



An
Coimisiún
Pleanála

Inspector's Report ACP-323625-25

Development	Two storey garage/utility/family/bedroom extension to side. Conversion of existing attic space to storage room with 2no. dormer windows, and velux rooflight to rear, and all associated site works.
Location	15 Grace O' Malley Drive, Howth
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F25A/0246E
Applicant(s)	Paul and Louise O'Leary.
Type of Application	Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Emma and Barry Blake
Observer(s)	N/A.
Date of Site Inspection	24 th of October 2025.

Inspector

Stephanie Farrington

1.0 Site Location and Description

1.1. The appeal site is located at no. 15 Grace O' Malley Drive, Howth, Co. Dublin and has a stated area of 0.035ha. The site accommodates a two-storey end of terrace dwelling.

2.0 Proposed Development

2.1. The proposed development, as described within the public notices, comprises of renovation and extension to the dwelling with all associated site works.

- Two storey garage/utility/family/bedroom extension to side.
- Conversion of existing attic space to storage room with 2no. dormer windows, and velux rooflight to rear, and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

Fingal County Council issued a notification of decision to grant permission for the proposed development subject to 8 no. conditions. The following conditions are of note:

Condition no. 2: The development shall be amended as follows:

- i. The proposed two/single storey side extension shall be constructed inside the party boundary with no 17 Grace O'Malley Drive.
- ii. 1no rear roof light serving the stair well shall be omitted from the main roof slope.
- iii. The proposed rear dormer extension shall be reduced to a maximum external width of 2.5m.
- iv. The upper floor rear facing window as part of the proposed side extension shall be flush with the rear elevation.

- v. Revised plans illustrating the foregoing shall be submitted for the written agreement of the Planning Authority prior to commencement of development.

Reason: In the interest of visual and residential amenity.

- Condition no. 4: External finishes shall be as indicated on the plans submitted unless otherwise agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interest of visual amenity

- Condition no. 5: All works shall be within the applicant's site only. No construction works, eaves, gutters, or downpipes shall encroach into neighbouring property.

Reason: In the interest of residential amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial Planner's Report (13/05/25):

The initial planner's report recommends a request for further information. The following provides a summary of the key points raised:

- The proposed development is located within an area zoned RS within the Fingal Development Plan and the principle of an extension to an existing dwelling is in accordance with the zoning objective for the area.
- The report refers to the planning history of the area, particularly no. 17 Grace O' Malley Drive wherein precedent exists for a 2 storey extension.
- The proposed 2 storey gable end would present as a natural extension following the profile of the existing house with ridge height and flush in front of the building line. However a set down and set back approach to reflect the development permitted at no. 17 Grace O' Malley Drive should be adopted.
- The report outlines that the side wall of the proposed extension would adjoin the boundary with the property to the west. The report outlines that this can be accepted in the instance of the proposal as no. 15 is an end of terrace

dwelling and sited further forward of no. 17. It is stated that the gable end can be accommodated successfully within the confines of the site and is not considered to be overbearing on the living space associated with the adjacent property. A condition is recommended to ensure that development is constructed inside the existing site boundary and no side facing windows are provided. The report recommends that the rear facing window would give rise to overlooking and should be reduced.

- The report raises no concerns in relation to the single storey kitchen extension to the side/rear of the dwelling.
- The report outlines that the dormer extension is considered to dominate the rear roof slope and outlines that this should be revised to comply with Section 14.10.2.5 of the FDP.
- The planner's report provides a summary and assessment of the concerns raised within the submissions on the application. The report outlines that the matters relating to the accuracy of the application drawings should be addressed by means of further information. No works have commenced to date on the development permitted at no. 17. Issues relating to structural damage are not a material planning issue and party walls are subject to separate legislation.
- The planner's report outlines the following in respect of Appropriate Assessment: The proposed project site is not connected with any European (Natura 2000) site and there is no realistic pathway between the proposed project and any European site. Having regard to the nature, scale and location of the proposed project, in comparison with the existing baseline, it is considered that there is no real likelihood of significant effects on any European sites during the construction or operation of the proposed project, and it is further considered that there are no other plans or projects that will act in combination with the proposed project to have a significant effect on European sites.
- The report outlines that the precedent exists for a 2-storey extension but recommends that the applicant reconsider the design approach to ensure that the development appears subservient to the existing dwelling.

