



An
Coimisiún
Pleanála

Inspector's Report

ABP-322474-25

Development	Demolition of extension, construction of conservatory and other alterations with all associated works.
Location	Iona, Dalkey Avenue, Dalkey, Co. Dublin, A96 V673
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D25A/0145/WEB
Applicant(s)	Maria Sweeney.
Type of Application	Permission.
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant(s)	Michael & Niamh O'Higgins.
Observer(s)	None.
Date of Site Inspection	19 th June 2025.
Inspector	Oluwatosin Kehinde

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1.0 Site Location and Description

- 1.1. The 0.03 ha site is along Dalkey Avenue, close to the Dalkey Park, Dalkey Avenue and Cunningham Road junction. The site consists of an existing detached dwelling with rear and side flat roof extensions.
- 1.2. The site is triangular in shape and bounded by a stone wall along Dalkey Avenue. Access to the site is off Dalkey Avenue via a pedestrian gate and a double door built into the stone boundary.
- 1.3. The site is within a residential setting and bounded to the north by a dwelling house (Gurteen). A green park (Clay Hill) bounds the site to the west and is bounded to the south and east by Dalkey Park and Dalkey Avenue Roads.

2.0 Proposed Development

- 2.1. It is proposed to demolish an 18.40m² side extension and construct an extension comprising 48m² gross floor area to the existing house.
- 2.2. The proposal will include a two-storey conservatory and balcony extension to the side and another two-storey extension with a balcony to the rear of the existing house.
- 2.3. The works also include the raising of the existing pitched roof by 1.9m at ridge level to accommodate the bedrooms.
- 2.4. To widen the existing car park entrance and all ancillary site works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority (PA) granted permission subject to 7 conditions. The conditions are generally standard in nature, but the following are noted:

- Condition 2 relates to fitting the first-floor bathrooms with frosted glazing.

- Condition 5 relates to the sedum roof to be designed, installed and maintained in accordance with the development plan, BS EN 12056-3:2000 and the SUDS Manual (CIRIA C753).
- Condition 6 relates to maintaining the current width of the vehicular entrance.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The PA decision to grant permission is consistent with the Planning Officer's (PO) report. The PO had safety concerns relating to the proposed vehicular access and conditioned the proposal to maintain the current access. There were also overlooking concerns relating to the western bathroom proposed on the first floor. The PO considered that these issues could be addressed by way of conditions.

3.2.2. Other Technical Reports

- Drainage – Report dated 31/03/25 stated no objection subject to compliance with the surface water runoff requirements of the PA.
- Transportation Planning – Report dated 07/04/25 stated no objection subject to conditions. I note that one of the conditions is to omit the proposed vehicular entrance and parking from the development. The engineer had concerns about the proposed vehicular entrance and parking arrangement associated with the development.

3.3. Prescribed Bodies

No referrals made to prescribed bodies

3.4. Third Party Observations

The PA received 3 submissions and the issues raised can be summarised as follows:

- There are concerns regarding the increased height of the house.
- There were privacy and overlooking concerns relating to windows and balconies proposed.

- Loss of residential amenity.
- Previous refusal for a similar development on the site.

4.0 Planning History

No relevant planning history on the site.

5.0 Policy Context

5.1. Section 28 Ministerial Guidelines

- 5.1.1. Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024).

SPPR 1 – Separation Distances

It is a specific planning policy requirement of these Guidelines that statutory development plans shall not include an objective in respect of minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level. When considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms¹⁶ at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.

There shall be no specified minimum separation distance at ground level or to the front of houses, duplex units and apartment units in statutory development plans and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy.

In all cases, the obligation will be on the project proposer to demonstrate to the satisfaction of the planning authority or An Bord Pleanála that residents will enjoy a high standard of amenity and that the proposed development will not have a

significant negative impact on the amenity of occupiers of existing residential properties.

5.2. Development Plan

- 5.2.1. The relevant Development Plan is the Dun Laoghaire Rathdown County Development Plan 2022-2028. The site is zoned 'A' with the objective to provide residential development and improve residential amenity while protecting the existing residential amenities.
- 5.2.2. The Development Plan supports the retention and adaption of existing housing stock by facilitating suitably designed domestic extensions. Section - 4.3.1.2 Policy Objective PHP19: Existing Housing Stock - Adaptation states that 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. Density existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods"*.
- 5.2.3. Section 12.3.7.1 relates to the guidance with respect to porches, front extensions, side extensions, rear extensions, roof alterations, attic conversions and dormer extensions.
- 5.2.4. Section 12.4.8.1 – Vehicular Entrances and Hardstanding Areas

In general, for a single residential dwelling, the maximum width of an entrance is 3.5 metres. For a shared entrance for two residential dwellings, this may be increased to a maximum width of 4 metres. Each car parking space for a residential dwelling shall have a minimum length of 5.5 metres depth to ensure the parked car does not overhang onto the existing public footway and a minimum width of 3 metres to allow for clearance from nearby wall/steps/boundary.

