



Development

Extension to rear and rooflight to front, side and rear.

Location

50 Kingsbry, Maynooth, Co. Kildare

Planning Authority

Kildare County Council

Planning Authority Reg. Ref.

2560295

Applicant(s)

Demid Tishin and Rufina Tishina

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Demid Tishin and Rufina Tishina

Observer(s)

None

Date of Site Inspection

14th January 2026

Inspector

Elaine Power

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1.0 Site Location and Description

- 1.1. The appeal site is located at no. 50 Kingsbry, within an established residential estate in the southern environs of Maynooth. The appeal site has a stated area of 0.048ha and is rectangular in shape. The site comprises a 3-bed semi-detached dwelling with an existing single storey rear extension with a driveway to the front. Due to the sites corner location, within a cul-de-sac, it has a large side garden. The existing house has a stated area of 113.7sqm, 91.2sqm at ground floor level and 22.5sqm at first floor level. The house is predominately single storey and appears single storey from the front elevation.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a first floor rear extension, above the existing single storey rear extension and a rooflight on the front, side and rear of the roof profile.
- 2.2. The roof of the proposed first floor rear extension was altered by way of further information submitted on the 11th July 2025 to reduce the ridge height of 6.2m to 5.6m.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority refused permission for the following reason.

The proposed development of the first floor rear extension by way of its height, scale, bulk and mass, with an overall height of 5.638m extending 8.245m beyond the existing rear building line, would result in the overshadowing of the neighbouring property to the north, would result in overlooking of private amenity space of the neighbouring property to the southwest, and as a result would seriously injure the residential amenity of these properties, and would therefore be contrary to the principles set out under Section 15.4.12 the Kildare County Development Plan 2023-2029, and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

The initial planners report dated 13th May 2025 noted the planning history of the site and raised concerns that the proposed development would negatively impact on the residential amenity of adjoining properties. The report recommended that two items of further information be sought regarding the following:

- a. submit a revised design reducing the ridge height of the proposed extension.
- b. submit a revised design to prevent the overlooking of the private open space of the adjoining property to the west.

The report dated 1st August 2025 considered that the applicant didn't not fully assess the concerns raised in the request for further information and recommended that permission be refused for the reason outlined above.

3.2.2. *Other Technical Reports*

Area Engineer: Report dated 21st April 2025 raised no objection subject to conditions.

Environment Section: Report dated 16th April 2025 raised no objection subject to conditions.

Water Services Department: Report dated 1st April 2025 raised no objection subject to conditions.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Planning History

Reg. Ref. 24/61101: Permission was refused in 2025 for a first floor dormer extension to the rear with rooflights to the front, side and rear. The reasons for refusal related to (1) negative impact on the residential amenity of adjoining properties with regard to

overlooking and overshadowing and (2) the design approach would adversely distort the form, scale and character of the existing dwelling would seriously injure the character of the landscape and the visual amenity of the local area.

5.0 Policy Context

5.1. Maynooth and Environs Joint Local Area Plan 2025-2031

The Maynooth and Environs LAP came into effect on the 1st April 2025.

The appeal site is zoned Existing Residential / Infill with the associated land use objective to *protect and enhance the amenity of established residential communities and promote sustainable intensification.*

Residential uses are permitted in principle under this zoning objective.

5.2. Kildare Development Plan 2023 - 2029

Section 15.4.12 of the Development Plan sets out guidance for extensions to dwellings. The basic principles include:

- The extension should be sensitive to the appearance and character of the house and the local area.
- The extension shall have regard to the form and scale of the existing dwelling and should not adversely distort the scale or mass of the structure.
- The design and scale should have regard to adjoining properties.
- A flexible approach will be taken to the assessment of alternative design concepts and high-quality contemporary designs will be encouraged. A different approach may apply in the case of a Protected Structure, structures with significant heritage or within an Architectural Conservation Area.
- The cumulative impact of the existing extent of overlooking and the overlooking that would arise as a result of any proposed extension need to be considered.
 - The extension should not have an overbearing impact on neighbouring properties. Large extensions, particularly if higher than one storey, should be moved away from neighbouring property boundaries.

- New extensions should not overshadow adjacent dwellings to the degree that there is a significant decrease in daylight or sunlight entering into the house.
- An adequate area of private open space, relative to the size of the dwelling should be retained, generally not less than 25sq.m.

5.3. Natural Heritage Designations

The appeal site is not located within or immediately adjacent to a designated site.

5.4. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the first party appeal relate to the reason for refusal and are summarised below.

- The first floor rear extension would be partially accommodated within the roof of the existing rear extension. The new ridge line would be c. 1.1m higher than the existing. This is not a significant increase and sits below the ridge of the front section of the roof.
- No third party objections were received to the proposed development.
- The planning authority did not have any regard to the shadow study that was submitted by the applicant. The information submitted indicates that any overshadowing caused by the extension would be marginal.
- There is an existing window on the gable of the house that overlooks the rear garden of the house to the south west. The proposed roof lights are located

within the roof profile c. 1.58m above ground floor level and would not result in undue overlooking.

