.

5.0 **Policy Context**

5.1. **Development Plan: Fingal County Development Plan, 2023-2029**

- 5.1.1. Zoning: In the 'Malahide/Portmarnock' Sheet No.9 Zoning Objectives section, the subject site and surrounding area is located within the 'Development Boundary' and in an area zoned as RS-Residential'. The relevant Zoning Objective is to: '*Provide for residential development and protect and improve residential amenity*'. The

associated 'Vision' is to: *'Ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.'*

- 5.1.2. **Mapped Designations:** The site is also within the following mapped designations: Noise Zone C – Dublin Airport; Flood Zone B; Highly Sensitive Landscape; and Coastal Landscape Character Type. Relevant Development Plan provisions for these designations are provided in the table below.

Dublin Airport – Noise Zone C

Objective DAO11 – 'Requirement for Noise Insulation'

Policy seeks to *'Strictly control inappropriate development and require noise insulation where appropriate'* in, inter alia, Noise Zone C areas in accordance with detailed specifications contained in Development Plan Table 8.1.

Table 8.1 contains an 'Indication of Potential Noise Exposure During Flight Operations', and an Objective, for each Noise Zone. For Noise Zone C, the Objective is: *'To manage noise sensitive development in areas where aircraft noise may give rise to annoyance and sleep disturbance, and to ensure, where appropriate, noise insulation is incorporated within the development. Noise sensitive development in this zone is less suitable from a noise perspective than in Zone D. A noise assessment must be undertaken in order to demonstrate good acoustic design has been followed.'*

Further information in relation to the specific requirements of a noise assessment is also provided.

Flood Zone B

Objective DMSO212 – OPW Flood Risk Management Guidelines

The stated Objective is to: 'Have regard to the OPW Flood Risk Management Guidelines 2009, as revised by Circular PL 2/2014, when assessing planning applications and in the preparation of statutory and non-statutory plans and to require site specific flood risk assessments be considered for all new developments within the County. All development must prepare a Stage 1 Flood Risk Analysis and if the flooding risk is not screened out, they must prepare a Site Specific Flood Risk

Assessment (SSFRA) for the development, where appropriate.

Landscape

The site lies within an area designated as a 'Highly Sensitive Landscape' and a 'Coastal' Landscape Character area.

Objective GINHO58 – Sensitive Areas

The stated objective is to: Resist development such as houses, forestry, masts, extractive operations, landfills, caravan parks, and campsites, and large agricultural/horticulture units which would interfere with the character of highly sensitive areas or with a view or prospect of special amenity value, which it is necessary to preserve.

- 5.1.7. Chapter 3: 'Sustainable Placemaking and Quality Homes': In this section, the need for people to extend and renovate their dwellings is recognised and acknowledged. Policy SPQH41 and Objective SPQH045 contain similar support for residential extensions, subject to appropriate scale, and the protection of residential amenities and the environment.
- 5.1.8. Chapter 14: 'Development Management Standards': In Section 14.1: 'Introduction' it is stated that: *'Proposals must comply with the standards and criteria that apply to particular development types, be consistent with the objectives set out in the preceding chapters and be compliant with relevant legislative guidance.'* In this context, several provisions contained in Section 14.6, 'Design Criteria for Residential Development in Fingal' are relevant to the subject proposal:
- Section 14.6.6.4: 'Overlooking and Overbearance' contains general guidance on the assessment of levels of overbearance and potential to cause significant levels of overlooking to neighbouring properties.
 - Section 14.10.2: 'Residential Extensions' also includes general guidance on the need to have regard to the amenities of adjoining properties (particularly in relation to sunlight, daylight and privacy). It also recognises the need to

amend existing dwelling units to reconfigure and extend as the needs of the household change. Finally, this Section also identifies detailed design criteria that will be considered in relation to integration with the principal module including: the character and form of the existing building, its architectural expression, remaining usable rear private open space, external finishes and pattern of fenestration, boundary treatments, tree planting and landscaping.

