



An  
Coimisiún  
Pleanála

# Inspector's Report

## ACP323583-25

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<b>Development</b>	Construction of a first-floor to the existing single-storey house, ground floor rear elevation changes & internal alterations to the ground floor.
<b>Location</b>	Naomh Treasa, Stiles Court, Clontarf, Dublin 3.
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	WEB1524/25
<b>Applicant(s)</b>	Charles Hughes.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Stephen Cairns.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	19/11/25.

**Inspector**

Anthony Abbott King

## 1.0 Site Location and Description

- 1.1. The appeal site comprises the burnt-out shell of a double-pile single-storey detached house, known as “Naomh Treasa”, located on the south side of Stiles Court. The site is screened by a palisade fence. Stiles Court is a cul-de-sac of infill houses accessed via Stiles Road.
- 1.2. The adjoining house to the east at no.1 Silverfield is the end house in a short terrace of two-storey semi-detached and detached houses with attic dormers known as nos. 1-5 Silverfield. The adjoining house to the west, at no. 6 Stiles Court, is a dormer style detached two-storey property.
- 1.3. No. 120 Kincora Road is located to the south of the appeal site sharing a rear boundary with “Naomh Treasa”.
- 1.4. The dominant house types in this mature suburban location are two-storey semi-detached houses and detached houses.
- 1.5. Site area is given as 0.014 hectares.

## 2.0 Proposed Development

- 2.1. The proposed development consists of alterations to the ground floor rear elevation and for minor internal alterations to the existing ground floor plan and for the construction of a first floor extension to the existing house and for all associated site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

Grant permission subject to condition.

Condition 3 is relevant:

*Prior to the commencement of development the applicant shall submit revised plans amending the first floor rear elevation from the rendered elevation to a rear elevation which provides for brick to facilitate in breaking up the elevation.*

*Reason: In the interests of visual amenity.*

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

- The decision of the CEO of Dublin City Council reflects the recommendation of the planning case officer.

It is noted before a positive recommendation was recorded, the planning case officer requested the following further information on the 07/05/2025.

*The planning authority has serious concerns regarding the proposal for a first floor to the dwelling with regards to the height and the impact of this on the neighbouring properties in relation to overshadowing and overbearing impacts and requests that the applicant revisit this and consider a dormer type roof extension to accommodate additional living space with windows facing out to the front of the site.*

The submission of significant further information was readvertised on the 16/09/2025.

The applicant response includes drawings providing for a revised house design and a Daylight and Sunlight Assessment of Residential Developments at Naomh Treasa, Stiles Court, prepared by John Healy, dated 25/06/2025. The analysis concludes that there will be minimal reduction in available daylight and sunlight to the neighbouring properties and any impact will be negligible.

### 3.2.2. Other Technical Reports

- No objection subject to condition (Drainage Division).

## 3.3. Prescribed Bodies

N/A

## 3.4. Third Party Observations

Two submission were received by the planning authority objecting to the proposed development on the grounds of adverse impacts on existing amenities, including overbearing impacts and loss of light and overshadowing resulting from the first floor extension, lack of consultation, access and boundary matters.

The appellant submitted a detailed observation to the planning authority on 16/04/25. The submission related to the original planning application lodged with the planning authority before the submission of revised drawings. The impact on the residential amenities of adjoining houses is highlighted.

The appellant responded to the re-advertisement of significant further information noting that he remained concerned that the proposed development, as revised, still posed significant risks to adjoining residential amenities.

## 4.0 Planning History

- 4.1. There is no recent relevant planning history. The dwelling house on site was granted planning permission under Reg. Ref. 5972/03.

## 5.0 Policy Context

### 5.1. Development Plan

The following policy objectives of the Dublin City Development Plan 2022-2028 are relevant.

#### Zoning

The zoning objective is 'Z1'(Map F): *'to protect, provide and improve residential amenities'*.

Residential is a permissible use.

- **Urban Consolidation**

Chapter 5 (Quality Housing and Sustainable Neighbourhoods), is relevant including:

Policy QHSN6 (Urban Consolidation) is relevant. The policy promotes and supports residential consolidation and sustainable intensification through the consideration of applications *inter alia* for infill development, backland development, mews development, re-use / adaption of existing building stock, and use of upper floors subject to the provision of good quality accommodation.

