Inspector's Report



ACP 323481-25

Development Demolition of structures, construction of

extensions and all associated site works

Location 167 Park Avenue, Castleknock, Dublin,

D15 A789

Planning Authority Fingal County Council

Planning Authority Reg. Ref. FW25A/0133E

Applicant(s) Terence McCartan

Type of Application Permission

Planning Authority Decision Grant with conditions

Type of Appeal Third Party

Appellant(s) Dr Les Lennox and Mrs Mai Lennox

Mr Kevin and Mrs Angie Lynch

Observer(s) None

Date of Site Inspection 17/10/2025

Inspector Rosemarie McLaughlin

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1.0 Site Location and Description

- 1.1. No. 167 Park Avenue is located on the south side of a cul de sac, in an established residential area in Castleknock, Dublin 15, c 80m from the M50. The site (0.37 ha) includes private off-street parking to the front and a south facing, rear private garden with a shed. No.167 and the adjacent dwellings present with a brick finish design with single storey porches to the front and single storey lean-to elements to the rear. The house has been extended to the rear with a conservatory which has been built up to the boundary with the adjacent property to the east, No.165.
- 1.2. Opposite the appeal site are detached bungalows. To the east and west are No.s 165 and 169, respectfully, the homes of the appellants. The western side passage of No.165 has been covered over, and a conservatory exists on that property, built up to the side boundary of the neighbouring property to the east, No.163.
- 1.3. Low boundary walls and mature trees characterise the estate.

2.0 Proposed Development

- 2.1. The development as described in the public notices, will consist of:
 - Demolition of porch and partial demolition of porch roof to front, demolition
 of single storey lean to and conservatory extensions to rear and demolition
 of existing single storey garden shed to rear.
 - Construction of new porch and extension of existing porch roof to front, construction of new single storey extension to rear including new rooflights, provision of new windows/doors to side elevations at ground floor and alterations to existing windows.
 - Application of new external wall insulation and render finish to dwelling.
 - All associated site, internal, drainage and landscape works.
- 2.2. Additional information (AI) was submitted on 4/7/25. The cover letter states the overall footprint has been reduced from 64 sqm to 50 sqm. The AI illustrates the extension was pulled back from the boundary of No.165, and side passages

between the adjacent properties are retained. The AI proposed extension is the same width as the existing house in an L shape. A 60mm reduction of the parapet height was proposed and it was submitted the remaining height is required to prevent an internal step and future proofing. Details of the off white-cladding were provided.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 8 standard type conditions, of which the following are bespoke.

Condition No.1 requires that the development to be completed in accordance with the application and AI provided.

Condition 3 states the house and extension shall not be subdivided, or leased, let, etc.

Condition 4 requires obscure glazing to bathroom/ensuites. (No bathroom/ensuites are proposed).

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning Report 22/5/25: The report refers to the proposed development, the concurrent planning application for a first floor extension and relevant planning policies. The observations were summarised. The rear extension was considered unduly overbearing in the current format due to height, proximity and length along the side boundary wall. Al was sought which addressed a reduction in the depth, height and scale of the single storey extension, an increase setback from western boundary with No.165, clarification of the zinc canopies and details with the wall insulation on front elevation.

Planning Report 30/7/25: The submitted AI was not considered significant, and no revised notices were required. The revised and reduced size of development was considered to accord with the Development Plan policies and be consistent

with the proper planning and sustainable development of the area. Permission was recommended to be granted subject to conditions.

3.2.2. Other Technical Reports

Water Services Report:

- Flood risk: No objection.
- Surface water drainage: No objection subject to standard conditions.

3.3. Prescribed Bodies

None on file.

3.4. Third Party Observations

- 3.4.1. Third party observations were submitted by No.s 163, 165, and 169 Park Avenue on the application and on the Al. The objections to the development, which are similar to the appeal grounds, in summary relate to:
 - Negative/serious impact on neighbouring residential amenity in relation to overdevelopment owing to size, massing and overshadowing.
 - Ambiguous information (dimensions).
 - A second planning application on site.
 - Consent.
 - Proposed development will be out of keeping with neighbouring property.
 - Excessive height.
 - Oversailing neighbouring property.
 - Foul sewer will be impacted.
 - All submitted does not resolve the objections and is a marginal reduction where the negative impact will remain.

