

An
Coimisiún
Pleanála

Inspector's Report ABP-322714-25

Development	First-floor extension to the side and rear, including a new canopy over the front door, which is positioned to the front/side of the house. Additionally, two new side windows will be added on the first floor.
Location	61 Sweetmount Avenue, Dundrum, Dublin 14, D14YH98
Planning Authority	Dún Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.	D25B/0108/WEB
Applicant	Jamie Sherry
Type of Application	Permission
Planning Authority Decision	To grant permission with conditions
Type of Appeal	First Party
Appellant	Jamie Sherry
Observers	None
Date of Site Inspection	21 st July 2025
Inspector	Trevor Rue

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1.0 Site Location and Description

- 1.1. The application site, which has a stated area of 0.038 hectares, is in Churchtown about 7.9 kilometres to the west of Dún Laoghaire. It comprises a 1½-storey semi-detached dwelling with a pitched roof running parallel to the road and a single-storey, mainly flat-roofed extension to the rear. It is set back from the public road with off-street parking and a small garden area to the front. The main door is on the eastern elevation to the side of the dwelling and the primary amenity space is situated to the rear.
- 1.2. The site is in an established residential area and is bounded by two dwellings – 63 Sweetmount Avenue to the west, and 61B Sweetmount Avenue to the east. The garage which serves No. 61B is on the southern boundary of the site.
- 1.3. No. 61B occupies an L-shaped corner site. Its eastern boundary on Sweetmount Drive is marked by a high wall. The wall contains a pedestrian access and a vehicular access to the garage and forms the side of a shed in the back garden. There is significant vegetation in the vicinity of the vehicular access. A semi-detached dwelling, 1 Sweetmount Drive, lies to the south of No. 61B.

2.0 Proposed Development

- 2.1. It is proposed to:
 - construct a flat-roofed first-floor extension to the eastern side and rear of the dwelling, over the existing ground-floor accommodation;
 - install a high-level window in eastern elevation of the proposed first-floor extension;
 - place a linear canopy over the main door of the dwelling, replacing a hipped-roofed structure; and
 - install a full-height first-floor window in the existing eastern elevation of the dwelling above the proposed new canopy.
- 2.2. The proposed first-floor extension would be 9.153 metres long, 6.9 metres wide, about 5.4 metres high and about 1 metre from the boundary with No. 61B.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 21st May 2025, Dún Laoghaire-Rathdown County Council decided to grant permission subject to seven conditions. Condition 1 required accordance with submitted plans, particulars and specifications. Condition 3 stated that the dwelling shall not be sub-divided or used as two or more separate habitable units. Conditions 4 to 7 concerned development contributions.
- 3.1.2. Condition 2 required the first-floor rear extension to be reduced by 2 metres in length, in the interest of orderly development.

3.2. Planning Authority Reports

Planning Reports

- 3.2.1. A planner's reports provided the reasoning for the authority's decision. The main points were as follows:
- Notwithstanding the dwelling's existing construction, the development should have regard to use of materials and long-term climate action as regards energy efficiency in buildings and construction materials.
 - The planning authority had concerns that the proposed first-floor extension would overbear and overshadow the adjoining property, 61B Sweetmount Avenue. There was an opportunity for the applicant to reconsider the design of this element and to set it back from the boundary with No. 61B, to reduce its extent and to bring it into line with the building line of the rear extension to that dwelling. The applicant was requested to submit a revised proposal, reducing the bulk, mass and scale of the proposed upper-floor extension and demonstrating that no undue overbearance, overshadowing or overlooking effects to adjacent properties would occur.
 - The applicant in his response to the further information request did not revise his proposal but referred to several developments approved in the area. While the precedent examples broadly reflect the proposed extension, the response fails to acknowledge the constraints of the application site. The applicant's

dwelling is located next to a corner plot and due to its depth is highly visible from the street. The extensions cited by the applicant (including the one at 1 Sweetmount Drive) are set behind a dwelling and not visible from the side or from a corner.

- The proposed rear extension would present as a visually dominant and overbearing structure when viewed from the adjacent street and would result in significant adverse impacts on surrounding residential and visual amenity. These concerns can be addressed by a condition requiring a reduction in the length of the extension.
- The proposed alteration to the canopy would not be a significant departure from the existing design and would not lead to any overbearance, overshadowing or overlooking.
- In regard to development contributions, it is stated on the application form that the proposed extension would comprise 42 square metres of new floor space.

Other Technical Reports

3.2.2. The Council's Drainage Planning Engineer had no objection.

4.0 Planning History

4.1. Land adjoining 61 Sweetmount Avenue (now 61B Sweetmount Avenue)

4.1.1. **D07A/0509:** On 24th July 2007, permission was granted for a two-storey, four-bed detached house with bay windows to front, dormer-style roof windows to front and rear, and windows to gable facing Sweetmount Drive.