Policy Objective QHSNO4 (densification of the suburbs) is relevant and states:

*To support the ongoing densification of the suburbs and prepare a design guide regarding innovative housing models, designs and solutions for infill development, backland development, mews development, re-use of existing housing stock and best practice for attic conversions.*

- **Residential Extensions**

Chapter 15 (Development Standards), Section 15.11 is relevant and states for guidance and standards *inter alia* for residential extensions see Appendix 18.

- Appendix 18, (Ancillary Residential Accommodation) Section 1 (Residential Extensions) is relevant. Section 1.1 (General Design Principles) *inter alia* states:

*The design of residential extensions should have regard to the amenities of adjoining properties and in particular, the need for light and privacy. In addition, the form of the existing building should be respected, and the development should integrate with the existing building through the use of similar or contrasting materials and finishes.*

- Section 1.1 (General Design Principles) provides the following assessment criteria for applications for extensions to existing residential units, which should:
  - *Not have an adverse impact on the scale and character of the existing dwelling;*
  - *Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, outlook and access to daylight and sunlight;*
  - *Achieve a high quality of design;*
  - *Make a positive contribution to the streetscape (front extensions).*
- Appendix 18, Section 1.2 (Rear Extensions) is relevant and *inter alia* states:

*First floor rear extensions will be considered on their merits, noting that they can have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the planning authority is satisfied that there will be no significant negative impacts on surrounding residential or visual*

*amenities. In determining applications for first floor extensions the following factors will be considered:*

- *Overshadowing, overbearing, and overlooking / along with proximity, height, and length along mutual boundaries*
  - *Remaining rear private open space, its orientation and usability*
  - *Degree of set-back from mutual side boundaries*
  - *External finishes and design, which shall generally be in harmony with existing.*
- Appendix 18, Section 1.4 (privacy) is relevant and *inter alia* states:

*Extensions should not result in any significant loss of privacy to the residents of adjoining properties. Generally, windows overlooking adjoining properties (such as in a side wall) should be avoided. Where essential, the size of such windows should be kept as small as possible and consideration should be given to the use of high-level windows and/ or the use of obscure glazing where the window serves a bathroom or landing. Bedrooms in general should not be lit by obscure glazed windows as a means to prevent undue overlooking of adjacent properties.*

- Appendix 18, Section 1.6 (Daylight) is relevant and states:

*Large single or two-storey rear extensions to semi-detached or terraced dwellings can, if they project too far from the main rear elevation, result in a loss of daylight to neighbouring houses. Furthermore, depending on orientation, such extensions can have a serious impact on the amount of sunlight received by adjoining properties. On the other hand, it is also recognised that the city is an urban context and some degree of overshadowing is inevitable and unavoidable. Consideration should be given to the proportion of extensions, height and design of roofs as well as taking account of the position of windows including rooms they serve to adjacent or adjoining dwellings.*

## **5.2. Relevant National or Regional Policy / Ministerial Guidelines**

- The National Planning Framework (NPF) – First Revision (Project Ireland 2040) Government of Ireland April 2025.

- The Department of Housing, Local Government and Heritage ‘The Sustainable Residential Development and Compact Growth Guidelines for Planning Authorities’, (15 January, 2024).
- Department of Environment Heritage and Local Government ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (2009) and the accompanying Design Manual (2009).

## 6.0 EIA Screening

6.1. Having regard to the nature and scale of the proposed development for one infill dwelling house in an established urban area, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for EIA can, therefore, be excluded at preliminary examination and a screening determination is not required – see completed Form 1 on file in Appendix 1.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

The grounds of appeal are summarised below:

- The appellant is not objecting to the development in principle. However, notwithstanding the submission of revised drawings to the planning authority in response to further request by the planning authority, the appellant remain concerned at the impact of the development on adjoining residential amenities.
- It is claimed that the revised design does not comply with the specific direction given to the applicant by the planning authority. The planning authority raised concern in the matter of visual impact requesting a dormer style design.
- The application by further information response reduced the ridge height and introduced a hipped roof profile maintaining a two-storey structure leaving massing issues unresolved. It is claimed the proposed two-storey house would result in overshadowing and visual dominance.

