



An
Coimisiún
Pleanála

Inspector's Report

ACP 322957-25

Development	Domestic Extensions
Location	2A Kiltipper Close, Aylesbury, Tallaght Dublin 24
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD25B/0216
Applicant(s)	Philip Reynor
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	First Party vs Conditions
Appellant(s)	Philip Reynor
Observer(s)	None
Date of Site Inspection	8 th September 2025
Inspector	Andrew Hersey

Table of Contents

1.0	Site Location and Description.....	3
2.0	Proposed Development.....	3
3.0	Planning Authority Decision.....	3
4.0	Planning History	5
5.0	Policy Context.....	5
6.0	EIA Screening	6
7.0	The Appeal.....	6
8.0	Assessment.....	7
9.0	AA Screening (Insert text from AA Template 1 Screening Determination or Template 2 as appropriate).....	11
10.0	Water Frame Directive.....	12
11.0	Recommendation	13
12.0	Reasons and Considerations	Error! Bookmark not defined.
13.0	Conditions.....	Error! Bookmark not defined.
Appendix A: Form 1 EIA Pre-Screening.....		14

1.0 Site Location and Description

- 1.1 The site is located at 2A Kiltipper Close, Aylesbury, Tallaght Dublin 24. The site comprises of an end of terrace dwelling located on a corner site with front and rear gardens. There is gated side passage to the rear garden where there is a detached shed.

2.0 Proposed Development

- 2.1 The proposed development comprises of;
- Proposed dormer roof to the rear roof slope at existing attic level
 - Two velux roof lights to the front roof slope
 - First floor extension over existing porch to front
 - Two box dormers at first floor level on the gable (which faces towards the street)
 - Internal alterations to existing ground floor rear extension
 - Change of roof style from gable roof to flat roof
 - Associated site works
- 2.2 The floor area of the existing house is 146sq.m. and the proposed floor area is 10.4sq.m.

3.0 Planning Authority Decision

3.1 Decision – Grant Permission subject to Conditions

3.1.1. Conditions

Condition 2 states: *‘The raising and changing of the roof profile to the rear ground floor element of the subject dwelling shall be omitted from the final development and is not permitted under this permission’*

3.1.2. Planning Authority Reports

The case planners report raises the following issues;

- That the proposal complies with the 'RES' zoning objective for the site which is *'To protect and/or improve residential amenity'*
- That the proposed box dormer to the rear and 2 No Velux to the front elevation complies with BFP5 of the SDCC House Design Guide
- That the first floor extension to the front elevation over the porch complies with BFP2 of the SDCC House Design Guide
- That the two box style windows on the gable would be a departure from the existing character of the area but they will not impact upon the residential amenities of adjacent properties and are therefore acceptable.
- That there are concerns that the proposed alteration of the pitched roof on the ground floor rear extension into a (higher) flat roof will lead to an unacceptable overshadowing and overbearing impact upon the adjacent property. This was not considered acceptable and it was recommended to omit this part of the proposal by way of planning condition.

3.1.3 Other Technical Reports

- None on file

3.3. Prescribed Bodies

- No reports on file

3.4. Third Party Observations

3.4.1 There is one submission on file dated from a Ger and Natalie Homan of 2 Kiltipper Close, Aylesbury, Tallaght, D24 N2VX who raise the following issues;

- That there will be a loss of natural light into their back garden as a result of the raising of the roof.
- That the party wall forms part of the wall of the existing extension and there are concerns that the wall would not be able to support the new roof structurally.

- There will be a loss of light into their kitchen as a result of the increased height of the roof.
- That the eaves of the existing roof overhangs their property and that there is a gutter which outfalls to a gully in their garden
- Loss of privacy during works
- That the extension to the front elevation will also result in the loss of light to their front garden
- The velux windows at the front will be out of character with the area.