- The report recommends a request for further information in relation to the (1) submission of revised drawings which correctly illustrate the development and existing contiguous development and (2) amendments to the design to ensure that the 2-storey extension is subservient to the existing dwelling, revisions to first floor window on rear elevation and omission of 1 dormer extension.

Planner's Report on Further Information (15/08/2025)

- The report provides a summary and assessment of the applicant's FI response.
- The report outlines that the revised design of the proposed side extension is considered to be generally acceptable.
- The report recommends further amendments to the fenestration and rear dormer extension and outlines that this can be addressed by means of condition.
- The report recommends a grant of permission subject to conditions.

3.2.2. Other Technical Reports

Water Services Department: No objection subject to condition.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

Observations from the appellant were submitted on the initial application and in respect of the applicant's further information response. The issues raised reflect those raised within the grounds of appeal. The following provides a summary of the key points raised:

- Visual impact of proposed 2 storey extension
- Impact on adjoining boundary wall
- Overlooking of neighbouring properties
- Structural damage of neighbouring properties

- Insufficient information regarding drainage
- Plans are inaccurate and do not illustrate recently approved development on neighbouring properties.

4.0 Planning History

None on site.

Adjacent Site: No. 17 Grace O' Malley Terrace

PA Ref: F24A/0887E

Permission granted by FCC in April 2025 for 2 storey front and side extension at no. 17 Grace O'Malley Drive.

5.0 Policy Context

5.1. Development Plan

Fingal Development Plan 2023-2029

Zoning

- 5.1.1. The site is zoned for Objective RS – Residential purposes within the Fingal Development with an objective to *“provide for residential development and protect and improve residential amenity”*. The vision for this zoning objective seeks to: *“ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity”*. Residential development is listed as a use which is “permitted in principle” under this zoning objective.
- 5.1.2. Section 3.5.13.1 of the Plan relates to Residential Extensions and outlines that: *“The need for people to extend and renovate their dwellings is recognised and acknowledged. Extensions will be considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area”*.
- 5.1.3. The following provisions of the Plan are of relevance:
- Policy SPQHP41 – Residential Extensions seeks to: *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 SPQHO43: Contemporary and Innovative Design Solutions: Promote the use of contemporary and innovative design solutions subject to design respecting the character and architectural heritage of the area.
- Objective SPQHO45 – Domestic Extensions seeks to: *Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.*

5.1.4. Development Management Standards are set out within Chapter 14 of the Development Plan. Section 14.10.2 of the Development Plan relates to residential extensions and outlines that:

“The need for housing to be adaptable to changing family circumstances is recognised and acknowledged and the Council will support applications to amend existing dwelling units to reconfigure and extend as the needs of the household change, subject to specific safeguards. In particular, 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. The following section provides guidance in relation to, front extensions, side extensions, rear extensions, first floor rear extensions, roof alterations including attic conversions and dormer extensions”.

5.1.5. The following guidance is of relevance to the proposal:

14.10.2.2 Side Extensions Side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation) and impacts on residential amenity. First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable. In certain cases, a set-back of the extension’s front facade and its roof

profile and ridge may be sought to protect amenities, integrate into the streetscape and avoid a ‘terracing’ effect. External finishes shall generally match the existing.

14.10.2.3 Ground Floor Extensions (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 to serve the dwelling house. The proposed extension should match or complement the existing dwelling house.

14.10.2.4 First Floor Extensions 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.*

14.10.2.5 Roof Alterations including Attic Conversions and Dormer Extensions Roof alterations/expansions to main roof profiles, for example, changing the hip-end roof of a semi-detached house to a gable/‘A’ frame end or ‘half-hip’, will be assessed against a number of criteria including:

- Consideration and regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures.*
- Existing roof variations on the streetscape.*
- Distance/contrast/visibility of proposed roof end.*
- Harmony with the rest of the structure, adjacent structures and prominence.*

Dormer extensions to roofs will be evaluated against the impact of the structure on the form, and character of the existing dwelling house and the privacy of adjacent properties. The design, dimensions, and bulk of the dormer relative to the overall

extent of roof as well as the size of the dwelling and rear garden will be the overriding considerations, together with the visual impact of the structure when viewed from adjoining streets and public areas.