6.2. Planning Authority Response

The Planning Authority's response dated 15th September 2025 states that the proposed development was assessed on its own merits and within its context. Notwithstanding the fact that no submissions were received, the planning assessment established that the height, scale, length, bulk and mass of the proposed first floor extension would have a serious impact on the residential amenity of the locality as it would give rise to significant threat of severe overshadowing, overlooking of the neighbouring property and would have an overbearing impact and would therefore be contrary to policy 15.4.12 of the Kildare County Development Plan 2023 -2029 and proper planning and sustainable development therefore should be refused.

6.3. Observations

None

6.4. Further Responses

None

7.0 Assessment

7.1. Having examined the appeal details and all other documentation on file, including all of the submissions received in relation to the appeal, the report of the local authority and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Design Approach
- Residential Amenity

7.2. In the interest of clarity this assessment relates to the revised design and layout of the proposed development, as submitted by way of clarification of further information.

7.3. Principle of Development

7.3.1. The appeal site is zoned Existing Residential / Infill with the associated land use objective to *protect and enhance the amenity of established residential communities and promote sustainable intensification*. Residential uses are permitted in principle under this zoning objective. I am satisfied that the proposed development is in accordance with the sites zoning objectives and should be assessed on its merits.

7.4. Design Approach

7.4.1. The existing house has a stated area of 113.7sqm. The ground floor level (91.2sqm) accommodates a living room, dining room, kitchen, 2 no. bedrooms, a bathroom, a toilet and circulation spaces. The first floor level (22.5sqm) accommodates a bedroom and ensuite. The proposed first floor extension would sit above an existing single storey rear extension. The information provided on the application form states that the extension is c. 51.8sqm. However, the drawings submitted indicate that it is c. 8.2m in depth by c. 5.2m in width and, therefore, has an area of c. 41.8sqm.

7.4.2. The proposed extension would allow for internal alterations. At ground floor level the living room, dining room, kitchen, 1 no. bedroom, bathroom and toilet would be retained, while the existing bedroom at the rear of the ground floor would be converted to a new open plan kitchen / living / dining room with a new stair case. The proposed first floor level would accommodate 4 no. bedrooms, 1 no. ensuite and 1 no. shower room. The 2 no. bedrooms in the front portion of the house are predominantly contained within the existing first storey of the house and would be accessed via an existing stair case. While the 2 no. bedrooms in the rear portion of the house are fully contained within the proposed extension and would be accessed via a new stair case to be provided via the new open plan kitchen / living / dining room at ground floor level. There is no access at first floor level between the 2no. bedrooms at the front of the house and 2 no. bedrooms at the rear.

7.4.3. It is noted that the planners report raised concerns regarding the layout of the house, which provides for 2 no. separate kitchen / dining areas at ground floor level and 2 no. separate bedroom areas at the first floor level. While this concern is noted, the

applicant has not applied to subdivide the house. Therefore, this development is assessed as an extension to an existing residential dwelling.

7.4.4. Section 15.4.12 of the Development Plan sets out a number of criteria for extensions to dwellings. It notes that the extension should be sensitive to the appearance and character of the house and the local area; the extension shall have regard to the form and scale of the existing dwelling and should not adversely distort the scale or mass of the structure; and the design and scale should have regard to adjoining properties. The proposed extension is located to the rear of the existing house. It sits above an existing single storey extension and does not extend beyond the existing side building line of the house. The height of the extension (5.6m) does not extend beyond the existing ridge height of the roof (6.6m). While there may be some limited views of the rear extension from with the Kingsbry estate, between the appeal site (no.50) and the adjoining house no. 51, I am satisfied that the proposed development would not be highly visible from the public road and, therefore, would not impact on the character of setting of the local area and would not distort the form and scale of the existing or adjoining dwellings.

7.4.5. Section 15.4.12 of the Development Plan also states that an adequate area of private open space should be retained. As the proposed development is located above an existing single storey extension it would not impact on the availability of private open space and having regard to the large size of the garden, I am satisfied that there is adequate private open space to serve the proposed 5-bed house.

7.4.6. As noted above the internal layout of the first floor level provides for 4 no. double bedrooms. There are no windows at first floor level, and it is proposed that all 4 no. bedrooms would be served by a single roof light window. The drawings submitted indicate that the rooflights are c. 1sqm each. The development plan does not provide any guidance on access to natural daylight, sunlight or ventilation for residential extensions and the Planning Authority raised no concerns in this regard. It is acknowledged that in certain circumstances a habitable room may be solely served by a rooflight. However, it is my opinion that given the size of the extension (41sqm) and the number (4 no.) and size of the proposed double bedrooms, all of which are to be served by a single rooflight (c. 1sqm), that the design and layout of the extension has not given due consideration access to natural daylight and ventilation, which is an important consideration for all new developments to ensure a high quality standard of

residential accommodation. It is also noted that the proposed internal alterations to accommodate the proposed first floor extension would result in the window that currently serves the existing first floor bedroom serving a hallway. Therefore, I have serious concerns that the internal design and layout of the extension would result in an unsatisfactory standard of residential amenity for future and existing occupants of the house.

