



An
Coimisiún
Pleanála

Inspector's Report

ACP-322846-25

Development	Demolition of the existing single storey extensions to the rear. Construction of a 45.23m ² ground floor kitchen and living room extension, 24.63 m ² first floor bedroom an en-suite extension max height of 6.06m above finished floor level and 39.06m ² home office and gym garden room to the rear of the site and all associated site works
Location	8, Albany Road, Ranelagh, Dublin 6
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB1714/25
Applicants	Tom and Leanne Kennedy
Type of Application	Permission
Planning Authority Decision	To grant permission with conditions
Type of Appeal	Third Party
Appellants	Rebecca Graham and Caitríona Fisher; Eugene Hillery and Deirdre Hillery; and Kate Flynn and Henry Lyons Joseph Byrne Micheal O'Cairtain Anita Kerrigan
Observers	None
Date of Site Inspection	26 th August 2025
Inspector	Trevor Rue

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1.0 Site Location and Description

- 1.1. The application site, with a stated area of 0.045 hectares, is in a suburban neighbourhood about 3 kilometres to the south of Dublin City Centre. It comprises a two-storey semi-detached Victorian-style redbrick house on the southern side of Albany Road. The property has a front garden enclosed by railings and a relatively large rear amenity space. There is on-street vehicular parking to the front of the house.
- 1.2. The house has a double-pitched roof which runs parallel to the road with a ridge height of 8.7 metres. It has a two-storey rear return with a pitched roof which accommodates a study and kitchen on the ground floor and a bathroom and bedrooms above. A single-storey conservatory with a hipped roof is attached to the back of the return. There is a paved area to the rear of the house, within which a pergola is situated. Beyond that are grassed and gravel landscaping areas traversed by concrete slabs. There is mature vegetation on the site including a large tree near the end of the garden.
- 1.3. The house is part of a row of similar, mainly semi-detached, dwellings, with a uniform façade treatment and eaves level. The opposite, northern side of the street is occupied by a church building and its extensive grounds.

2.0 Proposed Development

- 2.1. It is proposed:
 - to demolish the conservatory and move the pergola further back;
 - to expand the ground floor to provide a large open-plan kitchen, dining and living room that would open on to an outdoor terrace;
 - to extend the first floor to create two new large bedrooms with *en-suite* facilities – labelled Lizzy’s Bedroom and Bedroom 3 – as well as a laundry room; and
 - to construct a garden room at the rear of the site to accommodate a home office, a gym with bathroom, and a store.
- 2.2. The proposed ground-floor accommodation would extend back beyond the existing return by 6.255 metres. The flat roof of the ground floor where it would project beyond the extended first floor would be 3.375 metres in height. The drawings show the side wall finished in brick and the back wall in alu/steel glazing. There would be two long linear roof lights, one over the kitchen and one over the back wall of the extension.

The outdoor terrace would be framed by a contemporary pergola with a retractable louvred awning so that the space can be covered during inclement weather.

- 2.3. The first-floor extension would extend back by 5.07 metres and be set back from the ground floor by 1.185 metres. It would rise to a maximum height of 6.06 metres and have a mono-pitched roof, slanting downwards from west to east. A chimney would rise above the extension to a height of 7.13 metres. The walls would be finished in standing seam cladding. Two existing roof lights would be retained. Lizzy's bedroom would have two west-facing windows. Bedroom 3 would have a south-facing window and another window at the south-western corner. The west-facing section of that window would be made of a solid insulated panel.
- 2.4. The garden room would have an asymmetrical V shape. Its flat roof would be 3.38 metres high with clerestory glazing above. It would wrap round the existing mature tree. Screw piles and a lightweight construction would be used to avoid would damaging its root system. The walls would be finished in selected bricks and alu/steel glazing. A patio would be created in the space between the arms of the garden room. Most of the rear garden would be sown in grass. A straight line of concrete slabs would be formed between the patio and the outdoor terrace to the rear of the house.
- 2.5. The submitted drawings also show a proposed cats' house on the eastern site boundary immediately behind the proposed ground-floor extension. It would be 4.4 metres long, 1.26 metres wide and 2.03 metres high. Its walls would be finished in brick with glass above.

