



An
Coimisiún
Pleanála

Inspector's Report ACP-323440-25

Development

Alterations to previously granted planning application reg/ref: D24A/0932/WEB to include attic dormer with window to the rear and associated works.

Location

68, Thornhill Road, Mount Merrion,
Lower Kilmacud Road, Co. Dublin

Planning Authority

Dun Laoghaire Rathdown County
Council

Planning Authority Reg. Ref.

D25A/0466/WEB

Applicant(s)

Joe Hogan and Michelle Deignan

Type of Application

Permission.

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Joe Hogan and Michelle Deignan

Observer(s)

Colm Lynch.

Date of Site Inspection

27th October 2025

Inspector

Ronan O'Connor

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1.0 Site Location and Description

- 1.1. The subject site is located on Thornhill Road. On site is a two-storey semi-detached dwelling. The site is currently under construction. The subject site is bounded by the adjacent residential properties of No. 66 Thornhill Road on the eastern boundary, No. 70 Thornhill Road on the western boundary and No. 165 & No.167 Lower Kilmacud road to the rear.
- 1.2. The stated site area is 0.050 Ha.

2.0 Proposed Development

- 2.1. The proposed development, as stated and as indicated on plans submitted, would comprise alterations to previously granted planning application reg/ref: D24A/0932/WEB.
- 2.2. The alterations include the inclusion of an attic dormer with window to the rear and associated works.

3.0 Planning Authority Decision

3.1. Decision

Refuse Permission for 1 no. reason as follows:

The proposed development, by reason of the design, bulk and massing of the rear dormer structure, would materially contravene Section 12.3.7.1 (iv) Alterations at Roof/Attic Level of the County Development Plan. The dormer presents as a third-storey extension rather than a subordinate roof-level addition. The scale and form of the dormer are considered visually obtrusive and inappropriate in context and would give rise to potential overbearance and overshadowing of adjoining properties. The proposed development would seriously injure the residential amenities of the area and would therefore be contrary to the proper planning and sustainable development of the area.

Decision Date: 1st August 2025.

3.2. Planning Authority Reports

3.2.1. Planning Reports

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.

Relevant Planning History

- Notes that the original development proposal (DLR Reg. Ref. D24A/0932/WEB) comprised a comprehensive residential extension, including two-storey additions to the rear, side, and front elevations.
- Notes that a revised application (DLR Reg. Ref. D25A/0183/WEB) was submitted to amend the bulk and massing composition of the ground and first floor rear extension.
- Notes that, in the event of a favourable determination, all conditions attached to the previous grant of permissions shall be carried forward and remain applicable.

Residential Amenity & Visual Impact

- Concerns that the rear dormer's bulk and mass would not accord with the County Development Plan Section 12.3.7.1 Extensions to Dwellings (iv) Alterations at Roof/Attic level.
- Rear dormer fails to demonstrate sufficient recessing below the main ridgeline and setback above the eaves line.
- Visually manifests as a full third storey addition, rather than a subordinate roof-level extension.
- Overall bulk and mass of the rear dormer could lead to potential adverse implications including visual dominance, loss of residential amenity, and overshadowing of adjoining properties.

- The proposed development is not considered to accord with section 12.3.7.1 Extensions to Dwelling (iv) Alterations at Roof/Attic level of the Dun Laoghaire Rathdown County Development Plan 2022-2028.
- Dormer roof extension would be out of scale with the existing building would not accord with the relevant sections of the County Development Plan 2022-2028.
- Recommends that permission be refused.

3.2.2. Other Technical Reports

Transport – No objection.

Drainage No objection subject to condition.

Environmental Enforcement – Recommend conditions.

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:

- Overshadowing.
- Overlooking.
- Overbearance.
- Undesirable precedent.

4.0 Planning History

Subject site

D25A/0183/WEB: Permission was GRANTED by the Planning Authority at the subject site for Alterations to previously granted planning application reg/ref:

D24A/0932/WEB to include: increased separation of first floor west gable wall from boundary line, reduction in size of ground floor rear extension, modifications to

configuration of first floor rear extension, inclusion of two modest east facing first floor windows, roof light to the front and associated works.

[decision date 1st May 2025/Final Grant Date 4th June 2025]

D24A/0932/WEB: Permission was GRANTED by the Planning Authority at the subject site for Demolition of the existing single storey garage / extension to the side and rear and existing chimney to the rear. Construction of new two storey pitched roof extension to the side and rear with bay projection to the front, part two storey / part single storey flat roof extension to the rear, internal alterations including attic conversion and roof lights to the side and rear. Works will also consist of widening of existing vehicular entrance, site drainage, landscaping and associated works.

