



An
Coimisiún
Pleanála

Inspector's Report ACP-323212-25

Development	Retention permission for alterations to roof lights, roof finish and inclusion of roof light on side passage.
Location	2, Woodside Grove, Rathfarnham, Dublin 14, D14DH76
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D25A/0268/WEB
Applicant(s)	Gordon and Sharon Elliott
Type of Application	Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	John and Carina Staunton
Observer(s)	None
Date of Site Inspection	27 th October 2025
Inspector	Ronan O'Connor

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1.0 Site Location and Description

- 1.1. On site is a two-storey semi-detached dwelling located within a primarily residential area. The subject site is bounded by the adjacent residential properties of No. 1 Woodside Grove to the north and No. 3 Woodside Grove to the south.
- 1.2. The stated site area is 0.051 Ha.

2.0 Proposed Development

- 2.1.1. The proposed development is for retention permission for the following work:
 - Alterations to roof lights on rear extension
 - Change of roof finish to covered side passage
 - Inclusion of a roof light on side passage lean to roof.

3.0 Planning Authority Decision

3.1. Decision

Grant Permission, subject to 2 no. conditions.

Decision Date: 7th July 2025.

3.2. Planning Authority Reports

Planning Reports

3.2.1. Planning Report (dated 3rd July 2023)

Principle

- Notes site is zoned Objective A 'to provide residential development and improve residential amenity while protecting the existing residential amenities'.
- Residential development, including extensions to existing dwellings, permitted in principle.

Climate Action

- Does not create negative impacts in terms of energy performance.

Residential Amenity and Visual Impact

- Alterations are primarily at roof level with a modest change in height to the boundary wall height between the subject dwelling and neighbouring dwelling to the north (No. 1 Woodside Grove).
- Changes to the roof materials to the side extension are considered to be in keeping with the existing dwelling/not considered to result in any undue negative impact on the existing or neighbouring dwellings in terms of visual appearance.
- Lean-to roof was constructed approx. 220mm lower than the permitted design to allow for outflow wastepipes/considered to be acceptable.
- Alterations to the rear rooflight are not considered to result in any undue overlooking impacts on neighbouring dwellings/the nature of the side extension and use as an external storage space/not considered to be any undue overlooking into the neighbouring dwelling.
- The proposed development to be retained is acceptable to the Planning Authority and accords with the relevant provisions of the Development Plan.
- Other Issues
- Applicant is advised that in the event of encroachment or oversailing of the adjoining property/consent of the adjoining property owner is required.
- Recommendation was to **Grant** permission for retention.

Other Technical Reports

None.

3.3. **Prescribed Bodies**

3.3.1. None.

3.4. **Third Party Observations**

3.4.1. 1 no. third party submission was received, the main points of which are summarised as follows:

- Concern regarding the lower height of the structure impact privacy for neighbouring dwelling.
- Concern regarding rainwater retention on site.
- Rooflight construction within extension is results in visual impact and overlooking for neighbouring dwelling.
- Extension construction to boundary wall without consent.

4.0 Planning History

Subject site

- 4.1.1. D24A/0168: Permission was GRANTED by the Planning Authority at the subject site for two storey side extension and single storey rear extension to the semi-detached, two storey house, to include demolition works to the existing side extension, conversion of the existing garage to living room, construction of a new porch to the front, covered side passage at ground floor level, box dormer to attic level (second floor) new rooflights to front of house over stairs, internal alterations and boundary wall modifications to the front of the property to widen the vehicular access. The works include all landscaping, drainage and ancillary works and services. [Decision date 8th May 2024/Final Grant Date 13th June 2024)

Adjacent properties

No. 3 Woodside Grove

PA Ref: D25B/0054/WEB:

- 4.1.2. Permission was GRANTED by the Planning Authority at No. 3 Woodside Grove, Churchtown for alterations to the previously approved works (Planning Ref: D21B/0203) consisting of: 1) Extend the existing roof with an extended gable wall, including new window to side elevation, and velux rooflights to front slope. 2) Construction of new dormer to rear of the main house roof to facilitate the attic conversion (as previously permitted). 3) All associated alterations to the elevations, internal layouts, site, landscaping, drainage and ancillary works. [Decision Date 24th March 2025/Final Grant Date 30th April 2025].

No. 1 Woodside Grove

PA Ref: D17A/0755

- 4.1.3. Permission was GRANTED for 1: Demolition of existing garden sheds, 2: Demolition of existing garage conversion, 3: Proposed new two storey extension to include a two storey bay window to the front (west), 4: Proposed single storey extension to the side of new two storey extension including disabled access (north) 5: Proposed new two storey extension to the side (south), 6: Proposed new garden store to the front, 7: Alterations to existing front boundary wall and the provision of a new vehicular entrance to accommodate disabled parking and a new pedestrian entrance, 8: Internal alterations, amendments to all elevations and all associated site works. [Decision Date 18th October 2017/Final Grant Date 23rd November 2017].