- Section 14.10.2.3: 'Ground Floor Extensions (rear)' advises that such development will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining to serve the dwelling house. The proposed extension should match or complement the existing dwelling house.
- Section 14.10.2.4 'First Floor Extensions Floor' again raises the potential for negative impacts on the amenities of adjacent properties, and stipulates that they will only be permitted where the Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. Finally, this Section also identifies detailed design criteria that will be considered including: overshadowing, overbearing, and overlooking; 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 (generally to be in harmony with existing).

5.2. Natural Heritage Designations

- 5.2.1. The site is located: 0.24km from the Baldoyle Bay Proposed Natural Heritage Area (Site Code 000199); 0.33km from the Baldoyle Bay Special Protection Area (Site Code 004016); 0.46km from the Sluice River Marsh Propose Natural Heritage Area (Site Code 001763); and 1.10km from the North West Irish Sea Special Protection Area (Site Code 004236).

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

- 6.1.1. The appeal disaggregates the single refusal reason of the Local Authority into five sub-elements as follows.
- 6.1.2. 'Roof design' (dominant and bulky): The design has been amended to '*show a hipped pitched roof which is more sympathetic to the existing house and its immediate surroundings.*' The following points are also added here:
- The materials have been changed to break up the mass of the extension, with brick on the ground floor and render on first floor. This is the same materials, layout and palette used on the approved application for No. 41.
 - Note that we have not matched the eaves height of the existing building. Believe this is too low for modern standards of daylight with regards to window head heights. Existing window head heights are unusually low, at approximately 1.65m, well below the modern standards of 2.1m. Don't believe this has a material effect on design. However, if this is an issue, are happy to have it conditioned that the eaves line through with the existing eaves.
- 6.1.3. 'Subordinate' (not subordinate to the main dwelling): The design of the first floor extension has been amended by pulling the east end of the extension in from the line of the existing gable end to ensure the extension design is subordinate to the existing house. The new hipped roof design also contributes to this.

- 6.1.4. 'Overbearing' (visually, when viewed from surrounding private amenity spaces): Disagree, particularly in light of the changes made for appeal. Have supplied artist's impression of the extension when viewed from other gardens, including impressions of the already approved extensions in the houses immediately surrounding the application site. Believe that this clearly shows that the proposed (revised) extension sits sympathetically within its surroundings, and is in no way overbearing. Proposed plot ratio is 0.49, whilst the proposed plot coverage is 28%, both well within the parameters of development for a site in a semi-urban location. In our opinion, the two approved extensions have more impact on the surrounding neighbourhood than the proposed design. In addition:
- Note that there are developments within the vicinity of the site where similar first floor extensions have been permitted (an image identifies sites on St. Marnock's Avenue).¹
 - Attach letter of support from the owner of No. 60., an immediate neighbour of the application site.
- 6.1.5. 'Effect On Neighbouring Windows' (proximity, in terms of loss of light and overshadowing): Assumption by the Planner that the neighbour's first floor window is a bedroom is incorrect. Confirms that it is a bathroom, and the small window next to it is a landing window (a photo shows the rear elevation with an arrow pointing to the referenced bathroom window). Refers to letter and email of support from owner of adjacent property. Concludes that there is no issue with daylight or overshadowing as these are not windows to habitable rooms.
- 6.1.6. Reference to Other Extensions In Area (and recommendation of a single bedroom extension with a reduced depth): Not what the applicant requires. Arbitrarily limiting the number of bedrooms and the depth of the extension does not assist in providing a variety of housing sizes to suit different family arrangements and generational living.

¹ St. Marnock's Ave. is located approximately 175m to the south-west of the site.