7.4.7. It is noted that permission was refused (Reg. Ref. 24/61101) in 2025 for a similar development that included dormer style windows on the first floor rear and side elevation of the proposed extension. It is my opinion, that subject to appropriate and contemporary design solutions to ensure no undue overlooking occurs, that this is a more appropriate design approach, as it would provide for access to adequate daylight, sunlight and ventilation to bedrooms. Alternatively, larger roof lights or a reduction in the number of bedrooms could address this concern. However, it is my opinion that this would significantly alter the design of the scheme and, therefore, it is not considered appropriate to address this concern by way of condition.

7.5. ***Residential Amenity***

7.5.1. The reason for refusal considered that that the proposed extension would result in overshadowing and overlooking and would be contrary to the principles set out under Section 15.4.12 the Kildare County Development Plan 2023-2029.

7.5.2. As noted above, Section 15.4.12 of the Development Plan sets out a number of criteria for extensions to dwellings. It states that new extensions should not overshadow adjacent dwellings to the degree that there is a significant decrease in daylight or sunlight entering into the house. The appeal site is located in a well established suburban area. Due to the orientation of the existing dwelling the only property potentially impacted by overshadowing from the proposed development is no. 49, which adjoins the appeal site to the north. It is noted during my site visit that there is significant screening from tree planting between the appeal site and the adjoining property to the north. The existing rear extension has a height of c. 4.5m. The proposed extension, as submitted by way of further information has a height of c. 5.6m. As part of the response to further information the applicant submitted an overshadowing impact report which indicates that there would be no impact in the morning with a minimal impact in the afternoon of the 21st March. Having regard to the

relatively limited increase in the height of the rear extension, the existing planting between the properties, and the information provided in the applicants overshadowing impact report submitted with the response to further information, I am satisfied that any overshadowing impact would be minor and in accordance with Section 15.4.12 of the Development Plan and, therefore, acceptable.

- 7.5.3. With regard to overlooking Section 15.4.12 of the Development Plan states that the cumulative impact and the overlooking that would arise as a result of any proposed extension need to be considered. The proposed extension includes 5 no. rooflights, in this regard 2 no. rooflights to the rear, 2 no. rooflights on the side and 1 no. rooflight on the front roof profile. These windows are provided at an angle in the roof, and they do not directly oppose any adjacent window. Therefore, I am satisfied at they would not result in any undue overlooking of any adjacent property or private amenity space.
- 7.5.4. Section 15.4.12 of the Development Plan also states that an extension should not have an overbearing impact on neighbouring properties. Large extensions, particularly if higher than one storey, should be moved away from neighbouring property boundaries. The proposed extension sits above an existing single storey extension. It is located c. 0.7m from the boundary with no. 49 and a minimum of c. 5.5m from the boundary with no. 51. It is acknowledged that the extension would be visible from the rear of the adjoining properties, however, given the nature and scale of the development, including its relatively limited height, I am satisfied that it would not have an overbearing impact.
- 7.5.5. In conclusion, it is my opinion that the proposed development would not result in a negative impact on the existing residential amenity of adjoining properties with regard to overlooking, overshadowing or overbearing impact and is in accordance with the provisions of Section 15.4.12 of the Development Plan. Therefore, I do not agree with the Planning Authority that permission should be refused on this basis.

8.0 AA Screening

- 8.1. In accordance with Section 177U of the Planning and Development Act 2000, as amended and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other

plans or projects would not be likely to give rise to significant effects on any European sites in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required. This determination is based on:

- The small scale and nature of the scheme,
- The urban location of the site,
- The separation distance from nearest European site, and
- The lack of a direct or indirect pathway to any designated site.

9.0 Recommendation

It is recommended that permission be refused for the following reasons and considerations.

10.0 Reasons and Considerations

1. It is considered that the size of the roof lights to serve the 4 no. double bedrooms within the first-floor extension would result in an inadequate provision of internal daylight, sunlight and ventilation to serve these habitable rooms. Therefore, the design and layout would result in an unsatisfactory standard of residential amenity for future and existing occupants of the house. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

Elaine Power
Senior Planning Inspector

15th January 2025

Form 1 - EIA Pre-Screening

Case Reference	323536-25
Proposed Development Summary	First floor rear extension
Development Address	50 Kingsbry, Maynooth, Co. Kildare.
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.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	

<p>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)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____