5.0 Policy Context

5.1. Development Plan

Dun Laoghaire-Rathdown County Development Plan 2022-2028

- 5.1.1. The applicable plan for the determination of this application is therefore the Dun Laoghaire Rathdown County Development Plan, 2022-2028. Under this plan the appeal site is located in an area zoned as 'A' with the stated land use zoning objective: "to provide residential development and improve residential amenity while protecting the existing residential amenities".

Chapter 3 - Climate Action

Section 3.4 Achieving Sustainable Planning Outcomes

Section 3.4.1.3 Policy Objective CA7: Construction Materials

Chapter 4 - Neighbourhood - People, Homes and Place

Section 4.3 Homes

Section 4.3.1.2 Policy Objective PHP19: Existing Housing Stock - Adaptation

Section 4.3.1.3 Policy Objective PHP20: Protection of Existing Residential Amenity

Chapter 12 - Development Management Section 12.2.1 Built Environment

Section 12.3 Neighbourhood - People, Homes and Place

Section 12.3.1 Quality Design

Section 12.3.7 Additional Accommodation in Existing Built-up Areas

Section 12.3.7.1 Extensions to Dwellings

Section 12.3.7.1 of the Development Plan provides guidance with respect to porches, front extensions, side extensions, rear extensions, roof alterations, attic conversions and dormer extension.

Section 12.3.7.1(ii) of the Development Plan provides guidance on extensions to the rear. It states the following: “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”.

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 only be permitted 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.

Section 12.3.7.1(iii) of the Development Plan provides guidance on extensions to the side. Of relevance here is the following extract:

Ground floor side extensions will be evaluated against proximity to boundaries, size, and visual harmony with existing (especially front elevation) and impacts on adjoining residential amenity.

5.2. Natural Heritage Designations

- 5.2.1. C4.6 km to the south-west of South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and South Dublin Bay pNHA.

5.3. EIA Screening

- 5.3.1. The development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of the report.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A Third-Party Appeal against the Council's decision to grant permission was received on 1st August 2025 from the occupiers of No. 1 Woodside Grove (to the north of the appeal site). The grounds of appeal are summarised as follows:
- Rear elevation of appellants property is closely aligned with the ridge of No. 2 Woodside Grove.
 - Obscured glazed Ensuite window to the first floor of appellants property, that is openable, forms the ensuite of the master bedroom/is opened when shower room is in use.
 - Appeal relates to the side passage elements only/side passage roof now has a modified material (zinc), reduced slope and a raised roof light/roof light is positioned above the connecting door into the utility room/provides direct views into appellants bathroom/only 3.5m from bathroom.
 - Original application drawings fail to adequately indicate the height of the rooflight above the roof/also indicate that the monopitch roof of the side passage extends beyond the application on their legal boundary.

- Question whether applicants had the legal ability to have undertaken the works as shown on the drawings.
- Revised roof and raised rooflight will have a negative impact on the residential amenity of the appellant's.
- Raised roof light offers uninterrupted views into the appellants ensuite bathroom.
- Council could have attached a condition that required the rooflight to be obscured.
- Position of the roof light creates a natural view line into appellants bathroom.
- Permission should be refused, or at the very least be amended to omit the side rooflight, or to require it be fitted with permanent obscured glazing.

6.2. Applicant Response

6.2.1. A First-Party Response to the appeal was received on 25th August 2025.

- Retention permission was sought in order to regularise some minor alterations to the original application.
- The height of the side passage roof was reduced to allow for outflow of a soil was pipe above the roof from the first-floor bathroom.
- Original proposal was for a polycarbonate roof, which was to be transparent
- Was considered that matching the side passage roof to the rear roof would be more visually appropriate.
- Was decided to include a single roof light to the side passage to allow secondary light to enter the utility room.
- Roof light to the rear were also reduced in size.
- Area in question is a side passage not a side extension/will be used for the storage of bikes/bins etc/it is not insulated and not intended or suitable for use as a habitable area.
- The upstand for the roof light is higher than the pitch of the roof light but not in excess of the permitted pitch roof light.

- The development of this side passage in isolation would be considered exempted development having regard to the Planning and Development Regulations, 2001 as amended (Schedule 2, Part 1, Class 3) – conditions for same are met.

6.3. Planning Authority Response

6.3.1. A response from the Planning Authority was received on 11th August 2025. This is summarised as follows:

- Refer the Board to Planner's Report
- No new issues raised which would justify a change of attitude towards the proposed development.

6.4. Observations

6.4.1. None.

7.0 Assessment

7.1. The planning issues raised in this appeal are as follows:

- Principle of Development
- Impact on Residential Amenity/Visual Amenity
- Other Issues

7.2. Principle of Development

7.2.1. The appeal site is located in an area zoned as 'A' with the stated land use zoning objective: "to provide residential development and improve residential amenity while protecting the existing residential amenities". Residential development, including extensions and alterations to residential dwellings, is permitted in principle use within this Zoning Objective, and as such the development proposed for retention is acceptable in principle.