Dormer extensions shall be set back from the eaves, gables and/or party boundaries and shall be set down from the existing ridge level so as not to dominate the roof space.

The quality of materials/finishes to dormer extensions shall be given careful consideration and should match those of the existing roof.

The level and type of glazing within a dormer extension should have regard to existing window treatments and fenestration of the dwelling. Regard should also be had to extent of fenestration proposed at attic level relative to adjoining residential units and to ensure the preservation of amenities.

Excessive overlooking of adjacent properties should be avoided.

5.2. Natural Heritage Designations

The site is not located in or adjacent to a European site. The nearest designated sites to the appeal site include the Howth Head p NHA (000202) c.500m east, Howth Head Special Area of Conservation (SAC) (000202) c. 520 m east and North West Irish Sea Special Protection Area (SPA) (004236) C.580m east.

5.3. 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. 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.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal has been submitted by the occupant of the adjoining property at no. 17 Grace O' Malley Drive. The following provides a summary of the grounds of appeal.

- The Commission is requested to refuse permission for the development on grounds relating to overbearing scale, loss of residential amenity, overlooking, overshadowing, boundary encroachment and inconsistency with the Fingal Development Plan 2023-2029 and established ABP precedent.

Overbearing Scale and Dominance

- The extension is not “subservient” to the existing dwelling as required by Objective DMS42 of the FDP. The appeal outlines that the proposed 89.1sq.m. extension dwarfs the existing 60 sq.m. dwelling contrary to Section 12.4 of the FDCP which outlines that extension should be subordinate to the main house, avoid adverse impacts on light privacy or outlook and avoid excessive scale and bulk near site boundaries.
- The appeal refers to ABP Ref: 308712-20 Oakwood Howth wherein permission was refused on grounds relating to the dominant nature of the extension relative to the parent dwelling and impact on residential amenity.

Overlooking and Loss of Privacy

- The rear dormer windows and pop out window would afford direct views into their garden and kitchen extension. This is contrary to Section 14.10.2.5 of the FDCP which outlines that dormers should avoid overlooking and excessive visual dominance. The appeal refers to the decision under ABP Ref: 302335 wherein permission was refused on grounds of overlooking.

Overshadowing and Loss of Daylight

- Due to the stepped back relationship between no. 15 and no. 17 the proposed gable directly faces no. 17 and results in overshadowing of living room contrary to Objective SPQH41 and Policy 14.10.2 of the Plan which outlines

that proposed extension should consider sunlight, daylight and privacy of adjoining properties.

Boundary Encroachment

- The appeal outlines that the extension includes the shared boundary wall with no. 17. The appeal refers to the requirements of Condition no. 9 of FCC's notification of decision to grant permission for the development which outlines that no eaves, gutters or downpipes encroach into neighbouring property. The appeal outlines that the development as proposed are unclear and suggest a breach of this.
- The appeal refers to precedent case PL06F-242409 wherein permission was refused on grounds of overdevelopment and boundary dominance.

Inconsistency with Development Plan Objectives

- The appeal outlines that the development is contrary to Objectives SPQH43, SPQH45, DMS41, DMS42 and Sections 12.4 and 14.10.2.5 of the FDP.

Poor Quality Application Drawings

- The appeal outlines that the drawings submitted in conjunction with the application and at further information stage contained significant inconsistencies including (i) contradictory rear fenestration details (ii) missing side/gable elevations (iii) absence of contiguous elevations. The Commission is requested to require the applicant to submit accurate and consistent drawings.

Unlawful deferral of key details to compliance stage

- The appeal outlines that Conditions 2 and 4 defer boundary treatment and finishes to compliance stage ultimately removing public input. The appeal refers to case law in this regard.

Structural and Geotechnical Concerns

- The appeal outlines that the development includes significant excavation along the boundary wall with no. 17 and outlines that no geotechnical information has been submitted. The appeal raises concern in relation to stability and neighbour safety.