4.0 **Planning History**

4.1. The relevant planning history is as follows on the subject site.

- 4.1.1. **FW25A/0155E:** A notification of a decision dated 30th July 2025 and a final grant of permission issued on 2nd Sept 2025 for demolition of rear first floor elevation wall and partial demolition of rear roof; Construction of new first floor extension to the rear including extension of existing roof, provision of new window to side elevation at first floor; All associated site, internal, drainage and landscape works. That application was subject to Al and a revised submission.
- 4.1.2. Of note, Condition No.2 relates to the current appeal.

"The terms and conditions of the grant of permission made by Fingal County Council under Reg. Ref. FW25A/0133 and any agreements entered into thereunder, insofar as these are applicable, shall be complied with in full in the course of the development herein permitted, save for the changes permitted under this application. REASON: In the interest of the proper planning and sustainable development of the area."

- 4.1.3. The notification date of the decision on application FW25A/0155E was the same as the current appeal. FW25A/0155E was not appealed.
- 4.2. There are no relevant permissions on either side of the application site or recent relevant permissions in the vicinity.

5.0 Policy Context

5.1. **Development Plan**

The Fingal County Development Plan 2023-2029 (CDP) applies.

The site is zoned RS, where it is an objective "To provide for residential development and protect and improve residential amenity". The vision in relation to the zoning objective is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.

The main provisions in CDP are as follows.

- Section 3.5.11.2 Energy Efficiency in Buildings
- Policy CAP9 Energy Efficiency in Existing Buildings
- Section 3.5.13.1: Residential Extensions

- Policy SPQHP41 Residential Extensions Support the extension of existing dwellings with extensions of appropriate scale and subject to the protection of residential and visual amenities.
- Objective SPQHO45 Domestic Extensions Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.
- Objective IU09-Surface water
- Objective IU011-SuDs
- Objective DMSO260 Energy Efficiency in Existing Buildings

The relevant development standards are as follows.

- Section 14.10.2 Extension to Dwellings
- Section 14.10.2.1 Front Extensions
- Section 14.10.2.3 Ground floor rear extensions- considered in terms of length, height, proximity to mutual boundaries and remaining open space.
 Extensions should match or complement existing dwellings.

The relevant sections of the CDP are elaborated where relevant in the assessment.

5.2. Natural Heritage Designations

The subject site is not within and not proximate to any European site. The closest sites are set out in the AA screening in section 9 below.

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 and 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. Two appeals were received.

7.2. Appeal by Mr K and Mrs A Lynch - summary.

- The appellants live immediately east of the appeal site in No.165. There is a clearance of c.1 m with the side boundary of No.167. The boundary is demarked by 1.6 m high wall with a c. 0.63 m mounted fence on top of the wall. The rear of No.165 is a paved patio and is the most important private amenity open space, serving as an outdoor room with sun from the south and southwest. The space is of particular importance as Mr Lynch has severely restricted mobility and the space is particularly important for his health.
- The proposed layout in the application is described (before the AI). Section 14.10.2 of the CDP is referred to, and section 14.10.3 is repeated. The submission to the Council is provided, which in summary submitted that the siting, excessive length and height will be overbearing and oppressive and will have an adverse material impact on the adjacent south facing patio.
- The AI reduces the length of the extension by 1.05m, to 8.6 m, a reduction
 of 10% and will still project 8 m beyond the rear building line of No.165. The
 marginal reduction in height and length is not considered sufficient, despite
 the welcomed set back owing to the inordinate length and height.
- The appellants do not accept that the PA report that some overshadowing is
 acceptable in an urban situation and consider the revised extension will
 remain visually oppressive and overbearing with a serious negative impact
 on the patio area, the accessible open space of Mr Lynch that is crucial to
 his wellbeing. It is requested that permission be refused.

7.3. Appeal by Dr L and Mrs M Lennox-summary.

- The appellants live at No.169 Park Avenue (west of the appeal site).
- CDP provisions are quoted in relation to extensions which have not been considered and reference is made to the SDCC house extension guide.
 (This appears to be South Dublin Co.Co Guide).