7.3. Impact on Residential Amenity/Visual Amenity

Overlooking

- 7.3.1. The principal concerns of the third-party appellant relate to overlooking concerns to and from the rooflight as proposed for retention, and it is stated that such overlooking is gained when the en-suite bathroom window at first floor level of the appellant's dwelling is opened, and that a direct line of sight is gained between this window and the rooflight, with the rooflight located only 3.5m from the ensuite window. A photograph of the rooflight, taken from the ensuite accompanied the appeal. It is also set out that the rooflight could have been placed elsewhere on the roof of the side passage and this would have prevented such overlooking. The appellant is of the view, that at the very least, the rooflight should be obscure glazed, if not removed altogether.
- 7.3.2. The first-party applicant, in the response to the appeal, notes that the originally proposed window would have been polycarbonate, and transparent. It is also noted that the proposed use of the side passage/utility area is for the storage of bikes etc., and will not be a habitable room, and there is no insulation in any case to allow for this.
- 7.3.3. The Planning Authority, were for the view, that given the use of the side passage as an external storage space, there would not be undue overlooking of the neighbouring property.
- 7.3.4. In relation to the issue of potential overlooking, I am of the mind that a key issue in this regard, is that views towards the ensuite window would have been gained in the absence of any side passage roof, from the undeveloped side area of the applicant's property. Notwithstanding, I am cognisant that the provision of the roof may result in the area being utilised to a greater extent. However, be that as it may, the use is a covered storage area, and not intended for, or suitable for, habitable use. This would mean that the use of same would be limited. It is possible also that views may have been gained from the originally proposed (and permitted) polycarbonate roof also, however, I am cognisant that such roof coverings can vary in terms of transparency and may not have allowed for a large degree of visibility.

- 7.3.5. Notwithstanding, I note that the views gained from ensuite bathroom window at No. 1 Woodside Grove to and from the rooflight at No. 2 Woodside Grove are not directly opposing views, such as for instance, views gained from directly opposing rear windows. The ensuite in question is located to the rear of the appellant's property, at first floor level, and while views from this en-suite window, when opened, can be gained towards the rooflight proposed for retention at No. 2 Woodside Grove, noting that the rooflight is situated beyond the rear elevation of No. 1 Woodside Grove, the view gained is not a directly opposing view, and where there is an indirect view gained, the view would appear to be limited to a very small area of the covered utility area.
- 7.3.6. I am satisfied, therefore, that the provision of the rooflight here, would not unduly impact the amenity of the neighbouring property, by virtue of overlooking. Furthermore, noting this conclusion, I am not of the view that the provision of obscured glazing to same is warranted nor necessary here, and the imposition of such a condition does not have sufficient justification in my view.

Visual Amenity

- 7.3.7. The third-party appellant does not raise concerns in relation to the visual appearance of the revised roofing material, although would appear to raise concerns in relation to the raised rooflight. In relation to the revised material, I am satisfied that same is more in keeping with the surrounding development than the originally proposed polycarbonate. I am not of the view that the raised nature of the rooflight itself would have a negative impact on the visual amenity of the neighbouring property, nor of the surrounding area, given the limited scale of same.

7.4. Other Issues

- 7.4.1. Legal Issues - The appellants have stated that the originally submitted drawings indicated that the roof extended beyond the legal boundary. It is not asserted that this is the case with the revised roof form now proposed for retention.
- 7.4.2. The applicants have stated that the roofform was revised to allow for a wastepipe.
- 7.4.3. In any case, it is not asserted that the current roofform extends beyond the boundary, however, should the Board be minded to refuse permission for retention, it may well be the case that the originally permitted roofform would extend beyond the

boundary. In this regard, the applicant would require the consent of the neighbouring property for same. In this regard, I note that the Board is not an arbiter of title, and I refer to Section 34(13) of the Planning and Development Act which provides that if the applicant lacks title or owner's consent to do works permitted by a planning permission, the permission does not give rise to an entitlement to carry out the development.

8.0 AA Screening

- 8.1. Having regard to the modest nature and scale of development, location in an urban area, connection to existing services and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

- 9.1. Having regard to the scale, form and design of the development proposed for retention, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention would not adversely impact the residential amenity of neighbouring property, in terms of overlooking, nor would it impact on the character and visual amenity of the existing building and surrounding streetscape. The development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be retained 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.
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	Reason: In the interest of clarity.
2.	<p>Save for 1 no. roof light to the side and 2 no. roof lights to the rear, and the finish amendments granted on foot of this permission, the development shall otherwise be retained and completed in strict accordance with the terms and conditions of Planning Permission Reg. Ref. D24A/0168, save as may be required by the other conditions attached hereto.</p> <p>Reason. In the interest of the proper planning and sustainable development of the area.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Rónán O'Connor
Senior Planning Inspector

28th October 2025

Form 1 - EIA Pre-Screening

Case Reference	ACP-323212-25
Proposed Development Summary	Retention permission for alterations to roof lights, roof finish and inclusion of roof light on side passage.
Development Address	2, Woodside Grove, Rathfarnham, Dublin 14, D14DH76
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.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, 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 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 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

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)?	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____