Precedent Cases

- The appeal refers to the following precedent cases:
 - ABP Ref: 302335-18 dormer refused due to dominance and overbearing
 - ABP Ref: 308712-20 – refusal relating to impact on character and amenity
 - ABP Ref: 248097 – overdevelopment and lack of design sensitivity
 - ABP Ref: 242409 – refusal relating to excessive expansion, boundary and amenity impacts

Conclusion

- The appeal outlines that the proposed development is contrary to the proper planning and sustainable development of the area as set out in Section 34 of the Planning and Development Act 2000 (as amended), and is inconsistent with Ministerial Guidelines issued under Section 28, including the Sustainable Residential Development in Urban Areas (2009) and the Urban Design Manual (2009) which emphasises the protection of residential amenity, avoidance of overlooking/overshadowing and respect for established character.
- The proposal is contrary to the provisions of the Fingal Development Plan and results in demonstrable adverse impact on residential and visual amenity and inconsistent with ABP precedent.
- The Commission is requested to overturn the decision of FCC and refuse permission for the development.

Attachments

- A copy of the appellant's observation on the application is attached to the appeal.

6.2. Applicant Response

A response to the third-party appeal was submitted on behalf of the applicant from Bell Associates. The appeal response is accompanied by Letters of Support from

residents in the area and a response to the grounds of appeal prepared by the applicants. The following provides a summary of the key points raised.

Appeal Response from Bell Associates

Introduction

- The appeal response outlines that the development has been carefully designed to respect the parent dwelling and surrounding site context. The development is deemed to be in accordance with the FDP and established ABP precedent.

Overbearing Scale

- The appeal response refers to the provisions of Objectives DMS41 and DMS42 of the FDP which require consideration of design, siting and overall amenity.
- The development has been set back from the main façade, employs lowered ridge and eaves lines and uses finishes consistent with the existing house. This ensures the development is a sympathetic addition and not a dominant overdevelopment. The proposal is deemed to be a reasonable and proportionate adaption in line with local policy.

Overlooking and Privacy

- In terms of the concerns raised in terms of overlooking and impact on privacy the appeal response outlines that the dormer window is modest in scale and consistent with Section 14.10.2.5 of the FDP. A velux rooflight has been introduced to reduce potential visual impact.
- The original pop out window has been omitted by means of condition and the revised window will be flush with the rear wall of the house at a distance of over 11m from the boundary exceeding separation distance guidance.
- Overlooking is a standard feature of suburban housing. The design is no more intensive than typical relationships in Grace O' Malley Drive.
- The development complies with privacy standards and does not materially affect the appellants amenity.

Overshadowing and Daylight

- The orientation of the site means that overshadowing will be minimal, intermittent, and limited to early morning when the sun is low.
- The development incorporates set-backs and sloping roof profiles to avoid undue loss of light.
- The development complies with Objective SPQH41 which outlines that impacts shall not be materially injurious. Limited overshadowing does not justify a refusal of permission.
- The appeal response refers to the presence of an existing tree in the appellants garden which would outweigh loss of light arising from the proposal.
- The appellants will continue to enjoy substantial sunlight, and no unacceptable overshadowing will arise.

Boundary Encroachment

- All construction is entirely within the red line boundary. Gutters and downpipes will be contained wholly within the site in compliance with Condition 9 of the PA's decision.
- No consent from neighbours is required as there is no physical encroachment. The appeal misinterprets the application drawings.

Compliance with Development Plan

- The appeal response outlines the development is consistent with Development Plan objectives. The appeal response outlines the following in respect of compliance with development plan policies and objectives:
 - SPQH43: The proposal uses modern detailing while respecting roof form and finishes typical in the estate.
 - SPQH45: Design avoids material negative impacts, demonstrated by set-backs and scale reduction.
 - DMS41 and DMS42: the extension is carefully modulated, avoids excessive heights or massing at the boundary and protects privacy and sunlight.
 - Section 12.4 explicitly supports extending existing dwelling subject to amenity safeguards.

Quality of Drawings

- The Planning Authority assessed the application with full and accurate information. Minor variations between the plan and elevations do not invalidate the application. The public was provided with adequate opportunity to comment on the application.

Deferral of Details to Compliance Stage

- The appeal response outlines that Planning Authorities and An Coimisiún Pleanála regularly permit minor details such as finishes, landscaping and boundary treatment to be agreed via compliance. It is stated that the matters deferred in the current instance are secondary and non-fundamental and public participation rights are unaffected.