[decision date 23rd January 2025/Final Grant Date 27th February 2025]

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(iv) of the Plan states that roof alterations/expansions to main roof profiles will be assessed against a number of criteria including:

- careful consideration and special regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures;
- existing roof variations on the streetscape;
- distance/contrast/visibility of proposed roof end; and
- harmony with the rest of the structure, adjacent structures, and prominence.

Section 12.3.7.1(iv) - dormer extensions to roofs, to the front, side, and rear, will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties. The design, dimensions, and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations. Dormer extensions shall be set back from the eaves, gables and/or party boundaries. Dormer extensions should be set down from the existing ridge level so as to not read as a third-storey extension at roof level to the rear.

Section 12.3.7.1(iv) - the proposed quality of materials/finishes for dormer extensions will be considered carefully as this can greatly improve their appearance. The level and type of glazing within a dormer extension should have regard to existing window treatments and fenestration of the dwelling. However, regard should also be had to size of fenestration proposed at attic level relative to adjoining residential amenities. Particular care will be taken in evaluating large, visually dominant dormer window structures, with a balance sought between quality residential amenity and the privacy of adjacent properties. Excessive overlooking of adjacent properties should be avoided.

5.2. Natural Heritage Designations

- 5.2.1. c2.6 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 First-Party Appeal against the Council's decision to refuse permission was received on 18th August 2025. The grounds of appeal are summarised as follows:
- First party appellants (applicants) have modified the proposed dormer from that submitted to Dun Laoghaire Rathdown County Council in order to mitigate the Planning Authority's and the adjoining neighbours' concerns.
 - Proposed dormer height has been recessed below the main ridgeline and setback above the eaves line.
 - Proposed dormer has also been reduced in width.
 - Proposal has been modified to ensure that there is no adverse visual dominance, loss of residential amenity or negative overshadowing effects on adjoining properties.
 - Shadow analysis is included.
 - Brings the dormer mass in line with other dormers granted permission on Thornhill Road.

Encl: Revised drgs; shadow analysis; aerial photograph

6.2. Planning Authority Response

6.2.1. A response from the Planning Authority was received on 27th 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.

6.3. Observations

6.3.1. An observation from the neighbouring dwelling at No. 70 Thornhill Road was received on 14th September 2025. This is summarised below:

- Modifications do not mitigate the concerns raised.
- New drawings don't represent any meaningful change.
- Changes to the original proposal cannot be made through the appeal process/undermines the planning process.
- Question the validity of the appeal.
- Appeal acknowledges works were not appropriate.
- Amended drawings are the fourth iteration sought to the original permission/each has built incrementally on the previous application in scale and nature of the development resulting in the proposed works.
- What has already been built is of a scale that is disproportionate for Thornhill Road/overdevelopment.
- Cumulative impact is excessive.
- Previous permission (D25A/0183/WEB) extended the depth of first floor extension/results in overshadowing/were not aware of this proposed amendment.
- Already significantly overlooked by the development works.
- Mansard style extension to the second floor would have severe negative impacts on privacy and residential amenity.
- Would further visually dominate and overshadow home.

- Space in attic is described as an attic study room.
- Agent address is the same as the applicants/area should remain a residential area.

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 is a permitted in principle use within this Zoning Objective, and as such the proposed development is acceptable in principle.

7.3. **Design and Impacts on Residential Amenity/Visual Amenity**

7.3.1. The Planning Authority's one reason for refusal refers to the design and scale of the proposed dormer and impacts on residential amenity, namely overbearing (visual amenity) and overshadowing.

7.3.2. The first party appellants have not sought to argue the case for the development as originally proposed and have submitted **Amended Plans** with the appeal submission. The revised plans, bring the dormer height below the ridge line, and set the dormer back from the eaves lines. The proposed dormer has been reduced in width. The amended plans also include a shadow analysis. The appellants are of the view that are of the view that the modified plans bring the dormer mass in line with other dormers granted permission on Thornhill Road.

7.3.3. The observers on the appeal, who reside in the neighbouring property, are of the view that the amended plans do not represent any meaningful change and the

changes do not mitigate concerns raised at application stage. It is also set out that changes to the original proposal cannot be made through the appeal process as it is contended that this undermines the planning process.