4.2. 1 Sweetmount Drive

4.2.1. **D06B/1057:** On 30th May 2007, the Council decided to grant permission for modifications to the existing house including a gabled extension to the rear and side over the existing single storey flat-roofed extension and garage. On 24th October 2007, following First and Third Party appeals (**224064**), An Bord Pleanála granted permission but required the proposed rear dormer extension, abutting the southern party boundary, to be reduced in length by 500 millimetres and the dormer window to be reduced in width to 1 metre.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. Land Use Zoning Map 1 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 indicates that the application site is subject to Objective A, to provide residential development and improve residential amenity while protecting existing residential amenities.
- 5.1.2. Policy Objective CA7 of the Development Plan is to support the use of structural materials in the construction industry that have low to zero embodied energy and carbon dioxide emissions.
- 5.1.3. Section 4.3.1.2 of the Plan refers to actively promoting and facilitating adaptation of existing housing stock to accommodate changing household size and needs. It says that retention and adaption of stock will be further encouraged by facilitating suitably designed domestic extensions.
- 5.1.4. Section 12.3.7.1(ii) of the Plan states that first-floor rear extensions will be considered on their merits, noting that they can have potential for negative impacts on the amenities of adjacent properties, and will 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.
- 5.1.5. Section 12.3.7.1(ii) of the Plan states that first-floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable. However, in certain cases a set-back of an extension's front façade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape, and avoid a "terracing" effect. External finishes shall normally be in harmony with existing.

5.2. Natural Heritage Designations

5.2.1. The application site is not in any Natura 2000 site of European nature conservation importance. The nearest Natura 2000 sites are:

- South Dublin Bay Special Area of Conservation (SAC), about 5 kilometres to the east, designated for mudflats and sandflats, annual vegetation of drift lines, annuals colonising sand and mud and embryonic shifting dunes;
- South Dublin Bay and River Tolka Estuary Special Protection Area (SPA), about 5 kilometres to the east, designated for various bird species;
- Wicklow Mountains SAC, about 6 kilometres to the south west, designated for oligotrophic waters, natural dystrophic lakes and ponds, heaths, grasslands, blanket bogs, siliceous scree, rocky slopes, old sessile oak woods and otter;
- Knocksink Wood SAC and Nature Reserve, about 9 kilometres to the south, designated for petrifying springs, old sessile oak woods and alluvial forests;
- Rockabill to Dalkey Islands SAC, about 11 kilometres to the east, designated for harbour porpoise;
- Dalkey Islands SPA, about 11 kilometres to the east, designated for various bird species; and
- Ballyman Glen SAC, about 11.5 kilometres to the south, designated for petrifying springs and alkaline fens.

5.2.2. Table 8.3 of the Development Plan lists six proposed National Heritage Areas which are not SACs or SPAs in the area served by Dún Laoghaire-Rathdown County Council – Booterstown Marsh; Dalkey Coastal Zone and Killiney Hill; Fitzsimons Wood; Loughlinstown Woods; Dingle Glen; and Ballybetagh Bog

6.0 Environmental Impact Assessment Screening

6.1. 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 (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 report.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. The grounds of appeal may be summarised as follows:

- National planning policy supports compact growth, infill development and the adaptive reuse of existing housing stock. The proposed extension represents a sustainable and appropriate response to growing family needs without placing demand on additional land or infrastructure.
- The proposal is fully in accordance with key policy objectives of the Dún Laoghaire-Rathdown County Development Plan 2022-2028. The extension would be subordinate to the existing dwelling. It would use materials in keeping with the original house. It would not give rise to overbearing, overlooking or overshadowing impacts. It would provide modern family accommodation within an existing built-up area.
- Condition 2 is unreasonable, unjustified and unsupported by the evidence presented. The removal of 2 metres would severely compromise the internal layout and utility of the extension, defeating its core purpose.
- The rationale for requiring a 2-metre reduction changed significantly between the further information request and the planner's final report. Initially, the planning authority focused solely on the perceived impact on the adjoining property, No. 61B. In response the applicant submitted clear and compelling evidence demonstrating that there would be no significant impact on that property. It was pointed out that (i) the extension would be set back by 1 metre from the shared boundary – in the suburban context of Dundrum, such a separation is generous; (ii) it would have a modest 5.4-metre height with a flat roof to reduce scale; (iii) there would be no overlooking due to the absence of significant new first-floor side-facing windows; and (iv) the occupant of No. 61B had not objected.
- The planning authority then shifted the justification to one of visual impact from the street, arguing that the site is more exposed due to its location near a corner. This rationale contradicts the earlier position and is not supported by

any objective analysis such as a visual impact study or photomontage. The appellant submitted 10 photographs and other illustrations with his statement.