Structural and Drainage Concerns

- Structural design is a matter for building control and engineering certification and not the planning process. The applicant will ensure compliance with all building standards and drainage requirements. The appeal response outlines that the site is a typical suburban plot with no exceptional geological constraints. Structural risk are not material planning grounds unless supported by technical evidence.

Visual Impact and Character

- The appeal response outlines that the extension is set back, subordinate to and in keeping with the estate character. Similar 2 storey extensions existing within the area. The appellants have been granted a similar 2 storey extension under PA Ref: 24A/0887E with a stated extension area of 35 sq.m. The design is deemed to reflect modern domestic design.
- The proposal is deemed to result in a balanced and coherent streetscape.

Procedural and Contextual Matters

- The appeal response outlines that at the time of assessment the appellant's extension was not constructed and is therefore not illustrated on the application drawings.

- The appeal response outlines that the reference in the appeal to storage rooms becoming bedrooms are speculative. Any future change of use would require compliance with Building Regulations and, if material, further planning permission.

Precedent

- The appeal response cross refers to the precedent cases cited by the appellant (ABP Ref: 302335, ABP Ref: 308712). The appeal response outlines that such considerations do not apply in the instance of the proposal and outlines the precedent for 2 storey extensions in suburban estates.

Conclusion

- The appeal response outlines that the development is proportionate, well designed and consistent with the Fingal Development Plan. The Commission is requested to uphold the decision of FCC and grant permission for the development.

Letters of Support

- The appeal is accompanied by 4 no. letters of support for the proposed extension from residents in the area. The correspondence outlines that the proposal is appropriate in scale and design, will provide important accommodation for the family and will not negatively impact on the character or amenity of the area.

Applicant's Response to Grounds of Appeal

- The appeal response outlines that the appeal is vexatious, aimed at delaying the development and not at genuine planning concerns. The Commission is requested to dismiss the appeal.
- The appeal response refers to the planning history pertaining to the appellants dwelling and the 2-storey extension permitted under PA Ref: F24/08873 in April 2025. This permission did not form part of the context when the subject application was submitted in March 2025.
- The appeal response question whether the extension will be built and outline that the dwelling is currently on the market for sale.

- The appeal response refers to the changes to the application drawings made in response to FCC's request for further information. The appeal does not refer to the revised details.
- The appeal response outlines that the grounds of appeal are exaggerated and do not identify any substantive breaches of policy.

Scale and Proportion

- The appeal response outlines that the existing dwelling is larger than 60 sq.m. and the extension is considerably less than 89 sq.m. The extension is deemed proportionate to the dwelling and in accordance with the provisions of Section 14.10.2 of the FDP.

Overbearing/ Visual Impact

- No. 15 is stepped forward approximately 7m relative to no. 17 and sits 500mm lower. The stepped relationship reduces visual impacts. The development is deemed to be in accordance with DMSO23 in this regard.
- The extension at no. 15 is deemed to be less imposing than the permitted development at no. 17.

Overlooking and Privacy

- The appeal response outlines that design of the development avoid undue overlooking. It is furthermore outlined that the permitted extension would resolve any concerns in relation to overlooking.

Overshadowing/ Orientation and Daylight/Sunlight

- The appeal response outlines that the terrace runs east-west and the proposal is not deemed to materially reduce sunlight or daylight. The existing tree at no. 17 already creates significant shadow across both properties.
- The development is deemed to be in accordance with Section 14.6.6.1 of the FDP and Objectives DMSO22 and DMSO23.

Boundary Treatment and Site Levels

- The appeal response outlines that the development does not entail boundary encroachment, and all works will be within the legal curtilage of the site.

- The level difference is deemed to be c. 500mm not 1.5m as cited within the appeal. This is deemed to be modest and typical of a terrace. Structural stability will be secured at Building Control Stage.

Drainage

- The appeal response outlines that the development makes negligible change to hard surfaces within the site. There will be no adverse impact on flood risk or run off.

Drawings and Clarifications

- The appeal response outlines that the application included required plans, elevations and sections at the prescribed scales. The assertions that the drawings are incomplete or inconsistent are refuted by the applicant.

Functional and Family Need

- The appeal response outlines that the development seeks to cater for the needs of a growing family and consistent with Section 14.10.2 of the FDP.