Supporting Documents

- 2.6. The applicants submitted a **design statement** in support of their application. It explains that they have recently purchased 8 Albany Road and intend to invest a significant amount in upgrading the existing building in terms of sustainable heating systems and envelope performance as well as conservation works to the existing historic sash windows, all while respecting the existing building character.
- 2.7. The design statement says that the proposed contemporary extension was designed to be in harmony with the existing buildings in materials and scale. The ground-floor extension would be finished in a red brick complementary to the existing clay bricks used in the original houses. The height and size of the ground-floor extension would broadly match that of the existing extension to the rear of No. 7. The thin-framed

glazing system would add a contemporary expression to the extension with the pergola frame, further adding to the layering effect the rear elevation.

- 2.8. The design statement refers to approved first-floor extensions at 1 and 2 Albany Road and at 18 Tudor Road to the south, which establish precedent for such extensions in the area. The scale and massing of the proposed first-floor extension were carefully considered to ensure it would not be overbearing or overlook the neighbouring properties. The mono-pitch roof would minimise shading of the properties. This would be achieved by setting the eaves height to match that of the existing return and the ridge height more than 1.6 metres below the existing ridge height of the return. The use of standing seam metal cladding would also help to break down the volume of the extension. This approach has led to a high-quality contemporary design that is both subservient and complementary to the existing buildings.
- 2.9. The design statement argues that while any first-floor development causes some shadowing of neighbouring properties, the proposed development would not have a significant negative impact. On the summer solstice and at the spring equinox, No.7 would be unaffected by the development after 11am. At 9am, No. 7 would experience minimal shading across a small section of the roof of its extension. On the summer solstice, No. 9 would be unaffected until well after 1pm and the additional shadowing caused by the development at 4pm and 6pm would affect only a small fraction of the remaining garden area still in direct sunlight. At the spring equinox, No.9 would be unaffected up until just before 1pm and the additional area of the property in shadow would be minimal.
- 2.9. The **shadow study** contains 20 images representing:
- 20th March (spring equinox) at 9am, 11am, 1pm, 4pm and 6pm; existing and proposed
 - 21st June (summer solstice) at 9am, 11am, 1pm, 4pm and 6pm; existing and proposed
- 2.10. A **drainage design report** was also submitted. In regard to surface water drainage, it states that it is proposed to install an on-site soakaway for roof runoff collected from the rear extension and the gym/office area.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 28th May 2025, Dublin City Council decided to grant planning permission, subject to 11 conditions. Condition 1 required compliance with the submitted plans, particulars and specifications. Condition 2 required a development contribution. Condition 4 required the house and extensions to be retained as a single dwelling unit and not used as commercial premises. Condition 5 required the garden room to be used as indicated in the application and not for human habitation and not to be sold or leased separately from the dwelling. Condition 6 required external finishes to harmonise with those existing and prohibited the use of any flat roof as a balcony or outdoor amenity area. Condition 7 set out drainage requirements. Condition 8 specified working hours. Condition 9 dealt with noise during construction. Condition 10 required roadways to be kept clean and safe during construction works. Condition 11 referenced codes of practice relating to drainage, transport and noise and air pollution.

- 3.1.2. Condition 3 said this:

The proposed extension shall be amended as follows:

- a) The first floor extension shall be reduced in length to a maximum 3 metres when measured externally.*
- b) The second window, serving the bedroom labelled Lizzy's room, closest to the rear, shall be omitted and replaced with a high level window fitted with obscure glass.*
- c) The corner window serving bedroom 3 shall be omitted. This bedroom shall be served by a rear window only.*

Reason: *To protect the residential amenity of the area and in the interests of proper planning and sustainable development.*

3.2. Planning Authority Report

Planning Report

- 3.2.1. A planning officer's report dated 23rd May 2025 provided the reasoning for the authority's decision. The main points were as follows:

- The proposed demolition is acceptable.