4.0 Planning History

- 4.1 SDO2A/0733 – 2 Kiltipper Close, Aylesbury, Tallaght, Dublin 24 granted permission for a new driveway entrance and construction of a two storey house with attic rooms to the side of the existing house

5.0 Policy Context

5.1 Development Plan

- 5.1.1 The South Dublin County Development Plan 2022-2028 is the statutory development plan in force in the area at present. The following policies apply:

- Policy H14: Residential Extensions: *Support the extension of existing dwellings subject to the protection of residential and visual amenities.*

H14 Objective 1:

- To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 12: Implementation and Monitoring and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines)

- 5.1.2 SDCC House Extension Design Guide 2025

- Section 3.1.7 Built Form Principle (BFP) 1 - All Extensions and Alternations to Houses in part states that proposals for extensions do not result in significantly increased levels of overshadowing to adjacent properties.
- Section 3.2.2 Built Form Principle (BFP) 2 – Front Extensions
- Section 3.5.2 Built Form Principle (BFP) 5 - Roof Alterations and Extensions
- Section 3.7.2 Built Form Principle (BFP) 7 – Other Alterations

5.3. Natural Heritage Designations

- The Dodder Valley pNHA (Site Code 000991) is located 230 metres to the north east of the site
- Glenasmole Valley SAC (Site Code 001209) is located 2.3km to the south
- Wicklow Mountains SAC (Site Code 002122) is located 4.5km to the south
- Wicklow Mountains SPA (Site Code 004040) is located 6.4km to the south east

6.0 EIA 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 & Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

7.0 The Appeal

7.1 Grounds of Appeal

- 7.1.1 A first party appeal with respect to condition 2 was lodged by Philip Reynor on the 7th March 2025. The appeal in summary raises the following;
issues;

- That the proposed flat roof extension will remove an existing overhanging roof, gutters and downpipes to the adjacent property.
- That the top of the ridge of the existing roof is 3.617m and the height of the proposed flat roof is 3.716m.
- That under exempted development provisions an extension to the rear of a house can be up to 4 metres high for a pitched roof and 3 metres for a flat roof.

7.3. Planning Authority Response

- The planning authority submitted a response dated 14th July 2025 and confirms its decision and that the issues raised in the appeal are detailed in the Chief Executives Order

7.4. Observations

- None Received

8.0 Assessment

8.1. Introduction

8.1.1 A first party appeal vs condition 2 was lodged by Philip Reynor on the 4th July March 2025 The appeal relates to Condition 2 which stipulates the requirement for the omission of a proposed flat roof with parapet in lieu of an existing pitched roof

8.1.2 Section 139 (1) of the Planning and Development Act 2000, as amended, provides that an appeal may be brought against the decision of the Planning Authority to grant permission where the appeal relates only to a condition or conditions that the decision provides subject to the Commission being satisfied, having regard to the nature of the condition or conditions, 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

8.1.3 With respect of the above, I consider, in this context that it is possible to make a determination on this the condition without having to consider the proposed development de novo in the first instance.

8.1.4 I am satisfied the substantive issues arising from the grounds of this first party appeal relate to the following matters

- Condition No 2 vis-à-vis Residential Amenities

8.2 Condition 2 vis-à-vis Residential Amenities

8.2.1 Condition 2 states;

‘The raising and changing of the roof profile to the rear ground floor element of the subject dwelling shall be omitted from the final development and is not permitted under this permission’

8.2.2 The proposal, in part, included for the removal of an existing pitched roof over an existing single storey rear extension and replacing it with a flat roof with parapet. The proposal would result in the removal of an existing overhang to the adjacent

property to the east and would result in the omission of gutters and downpipes associated with the roof but within the adjacent property.

8.2.3 It would appear from the planners report that condition 2 was imposed in order to ameliorate the impact of overbearance and overshadowing of the adjacent property to the east of the site.

8.2.4 The residents of this property made a third party observation with respect to the proposal specifically raising concerns with respect to the proposed alteration of the roof and the overshadowing impact that would result.

8.2.5 On this basis, the case planner accepted these concerns and recommended that the amendments to the roof be omitted by way of planning condition.

8.2.6 Section 3.1.7 Built Form Principle (BFP) 1 - All Extensions and Alternations to Houses of the SDCC House Extension Design Guide 2025 in part states that proposals for extensions do not result in significantly increased levels of overshadowing to adjacent properties.

8.2.7 The highest point of the existing roof is stated as being 3.616 metres (drawing PR25-3 received 15th April 2025) and the highest point of the proposed flat roof with parapet is stated in the drawings as being 3.616 metres (drawing PR25-10 received 15th April 2025). There is a discrepancy in the drawings here and in this regard it is noted that Drawing No. PR25-11 shows a height of 3.716 metres.

8.2.8 The appeal refers to the highest point of the flat roof to be 3.716 metres and in this respect, it is considered that this is to be taken as the height of the proposed flat roof i.e. a 100mm higher than that of the existing roof.

8.2.9 The fundamental question arises here as to whether the proposed flat roof and parapet will impact upon the adjacent property by way of overshadowing. There will be a degree of existing overshadowing from west facing sunlight resulting as a consequence of the existing pitched roof.