- The height of the side walls to parapet of 3.4 m is excessive and c 1 m from the boundary raises concerns about overshadowing and overbearing impacts particularly on the the morning sun. The parapet could be reduced considerably. The development will have a negative impact on adjacent residential amenity at No.167.
- The replacement of brick façade with render is inconsistent with neighbouring properties.
- The sewer line runs close to the kitchens and has been blocked on several occasions at No.169. The proposal covers the sewer line.
- The development up to the boundary of No.165 would set a precedent to do
 the same on the No.169 side and would in theory raise issues in relation to
 consent, upkeep and construction.
- Consultation with neighbours would be appreciated.

7.4. Applicant Response

- 7.4.1. Agent for the applicant responded to the two third party appeals, which may be summarised as follows.
 - The height has ben kept to a minimum and reduced in depth and width. The patio at No 165 runs diagonally wall to wall with several places to sit over the course of the day. The development size has been reduced by 22 % and is a major concession. The proposal is not unusual in scale or character in the context and is similar to development under the exempted development provisions.
 - The proposed energy efficiency measures are consistent with the CDP policies.
 - In relation to the sewer line, a consulting engineer will be retained as normal practice and any alterations will be provided if necessary.

7.5. Planning Authority Response

The PA requests ACP uphold the decision.

7.6. **Observations**

None on file.

8.0 Assessment

- 8.1. I consider the appeal may be addressed under the following headings.
 - Principle of development.
 - Impact on residential amenity of adjacent properties.
 - Visual impact of revisions to front of house.
 - Impact on sewage line
- 8.1.1. For information of An Coimisiún, a concurrent application FW25A/0155E was lodged for a first floor extension to the rear of No.167 Park Avenue and received a notification to grant permission, subject to conditions, on the same day as this application/appeal. That decision was not appealed and a final grant issued on 2nd September 2025. A condition in that permission related to the current appeal as set out in the planning history above. In summary, the condition provided that the terms and conditions of the grant under Reg. Ref. FW25A/0133 (this appeal) shall be complied with in relation to the first floor development permitted.
- 8.1.2. While this application is considered de novo, as the first floor has been granted permission and has not been appealed, I am assessing this application as described in the public notices.

8.2. Principle of development.

8.2.1. In section 14.10.2 of the CDP, the PA recognises the need for housing to be adaptable to changing family circumstances and will support applications to amend existing dwelling units to reconfigure and extend as the needs of the household change, subject to specific safeguards. The site is zoned RS, where it is an objective "To provide for residential development and protect and improve residential amenity" and therefore the principle of development is acceptable, subject to an assessment of the criteria below.

- 8.3. Impact on residential amenity of adjacent properties.
- 8.3.1. The main grounds of appeal submit that the revised application for the single storey rear extension has a serious negative impact on the residential amenity of the neighbouring properties owing to the location, height, length and size. In section 14.10.2, the CDP on residential extensions provides that the design and layout of residential extensions must have regard to and protect the amenities of adjoining properties, particularly in relation to sunlight, daylight and privacy. The design of extensions must also have regard to the character and form of the existing building, its architectural expression, remaining usable rear private open space, external finishes and pattern of fenestration. Additionally, careful consideration should be paid to boundary treatments, tree planting and landscaping.
- 8.3.2. The response to the appeal submits the reduced size, scale and character is similar to the exempted development provisions and is a typical type extension.

Impact on No.165

- 8.3.3. The existing boundary wall on the appeal site with No. 165 to the east is topped with a wooden fence. The longer part of the proposed L shaped single storey extension is on the side of No.165 and will extend c 1m higher than the top of the wooden fence. As the longer element of the extension is on east, I consider the impact is greater on the residential amenity of No. 165 than No. 169 to the west. The application was set back from the boundary of No.165 in the AI to align with the gable of No.167 and in my opinion, this is a very considerable improvement to No.165. I note that the existing conservatory abuts the boundary with No. 165 and the new set back extension will allow a side passage along the entire eastern side of the house and garden. The 1.2 m separation at the closet point to the boundary increases marginally towards the south of the site, owing to the slight skew in the shape of the site.
- 8.3.4. While the length is not inconsiderable at a reduced length of 8.627m, it is set back to the original gable line of the building and the existing conservatory on that side abutting the boundary is to be removed. The c. 2m long lean-to at the rear of No.167 is common to all the houses in this section of the estate and I consider it

