



An
Coimisiún
Pleanála

Inspector's Report ACP-323559-25

Development	Construction of extension and associated site works
Location	37, Patrician Villas, Stillorgan, Dublin, A94WV50
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D25B/0351/WEB
Applicant(s)	Beth Fortune
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Anthony McGarry
Observer(s)	None
Date of Site Inspection	27 th October 2025
Inspector	Bernadette Quinn

1.0 Site Location and Description

- 1.1. The appeal site, with a stated area of 0.013ha is located on Patrician Villas. There is a two storey terraced dwelling on the site. A recently constructed two storey dwelling adjoins the property to the west and a terrace of similar dwellings to that on the appeal site adjoins to the east. There is off street parking in the front garden and to the rear there is private amenity space.
- 1.2. The area is characterised by two storey terraced dwellings of a similar design to the dwelling on the appeal site.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a part one and part two storey extension to rear, external wall insulation, new windows and doors throughout, rooflight to new extension and to rear main roof, and all ancillary site works.
- 2.2. The existing dwelling has a floor area of 77.2 sq.m. It is proposed to demolish an area measuring 2.2 sq.m. and the new build will have a floor area of 25.1 sq.m

3.0 Planning Authority Decision

3.1. Decision

- 3.2. On 07th August 2025 Dun Laoghaire Rathdown County Council issued notification of decision to grant permission subject to 2 conditions.

3.3. Planning Authority Reports

3.3.1. Planning Reports

Report dated 12th March 2025 can be summarised as follows:

- Given the perpendicular orientation of the extension, the absence of directly opposing windows, and the presence of similar first-floor windows on corner plots in the area, along with the separation distance, it is not considered that the proposal would result in undue overlooking of neighbouring properties.

- Whilst the two storey element could potentially give rise to some overshadowing or overbearing effects on the property to the west, it is noted that similar developments exist in the area, including at Nos 29A and 25A Patrician Villas. Also, the northeast orientation of the extension ensures that any overshadowing will be minimal and limited in scope, further reducing the potential for adverse impacts on neighbouring properties.
- The proposal is not considered to result in any undue impact on neighbouring properties and considered to be consistent with Section 12.3.7.1(ii) of the development plan in relation to rear extensions to dwellings.
- Having regard to the scale and nature of the proposed development it is considered that the proposal would not adversely impact on the amenities of existing adjacent residential properties by way of overlooking, overshadowing or overbearing appearance and satisfies the relevant provisions of the development plan.
- It is considered that the Drainage Department condition deals with the matter raised in the third party submission.
- The proposal would not detract from the character of the surrounding area and would be in accordance with the development plan and in accordance with the proper planning and sustainable development of the area.

3.3.2. Other Technical Reports

Drainage Planning: No objection subject to condition.

3.4. Prescribed Bodies

None on file.

3.5. Third Party Observations

One submission on file raises concerns that the proposal does not adequately deal with SUDs.

4.0 Planning History

4.1. Appeal Site:

D18A/0794: Permission refused by DLR to demolish single storey extension and garage and construct a new two storey dwelling. The reason for refusal relates to design and visual impact.

D19A/0046: Permission refused by DLR to demolish single storey extension and garage and construct a new two storey dwelling. Reason for refusal relates to visual and residential amenity impacts.

D19A/0254: Permission refused by DLR to demolish single storey extension and garage and construct a new two storey dwelling. Reason for refusal relates to visual and residential amenity impacts.

D19A/0728 / ABP-306781-20: Permission granted by DLR and ABP to demolish single storey extension and garage and construct a new two storey dwelling. This permission has been implemented.

4.2. Adjoining Site at No. 38:

D18B/0152: Permission refused by DLR for two storey rear extension. Reason for refusal relates to residential and visual amenity impacts.

D19A/0944 / ABP-306810-20: Permission granted by DLR and ABP for single storey extension to the rear.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Dún Laoghaire Rathdown County Development Plan, 2022-2028 is the statutory development plan for the area. The site is zoned Objective 'A' residential with the objective to: 'provide residential development and improve residential amenity while protecting the existing residential amenities' under which residential development is listed within the 'Permitted in Principle' category of this zoning objective.

5.1.2. Chapter 12 of the development plan deals with Development Management. Section 12.3.7.1 provides guidance with respect to rear extensions. The relevant considerations include:

- Extensions to the Rear: 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. Relevant considerations include overshadowing, overbearing, and overlooking - along with proximity, height, and length along mutual boundaries; Degree of set-back from mutual side boundaries; External finishes and design, which shall generally be in harmony with existing.