5.3. Natural Heritage Designations

Proposed Natural Heritage Areas (pNHA) Dalkey Coastal Zone And Killiney Hill is located approximately 258m south of the site.

Rockabill to Dalkey Island SAC is located approximately 1.2km east of the site

Dublin Bay and River Tolka Estuary SPA and proposed South Dublin Bay (pNHA) are located approximately 3.6km north west of the site.

South Dublin Bay SAC is located approximately 3.7km north west of the site.

6.0 EIA Screening

- 6.1. The 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 (or Part V of the 1994 Roads Regulations). 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 the report.

7.0 The Appeal

7.1. Grounds of Appeal

This is a Third Party appeal by Michael & Niamh O'Higgins and the grounds for appeal, as raised in the submission can be summarised as follows:

- The windows to the front of the proposed development are facing the appellant's house and front garden. The main window of the front door of the proposed development is positioned at a height directly facing into the appellant's bedroom.
- The proposed south facing balcony will overlook the outdoor living space and also into the front rooms.
- The proposed additional roof height will cut off westerly evening sun.
- Previous similar development on the site was rejected, and it is expected that this application will reach a similar outcome.
- No objections to the development on the site if concerns are addressed before the planning application is processed.

8.0 Assessment

8.1. Having examined the application details and all other documentation on file, including the submission received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Residential and Visual Amenity
- Other Matters

8.2. Principle of Development

8.2.1. The site is within a residential area and zoned 'A' with the objective to provide residential development and improve residential amenity while protecting the existing residential amenities. The proposed development is for the extension and alteration to an existing house and the widening of the existing entrance. The extension proposed has a gross floor area of 48m², relating to the side and rear of the existing house. I note that the Dun Laoghaire Rathdown County Development Plan 2022-2028 encourages the adaptation of existing housing stock by facilitating suitably designed domestic extensions. Accordingly, the principle of the proposed development is acceptable subject to normal planning and environmental considerations.

8.3. Residential and Visual Amenity

8.3.1. Having reviewed the drawings submitted, the proposed development will adapt the existing house to provide for an increased ridge level with two storey additions to the west and south sides of the house. The development will also provide for a dormer window to the front (east elevation). The appellant has raised concerns about the proposed front windows facing their house and private front garden. I note that the appellant's property is located directly opposite the subject site on the other side of Dalkey Avenue. The windows in question relate to the proposed two bedrooms on the first floor and openings associated with the main bathroom and stairway. I note SPPR 1 of the compact settlement guidelines that provide for a maximum separation distance of 16m between opposing windows (see full text in Section 5.1). Upon site visit and on the basis of the information provided, I note that the separation distance

between the opposing windows is approximately 17m and as such, I am of the view that the development will not lead to any significant negative impact on the recreational area of the appellant's house.

- 8.3.2. Furthermore, there are concerns that the main window of the front door directly faces the appellant's bedroom. Again, from reviewing the drawings submitted, there are no changes proposed to the front door, and I can only assume that the window of concern is the proposed opening directly above the front entrance porch/lobby on the first floor. This window is associated with the proposed main bathroom and notwithstanding the separation distance, I am of the opinion that safeguarding against privacy issues to and from the window is reasonable. I am also of the view that the other proposed ensuite bathroom window to the west would have the same privacy concerns, given its proximity to the public green park (Clay Hill) bounding the site on the western side. Having regard to the associated use of these bathroom windows, I am of the view that installing the windows with opaque glazing would address the privacy issues. If the Board is minded to grant permission, I recommend that a condition relating to fitting the first-floor bathroom windows with obscure glazing be included.
- 8.3.3. The proposal also includes two balconies. The first balcony will be situated to the rear of the house and located approximately 35m from the adjoining house to the north (Gurteen) and I also note that there is mature planting that provides additional screening to avoid any form of overlooking. The second balcony is located to the side of the house due south and the appellant has raised concerns about overlooking into their outdoor living space and their front rooms. I note that the depth of this balcony will be c.1.19m and I consider that at this depth the use of the balcony would be restricted. Nonetheless there is still a potential for overlooking of the appellant's property and I am of the view that extending the balustrade on the east side of the balcony to a height of 1.8m will address the overlooking issue. If the Board is minded to grant permission, I recommend that a condition be included to revise the height of the said balustrade.
- 8.3.4. The proposed development includes increasing the height of the roof to accommodate bedrooms on the first floor. In carrying out these works, the height of the house will be c. 7.556m at ridge level. The appellant asserts that the increase in the roof will cut off westerly evening sun. Having regard to the proposed height of the

house and the separation distance to appellant's property, I am of the view that the proposed development will not lead to any loss of sunlight.