6.2. Planning Authority Response

- 6.2.1. A response from the Planning Authority was received on 6 May 2025. The response notes that the application was assessed against the policies and objectives of the Development Plan and existing government policy and guidelines, having regard to the Development Plan zoning objectives as well as the impact on adjoining neighbours and the character of the area.
- 6.2.2. Original Design Submitted To Local Authority: It is considered that the proposed rear extension in its current form fails to integrate successfully with the design of the existing dwelling and would result in an unsatisfactory relationship with the adjoining neighbouring property.
- 6.2.3. Revised Design Submitted With Appeal: Acknowledge the revised hipped roof proposal. However, this would not overcome the concerns raised. Notes that the Planner's report advises the recommended design approach to be taken having regard to (the) recent upper floor extensions granted as part of neighbouring properties.
- 6.2.4. Request that the Board upholds the decision of the Planning Authority and that, if permission is being considered, provision should be made for applying financial contributions and bonds, as appropriate.

6.3. Observations

- 6.3.1. None.

7.0 Assessment

7.1. Overview

- 7.1.1. Having examined the application details, and all other documentation on file including the submissions received in relation to the appeal, the reports of the local authority, having inspected the site, and having regard to the relevant local policies

and guidance, I consider that the substantive issues in this appeal to be assessed are as follows:

- Integration of design with existing dwelling; and
- Impact on amenities of adjacent properties.

7.2. Integration of Design With Existing Dwelling

- 7.2.1. In its refusal reason, the Local Authority referred to the bulky design of the extension and extensive area of flat roof and concluded that it *'would present as an unsympathetic and dominant addition to the rear elevation failing to integrate with the style of the existing dwelling'*.
- 7.2.2. In the appeal submission made on behalf of the Appellants, the Agent does not challenge the above-noted conclusions of the Authority. Rather, they refer to the amended design submitted with the appeal and contend that it is: *'more sympathetic to the existing house and its immediate surroundings'*.
- 7.2.3. In terms of Development Plan policy, the need for sympathetic integration of rear extensions with the host property is clearly an objective of the Local Authority. Policy SPQH41 and Objective SPQH045 in Chapter 3, for example, contain similar support for residential extensions, subject to 'appropriate scale'. In Chapter 14, Section 14.10.2 includes detailed design criteria that will be considered in relation to integration with the principal module including, inter alia: the character and form of the existing building, its architectural expression, and external finishes and pattern of fenestration. Section 14.10.2: 'Residential Extensions' Section 14.10.2.4 re First Floor Extensions states, inter alia that in determining applications for first floor extensions various factors will be considered, including: *'External finishes and design, which shall generally be in harmony with existing.'*
- 7.2.4. In my opinion, the cube-shaped, two-storey element of the proposed extension incorporating a flat-roofed fails to integrate harmoniously with the character and form of the principal module due to its bulk and scale, and the proposed height of the roof being approximately half-way between the eaves and ridge of the principal module. I

am further of the opinion that the proposed vertical emphasis windows at first floor level, (which windows are 1.5m in height) are inconsistent with the existing horizontal-emphasis fenestration pattern of the subject dwelling and adjoining property, and that the space between these two windows (c.2.7m) only serves to further exaggerate the inappropriateness of this proposal.

7.3. Impact on Amenities of Adjacent Properties.

- 7.3.1. In its refusal reason the Local Authority determined that the development: would be 'visually overbearing when viewed from the surrounding rear private amenity spaces'; and 'would impact on the residential amenity of the adjoining property to the rear by way of overshadowing and loss of natural light.'
- 7.3.2. In their appeal submission, the Appellants disagree with three elements of the Local Authority's reason for refusal referring to the impacts on adjacent properties, namely: that it would be visually overbearing when viewed from the surrounding private amenity spaces; the proximity of the adjoining neighbour's first floor boundary in terms of loss of light and overshadowing. The third reference is in respect of a comment/recommendation contained in the Planner's Report for a single bedroom, extension with a reduced depth (please refer to paras. 6.1.4 to 6.1.6 for more details in respect of these pleadings).
- 7.3.3. In terms of Development Plan policy, the need for rear extensions to have regard to the amenities of adjacent properties is an objective of the Local Authority. The Zoning Objective, Policy SPQH41, Objective SPQHO45 and section 14.10.2.4 all refer to the protection of residential amenities. Section 14.10.2.4 also identifies detailed design criteria that will be considered including, inter alia: overshadowing, overbearing, and overlooking; proximity, height, and length along mutual boundaries; and degree of set-back from mutual side boundaries.
- 7.3.4. For the reasons as set out at para. 7.2.4, I would agree with the Local Authority that the proposed development would be visually overbearing when viewed from adjacent properties, specifically Nos. 58 and 60.