5.2. Natural Heritage Designations

5.2.1. South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and South Dublin Bay SAC (Site Code 000210) are located approx. 1.8km northeast of the appeal site.

5.3. EIA Screening

5.3.1. The proposed development is not a class of development set out in Schedule 5, Part 1 or Part 2 of the Planning and Development Regulation 2001, as amended, and therefore no preliminary examination is required. See Appendix 1.

6.0 The Appeal

6.1. Grounds of Appeal

One no. third party appeal has been received from Anthony McGarry of the adjoining property at No. 38 located to the east of the appeal site. The grounds of appeal can be summarised as follows:

- The proposal will give rise to overshadowing to the rear of the appellants property.
- No daylighting/shadow analysis has been submitted to show potential undue overshadowing of the adjoining property to the east.
- Additional overshadowing due to the northerly aspect of the private amenity space could result in significant loss of daylight and significant increase in overshadowing to the rear of No. 38.
- The proposal will impact residential and visual amenity due to its overbearing design, scale and form and the proposed first floor extension would be contrary to Section 12.3.7 (ii) of the Development Plan.
- The first floor extension is of a design which fails to be subservient to the host dwelling with eaves appearing to match the existing.
- The design is at odds with the terrace roof design that characterises the immediate area. The gable designed roof would be a visually incongruous build form that would project above the eaves level of the roof structure.
- It is requested that the application is refused.
- Shadow analysis drawings are attached to the appeal.

6.2. Applicant Response

A response received on behalf of the applicant can be summarised as follows:

- The rear of the appellants house faces within 90 degrees of due north and so does not have a reasonable expectation of sunlight within the meaning of Site Layout Planning for Sunlight and Daylight (the BRE Guide). The BRE Guide

does not advise that such north facing windows are subject to quantitative impact assessment for sunlight access and does not suggest a minimum standard for sunlight access to windows facing within 90 degrees of due north.

- The rear façade of the appellants property receives very little sunlight over the course of the year as confirmed by the shadow analysis submitted in relation to a previous application.
- Any sunshine received through the 2.3m wide gap between no. 36A and no. 37A would likely be very brief.
- It is not reasonable to suggest that the appellant will suffer an undue degree of loss of amenity due to a limited potential for minor and transient overlooking.
- The rear garden at no. 38 will continue to receive the level of sunlight recommended in the BRE Guide (at least 2 hours of sunlight on 21st March.
- The proposed two storey element of the extension will be located to the west side of the appeal site away from no. 38 and extends less than 3 m from the rear façade.
- Having regard to the scale of the extension and set back of the first floor from the boundary with No. 38 by 1.5m the proposal will not be overbearing.
- Regarding Development Plan Section 12.3.7.1 (iv), no changes are proposed to the main roof profile
- The existing house at No. 37 is not of architectural heritage value and therefore there is no requirement that a proposed extension would preserve the existing appearance of the rear façade or be subservient in scale to the existing house. Having regard to the proposed floor area, depth, eaves level and ridge level, the design is considered subservient to the existing dwelling.
- The existing house at 37A is likely to obstruct any visibility of the proposed extension.
- Precedent is outlined of permitted extensions of similar or greater scale in the area.

6.3. Planning Authority Response

Response received states that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.4. Observations

None received.

7.0 Assessment

- 7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal relate to overshadowing and loss of light impacts, visual impacts and compliance with Development Plan standards relating to extensions.
- 7.2. The Development Plan in section 12.3.7.1 provides guidance in relation to first floor extensions which will only be considered where there will be no significant negative impacts on surrounding residential or visual amenities. Relevant considerations include overshadowing, overbearing, and overlooking - along with proximity, height, and length along mutual boundaries; Degree of set-back from mutual side boundaries; External finishes and design, which shall generally be in harmony with existing.
- 7.3. The proposed rear extension will be located to the north of the existing dwelling and will extend perpendicular to the main rear façade, will have a pitch roof with a ridge height of 7.29m which is set below the existing ridge height of 7.77m. The single storey element will extend the full width of the rear elevation whilst the first floor element will be set back from the eastern boundary with No. 38 by 1.1115m. The development will extend 3.175m from the existing rear façade. On the north (rear facing) elevation a new sliding door and window are proposed at ground floor level and a new window serving a bedroom is proposed at first floor.