- The applicant proposes a full height two-storey wall along the rear garden boundary with no buffer zone. The existing garden of the appellant's house at no. 1 Silverfield is small and enclosed.
- It is claimed the garden, living space and child's bedroom will be adversely impacted by the new development given the physical relationship between the proposed works and the subject garden, which the Daylight and Sunlight Assessment does not reflect. A site visit to understand the physical relationship is requested.
- The approval of the development without adequate oversight places disproportionate risk and disruption on adjoining residents. It is claimed the planning authority has failed to condition the permission properly despite the appellant highlighting concerns / risks submitted at planning application stage, including potential damage to the shared boundary, restricted use of the garden by children as a safety precaution during construction phase and, over-sailing issues. The 5 attached conditions are generic in nature fail to meet reasonable planning standards.
- The permission has been granted without any conditions addressing construction-phase safety, logistics or impact. The omission of a construction management plan is a serious planning oversight given the zero boundary separation between the new build and the appellant's house, the use of the rear garden by young children and, the structural uncertainty of the fire-damaged boundary wall.
- The applicant's builders indicated to the appellant that erecting a temporary scaffold-like-platform in the garden would prevent debris falling into the adjoining property during the build. The construction of the platform would involve drilling into the boundary wall, inserting steel bars, creating a projecting platform 2-3 feet into the adjoining garden and enclosing the platform with timber or other materials.
- It is claimed that the a temporary scaffold-like-platform is not included in the planning documentation. The appellant does not consent to the construction of the platform in his garden. The need for this structure illustrates that the build

as approved is not practically deliverable without unacceptable and unauthorised encroachment.

- The appellant requests that the Commission seriously assess the impact of the construction phase of the proposed development on the garden of the adjoining house at no.1 Silverfield given that it is the only amenity area for the children of the house. The appellant asks for the regulation of the development by condition including the following:
  - A full construction management plan agreed prior to commencement;
  - No part of the development to over sail adjoining property without written agreement;
  - Rainwater goods and structural elements must remain within the red line boundary;
  - Hours of works should be restricted to 9am-5pm, Monday-Friday;
  - A named contact for complaints or coordination must be appointed by the builder.

## 7.2. Applicant Response in the case of a 3<sup>rd</sup> Party Appeal

The applicant response, prepared by Peter P. Gillett & Associates, is summarised below:

- The applicant in the reconstruction of the building on site following a fire has sought to enlarge the house, in order to accommodate his daughter and grandchildren. It is claimed that the existing accommodation on site was inadequate and substandard.
- The reconstruction follows the footprint and uses the walls of the existing structure and would duplicate the ground floor at first floor level. The existing house has a limited floor area of 50.4 sqm. The proposed dwelling would have a floor area of 100.8 sqm.
- The rear garden has been enlarged to 40.3 sqm.
- The planning authority concern in relation to overshadowing and overbearing impacts on adjoining properties at no. 6 Stiles Court, a large dormer bungalow

to the immediate west, and at no. 1 Silverfield, a substantial 2.5 storey dwelling with very limited rear garden space and dept, has been comprehensively addressed in the further information response.

- The revised proposal has resulted in an improved house design. It is claimed it will have very limited visual intrusion and overbearing impacts on the appellant's property compared to the original dwelling on site.
- The roof has been reduced by 600mm (from 8.2m to 7.6m) by further information response and incorporates a hipped profile replacing an A frame roof, as submitted to the planning authority. It is claimed that the modifications significantly reduce the mass, height and scale of the enlarged structure.
- It is claimed that the visual perception of the new structure is considerably reduced in comparison with the original design. The hipped roof redesign would present on the boundaries at a height of 5m. The original ridge height of the bungalow and the two gable walls on the boundary were 4.5m.
- It is claimed that in the revised proposal there is no significant height in the gable wall, as the revised gable wall is less than 500mm higher than the original wall to the bungalow.
- Furthermore, in order to mitigate overlooking the two rear first floor windows have been replaced with high level clearstory windows.
- The orientation of the adjoining house at no. 1 Silverfield adjoining to the west would mitigate against daylight and sunlight depreciation given its north-south axis with a south facing back garden.
- A Sunlight & Daylight Analysis carried out by John Healy MSC, submitted as part of the further information response, dated 25/06/2025, clearly indicates there will be no perceptible loss of daylight, sunlight or overshadowing to the adjoining properties.
- In the matter of the boundary wall with no.1 Silverfield it is entirely within the applicant's property. It is not intended that any part of the development will oversail the adjoining property to the west. The rainwater gutters and fascia / soffit will be within the applicant's property.