- 7.3.5. I am satisfied that there will be no overdominance on the amenities of No.58 due to the set back of the two-storey element of the design from the party boundary (3.3m), and the absence of any fenestration on the elevation of the two-storey extension facing No.58.
- 7.3.6. With regards to potential impacts on the adjoining No.60., the key factors to be considered include the following dimensions of the proposed two-storey extension element: the proximity to the party boundary (only a marginal setback is proposed); the depth of the structure (the proposal is for a 3.95m projection from the existing rear elevation); the height of the structure (the proposed eaves level is at a level approximately mid-way between the ridge and eaves levels; the notation on the submitted plans specifies a level of +5.6m relative to a local datum); and the cumulative impact in terms of the resulting bulk and scale of the proposed development. In my opinion, the noted height, depth and proximity to the party boundary of the proposed two-storey element will be overbearing and over-dominant as viewed from the adjoining No.60.
- 7.3.7. I note the Agent's comments in relation to there being no loss of light or overshadowing and would generally agree with these statements. The third party first floor window closest to the party boundary is a mirror image of the subject property, has obscure glazing, and can therefore be assumed to be a bathroom. In terms of overshadowing, the subject property is to the east of the adjoining property and the latter property's prevailing daylight and sunlight qualities will not therefore be significantly impacted.
- 7.3.8. I also note the submitted letter of support from the affected third party submitted with the appeal but, in this instance, would conclude that to permit the proposed development would not be in accordance with proper planning and sustainable development due to the significance of the impact arising, notwithstanding the referenced third party letter.

7.4. Comparison With Other Rear Extensions

- 7.4.1. The Agent refers to other rear extensions permitted in the area. I would firstly note

that the Board has not dealt with any appeals for this type of development in the immediate or wider vicinity. I would also note that none of the permitted developments in the immediate vicinity (Saint Lawrence O'Toole Ave. and St. Anne's Square Lower) and the wider vicinity (St. Marnock's Ave,) incorporated a flat roof design as proposed in the subject application. Indeed, an application at the adjacent No. 58 for a part single-storey, and part two-storey extension incorporating a flat roof extending across c.50% of the rear elevation and set back from the party boundary by 1.05m at first floor level was refused by the Local Authority. The refusal reason cited, inter alia, that it would negatively impact on the level of residential amenities of the surrounding area. The rear extension granted by the Local Authority at the nearby No. 41 St. Anne's Square Lower bears some similarity to the subject development in terms of being immediately adjacent to the party boundary although the depth of that extension was 2.7m, the eaves height was level with that of the principal module, and the proposed ridge height was also the same height as that of the principal module.

- 7.4.2. The other permissions identified by the Agent were at St. Marnocks Ave. It is again notable that all of these permissions included eaves heights that were level with the relevant principal modules. Furthermore, the proposed hipped roof designs were more sympathetic to the principal modules, in my opinion. Finally, it should also be noted that in three instances, two adjoining dwellings (nos 3 and 4; 5 and 6; and 7 and 8) agreed and submitted designs at the same time and that this allowed each dwelling in each case to maximise the scale of their extensions without fear of impacting on the neighbouring amenities. None of the designs for No.3 to No. 8 (the area identified by the Agent) sought, or were granted, permission for a two-storey extension immediately adjoining the party boundary, other than where the owners of two adjoining dwellings co-operated as previously set out.