- The assertion that the site is highly visible from the street is demonstrably incorrect. The house is situated mid-block on a sloping street, not directly on the corner. The actual corner site is occupied by No. 61B, which sits on higher ground and obscures views from the street. There are tall boundary walls, mature hedges and a large shed at No. 61B that physically block any significant view of the application site from Sweetmount Drive or Sweetmount Avenue. From the public road, even the upper level of the proposed extension would be largely concealed by existing structures and vegetation.
- The site is less visible than others in the area, including 1 Sweetmount Drive, which is plainly visible from multiple public viewpoints. Permission was granted for a substantial two-storey extension to the side and rear of that dwelling with a setback of just 0.48 metres from the shared boundary with 61 and 63 Sweetmount Avenue. Boundary adjacency was not considered to be a limiting factor in that case.
- Other local permissions, relating to sites in Meadow Mount, Meadow Grove and Laurel Drive, feature substantial two-storey extensions within minimal or no separation distances to adjacent boundaries and, in some cases, strong local objections. There is a pattern of permissions being granted for extensions that are larger in bulk and scale, closer to shared boundaries, and more visually prominent than the appellant's proposal. This is a material planning consideration and the principle of consistency should be applied in the absence of any material difference in context or impact.
- Condition 2, if enforced, would significantly impair the functionality and usability of the proposed first-floor space. A 2-metre reduction in length would remove a substantial portion of the bedroom. It would compromise headroom, circulation and storage, all of which are critical to making the extension a viable long-term solution for the appellant's growing family. The condition undermines the entire rationale for the application and strikes at the heart of its value and purpose. It imposes a disproportionate and unreasonable burden on the appellant for a marginal or unproven visual gain.

7.2. Planning Authority Response

- 7.2.1. The planning authority considered that the grounds of appeal do not raise any new matter which would justify a change of attitude to the proposed development.

8.0 Assessment

- 8.1. Having inspected the site and considered in detail the documentation on file for this First Party appeal, it seems to me that the sole planning issue is whether the requirements of the planning authority's Condition 2 are justified in the interests of the visual amenity of the area and/or the residential amenity of neighbouring properties.
- 8.2. I am satisfied, having regard to the nature of Condition 2, that determination by the Commission of the application as if it had been made to it in the first instance would not be warranted. It seems to me that, pursuant to Section 139 of the Planning and Development Act, the Commission has discretion to give to the planning authority such directions as it considers appropriate relating to the attachment, amendment or removal of Condition 2.
- 8.3. The acceptability in principle of the development is not at issue. The Dún Laoghaire-Rathdown County Development Plan, at Section 4.3.1.2, seeks to promote and facilitate adaptation of existing housing stock to accommodate changing household size and needs, but encourages suitably designed domestic extensions. The main purpose of the proposed development is to accommodate a new bedroom. The proposed canopy and windows are not in themselves controversial.
- 8.4. Section 12.3.7.1(ii) of the Development Plan states that first-floor rear extensions will be permitted only where there will be no significant negative impacts on surrounding residential or visual amenities. The planning authority was concerned that the proposed increase in the height of the extension to 5.4 metres would overbear and overshadow the adjoining property, 61B Sweetmount Avenue, from which the extension is separated by only 1 metre.
- 8.5. The plans for No. 61B, approved in 2007, indicate that the back garden is about 14 metres long. The proposed first-floor extension would protrude by about 2.4 metres beyond the back wall of the dwelling and would affect only the north-western corner of the garden. It would not, in my judgement, cause any significant overbearance or

overshadowing impacts to the property as a whole. I consider that the requirement to step back the extension by 2 metres is not justified on residential amenity grounds.

- 8.6. The planner's second report stated that the proposed rear extension would be visually dominant and overbearing when viewed from the adjacent street. I do not agree with this assertion. I concur with the appellant's analysis and with his conclusion that from the public road even the upper level of the extension would be largely concealed by existing structures and vegetation. I see no justification for requiring the first floor of the extension to be reduced by 2 metres in length.
- 8.7. Every planning application site has unique characteristics. The approved developments cited by the appellant differ from his proposals with respect to factors such as size, bulk, design, proximity to boundaries and three-dimensional relationship with neighbouring properties. In arriving at the view that Condition 2 should be removed, I have not attached significant weight to these permissions.
- 8.8. I have considered whether the removal of Condition 2 would have a knock-on effect on Conditions 4 to 7, which are to do with development contributions. I find that it would not, because those conditions are based on an unaltered extension of 42 square metres. The sums quoted appear to be derived from Table A in the Dún Laoghaire-Rathdown County Council Development Contribution Scheme 2023-2028 and updated in accordance with the tender price index.

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 the Commission to make the following direction:

Having regard to the nature of the condition the subject of the appeal, the Commission is satisfied that the determination by the Commission of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs Dún Laoghaire-Rathdown County Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 2 and the reason therefor.

11.0 Reasons and Considerations

11.1. Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, including Objective A which pertains to the application site, and to the nature, form, scale and design of the proposed development, it is considered that in the absence of Condition 2, the development would not seriously injure the visual or residential amenities of the area and would be in accordance with 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.




TREVOR A RUE

Planning Inspector

31st July 2025

Appendix 1 – Form 1 EIA Pre-Screening

Case Reference	APB-322714-25
Proposed Development Summary	<i>Extension and alterations to dwelling</i>
Development Address	<i>61 Sweetmount Avenue, Dundrum, Dublin 14</i>
	In all cases check box /or leave blank
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)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: 
TREVOR A RUE

Date: 31st July 2025