- integral to the house and that is the ground floor rear building line. As such, I consider the extension is c. 6.6 m beyond the established rear building line rather than c. 8.6m.
- 8.3.5. The lean-to element to the rear of the house has a mono pitch roof with a ridge level at c. 3.730 m and an eaves level of 2.310 m. The proposed flat roof extension was marginally reduced in height by 60 mm at parapet level of 3.365 m.
- 8.3.6. There will be a considerable change in outlook from the rear of No.165 where a higher more solid structure will extend beyond the existing lean-to element on the west side and conservatory on the east side of that property. I consider the limited increase in height over the existing situation at the boundary to be acceptable, as it is set back from the party boundary and it would not have a significant impact on overshadowing of No. 165 having regard to the generous south facing garden available. The existing conservatory structure on No. 165 is on the eastern side of that property, a reasonable distance from the proposed development, and has a hard surface to the south and west of it. Given the size of the garden of No.165, I consider that the proposed set back boundary and reduced length in the proposed extension is reasonable in providing additional accommodation to No.167 in a suburban area, and retaining an adequate amenity space. I do not consider the impact on residential amenity of No.165 as so significant as to refuse permission.
- 8.3.7. The proposed door at the ground floor level on the eastern gable elevation of the existing house provides access to the existing side passage and from a utility space. No windows are proposed on the eastern elevation of the extension. I do not consider that there are any significant privacy impacts from the proposed development on neighbouring property.

Impact on No.169

8.4. An existing lean-to element is attached to the west side of the rear of No.167, common to No. 169 which is c. 2 m in depth and is proposed to be removed. The proposed length of the main section of the extension on the western side aligns with the gable at c. 5.8 m in depth. No. 169 has a larger shed than the appeal site on the boundary with No.167 and a second smaller garden structure close to the boundary with No.167.

- 8.5. The boundary between No.167 and No. 169 does not have a wooden fence on top of the wall, and I consider there will be a change in outlook from No.169. As the extension is c. 3.8 m beyond the existing building line on the western side, and is set back, I do not consider it to have a significant impact on overshadowing of No. 169. I also consider the garden buildings are located on western side of No.169, and it has a generous south facing garden available.
- 8.6. As the extension was set back by way of AI on the east, I do not consider that the development would set a precedent for development extending up to the boundary as submitted.
- 8.7. I do not consider any significant impacts on privacy arising, as no windows are proposed on the main western elevation of the extension, on the closest section to the boundary. I further consider that the proposed ground floor window onto the side passage on the western gable elevation is acceptable as it provides light into an office area.

8.8. Visual impact of revisions to front of house

- 8.8.1. The width of the proposed front porch is to be extended slightly, from 4.31 m to 5.240 m, retaining the same height and roof profile. In the wider estate area, there are several alterations to front porches. The proposal will provide for a more usable porch area to the house and will not impact on the ground floor window. I consider the proposed alterations to the front porch as modest and do not have a negative visual impact on the house or surrounding properties.
- 8.8.2. There is an objection to the proposed front elevation having a render finish rather than the existing butter coloured brick, which would distinguish the dwelling from the neighbouring houses. The submission is for an off white 150 mm rendered insulated finish. Park Avenue is a long road, c. 470 m long where the houses at the eastern end present a rendered first floor and brick ground floor and the western end presents a fully brick finish. I note the house at the end of the cul de sac, No. 171 is a different colour brick. The estate is not an Architectural Protection Area, and no specific designation applies to the houses. No.167 is towards the end of the cul de sac and is well set back from the public road, in an estate that is heavily

tree lined. While the finish will be different from the neighbouring properties, I do not consider that it has a negative visual impact in the context of the surrounding houses and area and is consistent with CDP polices to support high levels of energy conservation, energy efficiency, including retro-fitting of energy efficiency measures in the existing building stock.

