



An
Coimisiún
Pleanála

Inspector's Report

ABP 322349-25

Development	Demolish the partially built extension and the lean-to building at the rear of the dwelling and build a 2 storey extension for a ground floor living area, extended kitchen/ dining area and a first floor toilet and shower room. All waste water services are to be connected to the existing public mains.
Location	13 Kirwan Street, Stoneybatter, Dublin 7
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	WEB2734/24
Applicant	Christopher McGeady
Type of Application	Permission
Planning Authority Decision	To grant permission with conditions
Type of Appeal	Third Party
Appellant	John Burke
Observer	Muirín Gowen
Date of Site Inspection	26 th June 2025
Inspector	Trevor Rue

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1.0 Site Location and Description

- 1.1. The application site, with stated area of 0.006 hectares, is about 1.7 kilometres to the north west of the centre of Dublin. It comprises a two-storey house in the middle of a terrace. The front elevations in the terrace feature decorative beige, brown and red brickwork and well-proportioned window and door openings.
- 1.2. The house, which is located on the northern side of Kirwan Street, covers most of the site and has only a small back yard. The site includes an adjacent part of a narrow laneway to the rear of the house. The back wall of the house has been removed and boarded up and the yard is strewn with building materials.
- 1.3. Kirwan Street Cottages, a terrace of small single-storey dwellings with small back yards, is on the other side of the laneway. There are school grounds bounded by stone walls on the southern side of Kirwan Street, opposite the site.

2.0 Proposed Development

- 2.1. Planning permission is sought for the demolition of an incomplete ground-floor rear extension and the construction of a two-storey rear extension. The proposed development would increase the overall floor area of the house from 77.74 to 87.73 square metres. A small courtyard area of approximately 5.5 square metres in the north-western corner of the site would be retained.
- 2.2. At ground-floor level, the extension would be L-shaped and would accommodate a larger kitchen/dining area and living area. The long arm of the extension would project by 4.5 metres from the original rear building line and would be 2.9 metres high. The first-floor extension would project by 2.6 metres from the original rear building line; it would be 5.56 metres high and would accommodate a toilet and shower room. The flat roof of the extension would be higher than the eaves of the existing house.
- 2.3. Sliding doors would be inserted in the western elevation of the extension at ground floor level, giving access to the courtyard. A small west-facing side window is proposed at first floor level. The existing first-floor window on the rear elevation of the original dwelling would be relocated westwards to facilitate the extension.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On 27th March 2025, Dublin City Council notified the applicant of its decision to grant planning permission, subject to 10 conditions. Condition 1 required compliance with the submitted plans, particulars and specifications. Condition 5 required external finishes to harmonise with those existing. Condition 6 set out drainage requirements. Condition 7 specified working hours. Condition 8 dealt with noise during construction. Condition 9 referenced codes of practice relating to drainage, transport and noise and air pollution. Condition 10 required roadways to be kept clean and safe during construction works.

3.1.2. Conditions 2 to 4 were as follows:

2. The first floor west facing window shall either be high level (1.8 metre) above floor level or shall be permanently finished with obscure glazing and permanently maintained as such.

Reason: *To protect the residential amenities of adjoining properties.*

3. No works over the laneway to the rear shall commence until the applicant has furnished the Planning Authority with written confirmation that the section of laneway indicated on the Further Information land registry map is in the full ownership of the applicant, and agreed in writing by the Planning Authority.

Reason: *In the interest of proper planning and orderly development.*

4. No flat roof shall be used as a balcony or terrace, unless authorised by a prior grant of Planning Permission.

Reason: *To protect the residential amenities of adjoining properties.*

3.2. Planning Authority Reports

Planning Reports

3.2.1. Planning officer reports dated 18th February and 24th March 2025 provided the reasoning for the authority's decision. The main points were as follows:

- Part of the laneway to the rear of the site, which is not in the charge of the Council, is included within the site boundary. Aerial imagery suggests that a large number of dwellings have built on to the laneway and it is unclear if access is still viable. The applicant was requested to clarify the status of the laneway. In response, he submitted a letter from his solicitor stating that [an application] to be registered as the owner of the laneway to the rear of 13 Kirwan Street was currently pending with Tailte Éireann. As it stands the ownership has not been transferred to the applicant but it appears that the process is under way. In the event of a grant of permission it would be reasonable to include a condition stating that no works are to take place over the existing laneway until proof of full ownership has been provided to the planning authority.
- The proposed extension at ground floor level would extend to the rear boundary shared with the rear of [12] Kirwan Street Cottages. The majority of dwellings along Kirwan Street and Kirwan Street Cottages have near 100% site coverage. It is unclear when such coverage occurred and it does not appear that planning permission was sought for the majority of the extensions.
- The extension which it is proposed to demolish appears to have commenced some time ago but was never completed. The extension previously permitted did not extend to the full depth of the garden, as the laneway was shown 600 millimetres from the rear boundary on the submitted plans.
- No overlooking is anticipated, as no windows would face the properties to the east and the rear. The proposed first-floor side window would directly face the rear of 12 Kirwan Street. As this window would serve a bathroom, it could either be of high level (if not required for emergency access) or permanently glazed. This could be dealt with by way of condition in the event of a grant of permission.
- The proposed first-floor extension would have a flat roof and a rendered finish. Following a request for further information, the applicant chose to reduce its depth from 3.4 metres to 2.6 metres. The impact in relation to overshadowing, bulk and scale has been reduced and the revised depth is more in keeping with the size of the site.
- The extension would be adjacent to the boundary with 14 Kirwan Street to the east. Its impact would be partially mitigated due to the location of a single-

storey extension directly adjoining that boundary. Application of the 45° approach to sunlight and daylight assessment indicates that with a 3.4-metre deep first-floor extension in place, there would be some loss of light to the rear first-floor bedroom of No. 14. However, a first-floor extension 2.6 metres in depth would not impact adversely on this property and it would be of a size and scale which is typically found on terraced dwellings within the city.

- The extension is located to the north of the dwellings along the terrace and there would therefore be some impact in terms of overshadowing. However, it is not considered that the impact would be unreasonable or to the detriment of the adjoining properties.
- The rear gardens of Kirwan Street and Kirwan Street Cottages are relatively small and few if any would have met the minimum requirement of 25 square metres of open space to the rear prior to extensions being built. While the small courtyard area proposed to be retained does not meet the standards set out in the Development Plan, given the city location and site context, it is acceptable.

Other Technical Reports

- 3.2.2. According to the planning officer's report, Drainage Division had no objection subject to conditions. (This response is not on the file or the Council's planning portal.)

3.3. Prescribed Bodies

- 3.3.1. Transport Infrastructure Ireland noted that the site falls within an area set out in a levy scheme for light rail established under Section 49 of the Planning and Development Act 2000. The scheme lists several exemptions where the levy does not apply.

- 3.3.2. No comment was received from Uisce Éireann or the National Transport Authority.

3.4. Third Party Submissions

- 3.4.1. The Council received submissions from the appellant and from the person who made observations at appeal stage, the substance of which was repeated in the grounds of appeal and the observations.

3.4.2. The Council received a submission from a resident of 16 Kirwan Street, who stated that she does not get much light at the back of her house. She was concerned that the extension would severely affect the light and set a precedent for future extensions in the area.

3.4.3. The Council also received a submission from a resident of 12 Kirwan Street Cottages, which shares the southern wall to the application site. He made the following points:

- The proposed 5.56-metre high two-storey extension would permanently overshadow his back garden by 72%; permanently overshadow the sun roof (over his flat-roofed rear extension) by 55%; and permanently overshadow the sky window (in his pitched roof) by 45%. It would place his back garden in permanent darkness. The glass-panelled door at the back of his home would no longer have natural light directly from the sun. The only natural light that enters his bedroom and kitchen comes through the clear roof on his extension and its obstruction would diminish the liveability of the space. His home is his workspace and the availability of natural light is essential to his livelihood. The scale and bulk of the development, as originally designed, would adversely affect his ability to carry out his professional activities efficiently.
- The proposed upper side window of the extension would allow occupants of 13 Kirwan Street to view his living room, where he spends most of his time when at home, through his skylight window.
- The applicant told him that the extension would back directly on to his boundary wall. There is no agreement in place regarding increased drainage from the proposed flat-roofed building; upgrading or removal of guttering; works resulting from removal of plumbing to accommodate new foundations at the application site; removal of the soil stack due to restricted air flow or water catchment; damage to and replacement of the boundary wall; satellite dish relocation due to extension blocking signal; or recovery of waste and building debris.
- While the character of Stoneybatter has been altered over time, the ridge line across the back of the houses in Kirwan Street has never been compromised. The ridge line was intended to blend architecturally with the roofline of the one-storey Kirwan Street Cottages. The proposed extension would break the ridge line and its northward projection would magnify the height from street view. The

proposed yellow sandstone paint would unnecessarily contrast with the palettes used on the existing properties. The applicant should be required to demonstrate that the development would not negatively impact on the character of the Conservation Area.

- The application should be critically assessed, giving careful consideration to overdevelopment, overshadowing and residential amenity. The proposal should be revised to address these matters, potentially through the reduction in height or scale of the extension, ensuring a design that respects the character of the area and the rights of owners of adjoining properties.

4.0 Planning History

4.1. Application Site

- 4.1.1. **4430/09:** On 24th March 2010, permission was granted for a two-storey rear extension consisting of a flat-roofed L-shaped ground-floor extension with window, glazed timber double doors and timber cladding and a first-floor bathroom with pitched roof and west-facing window. (The application drawings and the planning officer's report are not available on the Council's planning portal.)

4.2. Other Sites in Kirwan Street

- 4.2.1. **4489/03:** On 7th April 2004, retention permission was granted for a single-storey extension to rear of 19 Kirwan Street.
- 4.2.2. **WEB1310/17:** On 18th September 2017, retention permission was granted for a single-storey extension to the rear of the existing dwelling at 24 Kirwan Street.
- 4.2.3. **WEB 1309/17:** On 23rd October 2017, retention permission was granted for a single-storey extension to the rear of the existing dwelling at 23 Kirwan Street.
- 4.2.4. **2362/21:** On 21st June 2021, permission was granted for construction of a part two-storey, part single-storey extension to the rear of existing dwelling at 6 Kirwan Street.
- 4.2.5. **WEB1156/23:** On 7th June 2023, permission was granted for construction of a part two-storey, part single-storey rear extension to 28 Kirwan Street, a new pedestrian entrance to the rear yard from Kirwan Street Cottages, two new windows to the side elevation and two velux windows to the rear.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. Map E of the Dublin City Development Plan 2022-2028 shows Kirwan Street, including the application site, and Kirwan Street Cottages, within Primary Land Use Zoning Category Z2, Residential Neighbourhoods (Conservation Areas). The Z2 zoning objective, set out in Section 14.7.2 of the Plan, is to protect and/or improve the amenities of residential conservation areas. Section 14.7.2 goes on to say that residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.
- 5.1.2. Policy BHA9 of the Development Plan is to protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red-line conservation hatching on the zoning maps. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.
- 5.1.3. Appendix 16 to the Development Plan considers sunlight and daylight assessments. Section 3.1 of the appendix notes that the Building Research Establishment guide "Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice" (BRE 209) is widely used to inform the methodologies applied for such assessments.
- 5.1.4. Appendix 18 to the Plan deals with ancillary residential accommodation. Section 1.1 acknowledges that residential extensions play an important role in promoting a compact city in line with the core strategy [of the Plan] as well as providing for sustainable neighbourhoods and areas where a wide range of families can live. It says the design of residential extensions should have regard to the amenities of adjoining properties and, in particular, the need for light and privacy. The form of the existing

building should be respected, and the development should integrate with the existing building through the use of similar or contrasting materials and finishes.