- The proposed rear extension would be a contemporary addition to the house. The height of the flat roof of the ground-floor element is acceptable and the proposed roof lights serving the ground floor are not a concern.
- The existing first-floor plan shows a four-bedroom layout and the proposed plan shows three bedrooms, all *en-suite*, and a laundry room, with the master bedroom benefiting from a walk-in wardrobe also.
- Any two-storey extension will inevitably introduce new levels of overshadowing. A balance must be reached to ensure that no undue negative impacts occur on neighbouring properties, whilst enabling the applicants to extend their property.
- Having regard to the scale, depth and height of the proposed first-floor element in the context of neighbouring dwellings, there is some concern. The extension would run along the common boundary with the adjoining 9 Albany Road to the east of the site. The applicants' shadow analysis considers the months of March and June only.
- Applying the 45-degree approach outlined in the Building Research Establishment (BRE) guide "Site Layout Planning for Daylight and Sunlight", it is considered that the development would reduce daylight to No. 9. Having regard to the setback of the first floor from the boundary with No. 7 to the west in addition to the orientation, it is not considered that the development would cause excessive overshadowing or loss of light to this property.
- The proposed first-floor extension, given its length and its siting along the common boundary with No. 9, would have an adverse overbearing impact on that property. Overbearing appearance when viewed from both adjacent dwellings is a concern.
- It is considered reasonable that the first-floor element be reduced to a maximum length of 3 metres to ensure that no undue negative impacts on the adjoining properties occur. The *en-suite* bathroom of Bedroom 3 might need to be omitted but sufficient length would remain to enable a bedroom to be created.
- In an urban context, some mutual overlooking from first-floor windows is present. Nevertheless, given the proposed size of the windows on the west elevation, overlooking is a concern. As Lizzy's room would have two windows,

it is considered reasonable that the window closer to the rear be omitted and replaced by a high-level window with obscure glass. The corner window to serve Bedroom 3 is a design feature and would contain a panel. However as the first floor would have to be reduced, this window would need to be omitted.

- As the detached garden room would be of single-storey height, there is no concern about undue negative impacts on neighbouring properties. Retention of the mature trees in the rear garden is welcomed. The remaining rear amenity space of in excess of about 100 square metres is sufficient.

Other Technical Reports

- 3.2.2. The Council's Drainage Division set out a number of standard conditions. One of these states that all private drainage [facilities], such as downpipes, gullies, manholes and Armstrong junctions, are to be located within the final site boundary.

3.3. Prescribed Bodies

- 3.3.1. No comments were received from Uisce Éireann.

3.4. Third Party Submissions

- 3.4.1. The Council received six submissions, all from persons who subsequently submitted Third Party appeals, the substance of which was repeated in their grounds of appeal. Some of the submissions were attached to the appeal statements

4.0 Planning History

4.1. Application Site

- 4.1.1. The planning authority found no planning history for the application site.

4.2. Other Sites in the Area

- 4.2.1. **1003/02:** On 23rd July 2002, permission was granted for a single-storey and part-two-storey extension at the rear of 2 Albany Road.
- 4.2.2. **1011/02:** On 9th February 2004, permission was granted for a two-storey extension to the rear and a single-storey extension to the side and new roof lights at 1 Albany Road.

- 4.2.3. **1745/06:** On 18th May 2006, as part of a split decision, permission was refused for the demolition of a chimney breast and a single-storey extension to the side of a dwelling at 37 Mountain View Road, Ranelagh and construction of a double-storey extension on grounds of scale, form, design and use of materials. Detailed drawings are not available on the planning authority's portal.
- 4.2.4. **3844/15:** On 25th January 2015, permission was granted for a part single-, part two-storey extension to side and rear of the existing semi-detached dwelling at 18 Tudor Road, Ranelagh.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. Map H of the Dublin City Development Plan 2022-2028 shows Albany Road, including the application site, 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 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.

- 5.1.4. 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.
- 5.1.5. 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; and
 - external finishes and design, which shall generally be in harmony with existing.
- 5.1.6. 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.
- 5.1.7. 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.

- 5.1.8. 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.
- 5.1.9. Appendix 16 to the Development Plan considers sunlight and daylight assessments. Section 3.1 of the Appendix notes that the BRE guide (BRE 209) is widely used to inform the methodologies applied for such assessments. Section 5.2 indicates that in assessing the impact of a proposed development on the surrounding properties, the following information should be provided:
- Vertical Sky Component on all relevant surrounding windows
 - Annual Probable Sunlight Hours on all relevant surrounding windows
 - Winter Sunlight Hours on all relevant surrounding windows
 - Sunlight on Ground in all surrounding amenity spaces

5.2. Ministerial Guidelines

- 5.2.1. The Ministerial Guidelines “Sustainable Residential Development and Compact Settlements”, produced in 2022, replaced the 2009 publication “Sustainable Residential Development in Urban Areas”. Section 5.3.7 states that the provision of acceptable levels of daylight in new residential developments is an important planning consideration and it is also important to safeguard against a detrimental impact on the amenity of other sensitive occupiers of adjacent properties. In drawing conclusions in relation to daylight performance, planning authorities must weigh up the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision against the location of the site and the general presumption in favour of increased scales of urban residential development.