8.2.10 There will be benefits to the adjacent property in that the overhang will be omitted and there will be no downpipes outfalling to their property.

8.2.11 I note that that appellant has not submitted any meaningful analysis with respect to potential overshadowing.

8.2.12 The most commonly used guidance document with respect to overshadowing is the *Site layout planning for daylight and sunlight: A Guide to Good Practice (3rd Edition, BRE, 2022)*.

8.2.13 One of the tools recommended within this guidance is the 45 degree rule. The 45 degree rule is used to assess daylight to a neighbouring property where the proposed extension is perpendicular to the window of the neighbouring property. On the vertical plane, a 45 degree line is taken from the roof of the extension towards the ground of the neighbouring property and any window or part of a window within that area is likely to have reduced light. The guidance also considers the horizontal plane.

8.2.14 A contiguous elevation drawing has been submitted (Drawing No. PR-25-13 applies) The drawing referred to above which is an assessment of the rule in the horizontal plane clearly shows a ground floor window on the adjacent property to the east (which I understand from the third party submission on file is a kitchen window is completely within the 45 degree line. This is not the case for the existing pitched roof which I consider will not block light into this window to the same degree.

8.2.15 When assessing the proposal in the vertical plane i.e. a 45 degree line is taken from the highest point of the proposed flat roof towards the ground of the neighbouring property, the kitchen window will be within the 45 degree line. It is accepted that this will be the exact same for that of the existing as there is no proposal to increase the size of the extension.

8.2.16 Having regard to the foregoing and without the benefit of a comprehensive shadow analysis study, I consider that there is potential for the proposed flat roof to overshadow windows and reduce light into the existing house on the site

8.2.17 On this basis, I recommend that Condition 2 be retained as imposed by the Planning Authority

9.0 AA Screening

- 9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.2 The subject site is located
- 2.3km to the north of the Glenasmole Valley SAC (Site Code 001209)
 - 4.5km to the north of the Wicklow Mountains SAC (Site Code 002122) and
 - 6.4km to the northwest of the Wicklow Mountains SPA (Site Code 004040)
- 9.3 The proposed development comprises of the construction of domestic extensions in a suburban area. No nature conservation concerns were raised in the planning appeal.
- 9.4 Having considered the nature, scale and location of the project, and its location in a suburban area, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site
- 9.5 The reason for this conclusion is as follows:
- The relatively small scale nature of the works proposed
 - The lack thereof of any hydrological connection from the proposed development to the Natura 2000 site.
 - Having regard to the screening report/determination carried out by the Planning Authority
- 9.6 I conclude that 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.
- 9.7 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 Frame Directive

- 10.1. The subject site is located approximately 230m to the northwest of the Dodder which is a proposed NHA.
- 10.2 The proposed development comprises of extensions to an end of terrace suburban house.
- 10.3 No water deterioration concerns were raised in the planning appeal.
- 10.4 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.
- 10.5 The reason for this conclusion is as follows [insert as relevant]:
- The minor scope of the works and nature of the development
 - The 230m distance to the nearest water body and the lack of hydrological connections to the same.
- 10.6 I conclude that on the basis of objective information, that the proposed 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 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 the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to retain condition number 2.

12 Reasons and Considerations

- 12.1 Having regard to the residential land use zoning for the site, and to the pattern of development in the area, it is considered that the proposed development by reason of the increased height and alteration to the roof on the rear elevation extension and its location with respect to adjoining properties, would injure the residential amenities of the adjacent property by reason of overshadowing. The planning authority's Condition 2 requiring the omission of this part of development is therefore warranted.

- 11.2 I recommend that Condition No. 2 be retained as is.

Reason: To avoid overshadowing of the adjacent residential properties to the east and loss of light to rooms and the rear garden of the existing dwelling on site.

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.

Andrew Hersey
Planning Inspector

18th September 2025

Appendix A: Form 1 EIA Pre-Screening

Case Reference	ACP322957-25
Proposed Development Summary	Domestic Extension
Development Address	2A Kiltipper, Aylesbury Tallaght D24
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?	<input type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<p>(For the purposes of the Directive, "Project" means:</p> <ul style="list-style-type: none"> - 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) 	
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 type="checkbox"/> Yes, it is a Class specified in Part 1 . EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input 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 <u>Part 2</u>, 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 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.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	State the Class and state the relevant threshold

Inspector: _____

Date: _____