- 5.1.5. Section 1.2 of Appendix 18 to the Plan states that 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.
- 5.1.6. Section 1.2 of Appendix 18 goes on to say that first-floor rear extensions will be permitted only 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
- 5.1.7. Section 1.4 of Appendix 18 states that extensions should not result in any significant loss of privacy to the residents of adjoining properties. Generally, windows overlooking adjoining properties (such as in a side wall) should be avoided. Where essential, the size of such windows should be kept as small as possible and consideration should be given to the use of high-level windows and/or the use of obscure glazing where the window serves a bathroom or landing.
- 5.1.8. Section 1.6 of Appendix 18 states that large single- or two-storey rear extensions to semi-detached or terraced dwellings can, if they project too far from the main rear elevation, result in a loss of daylight to neighbouring houses. Furthermore, depending on orientation, such extensions can have a serious impact on the amount of sunlight received by adjoining properties. On the other hand, [in] an urban context some degree of overshadowing is inevitable and unavoidable. Consideration should be given to the proportion of extensions, height and design of roofs as well as of the position of windows including rooms they serve to adjacent or adjoining dwellings.
- 5.1.9. Section 1.7 of Appendix 18 states that the extension should not dominate the existing building and should normally be of an overall scale and size to harmonise with the

existing house and adjoining buildings; the appearance of the existing structure should be the reference point for any consideration of change that may be proposed. The materials used should complement those used on the existing building; features such as windows and doors on the new extension should relate to those on the original building in terms of proportion and use of materials.

5.2. Guidance on Sunlight and Daylight Assessment

- 5.2.1. The latest edition of BRE 209 was published in 2022. Section 2.2.16 states that for domestic extensions that adjoin the front or rear of a house, a quick method can be used to assess the diffuse skylight impact on the house next door. Figure 17 illustrates the application of the method, the 45° approach. A significant amount of light is likely to be blocked if the centre of the window lies within the 45° angle on both plan and elevation. Section 2.2.18 says that like most rules of thumb, this one needs to be interpreted flexibly.
- 5.2.2. Section 2.2.4 of the BRE guide states that loss of light to existing windows need not be analysed if the distance of each part of the new development from the existing window is three or more times its height above the centre of the existing window. In these cases the loss of light will be small. Section 2.2.23 says that if any part of a new building, measured in a vertical section perpendicular to a main window wall of an existing building, from the centre of the lowest window, subtends an angle of more than 25° to the horizontal, then the diffuse daylighting of the existing building may be adversely affected.
- 5.2.3. Section 3.2.13 of the BRE guide states that if a living room of an existing dwelling has a main window facing within 90° of due south, and any part of a new development subtends an angle of more than 25° to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected.

5.3. Natural Heritage Designations

- 5.3.1. The application site is not in any Natura 2000 site of European nature conservation importance. The nearest Natura 2000 sites are:
- South Dublin Bay and River Tolka Estuary Special Protection Area (SPA), about 3.5 kilometres to the east, designated for various bird species;
 - North Bull Island SPA, about 6.8 kilometres to the east, also designated for various bird species;

- South Dublin Bay Special Area of Conservation (SAC), about 5.2 kilometres to the south east, designated for mudflats and sandflats, annual vegetation of drift lines, annuals colonising sand and mud and embryonic shifting dunes; and
- North Dublin Bay SAC, about 6.8 kilometres to the east, designated for tidal mudflats and sandflats, annual vegetation of drift lines, annuals colonising sand and mud, salt meadows, shifting and fixed dunes, dune slacks and petalwort.

5.3.2. Table 10-2 of the Development Plan lists two other sites of international nature conservation importance in Dublin Bay, namely North Bull Island Ramsar Wetland Site; and Sandymount Strand / Tolka Estuary Ramsar Wetland Site. It also lists North Bull Island National Special Amenity Area and North Bull Island National Nature Reserve.

5.3.3. The application site is not in or near any Natural Heritage Area (NHA). The nearest proposed NHA is the Royal Canal, about 1.5 kilometres to the north, which supports hedgerow, tall herbs, calcareous grassland, reed fringe, open water, scrub and woodland. There are four other proposed NHAs in the area served by Dublin City Council – North Dublin Bay; South Dublin Bay; Dolphins, Dublin Docks near Pigeon House Harbour; and Grand Canal.