Structural/ Geotechnical Concerns

- The appeal response refers to the concerns raised in relation to structural stability and outlines that these will be addressed at Building Control stage.
- The appeal response outlines that no geotechnical reports or surveys were submitted in support of the appellants application for extension at no. 17.
- The absence of a geotechnical report at application stage does not undermine the validity of the application.

Established Pattern of Dormer Permissions

- Section 12 of the applicant's appeal response refers to dormers permitted in the immediate area, thereby establishing precedent for such development.

Letters of Support

- The appeal response cross refers to the letters of support from residents most directly affected by the development in the area.

Conclusion

- The Commission is requested to uphold the decision of FCC and grant permission for the development.

Attachments

The applicant's appeal response is accompanied by the following:

- 3 no. letters of support from residents of Grace O' Malley Drive.
- Correspondence from Early Intervention Support Services submitted in support of the application.

6.3. Planning Authority Response

Fingal County Council provided a response to the grounds of appeal. The following points are raised:

- The application was assessed against the policies and objectives of the Fingal Development Plan 2023-2029.
- The proposal was assessed having regard to the zoning objective and impact on neighbouring properties.
- Concerns raised by 3rd parties were considered in the assessment. The appeal response refers to the contents of the request for further information in relation to discrepancies and design.
- The revised design is considered acceptable. Further revisions are addressed via condition.
- The Commission is requested to uphold the decision of the PA and grant permission for the development.
- The Commission is requested to include conditions relating to financial contributions in the instance of a grant of permission.

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 report/s of the local authority, and having inspected the site, and having regard to the 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
- Scale of Development and Impact on Visual Amenity
- Impact on Residential Amenity
- Other Issues

7.2. Principle of Development

- 7.2.1. The proposed development seeks a dormer extension to an existing residential property at no. 15 Grace O' Malley Drive, Howth. The site and adjoining properties are zoned for Residential purposes within the Fingal Development Plan 2023-2029 with an objective to *“provide for residential development and protect and improve residential amenity”*. Residential use is listed as a permitted use on lands zoned for RS purposes.
- 7.2.2. Policy SPQHP41 of the Development Plan relates to residential extensions and seeks to *“Support the extension of existing dwellings with extensions of appropriate scale and subject to the protection of residential and visual amenities”*. I consider that the principle of extension to an existing residential property is acceptable subject to scale and consideration of residential amenities.

7.3. Scale of Development and Impact on Visual Amenity

- 7.3.1. The 3rd party appeal raises concern in relation to the overall scale of development and outlines that the extension is not “subservient” to the existing dwelling as required by Objective DMS42 of the FDP. The appeal outlines that the proposed 89.1sq.m. extension dwarfs the existing 60 sq.m. dwelling contrary to Section 12.4 of the FCP which outlines that extension should be subordinate to the main house, avoid adverse impacts on light privacy or outlook and avoid excessive scale and bulk near site boundaries.
- 7.3.2. The appeal refers to a number of a number of decisions of An Bord Pleanala wherein permission was refused for domestic extensions on grounds relating to the scale of development relative to the existing property.

- 7.3.3. At the outset in considering the grounds of appeal I note that the appellant cites policies and objectives which are not included within the Fingal Development Plan. The refers to the provisions of Objectives DMS41, DMS42 and 12.4 of the Fingal Development Plan. For the purposes of clarity, I note that these objectives are from the 2017-2023 Fingal Development Plan. I have assessed the proposal in line with the provisions of the Fingal Development Plan 2023-2029 including those detailed in Section 5 of this assessment.
- 7.3.4. I note the concerns raised within the appeal in relation to the scale of the extension relative to the existing dwelling at no. 15. On review of the application drawings, I consider that the scale of the proposed extension as cited within the grounds of appeal of 89.1sq.m. is overstated. I note that the figures cited by the appellant reflect those detailed in the planning application however on review of the application drawings, I note that the proposal which provides a side extension to the dwelling does not exceed the existing floor area of no. 15. I note that similar scale extensions have been provided for within the surrounding area. I do not consider that the proposal constitutes overdevelopment of the site in view of the adequately sized rear garden retained post-development and in view of the nature and scale of the development. I consider that the development is in accordance with the provisions of Policy SPQHP41 of the FDP in this regard.
- 7.3.5. I consider that the extension, as amended in response to FCC's request for further information remain subservient to the existing dwelling in both scale and design. The development has been set back from the main façade, employs lowered ridge and eaves lines and uses finishes consistent with the existing house. I consider that the proposed extension is in accordance with the existing character of development of the area.