5.3. Guidance on Sunlight and Daylight Assessment

- 5.3.1. The latest edition of BRE 209 was published in 2022. The title of Chapter 2 is “Light from the Sky”. 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-degree approach. A significant amount of light is likely to be blocked if the centre of the window lies within the 45-degree angle on both plan and elevation. Section 2.2.18 says that like most rules of thumb, this one needs to be interpreted flexibly.

5.3.2. Chapter 3 of BRE 209 deals with sunlight. Section 3.3.14 says that if a space is used all year round, the equinox (21st March) is the best date for which to prepare shadow plots as it gives an average level of shadowing. Lengths of shadows at the autumn equinox (21st September) will be the same as those for 21st March. Section 3.3.15 says that as an optional addition, plots for summer time (for example 21st June) may be helpful as they will show the reduced shadowing then, although it should be borne in mind that 21st June represents the best case of minimum shadow, and that shadows for the rest of the year will be longer. Conversely if winter shadows (for example 21st December) are plotted, even low buildings will cast long shadows. In a built-up area, it is common for large areas of the ground to be in shadow in December.

5.3.3. Section 3.3.17 of BRE 209 recommends that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21st March. If as a result of new development an existing garden or amenity area does not meet the above, and the area that can receive two hours of sun on 21st March is less than 0.80 times its former value, then the loss of sunlight is likely to be noticeable.

5.4. Natural Heritage Designations

5.4.1. 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 kilometres to the east, designated for various bird species;
- North Bull Island SPA, about 7 kilometres to the north east, also designated for various bird species;
- South Dublin Bay Special Area of Conservation (SAC), about 3 kilometres to the 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 7 kilometres to the north 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.

5.4.2. 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.

5.4.3. The application site is not in or near any Natural Heritage Area (NHA). There are five proposed NHAs in the area served by Dublin City Council – North Dublin Bay; South Dublin Bay; Dolphins, Dublin Docks near Pigeon House Harbour; Grand Canal and Royal Canal.

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 arguments presented by **Rebecca Graham and Caitríona Fisher; Eugene Hillery and Deirdre Hillery; and Kate Flynn and Henry Lyons**, writing from adjoining and neighbouring properties on Albany Road, may be summarised as follows:

- 1 to 17 Albany Road are late-Victorian redbrick, semi-detached houses, presenting a cohesive and harmonious streetscape of historical architectural value. Albany Road has an especially distinctive character in Ranelagh, being at the top of a number of roads leading westward from the village (including Mountain View Road) and facing Beechwood Parish Church. The visual unity of the streetscape is mirrored in the rear of the houses, with a return on each

house of consistent length and mass. The application seeks to significantly extend the rear elevation of one half of a semi-detached building.

- The proposed extension would disrupt the architectural balance and established character of Albany Road. These period homes, many semi-detached, are consistent in scale, form and detailing. Introducing a full two-storey rear extension would break the visual rhythm and architectural symmetry, particular given the prominence of No. 8 within this coherent and intact line of houses. Photographs were submitted to show how all the houses are in alignment.
- The proposal conflicts with good planning principles and national guidance, including “Sustainable Residential Development in Urban Areas” (2009), which emphasises protecting neighbours from overbearing and overshadowing development. The proposed development would enclose the boundary with No. 9, creating a boxed-in, overbearing environment in the rear garden and habitable rooms, particularly the kitchen and rear garden.
- The height and depth of the proposed two-storey extension would significantly reduce natural light to both adjoining homes. No. 9, which is directly attached to the application property, would lose valuable afternoon light, while No. 7, located to the west of No. 8, would experience a loss of morning light. The impact would be exacerbated by the narrow plot widths typical of the area. The level of overshadowing would materially diminish the residential amenity and enjoyment of both homes.
- The applicants’ shadow study does not use the nomenclature and associated descriptions from within BRE 209, neither does it provide the information specified in Appendix 16 to the Development Plan. It fails to include winter solstice data, which is crucial in assessing the year-round impact on natural light. During the winter months, when daylight is already limited, the overshadowing effect would be more pronounced. The study underestimates the true extent of overshadowing.
- From all parts of the proposed Lizzy’s Bedroom, a person would be able to see into the children’s playroom through the skylight of 7 Albany Road. Any

windows overlooking the playroom should be removed entirely or at least contain frosted glass.