6.0 Environmental Impact Assessment Screening

6.1. The proposed development does not fall within any of the classes of development set out in Schedule 5 to the Planning and Development Regulations 2001, as amended, and is not a prescribed type of road development under Part V of the Roads Regulations 1994. No mandatory requirement for EIA therefore arises and there is no requirement for a screening determination. Please refer to Form 1 in Appendix 1 in this report.

7.0 The Appeal

7.1. Grounds of Appeal

7.7.1. The grounds of appeal submitted on behalf of a resident of 14 Kirwan Street may be summarised as follows:

- The application site is in an Architectural Conservation Area and all planning documentation should have included reference to this designation. The area is characterised by two-storey residential units, many of which have been extended to the rear at first-floor level. Very few have been extended at first-floor level due to the impact this may have on neighbouring properties.
- It is acknowledged that a two-storey extension was previously approved on the application site in [2010]. However, that permission was granted under a different Development Plan. A two-storey extension at this location is no longer compliant with up-to-date policy and the previous permission should not act as a precedent. The current Plan places much higher emphasis on protecting residential amenity and avoiding undue impacts relating to scale, bulk and rights to daylight and sunlight. The appellant was not in a position to object to the 2009 application because of a family health problem.
- The applicant has already demolished the extension and the original first-floor rear wall without the benefit of a final grant of permission. The appellant does not object to the applicant extending his home but a single-storey ground-floor extension would be more appropriate given the site context.
- The applicant has not gone far enough in reducing the scale of the first-floor extension. Its excessive bulk would result in overbearance on the appellant's dwelling. Residential amenity should be protected given the restricted private open space available.
- It is unclear why the Council considered a 2.6-metre deep extension acceptable without further analysis. It should have requested a daylight, sunlight and shadow assessment as part of its request for further information. The appellant had a daylight specialist review the proposal using the 45° approach. His work demonstrated that the centre of the appellant's rear window lay within the 45° angle on both plan and elevation.
- Other dwellings on Kirwan Street have been extended but those extensions did not affect the amount of sunlight in the appellant's home. At present he enjoys high-quality sunlight, particularly in the area beside the boundary with the application site. Any deterioration in the quality of daylight and sunlight would

significantly reduce the enjoyment of his home. The appellant and his wife aim to age in place and it is imperative that their residential amenity is protected.

7.2. Applicant Response

7.2.1. The applicant's response may be summarised as follows:

- The property at 13 Kirwan Street was acquired in a derelict state, having been vacant for an extended period. The existing two-bedroom house lacks essential amenities such as a bathroom, modern kitchen, or central heating. A building survey conducted by Jeremy Kelly of Eco Design and Management identified the existing rear ground-floor extension as structurally unsafe, recommending its demolition. All works on the property have ceased pending the outcome of the appeal.
- The proposed development includes a deep retrofit to transform the dwelling into an A-rated, energy-efficient home, significantly improving its condition and habitability. The proposed extension would increase the floor area to 87.3 square metres, still below current Development Plan standards but a significant improvement to the dwelling's functionality. The first-floor extension is critical to providing a family bathroom and adequate living space.
- The proposed single-storey and first-floor extensions are modest, permissible within the Z2 zoning, and designed to integrate seamlessly with the existing dwelling. The extensions would be located at the rear of the property, ensuring no impact on the visual amenities of the Stoneybatter conservation area. The design respects the area's character by maintaining the historic streetscape and adhering to Development Plan standards for residential extensions in conservation zones.
- The proposed extension is designed to minimise impact on neighbouring properties. Following the planner's recommendation, the first-floor depth has been reduced from 3.4 to 2.6 metres. This adjustment allows for a functional family bathroom to serve the two upstairs bedrooms while ensuring the extension remains proportionate to the dwelling. The impact of the proposed extension would be mitigated by the existence of a single-storey extension at 14 Kirwan Street, which extends to the boundary with a narrow courtyard.