Impact on Residential Amenity

- 7.3.6. The 3rd party appeal raises concern in relation to the impact of the proposed development on residential amenity of their property. The appeal raises concerns in relation to overlooking, boundary encroachment and overshadowing/loss of daylight and outlines that the development is contrary to the policies and objectives of the Fingal Development Plan in this regard which seek to protect existing residential amenity.

7.3.7. The provisions of the Fingal Development Plan seek to protect the amenities of adjacent properties when considering proposals such as that the subject of this appeal. These include Section 14.10.2 'Residential Extensions' wherein it is provided that the design and layout 'must have regard to and protect the amenities of adjoining properties, particularly in relation to sunlight, daylight, and privacy.'; and Section 14.10.2.2 'Side Extensions', which provision includes the criterion that such extensions will be evaluated: 'against proximity to boundaries ... and impacts on residential amenity.' Objective SPQHO45 of the Plan seeks to *"Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area"*.

Overlooking

7.3.8. The appeal raises concern in relation to overlooking from the development and outlines that the rear dormer windows and pop out window would afford direct views into their garden and kitchen extension. The appeal outlines that the development is contrary to Section 14.10.2.5 of the FCP which outlines that dormers should avoid overlooking and excessive visual dominance.

7.3.9. At the outset, in considering the grounds of appeal I refer to the requirements of Condition no. 2 of FCC's notification of decision to grant permission for the development which details revisions to the development including the following:

- (ii) 1no. rear roof light serving the stair well shall be omitted from the main roof slope.
- (iii) The proposed rear dormer extension shall be reduced to a maximum external width of 2.5m.
- (iv) The upper floor rear facing window as part of the proposed side extension shall be flush with the rear elevation.

7.3.10. The rear dormer window and side extension window overlooks the applicant's back garden. The proposed dormer extension accommodates storage space and the first floor of the extension accommodates bedroom storage. The appellants property (no. 17 Grace O' Malley Drive) is the adjoining end of terrace dwelling to the east of no. 15 and the main grounds of appeal relates to negative impact on residential amenity on grounds of overlooking of their private amenity space. I consider that the revisions

as detailed in Condition no. 2 will address the concerns raised within the appeal in relation to overlooking associated with the pop out window and extent of the dormer extension.

- 7.3.11. The appeal raises concern in relation to the requirements of Conditions no. 2 of the permission which relates to revisions to the proposal for written agreement with the planning authority. The appeal outlines that 3rd parties will not be afforded an opportunity to comment on revised proposals. However, I consider that the requirements of Condition 2 are clear and will address the concerns in relation to overlooking.

Overshadowing and Loss of Daylight

- 7.3.12. The appeal outlines that due the stepped back relationship between no. 15 and no. 17 the proposed gable directly faces no. 17 and results in overshadowing of living room contrary to Objective SPQH41 and Policy 14.10.2 of the Plan which outlines that proposed extension should consider sunlight, daylight and privacy of adjoining properties.

- 7.3.13. The Planning Authority considered that the principle of the proposed extension was acceptable having regard to existing site characteristics and the set back relationship between no. 15 and 17 Grace O' Malley Drive. I concur with the conclusions of the planning authority in this regard and do not consider that the extension would be visually overbearing on the living space associated with the adjacent property.

- 7.3.14. In design terms I note that the development incorporates set-backs and sloping roof profiles to avoid undue loss of light. I consider that the orientation of the site means that overshadowing associated with the proposed extension will be minimal, intermittent, and limited to early morning when the sun is low.

Boundary Encroachment & Compliance

- 7.3.15. The appeal raises concerns in relation to boundary encroachment and refers to the requirements of Condition no. 9 of FCC's notification of decision to grant permission for the development which outlines that no eaves, gutters or downpipes encroach into neighbouring property and to the requirements of Condition 2(i) which relates to the amendments to the development including the construction of the extension

within the party boundary with no 17 Grace O'Malley Drive. The appeal outlines that the development as proposed are unclear and suggest a breach of this.