- The proposed roof of the extension would slope towards No. 9, directing rainwater runoff to the adjoining property. This would increase the risk of damp, water ingress and future maintenance problems.
- Granting permission for a two-storey extension of this scale and character, without neighbour agreement or adequate consideration of its impact, would set an undesirable precedent. The extended returns of the same length and mass at 1 and 2 Albany Road were constructed with the mutual agreement of adjoining neighbours [reached] prior to planning permission being sought, which is materially different to this case. The refusal of permission for a two-storey extension at 37 Mountain View Road is a relevant precedent.
- The applicants' ground-floor and garden-room plans are appropriate in scale and design.

7.1.2. The arguments presented by **Joseph Byrne**, writing from an address on Mountain View Road, Ranelagh, may be summarised as follows:

- The permission granted allows the applicants to build their return out 3 metres at two-storey level immediately alongside the boundary wall with the adjoining semi-detached dwelling at 9 Albany Road. This would have a negative impact on the neighbours and set a very poor precedent for future two-storey applications in the area.
- No. 8 has already been extended and the exempt development provisions do not apply. However, those provisions are presumably based on neighbourly principles. They require that first-floor extensions must be located 2 metres inside the property boundary, to protect adjoining neighbours from material change to their own property. They also require ground-floor windows to be located 1 metre from the boundary and upstairs windows to be located 11 metres from a boundary. The permission granted by the Council allows windows even closer to the neighbours than the windows currently in place.
- There is no objection to the proposed downstairs extension with the exception of some of the fenestration. The proposed ground-floor south-facing windows

would be huge in width and height and if allowed could destroy the privacy of the adjoining property. They would be located within inches of the boundary and significantly taller than the existing boundary wall. Any tall person would be able to see from inside No.8's ground floor into No. 9's rear garden. The internal lighting from No.8 would spill into No.9's garden too. The proposed south-facing windows upstairs would overlook No.9's garden and take away the neighbours' privacy.

- The permission granted by the Council would adversely affect Nos.9 and 7. No.9's brightness would be significantly reduced. The proposed structure would rob light from next door. The most valuable part of the garden immediately outside the kitchen would be darkened and there would be a feeling of compression. There is a risk that No.7 would be negatively impacted by the very tall and dominant new chimney. This could be alleviated by the use of a gas fire and a simple balance flue.
- In these times of heavier rains it is probable that the gutters would overflow from time to time. The proposed roofing risks water overflowing towards No.9. Roof water should be encouraged to flow away from the building thereby mitigating risks to everyone.
- When other properties on this road were redeveloped, instead of extending the original house on two storeys, ancillary accommodation was built at the end of the garden and steps were taken to maintain privacy. The Commission should refuse the permission sought and encourage the applicants to reapply with a neighbour-friendly, considerate submission.

7.1.3. The arguments presented by **Micheal O'Cairtain**, writing from an address on Cowper Road, may be summarised as follows:

- Extending the upper floor of a semi-detached house by 3 metres to a height of 5.58 metres would not be neighbourly and would be a harmful example to others. The structure would be life-changing for the neighbours. It would restrict the light and amenity outside their kitchen patio. The brightness of Nos. 7 and 9 would be significantly reduced. The applicants are seeking to maximise light to their own property at the cost of their neighbours, which is not fair.

- Houses in Albany Road should not be extended at first-floor level unless there is agreement with adjoining and nearby neighbours, which in this case there is not. Separate buildings can be constructed at the end of the gardens so long as they are reasonable in nature, scale, height and size.

7.1.4. The arguments presented by **Anita Kerrigan**, writing from an address on Albany Road, may be summarised as follows:

- The application is unreasonable and the proposed development would have a negative impact on the adjoining semi-detached property and other nearby properties. It would be detrimental to the neighbours' light and privacy. It would be huge, high, long, dominant and ugly. The scale and volume of glass would be unfair. It would not be sympathetic to the semi-detached shared return. It would not add value or complement the area.
- The application for planning permission to extend 1 Albany Road in 2002 was made jointly with No. 2. Both parties wanted similar extensions on a new shared boundary wall to the shared two-storey returns. These applications do not set a precedent for the current application for No. 8 where common goals do not prevail.