- The proposed 2.6-metre-deep first-floor extension would not significantly affect daylight or sunlight to adjacent properties. The ground floors of surrounding dwellings have near 100% site coverage. The extension's location to the north of the terrace would further minimise overshadowing, as the primary light sources for neighbouring properties would be unaffected. The appellant's specialist evidence about overshadowing is outdated, reflecting the original proposal for a 3.4-metre depth.
- The proposed development aligns with several permissions granted by the Council for similar extensions in the Stoneybatter area. An almost identical extension was approved at 13 Kirwan Street in 2009 with no objections. A two-storey extension was approved at 6 Kirwan Street in 2021. Two-storey extensions have been approved at 2 and 4 Kirwan Street Cottages in 2024 and 2025 respectively. A two-storey extension was permitted at 58 Kirwan Street Cottages in 2006 with a floor area below current Development Plan standards.
- Other properties in the area, including 36 Kirwan Street Cottages, 41 and 43 Sitric Road, 3 Murtagh Road, 13 and 46 Viking Road, 15 Ard Righ Road and 41 Kirwan Street, have received permission for first-floor extensions. In each case, the extensions are set back from the rear boundary, and the proximity of neighbouring properties has not been deemed a barrier to approval.

7.3. Planning Authority Response

7.3.1. None

7.4. Observations

7.4.1. The observations of a resident of 13 Kirwan Street Cottages, may be summarised as follows:

- The description of development is no longer inaccurate as the rear single-storey extension was demolished following notification of the Council's decision.
- The proposed development would exceed the existing eaves level and would be visible from the front of Kirwan Street Cottages. It would not be uniform with the existing street or sympathetic to the area.

- The extension would be overbearing due to its height and proximity to the rear of 13 Kirwan Street Cottages and its walled yard. It would cause overshadowing and loss of light to the rear rooms and private open space of that property as the extension would be located to the south of the property. No assessment has been made of the impact of the development on neighbouring dwellings' access to daylight and sunlight.
- A grant of permission would set a precedent for development on Kirwan Street which would have a significantly negative impact on the block of Kirwan Street Cottages which shares a boundary with the Kirwan Street houses.

8.0 Assessment

8.1. Issues

8.1.1. Having inspected the site and considered in detail the documentation on file for this Third Party appeal, it seems to me that the main planning issues are:

- the effect of the proposed development on the residential conservation area;
- its effect on the residential amenity of neighbouring properties; and
- whether, in the event that permission is granted, a levy for light rail is payable.

8.1.2. The fact that planning permission was granted in 2010 for a two-storey rear extension to the application property is relevant to the assessment of the first and second of these issues. However, I have not been able to see drawings showing the size and position of the extension or a planning officer's report explaining the policy and factual considerations which led to permission being granted. It seems that the first floor of the extension was never built and the ground-floor extension has been removed. In these circumstances, I attach little weight to the 2010 permission.

8.2. Residential Conservation Area

8.2.1. It is apparent from the legend on Map E of the Dublin City Development Plan that there is a distinction between Z2 residential conservation areas, which are denoted in yellow; Z8 Georgian Conservation Areas, which are denoted in amber; Conservation Areas, which are denoted by horizontal red hatching; and Architectural Conservation

Areas, which are denoted by diagonal green hatching. The application site is subject to a Z2 residential conservation area designation but not to the other designations.

8.2.2. Policy BHA9 of the Development Plan requires development within a Z2 residential conservation area to contribute positively to its character and distinctiveness and to protect and enhance its character and appearance and setting, wherever possible. The Kirwan Street Z2 zoned area has a distinctive character which sets it apart from surrounding areas of the city. It has a tightly packed layout consisting of small two-storey terraced dwellings and groups of even smaller single-storey cottages. While the front elevation of the Kirwan Street houses is a particularly striking feature, the overall composition of the residential conservation area is no less important.

8.2.3. Attention has been drawn to the uniform relationship that currently exists between the rear eaves line of Kirwan Street and the ridge line of Kirwan Street Cottages. Between 7 and 22 Kirwan Street the rear eaves line is unbroken. Nos. 6, 28 and 41 Kirwan Street, where two-storey extensions have been approved, do not have the same physical relationship with Kirwan Street Cottages. The proposed flat-roofed first-floor extension to the applicant's dwelling would protrude above the existing rear eaves line on Kirwan Street. In my judgement it would be a disruptive and jarring feature when seen from Kirwan Street Cottages. I consider that the development as proposed would materially harm the character and appearance of the residential conservation area contrary to Policy BHA9 and the Z2 zoning objective.