- The applicant clarified that if work is required that requires access to the neighbouring property at no. 1 Silverfield, this will be done by way of full notice and agreement. There will be no trespass into the neighbouring property without the prior consent of the property owner.
- A number of health and safety issues are raised in the appeal, which are not specifically related to planning but to other legislation. Safeguards will be taken and maintained to ensure that materials do not enter / fall into the subject property or endanger the safety of occupants. The property owner will be given two week notice prior to commencement.
- Furthermore, the applicant is prepared to prepare a construction method statement to be submitted to the planning authority prior to the commencement of development including how the east façade gable wall will be erected.
- In the matter of construction, the applicant intends to fully comply with Condition 6 of the decision to grant permission. The applicant suggests the early weekly start time could be changed from 8am to 7am.

### 7.3. **Planning Authority Response**

The planning authority recommends the attachment of a development contribution.

### 7.4. **Observations**

None

## 8.0 **Assessment**

8.1. I have 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 having inspected the site, and having regard to the relevant planning policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Zoning / principle of development
- Compact growth / urban consolidation
- Residential Extension

- Potential impact on adjoining properties
- open space
- Other matters

#### Principle of development

- 8.2. The site is zoned Z21(Residential) in the Dublin City Development Plan 2022-2028: *to protect, provide and improve residential amenities*'. Residential development including residential extension is a permissible use.
- 8.3. The proposed development to reconstruct and enlarge the existing dwelling house on site is acceptable in principle subject to satisfying the overall policies and objectives of the development plan.
- 8.4. I note that the applicant has redesigned the development proposal in response to a further information request (07/05/2025). The significant further information was readvertised on the 16/07/2025. The assessment below interrogates the redesign response submitted to the planning authority.

#### Urban Consolidation

- 8.5. The policy framework provided by the Dublin City Development Plan 2022-2028 supports the infill development of brownfield, vacant and underutilised sites. Policy QHSN6 (Urban Consolidation) of the plan promotes and supports residential consolidation and sustainable intensification through the consideration of applications *inter alia* for the re-use / adaption of the existing building stock.
- 8.6. Policy Objective QHSNO4 (densification of the suburbs) supports the ongoing densification of the suburbs and prepare a design guide regarding innovative housing models, *inter alia*, designs and solutions for infill development, backland development, mews development and the re-use of existing housing stock.

I consider that the proposed development to reconstruct and enlarge the existing dwelling house on site, by the additional of a new first floor to the existing shell single-storey structure, would align with the urban consolidation policies and objectives of the Dublin City Development Plan 2022-2028.

I conclude that the proposed development represents an innovative adaption of the existing suburban housing stock supported by the policy framework of the Dublin city development plan.

#### Residential extension

- 8.7. Appendix 18 (Ancillary Residential Accommodation) of the Dublin City Development Plan 2022-2028 provides guidance on the extension of existing dwelling houses. The general design principles require extensions to have regard to the amenities of adjoining properties in particular the need for light and privacy.
- 8.8. Section 1.1 (general design principles) and Section 1.2 (rear extensions) of Appendix 18 provide guidance for residential extension and first floor residential extension.
- 8.9. Section 1.2 lists the following matters for consideration: Overshadowing, overbearing, and overlooking / along with proximity, height, and length along mutual boundaries; remaining rear private open space; degree of set-back from mutual side boundaries; external finishes and design, which shall generally be in harmony with existing.
- 8.10. I interrogate these matter below with reference to the residential properties adjoining the development site.

#### Building form and finish

- 8.11. The existing single-storey dwelling two-bedroom house known as “Naomh Treasa” was destroyed by fire on the 28<sup>th</sup> October, 2024. This property was granted planning permission in 2003. The applicant given the opportunity to reconstruct the house proposes to add a first floor extension above the existing single-storey house structure reusing the exterior extant walls.
- 8.12. The development plan guidance provides that the form of the existing building should be respected. I consider that the addition of a first floor above the existing ground floor footprint, including retention of the existing front and rear building lines, would be an acceptable approach to increasing accommodation on site.
- 8.13. Appendix 18 guidance provides that the extension should integrate with the existing building through the use of similar or contrasting materials. I note a render finish at first floor level is proposed complementing the existing brick finish to the front ground floor elevation. I also note that the front elevation would exhibit a projecting two-storey

bay with a gable roof profile. I consider that the front elevation successfully modulates the Stiles Court façade.