- 7.4. Concerns are raised regarding loss of light inside and outside the rear of the third party's property at no. 38, located to the east of the appeal site, as a result of the proposed extension.
- 7.5. The first party appeal includes a Shadow Analysis which illustrates shadows cast in the existing scenario and as a result of the proposed extension at various times of the day from March to July.
- 7.6. I note that the orientation of the appeal site and adjoining properties is such that shadow from the existing dwellings casts onto the north facing rear façade and rear gardens. I also note that guidance contained in 'BRE 2009 – Site Layout Planning for Daylight and Sunlight – A guide to good practice' advises that for rooms facing north recommended standards are unlikely to be met for sunlight access to windows.
- 7.7. Having reviewed the drawings submitted with the application and the shadow analysis submitted with the appeal, and having regard to the scale and orientation of the proposed extension and the orientation of the rear façade and rear garden of adjoining properties, I consider that there will be limited impact on daylight/sunlight levels at no. 38 and I am satisfied that any additional overshadowing as a result of the proposal is unlikely to give rise to significant additional overshadowing impacts beyond what already exists. I am satisfied that adjacent dwellings and amenity spaces will not be adversely affected by the proposal in terms of a loss of daylight or sunlight.
- 7.8. The appeal raises concerns that the proposal will impact residential and visual amenity due to its overbearing design, scale and form and the proposed first floor extension would be contrary to Section 12.3.7 (ii) of the Development Plan.
- 7.9. The proposed extension will have a pitch roof with a ridge height of 7.29m which will run perpendicular to the existing roof and which is set below the existing ridge height of 7.77m and the proposed eaves height will match that of the existing dwelling. The extension will provide for an additional floor area of 25.1 sq.m. on to the existing floor area of 77.2sq.m. and a render finish is proposed. The first floor element will be set back from the eastern boundary with No. 38 by 1.1115m and the overall extension will extend 3.175m from the existing rear façade.
- 7.10. Having regard to the limited scale and extent of development proposed as outlined above, I am satisfied that the proposed extension is subservient to the existing

dwelling, that the roof design is appropriate for the site and will not give rise to overbearing impacts, nor will it give rise to undue impacts on the visual amenities of adjoining properties. I am satisfied that the proposal complies with the guidance contained in Section 12.3.7.1 of the Development Plan and is in keeping with the pattern of development in the area.

- 7.11. Having regard to my assessment above, I do not consider that the proposal represents a scale or form of development which would detrimentally impact on the residential or visual amenity of adjoining properties and I consider the proposal complies with the provisions of the Development Plan relating to rear extensions.

8.0 Water Framework Directive Assessment Screening

- 8.1. The subject site is located approx. 80m west of the nearest water body comprising Brewery Stream. The proposed development comprises the construction of an extension to an existing dwelling as outlined in section 2.1 of this report.
- 8.2. No water deterioration concerns were raised in the planning appeal. I have assessed the proposed 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.
- 8.3. The reason for this conclusion is as follows:
- The small scale of development and the nature of works
 - The location-distance from nearest Water bodies and lack of hydrological connections
- 8.4. 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.

9.0 AA Screening

9.1. Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive

9.1.1. I have considered case ABP 323559-25 in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The proposed development is located within a residential area and comprises an extension to an existing dwelling and all associated site works. The closest European Sites are South Dublin Bay SAC (Site Code 000210) and South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), both located approx. 1.8km northeast of the proposed development.

9.1.2. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- Small scale and domestic nature of the development
- The location of the development in a serviced urban area, distance from European Sites and urban nature of intervening habitats, absence of ecological pathways to any European Site.

9.1.3. 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. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

10.1. I recommend that planning permission should be granted, subject to conditions.

11.0 Reasons and Considerations

Having regard to the provisions of the Dún Laoghaire Rathdown County Development Plan, 2022-2028, the zoning objective to 'provide residential development and improve residential amenity while protecting the existing residential

amenities', the pattern of development in the area, and the scale, form and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, there would be no adverse impact on the existing residential and visual amenities of the area. The proposal would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out and completed 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.

Reason: In the interests of clarity.

2. The existing dwelling and the proposed extension shall be jointly occupied as a single residential unit and the extension shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

3. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

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.

Bernadette Quinn
Planning Inspector

28th October 2025

Form 1 - EIA Pre-Screening

Case Reference	ACP-323559-25
Proposed Development Summary	Construction of extension and associated site works
Development Address	
	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 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>State the Class and state the relevant threshold</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>State the Class and state the relevant threshold</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>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____