8.2.4. Although yellow colouring is used to highlight the proposed extension, the submitted drawings do not specify materials, finishes and colours. I consider that should planning permission be granted, it would be necessary to attach a condition requiring these matters to be agreed with the planning authority prior to construction.

8.3. **Residential Amenity**

8.3.1. Section 1.1 of Appendix 18 to the Development Plan acknowledges the importance of residential extensions in promoting a compact city and providing for sustainable neighbourhoods where a wide range of families can live. It is manifestly in the public interest for derelict properties such as 13 Kirwan Street to be modernised, made habitable and brought back into use. However, the physical constraints are such that it is unrealistic to expect space standards to be fully met. There is also a limit to the

improvements than can be made without impinging unacceptably on the residential amenity of neighbouring properties.

- 8.3.2. The evidence submitted at appeal stage provides no update on the ownership of the laneway to the rear of 13 Kirwan Street. The laneway is no longer recognisable or usable at this location. I agree with the planning authority that in the event of a grant of permission it would be reasonable to attach a condition stating that no works are to take place over the laneway until proof of full ownership has been provided.
- 8.3.3. Every planning application site has unique characteristics. Assessments of impacts on neighbouring properties call for site-specific judgements. I consider that comparisons with permissions granted on other sites in Stoneybatter are of little assistance in assessing the off-site effects of the proposed development.
- 8.3.4. Section B-B submitted at further information stage shows the proposed ground-floor extension built right up against the back boundary wall of 12 Kirwan Street Cottages. In the event of permission being granted, it would be essential to ensure minimum disruption to that property and other adjoining properties. A condition could be imposed requiring a detailed construction management plan to be submitted and agreed prior to work commencing. The developer would also be liable in private law should construction works cause demonstrable damage or adverse effects to neighbouring property.
- 8.3.5. No windows in the proposed extension would face properties to the east and to the rear. The proposed first-floor side window would directly face the rear of 12 Kirwan Street. I agree with the planning authority that as that window would serve a bathroom it would be reasonable, in the event of planning permission being granted for a two-storey extension, to require the window to be permanently glazed or else redesigned so that it is at least 1.8 metres above floor level. Such a condition would greatly reduce the possibility of direct overlooking of 12 Kirwan Street and 12 Kirwan Street Cottages. I also consider that it would be necessary to prohibit the use of any flat roof as a balcony or terrace. It is my opinion that, subject to these conditions, the concerns expressed about undue loss of privacy are capable of being overcome.
- 8.3.6. The appellant's dwelling, 14 Kirwan Street, including its single-storey extension, covers almost all of its site area. The remaining yard area is exceptionally small, not much deeper than the width of the former laneway. In my judgement, the proposed

first-floor extension with a depth of 2.6 metres would not have an unduly overbearing effect on the yard or on the rest of appellant's property. The single-storey dwellings at 12 and 13 Kirwan Street Cottages also have nearly total site coverage and are in close proximity to the application site. It seems to me that, perhaps paradoxically, because the area is already heavily built up, the reduced first-floor extension would not have a significant additional overbearing effect on these properties.

8.3.7. No. 12 Kirwan Street Cottages is located to the north of the application site. The amount of light reaching its back windows and rear yard will already be affected by the existing pitched roof of 13 Kirwan Street. The resident of 12 Kirwan Street Cottages did not explain how he arrived at the percentage figures he presented for overshadowing of different parts of his property as a result of the two-storey extension originally proposed. However, the relationship of the extension now proposed (with a first-floor depth of 2.6 metres) to the existing pitched roof of the applicant's property and to 12 Kirwan Street Cottages, as depicted on the revised Section B-B, strongly suggests that there would be significant and unacceptable additional overshadowing of the neighbouring resident's property. Having regard to the factors of window height, distance and angle to the horizon set out in the BRE guide, I consider that a daylight and sunlight assessment should have been carried out.