- 8.14. The planning case officer concluded that the substitution of a brick finish to rear elevation would mitigate the negative visual impact of a blank rear facade. I do not concur with the planning case officer.
- 8.15. Notwithstanding the blank rear elevation design proposed, I consider that a render finish to the rear elevation is acceptable in principle and in detail consistent with Section 1.1 (general design principles) and Section 1.2 (rear extensions) of Appendix 18.

#### Floor area and amenity standards

- 8.16. The extended house would have a floor area of approximately 97 sqm. The first floor extension would accommodate two bedrooms and a bathroom. The ground floor would comprise reception space comprising an open plan kitchen / sitting room / dining room, office and W.C. I note that the existing dwelling house has a modest floor area of approximately 50 sqm.
- 8.17. The applicant has included in the letter of application a comparison of the proposed development against internal floor area standards (Table 1: Floor areas and space standards). I consider that the proposed dwelling house as extended would comply with internal floor area standards.

#### Revised design

- 8.18. The planning authority expressed concern in the matter of the massing of the extended dwelling house and roof structure, including potential impacts on the adjoining properties, at no. 1 Silverfield (appellant) adjoining to the east and no. 6 Stiles Court adjoining to the west, *inter alia* given the single-storey height of the existing dwelling house and the proximity of the development to the shared side property boundaries.
- 8.19. The applicant in response to further information redesigned the proposed first floor extension replacing the proposed A-frame roof with a hipped roof and reduced the overall ridge height by 500mm.
- 8.20. The ridge height of the revised design is given as 7650mm (reduced from 8150mm). It is noted the ridge height would be significantly lower than the main ridge of no. 1

Silverfield. However, the ridge height is greater than the ridge height of the dormer bungalow adjoining to the west at no. 6 Stiles Court.

- 8.21. The hipped roof design would have an eaves height of 5000mm on the eastern boundary and 4750mm on the western boundary, as shown on Drg. 2442-PL-03 (Further Information).
- 8.22. The applicant also omitted the rear elevation windows and substituted clerestory openings in accordance with the further information request to omit first floor rear windows (*.....with windows facing out to the front of the site*) – See Section 3.2.1 above.
- 8.23. The appellant claims that the revised design does not comply with the specific direction given to the applicant by the planning authority. The planning authority raised concern in the matter of visual impact requesting a dormer style design, which the applicant did not address.
- 8.24. The planning authority noted that the further information response did not provide for a dormer structure rather a hipped roof structure, which the planning authority considered acceptable. I would concur with the planning case officer.
- 8.25. I note that the predominant building stock in the area is two-storey semi-detached and detached houses. I consider that the extended two-storey house would be consistent with the pattern of development in the area.
- 8.26. I conclude that the proposed extension as redesigned and readvertised would provide a reasonable standard of accommodation on site and would integrate with the existing two-storey streetscape on Stiles Court (no. 6 Stiles Court presents as a two-storey gable elevation to the street) in terms of building height, roof profile and material finish.

#### Potential impact on adjoining properties

- 8.27. “Naomh Treasa” shares a property boundary with no. 1 Silverfield to the east and nos. 6 Stiles Court to the west. The south property boundary is shared with no. 120 Kincora Grove.

#### No. 120 Kincora Grove

- 8.28. The separation distance between the rear boundary wall with no. 120 Kincora Gove and the rear elevation of the extended house is given as 4600mm. The separation

distance between no.120 Kincora Grove and the rear elevation of the extended house is given as 10270mm. However the significant part of the rear elevation of no.120 Kincora Grove steps forward reducing the separation distance to less than 8m.

- 8.29. There are two window openings shown on the originally submitted drawings in the rear elevation at first floor level lighting a storage room and bathroom. These openings have been omitted on the revised drawings submitted by additional information response and clerestory openings have been substituted. I note that the fenestration to the two first-floor bedrooms is located in the front elevation.
- 8.30. There would be no opposing window relationship given the omission of the rear fenestration by further information response. Thus no overlooking of the rear garden of no.120 Kincora Grove would result.
- 8.31. The applicant has submitted a Daylight and Sunlight Assessment showing that there would be no significant overshadowing impacts of on no. 120 Kincora Grove given that the property is to the south of the “Naomh Treasa”. I consider that no significant adverse impact would result from the proposed first floor extension, as redesigned by further information response, on the adjoining property to the south.