7.2. **Applicants' Response**

7.2.1. None

7.3. **Planning Authority Response**

7.3.1. The planning authority requested the Commission to uphold its decision. It requested that if permission is given a condition requiring the payment of a development contribution under Section 48 of the Planning and Development Act 2000 be applied.

8.0 **Assessment**

8.1. **Issues**

8.1.1. Having inspected the site and considered in detail the documentation on file for these Third Party appeals, 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
- the acceptability of the proposed surface water drainage arrangements.

8.2. Effect on Residential Conservation Area

- 8.2.1. The architectural character and distinctiveness of the Z2 residential conservation area at Albany Road derive from the consistency in height, scale, alignment, form and detailing of the redbrick, mainly semi-detached, houses on the southern side of the street. Together these buildings present a cohesive, harmonious and aesthetically pleasing grouping. The quality of the residential conservation area is apparent primarily from the street. Apart from those at Nos. 1 and 2, the rear returns and back gardens of the Albany Road houses are not readily visible from the public domain.
- 8.2.2. A variety of extensions, some contemporary in style, have been constructed to the rear of the Albany Road houses. These extensions have not caused appreciable harm to the residential conservation area. The proposed development, including the proposed two-storey extension, would not be apparent from the public road. I am not persuaded that it would have a negative impact on the architectural quality of the area.

8.3. Effect on Residential Amenity

- 8.3.1. The Development Plan acknowledges that residential extensions play an important role in promoting a compact city but requires the design of such extensions to have regard to the amenities of adjoining properties and, in particular, the need for light and privacy. It says that large rear extensions to semi-detached dwellings can, if they project too far from the main rear elevation, result in a loss of daylight to neighbouring houses. It recognises, however, that in an urban context some degree of overshadowing is inevitable and unavoidable.
- 8.3.2. The Planning and Development Regulations 2001 exempt various categories of development from the requirement for planning permission. Provided certain conditions and limitations are met, such developments are automatically acceptable. Developments in those categories which do not fulfil those conditions and limitations are not necessarily unacceptable but require detailed assessment. The Regulations should not be interpreted as guidance on how planning applications are to be assessed or on how to avoid harm to neighbouring properties.

- 8.3.3. The existing conservatory is 3.67 metres in height and 4.387 metres from the existing rear elevation of the appellants' dwelling. The height of the two-storey element of the proposed rear extension adjacent to the boundary with No. 9 would be 5.58 metres. The projection, as proposed, would be 5.07 metres but Condition 3 of the planning authority's decision would reduce that dimension to 3 metres.
- 8.3.4. The 45-degree method outlined in BRE 209 is to do with daylight reaching windows. Applying this method, I find that with a 5.07-metre-long rear extension to No.8 in place, most window panes in the ground-floor rear patio door of No. 9 would lie within the 45-degree angle on both plan and elevation. The centre of the first-floor rear window of No. 9 would be at an angle of about 45 degrees on elevation and within the 45-degree angle on plan. I therefore agree with the planning authority that the development as proposed would reduce daylight to No. 9. I also find that if the length of the extension were reduced to 3 metres, No. 9 would still lose light, but not to the same extent.
- 8.3.5. I am satisfied that none of the windows to the rear of No.7 would be within 45 degrees of the proposed extension when measured in elevation. I consider that the development would not cause excessive loss of light to these windows.
- 8.3.6. The shadow study submitted with the application is to do with sunlight rather than daylight. Although it does not provide every piece of information mentioned in the Development Plan, I still find it helpful. I do not consider the absence of plots for the winter solstice to be a fatal deficiency because, as BRE 209 points out, at that time of year it is common for large areas of the ground to be in shadow.
- 8.3.7. BRE 209 states that the spring equinox is the best date for which to prepare shadow plots. The shadow study illustrates that at that date with the proposed 5.07-metre first-floor extension in place, No. 9 would some lose afternoon light, mainly to its rear patio area, but more than half the garden would still receive at least two hours of sunlight. It illustrates that No. 7 would lose some morning light to its rear extension, which has a large skylight, but that the area that could receive two hours of sun would exceed 0.80 times its former value. A 3-metre-long extension would have less significant effects on both properties.
- 8.3.8. It can also be deduced that the proposed first-floor extension, given its siting along the common boundary with No. 9, would have an overbearing effect at the rear of that property. It would have a more limited overbearing effect on the playroom to the rear

of No. 7. The degree of overbearance would depend on the length of the extension. The proposed new chimney, although rising to eaves level, would in my opinion be far enough separated from No. 7 so as to have no adverse effect on that property.