- 8.3.5. In conclusion, I consider that the proposed development is appropriately designed and scaled. The works proposed are in keeping with the existing house and the development will not detract from the general pattern of development in the area. I consider that the proposed development will not lead to any undue overlooking or overshadowing of properties within the vicinity. Accordingly, I consider that the adaptation of the existing house as proposed will not negatively impact on the residential and visual amenities of the surrounding houses.

8.4. Other Matters

Recent Planning History

- 8.4.1. The appellant notes that the proposed development is similar to a previously refused application on the subject site. Based on the information submitted, there is no planning history on the site. I also note the planner's report stating that there is no recent or relevant subject site history recorded on the subject site. Nonetheless, I view the proposed development to be a standalone development and considered on its own merit.

Vehicular Entrance

- 8.4.2. It is proposed to widen the existing car park entrance, and I note that the entrance is close to the Dalkey Park, Cunningham Road and Dalkey Avenue junction. I refer the Board to the transport engineer's report stating safety concerns regarding the proposed vehicular entrance. Having regard to the configuration of the site, the proposal would require parallel parking to the rear of the footpath that may lead to obstruction of the footpath. I also view that trying to access or exit the site from the proposed vehicle entrance could lead to traffic safety issues because of its proximity to the junction. Furthermore, I note Section 12.4.8.1 of the Development Plan that provides for a maximum entrance width of 3.5m. The development proposes a width of c. 8.15m and this conflicts with the maximum specification set out in the development plan. If the Board is minded to grant permission, I recommend that the proposed vehicular entrance be omitted from the development.

9.0 AA Screening

- 9.1. I have considered the proposed extension in light of the requirements S177U of the Planning and Development Act 2000 as amended.

Rockabill to Dalkey Island SAC is located approximately 1.2km east of the site

Dublin Bay and River Tolka Estuary SPA is located approximately 3.6km north west of the site and South Dublin Bay SAC is located approximately 3.7km north west of the site.

The proposed will adapt the existing house to provide for an increased ridge level with two storey additions to the west and south side of the house. It is also proposed to widen the existing vehicular entrance and all associated ancillary site works.

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 it could not have any effect on a European Site.

The reason for this conclusion is as follows

- Scale and nature of the development
- Distance from nearest European site and lack of connections

I conclude, on the basis of objective information, that 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 (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive (WFD)

- 10.1. The development comprises the extension to an existing house, widening of the existing vehicular entrance and all associated site works.

No water deterioration concerns were raised in the planning appeal.

I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where

necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Having regard to the small scale and nature of the development.
- Lack of hydrological connections to Killiney Bay located c.950m south of the site.

Conclusion

I conclude that on the basis of objective information, that the development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

- 11.1. I recommend that permission should be granted subject to conditions as outlined below.

12.0 Reasons and Considerations

- 12.1. Having regard to the nature and scale of the proposed development and its location within residential use zone 'A', it is considered that the proposal would be in accordance with the Dun Laoghaire Rathdown County Development Plan 2022-2028, and subject to compliance with the conditions set out below, the proposed development would not seriously impact on the residential or visual amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be modified as follows:</p> <ul style="list-style-type: none">a. All the first-floor bathroom windows shall be fitted with opaque glazing.b. The eastern balustrade of the balcony proposed to the south of the dwelling shall be extended to a height of 1.8m and fitted with opaque glazing.c. The proposed vehicular entrance and parking area shall be omitted from the proposed development. <p>Reason: In the interest of visual amenity and traffic safety.</p>
3.	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>The sedum green roof shall be designed, installed and maintained in accordance with the requirements of Appendix 7.2 of the County Development Plan 2022-2028, BS EN 12056-3:2000 and the SUDS Manual (CIRIA C753).</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</p>
4.	<p>Site development and building works shall be carried out only between the hours of 0700 and 1800 Mondays to Fridays inclusive, between 0800 to 1300 hours on Saturdays and not at all on Sundays and public holidays. Deviation</p>

	<p>from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of properties in the vicinity.</p>
5.	<p>All necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads, including responsibility and repair for any damage to the public road to the satisfaction of the planning authority, during the course of the works.</p> <p>Reason: To protect the amenities of the area.</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.

Oluwatosin Kehinde
Senior Planning Inspector

3rd July 2025

Form 1

EIA Pre-Screening

An Coimisiún Pleanála Case Reference	ABP 3224474-25		
Proposed Development Summary	Demolition of existing side extension and construction of new extensions, widened vehicular entrance and all associated site works		
Development Address	Iona, Dalkey Avenue, Dalkey, Dublin		
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	X	
	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	X		
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No			
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			

Yes			
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5. Has Schedule 7A information been submitted?		
No		Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ Date: _____