8.3.8. Figures 6 and 7 in the appellant's evidence apply the 45° approach to sunlight and daylight assessment to the original proposal for a 3.4-metre deep first-floor extension. Although the planning officer asserted that a first-floor extension 2.6 metres in depth would not impact adversely on 14 Kirwan Street, I cannot exclude the possibility that in late afternoons and evenings, there would be significant loss of light to the rear first-floor bedroom of No. 14. Properties further to the east, such as No. 16, might also be affected, as might 13 Kirwan Street Cottages to the north. In the absence of a daylight and sunlight assessment, I am not confident that the proposed extension would not have an unacceptable adverse impact on the residential amenity of neighbouring property by reason of overshadowing.

8.4. Light Rail Levy

8.4.1. The application site lies within the area to which Dublin City Council's Luas Cross City (St. Stephens Green to Broombridge Line) Supplementary Development Contribution

Scheme applies. Paragraph 11 of the scheme exempts domestic extensions from the requirement to pay development contributions under the scheme.

8.5. Conclusion

- 8.5.1. I have concluded that the proposed first-floor extension would materially harm the character and appearance of the residential conservation area and may cause unacceptable overshadowing to several neighbouring properties. It seems to me that the current proposal seeks to cram too much built development into a highly congested space and that a grant of permission for a two-storey extension in this terrace would set a bad precedent. It would still be possible to provide all essential domestic facilities if only a single-storey extension were constructed. I consider, therefore, that the first-floor extension should be omitted in its entirety.

9.0 Appropriate Assessment Screening

- 9.1. Having considered the nature, location and modest scale of the proposed development, the nature of the receiving environment as a built-up urban area, the nature of the foreseeable emissions therefrom, the availability of public piped services to accommodate the foul effluent arising therefrom, the distance from the nearest European site and the absence of any known hydrological link between the application site and any European site, I am content on the basis of objective information that the development is not likely to have a significant effect on any European site, either alone or in combination with other plans or projects. I therefore conclude that the carrying out of an appropriate assessment under Section 177V of the Planning and Development Act 2000 is not required.

10.0 Recommendation

- 10.1. I recommend to the Commission that planning permission be granted, subject to the conditions set out below.

11.0 Reasons and Considerations

- 11.1. Having regard to the provisions of the Dublin City Development Plan 2022-2028, including the Z2 zoning that pertains to the site, it is concluded that, subject to

compliance with the conditions set out below, the development would not seriously injure the amenities of the area or of neighbouring properties and would accord with the proper planning and sustainable development of the area.

12.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on 27th February 2025, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended by the omission in its entirety of the proposed first-floor extension. Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To preserve the character and appearance of the residential conservation area and in the interest of residential amenity.</p>
3.	<p>No works over the former laneway to the rear of the existing dwelling shall commence until the planning authority has been furnished with written confirmation that the land is in the full ownership of the applicant, and until the planning authority has certified in writing that it is content with this confirmation.</p> <p>Reason: In the interest of orderly development.</p>
4.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works. Prior to the commencement of development, the developer shall submit proposals for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: To prevent flooding and in the interest of sustainable drainage.</p>

5.	<p>Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>No flat roof of the property shall be used as a balcony or terrace, unless authorised by a prior grant of planning permission.</p> <p>Reason: To protect the residential amenities of neighbouring properties.</p>
7.	<p>Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction and demolition waste.</p> <p>Reason: In the interest of public safety and amenity.</p>

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.



TREVOR A RUE

Planning Inspector

7th July 2025

Appendix 1 – Form 1: EIA Pre-Screening

Case Reference	322349-25		
Proposed Development Summary	Extension to dwelling		
Development Address	13 Kirwan Street, Stoneybatter, Dublin 7		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "project" means: - The execution of construction works or of other installations or schemes; - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	Yes	✓	
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
No	✓	Proceed to Q3.	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5 of the Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994?			
No	✓	No further action required.	



TREVOR A RUE

Planning Inspector

7th July 2025