7.5. Appeal Submission Revised Design

- 7.5.1. I note the revised design submitted with the Appeal. In the revised design, the footprint of the two-storey extension and the width of projection from the existing rear elevation (3.95m) remain unchanged. The roof has been amended and now

incorporates a hipped roof design. The eaves level has been reduced so that it is now slightly above the eaves of the principal module, and the ridge of the proposed is also slightly below the ridge of the principal module.

- 7.5.2. Notwithstanding these amendments, the revised design remains unsympathetic to the principal module, in my opinion. The proposal is for the roof to run broadly parallel with the roof of the principal module with the hips proposed at either end. This results in most of the principal roof being obscured. The juxtaposition of the proposed roof with the exposed remainder of the principal roof creates a discordant arrangement that has little regard to the design requirements of the Development Plan, in my opinion.
- 7.5.3. The revised plans include a reduction in the eaves height by 0.63m (from +5.6 to +0.497 above datum) and also a projection of the first floor roof away from the party boundary to some degree by means of the hipped roof design. However, even with these amendments, it is my opinion that the proposed development would still be overbearing and over-dominant on the adjacent property, having regard to the unchanged depth of the extension and its proximity to the party boundary. The Agent also suggests a willingness to agree to a further reduction of the eaves height ‘*so that the eaves height lines through with the existing eaves*’. This would provide for only a marginal improvement and would not overcome the fundamental concerns, in my opinion.

8.0 AA Screening

- 8.1 I have considered the proposed extension to 59 Saint Lawrence O’Toole Avenue, Saint Anne’s Square, Portmarnock, Dublin 13 in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located 0.248km from Baldoyle Bay Special Area of Conservation, 0.332km from Baldoyle Bay Special Protection Area, and 1.10km from the North West Irish Sea Special Protection Area. The proposed development comprises construction of a part single-storey and part two-storey flat roofed rear extension and associated roof lights, internal alterations and associated and ancillary site works and services. No nature

conservation concerns were raised in the planning appeal. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reasons for this conclusion are as follows:

- the nature of the works: small scale extension to an existing dwelling with existing connections to public services;
- the distance of the site from the nearest European site and the absence of any connections between the two.

8.1. I conclude that on the basis of objective information, the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

9.1. I recommend that permission for the development be refused for the reasons and considerations as set out below.

10.0 Reasons and Considerations

10.1. Having regard to the bulk and scale of the two-storey element of the proposed development, as determined by its depth, height and extent of flat roof, and to the proposed fenestration pattern, it is considered that the proposed development would present as an unsympathetic and dominant extension to the rear elevation, and would be visually overbearing when viewed from the surrounding rear private amenity spaces of Nos. 58 and 60 St. Lawrence O'Toole Avenue. It is further considered that the bulk and scale of the proposed two-storey extension immediately adjoining No. 60 Lawrence O'Toole Avenue would have an unacceptably detrimental impact on the residential amenities of the said property by way of overbearance and over-dominance. To permit the proposed development therefore would be contrary

to the 'RS Residential' Zoning Objective for the area, Objective SPQOH45, Policy SPQH41, Development Management Standard 14.10.2 and 14.10.2.4 of the Fingal Development Plan, 2023-2029 and would thereby be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.



Paul Christy

Planning Inspector

23rd June 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-322213-25		
Proposed Development Summary	The proposed development comprises construction of rear extension comprising a two-storey pitched roof, and a single-storey flat roof, internal alterations and associated and ancillary site works and services.		
Development Address	59 Saint Lawrence O'Toole Avenue, Saint Anne's Square, Portmarnock, Dublin 13.		
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	✓	
	No		
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			
No	✓		
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	n/a		
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	n/a		
5. Has Schedule 7A information been submitted?			
No	n/a		
Yes	n/a		

Inspector: Paul Christy

Date: 23rd June 2025

Paul

ABP-322213-25

Inspector's Report

Page 24 of 24