- 7.3.4. In relation to the merits or otherwise of the originally submitted proposal, I concur with the view of the Planning Authority that the proposals do not comply with relevant Section of the Development Plan (Section 12.3.7.1(iv)), given that there is no setback from the ridge nor from the eaves, and the dormer as originally proposed is overbearing in appearance. I would not concur that the originally submitted proposal would result in any material overshadowing of neighbouring dwellings however, as such dormers, located at roof level do not tend to give rise to material impacts of overshadowing, or any material loss of daylight and sunlight to neighbouring properties.
- 7.3.5. In relation to the amended plans submitted at appeal stage, I am of the view that the submission of same can be accepted by the Commission and can be considered under this appeal. The nature of the proposed development has not changed materially, i.e. it is a dormer at roof level, and interested parties have been afforded the opportunity at application stage to make submissions (and the neighbouring dwelling did so), and at appeal stage (the neighbouring dwelling has made an observation), and the Planning Authority has had the opportunity to comment on the amended plans and have stated that there is nothing raised that would justify a change in their decision. As such, I am satisfied that no interested parties have been disenfranchised by the submission of amended plans with this First Party Appeal.
- 7.3.6. In relation to the merits of the amended plans, I would note that same has been dropped down from ridge level, has been pulled in from the eaves level, and has been reduced in width. The overall height of the dormer has been reduced from 8.60m to 8.35m. The width of the dormer has been reduced from 6m to 5.8m, and it is now set in from the eaves by 0.8m.
- 7.3.7. I am satisfied that the amended plans illustrate a dormer which is appropriate in terms of scale, and visual appearance, and does not result in an overbearing feature, and I concur with the view of the first-party appellant in that the scale of same is now in line with other existing dormers in the immediate area, and the applicant has

indicated where such dormers have been permitted and constructed (drg title 'Aerial Photographs with precedents).

- 7.3.8. In particular, I draw the Commission's attention to the view provided by Bing 3D mapping¹, which illustrates those dormers to the rear of No.'s 34 and 36 Thornhill Road, and I am satisfied that the scale of the dormer proposed here is broadly in line with these existing dormers (I have placed a copy of screenshot of same on file for the Commission's perusal). I am also satisfied that the dormer as proposed under the revised plans now complies with the relevant sections of the Development Plan, namely Section 12.3.7.1(iv) of same.
- 7.3.9. In terms of overlooking, I note that the concerns of the Planning Authority relate to the scale of the dormer only, and possible overshadowing, rather than overlooking from same. I am satisfied that such dormer extensions are a common type of residential development, and do not result in undue overlooking of neighbouring properties, over and above that which is gained via first floor rear windows.
- 7.3.10. In terms of overshadowing, as noted above, I am satisfied that neither the originally proposed dormer, and the amended dormer as submitted under this appeal, would have a material impact on the level of overshadowing of neighbouring gardens, and this is illustrated in the applicant's shadow diagrams wherein it is shown that there is no material difference in the extent of overshadowing of the neighbouring gardens at No. 66 and No. 70, resulting from both dormer options. I note that the ground and first floor elements are already permitted and any impacts of same are not under consideration here.

7.4. Other Issues

- 7.4.1. Previously Permitted Development - In relation to the other issues raised by the observer on the appeal, including the increased scale of the first floor extensions permitted under D25A/0183/WEB, I note that the element of the proposal is not under consideration here, and the appeal relates solely to the dormer element,

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https://www.bing.com/maps/search?style=3d&q=McCann+Moore+Architects+Dublin%2C+34+Thornhill+Road+Mount+Merrion%2C+Blackrock%2C+Dublin%2C+Co.+Dublin%2C+Ireland&srs=sbs&ss=id.local_ypid%3A%22YN8082x1806408416641547898%22&st=McCann+Moore+Architects+Dublin&sfa=34+Thornhill+Road+Mount+Merrion%2C+Blackrock%2C+Dublin%2C+Co.+Dublin%2C+Ireland&cp=53.289803%7E-6.212261&lvi=20.1&eh=120.56

noting that the other elements at ground and first floor level have already been granted permission by the Planning Authority, under PA Ref D24A/0932/WEB, which was modified by PA Ref D25A/0183/WEB

- 7.4.2. Use - In relation to the issue of the use of the attic as a home office, I note that this is the issue of use is not under consideration here, and the appeal does not relate to an application for a change of use.

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 proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact the residential amenity of neighbouring property or the character and visual amenity of the existing building and surrounding streetscape. The proposal would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be completed in accordance with the plans and particulars lodged with the application, as amended by the plans and particulars received by An Coimisiún Pleanála on 18 th August 2025, 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
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	<p>development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Save for dormer window grant on the 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. PA Ref D24A/0932/WEB, as amended by PA Ref D25A/0183/WEB, 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-323440-25
Proposed Development Summary	Alterations to previously granted planning application reg/ref: D24A/0932/WEB to include attic dormer with window to the rear and associated works.
Development Address	68, Thornhill Road, Mount Merrion, Lower Kilmacud Road, Co. Dublin
	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:** _____