8.3.9. In dealing with this application, the planning authority sought to ensure that there would be no undue impacts on neighbouring properties, whilst enabling the appellants to extend their property. This balanced approach, it seems to me, is consistent with the 2022 Ministerial Guidelines and also with the Development Plan read as a whole.

8.3.10. The boundary between No. 9 and No. 8, from the back of the return to the end of the gardens, is about 31.8 metres long. If the proposed first-floor extension were to protrude by only 3 metres beyond the back of the return, it would affect only the northern end of No. 9's garden. It would not, in my judgement, unacceptably overshadow or overbear the property as a whole. I consider that restricting the length of the extension to 3 metres would be justified on residential amenity grounds.

8.3.11. The back wall of the proposed ground-floor extension would be fully glazed to a height of 2.7 metres. The glazed area would be somewhat higher than the neighbouring ground-floor windows. However, I do not accept that the proposed fenestration would be likely to destroy the privacy of No. 9. Anyone who wanted to look into the neighbouring garden would have to stand on a table or chair. It is already possible to see the garden from the existing rear first-floor window of No. 8, which is closer to the common boundary than the proposed rear first-floor window. Spillage of light from one property to another is a common occurrence in a built-up area.

8.3.12. It seems to me that omission of the proposed corner window in Bedroom 3, and of the proposed side window in Lizzy's room opposite the skylight in the rear extension to No. 7, would largely overcome the concerns expressed about direct overlooking of that property. I am satisfied that, subject to the requirements of the planning authority's Condition 3, the proposed development would not cause unacceptable harm to the residential amenity of any neighbouring property.

8.3.13. Every planning application site has unique characteristics and every development proposal must be assessed on its own merits. In reaching my conclusions about the residential amenity implications of the current planning application, I have not attached significant weight to the developments at Tudor Road and Mountain View Road, to which the parties referred.

8.4. Surface Water Drainage

- 8.4.1. The proposed rear/contiguous elevation drawing shows the roof of the first-storey element of the proposed rear extension sloping downwards in the direction of No.9 but set back by 236 millimetres from the common boundary. It is not entirely clear from the proposed surface water drainage layout how the applicants propose to ensure that rainwater from the roof of the proposed extension would not flow on to their neighbours' land in storm conditions. While damage to neighbouring property is a civil matter between the parties concerned, more details are required of the proposed drainage system and measures to contain runoff from the roof within the site boundary.

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 Dublin City Development Plan 2022-2028, and in particular the Z2 zoning objective, Policy BHA9 and Appendix 18, it is considered that the proposed development would protect the special interest and character of the residential conservation area and, subject to compliance with the conditions set out below, would not seriously injure the residential amenity of neighbouring dwellings. The

development would therefore be in accordance 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, 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 as follows:</p> <p>(a) The first-floor extension shall be reduced in length to a maximum 3 metres when measured externally.</p> <p>b) The west-facing window towards the southern end of Lizzy's Bedroom shall be omitted and replaced with a high-level window fitted with obscure glass.</p> <p>c) The corner window serving Bedroom 3 shall be omitted. This bedroom shall be served by a rear window only.</p> <p>Reason: To protect the residential amenity of neighbouring property.</p>
3.	<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 containment within the site of runoff from the roof, and 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>
4.	<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>

5.	<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>
6.	<p>The existing dwelling and the proposed extension shall be jointly occupied as a single residential unit and the extension shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: To restrict the use of the extension in the interest of residential amenity.</p>
7.	<p>The home office and gym garden room shall be for domestic-related uses only, ancillary to the use of the existing dwelling and shall not be used for human habitation. It shall not be separated from the existing dwelling by lease or sale.</p> <p>Reason: In the interest of residential amenity.</p>
8.	<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>
9.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p>

	<p>Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.</p>
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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

2nd September 2025

Appendix 1 – Form 1 EIA Pre-Screening

Case Reference	ACB-322846-25
Proposed Development Summary	<i>Demolition of extensions to dwelling and construction of extension and garden room</i>
Development Address	<i>8 Albany Road, Ranelagh, Dublin 6</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 <u>Part 1</u>, 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: 2nd September 2025

TREVOR A RUE