No.1 Silverfield (appellant)

- 8.32. The existing dwelling house comprises a double pile configuration with front and rear volumes. Exhibiting a double gable east elevation onto the shared property boundary with no. 1 Silverfield adjoining to the east (existing maximum gable height 4524mm).
- 8.33. The separation distance between no.1 Silverfield and the east gable is given as 2453mm on the Stiles Court frontage. The extension would not change the established separation distance. However, the massing on the shared boundary would be greater given that the existing double gable would be replaced by a continuous masonry wall for the full dept of the house at a height of 5m.
- 8.34. There is no fenestration proposed to the east side elevation, which would exhibit as a blank wall above the property boundary.
- 8.35. I note that the footprint of “Naomh Treasa” is set significantly forward of the front building line of Silverfield (nos. 1-5). The rear building line of “Naomh Treasa” is located behind the rear building line of no. 1 Silverfield.

- 8.36. I consider that there would be no significant impacts on the rear garden of no. 1 Silverfield given that the two-storey rear elevation of the extended house would be setback behind the established building line of no.1 Silverfield.
- 8.37. The rear garden of no.1 Silverfield is restricted and the side garden located in the separation distance between “Naomh Treasa” and the west elevation of no.1 Silverfield is used as a private amenity space. The side garden is screened from the street frontage by a high front boundary wall – see photographic record.
- 8.38. The Daylight and Sunlight Assessment demonstrates that the impact of the first floor extension would have a negligible impact on daylight penetration to the existing window openings located in the west elevation of no.1 Silverfield, including the large patio door opening onto the side garden.
- 8.39. The shadow analysis confirms that the shadow cast by the extended house and the existing house will remain the same on the March Equinox (8.30 and 17.30). There would be marginal changes in shadow cast on the 21 June (Summer Solstice between 6.30 and 20.00) and no change in shadow cast on the 21 December (Winter Solstice between 10.30 and 14.00).
- 8.40. The Daylight and Sunlight Assessment concludes that there would be an imperceptible reduction in sunlight to adjacent amenity spaces, including the amenity space at no.1 Silverfield (21 March 2 hour sunlight analysis - see Figure 5 / Table 4).
- 8.41. I acknowledge the concern of the appellant notwithstanding that the Daylight and Sunlight Assessment records negligible impacts. I consider that the physical relationship between “Naomh Treasa” and no.1 Silverfield would significantly change along the shared side property boundary.
- 8.42. However, I do not consider that the resulting impacts are significant to warrant a refusal of planning permission given the existing separation distance, the restricted increase in height of the side elevation of the extended house by less than 500mm (4524mm to 5000mm) and the incorporation of a hipped roof profile onto the shared property boundary.

#### No. 6 Stiles Court

- 8.43. The separation distance between the east elevation of no. 6 Stiles Court, a dormer bungalow, and the west side elevation of the extended house is given as 6154mm.

There is a passageway between the west elevation of “Naomh Treasa” and the shared side property boundary (800mm). The massing of the west elevation of the extended house would be located proximate to the shared property boundary with the side garden of no. 6 Stiles Court exhibiting an eaves height of 4750mm.

- 8.44. The Daylight and Sunlight Assessment submitted as part of the further information response confirms that there would be no adverse daylight and sunlight impacts on the adjoining property to the west.
- 8.45. No. 6 Stiles Court presents a gable elevation to the street frontage. The house is set back from the road frontage extending into the interior of the site. The rear elevation of the dormer bungalow is positioned significantly beyond the rear building line of “Naomh Treasa”.
- 8.46. I consider that the relationship between the footprint of no. 6 Stiles Court and the footprint of “Naomh Treasa” would mitigate significant overshadowing, overlooking and overbearing impacts on the adjoining property to the west.

#### Open Space

- 8.47. The proposed 2-bedroom dwelling would have 4 bedspaces requiring a minimum development plan open space amenity area of 40 sqm. The proposed back garden of the house would be approximately 41 sqm. (8840mm x 4600m) satisfying the development plan standard. I note the rear garden would have an optimal south orientation.