8.9. Impact on sewage line

8.9.1. The appellants at No.169 consider that the development may impact the sewage line that runs close to the rear of the houses on Park Avenue, that gets blocked, and state that the problem is not with No.169. Many properties have been extended to the rear along Park Avenue. The water services department have no objection to the development subject to conditions which are considered reasonable. The obligations to comply with building control and not to potentially damage public infrastructure are in place. I have no evidence before me that the proposed specific development would impact on the sewage pipe at No. 169 and therefore do not consider that this should be a reason for refusal.

9.0 AA Screening

- 9.1. I have considered the proposed residential in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.2. The subject site is not within and not proximate to any European site. The closest designations below are noted:
 - Rye Water Valley/Carton SAC Site Code 001398, c. 8km.
 - South Dublin Bay and River Tolka Estuary SPA Site Code 004024, c. 10 km.
 - South Dublin Bay SAC Site Code 000210, c. 12km.
 - The site is also located c 1.2km to the Royal Canal Proposed Natural
 Heritage Area Site Code 002103, and 0.9km to the Liffey Valley Proposed
 Natural Heritage Area Site Code 000128.
- 9.3. The proposed development comprises of residential extensions to be retained.
- 9.4. No nature conservation concerns were raised in the planning appeal.

- 9.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 9.6. The reason for this conclusion is as follows:
 - Small scale and nature of the development.
 - The Location-distance from nearest European site and lack of connections.
- 9.7. I conclude, 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.
- 9.8. 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 Framework Directive

- 10.1. The subject site is located c330 m east of Liffey_180 Code:IE_EA_09L012350, which is west of the M50, with status poor (2021-2024).
- 10.2. The proposed development comprises residential extensions to an existing detached dwelling within the large suburban residential area of Castleknock in West County Dublin. No water deterioration concerns were raised in the planning appeal.
- 10.3. 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.

The reason for this conclusion is as follows:

Small scale and nature of the development to be retained.

 The Location-distance from nearest water bodies and lack of hydrological connections.

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. I recommend that permission be granted.

12.0 Reasons and Considerations

12.1. Having regard to the provisions of The Fingal county Development Plan 2023-2029, the zoning of the site, and the pattern of development in the vicinity, it is considered that, subject to compliance with conditions set out below, the proposed development would not seriously injure the character of the area or the residential or visual amenities of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 4th day of July 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

The attenuation and disposal of surface water, shall comply with the
requirements of the planning authority for such works and services. Prior to
the commencement of development, the developer shall submit details for
the disposal of surface water from the site for the written agreement of the
planning authority.

Reason: In the interest of public health.

3. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays, inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

4. 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.

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.

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.

Rosemarie McLaughlin

Inspector

18th October 202

Appendix A: Form 1 EIA Pre-Screening

Case Reference	ACP 323481-25			
Proposed Development Summary	Demolition of structures, construction of extensions and all associated site works			
Development Address	167 Park Avenue, Castleknock, Dublin, D15 A789			
IN ALL CASES CHECK BOX / OR LEAVE BLANK				
1. Does the proposed development come within	Yes, it is a 'Project'. Proceed to Q.2.			
the definition of a 'Project' for the purposes of EIA?	☐ No, No further action required.			
(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)				
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?				
☐ Yes, it is a Class specified in Part 1.	State the Class here			
EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.				
No, it is not a Class specified in Part 1. Proceed to Q				

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?				
No, the development of a Class Spectoschedule 5 or a of proposed roa under Article 8 Regulations, 199 No Screening results of the second of t	cified in Part 2, prescribed type d development of the Roads 4.			
Yes, the development is meets/exceeds the				
EIA is Mandator Screening Requ	•			
Yes, the development is consub-threshold.	ne proposed of a Class but is			
Preliminary exa required. (Form				
OR				
If Schedule 7A is submitted processing (Form 3 Require	eed to Q4.			
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 🗆				
No 😂 Pi	re-screening de	termination conclusion remains as above (Q1 to Q3)		

Inspector: Rosemarie McLaughlin Date:18/10/25