#### Other matters

- 8.48. The appellant acknowledges that the applicant has attempted to reduce the visual bulk of the first floor extension through the introduction of a hipped roof. However, it is claimed this design change will result in a downward sloping roof with guttering on the shared property boundary, which may oversail into the appellant’s garden.
- 8.49. It is noted that any issue of oversailing or encroachment into neighbouring property is a civil matter and cannot be resolved through the planning process.
- 8.50. The applicant has clarified by applicant response that the boundary wall between no.1 Silverfield and “Naomh Treasa” is entirely within the applicant’s property. It is not intended that any part of the development will oversail the adjoining property to the

west. The applicant has confirmed that the rainwater gutters and fascia / soffit will be within the applicant's property.

- 8.51. Furthermore, the applicant clarifies that if access is required to the neighbouring property at no.1 Silverfield, this will be done by way of full notice and agreement. The applicant confirms that there will be no trespass into the neighbouring property without the prior consent of the property owner .
- 8.52. I accept the bona fides of the applicant. I do not consider the attachment of regulatory conditions other than the regulation of construction operating times is appropriate.

#### Safety Concerns

- 8.53. I also note the safety concerns of the appellant in the matter of construction works and the requirement for a construction management plan. The applicant has clarified by applicant response that he is prepared to prepare a construction method statement to be submitted to the planning authority prior to the commencement of development including how the east façade gable wall will be erected. This matter can be dealt with by way of condition.
- 8.54. I note that the proposed works are located within the site boundary red line. I consider that there are no reasonable foreseeable adverse impacts arising from construction works subject to condition

#### Hours of Construction Operation

- 8.55. In the matter of hours of construction, I note the submission of the appellant and the responses of the applicant. However, I consider that there are no exceptional circumstances that would justify a bespoke construction operation time condition. The standard condition should apply.

#### Development Contribution

- 8.56. Finally, a Section 48 development contribution should apply, as previously provided for in the planning authority decision to grant permission.

## **9.0 AA Screening**

I have considered the proposed development in-light of the requirements S177U of the Planning and Development Act 2000 (as amended).

The subject site is located within an established suburban area and is connected to piped services and is not immediate to a European Site. The proposed development comprises refurbishment and alteration of an existing building.

No significant nature conservation concerns were raised in the planning appeal.

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 given the small-scale nature of the development.

I conclude 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 (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 **Water Framework Directive**

10.1. The site is located in a mature city location. It is approximately 800m to a visible watercourse.

The proposed development comprises the refurbishment of an existing building.

No water deterioration concerns were raised in the planning appeal.

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 the small scale and nature of the development.

10.2. I conclude based on objective information, the proposed development will not result in a risk of deterioration of 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

I recommend a grant of planning permission subject to condition for the reasons and considerations outlined below.

## 12.0 Reasons and Considerations

Having regard to the residential zoning objective, the pattern of development in the area characterised by semi-detached and detached two-storey houses with front and back gardens and, the policy framework for residential extensions contained within the Dublin City Development Plan 2022-2028, it is considered that the proposed refurbishment and extension of the existing fire-damaged single-storey dwelling house at “Naomh Treasa”, Stiles Court, to provide a two-storey dwelling house, would be consistent with Appendix 18 (Ancillary Residential Accommodation) of the Dublin City Development Plan 2022-2028, would provide a reasonable level of accommodation on site and would not have a significant adverse impact on the amenities of adjoining residential properties and, as such, would be consistent 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 further information submitted to the planning authority on 26/06/2025, 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.

2. Prior to the commencement of development the applicant shall submit for the written agreement of the planning authority a construction method statement, including detailing all construction works to the east elevation of the dwelling house.

**Reason:** In the interest of clarity and in the interests of the protection of the residential amenities of the adjoining property at no. 1 Silverfield, Stiles Road.

3. The site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 800 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. The 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:** To prevent flooding and in the interests of sustainable drainage.

5. 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

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.

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Anthony Abbott King  
Planning Inspector

26 November 2025

## Appendix 1: Form 1 EIA Pre-Screening

<b>Case Reference</b>	
<b>Proposed Development Summary</b>	Refurbishment and extension of existing dwelling house
<b>Development Address</b>	"Naomh Treasa", Stiles Court, Clontarf
<b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2
	<input type="checkbox"/> 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)	
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	

<p><b>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?</b></p>	
<p><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 development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	
<p><b>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)?</b></p>	
<p>Yes <input type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b> <b>N/A</b></p>
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_