- 7.3.16. I am satisfied that the issue of boundary encroachment was addressed in response to FCC's request for further information. Revised drawings were submitted by the applicant which illustrate that development will be undertaken within the applicant's curtilage and the applicant's FI response outlines that the development will not encroach on the adjoining property.
- 7.3.17. I consider that Condition no. 9 is clear in that it does not permitted encroachment into the appellants property. I consider that such a condition is standard in instances of shared boundary's. I refer to the wording of Condition no. 2 of FCC's decision which relates to amendments to the proposal and point (i) outlines that the proposed two/single storey side extension shall be constructed inside the party boundary with no 17 Grace O'Malley Drive. Other points raised within Condition 2 relate to minor revisions to the window openings of the extension and require revised plans but I do not consider revised plans relate to the site boundary. I note that the applicant's FI response outlines that all works will be included within the curtilage of the application site. I do not consider that there is a requirement for revised plans in relation to point (i). I recommend that this element of Condition 2 is omitted, and the notation is attached to Condition no. 4.
- 7.3.18. On an overall basis, I am of the view that the issues raised in the appeal relating to ownership and consent are civil matters and are not matters that the Board can consider. In this regard, Section 34 (13) of the Planning and Development Act states that, 'a person shall not be entitled solely by reason of a permission under this section to carry out any development'. I note that this is cited in Note 1 attached to Fingal County Council's notification of decision to grant permission for the development.
- 7.3.19. Section 5.13 of the Development Management Guidelines (DEHLG, 2007) provides guidance on this matter, stating *that 'the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts'*. The guidelines state that where in making an application, a person asserts that he or she is the owner of the

land or structure in question, and there is nothing to cast doubt on this, the planning authority is not required to inquire further into the matter.

Conclusion

7.3.20. In conclusion, while the concerns of the third party are noted I am satisfied that the proposed extension would result in a high-quality development which is in accordance with the provisions of the Fingal Development Plan. I do not consider that the development would not have an adverse impact on the scale and character of the existing dwelling, would not adversely affect existing visual amenities of the area and would not adversely affect residential amenities in terms of overlooking, overshadowing or overbearing. It is also noted that the Planning Authority raised no concerns in this regard.

7.4. Other Issues

Procedural/ Drawings

7.4.1. The appeal raises concerns in relation to inaccuracies in the application drawings and discrepancies between the drawings and elevations. I am satisfied that the main discrepancies between the application plans and elevations were addressed in response to FCC's request for further information.

7.4.2. The appeal furthermore outlines that the application drawings do not illustrate the permitted extension to their property. On site inspection I note that the extension has not been constructed to date. I am satisfied that the application drawings reflect the existing site context. I have had regard to the permitted extension to no. 17 in assessing the proposal.

Compliance

7.4.3. The appeal outlines that Conditions 2 and 4 defer fenestration and external finishes to compliance stage ultimately removing public input. I refer to the wording of Conditions 2 and 4 detailed below for ease of reference:

Condition no. 2: The development shall be amended as follows:

- i. The proposed two/single storey side extension shall be constructed inside the party boundary with no 17 Grace O'Malley Drive.

- ii. 1 no rear roof light serving the stair well shall be omitted from the main roof slope.
- iii. The proposed rear dormer extension shall be reduced to a maximum external width of 2.5m.
- iv. The upper floor rear facing window as part of the proposed side extension shall be flush with the rear elevation.
- v. Revised plans illustrating the foregoing shall be submitted for the written agreement of the Planning Authority prior to commencement of development.

Reason: In the interest of visual and residential amenity.

- Condition no. 4: External finishes shall be as indicated on the plans submitted unless otherwise agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interest of visual amenity

7.4.4. I note that Condition no. 2 relates to amendments and point (i) outlines that the proposed two/single storey side extension shall be constructed inside the party boundary with no 17 Grace O'Malley Drive. Other points raised within Condition 2 relate to minor revisions to the window openings of the extension and require revised plans but I do not consider revised plans relate to the site boundary. I note that the applicant's FI response outlines that all works will be included within the curtilage of the application site. I do not consider that there is a requirement for revised plans in relation to point (i). I recommend that this element of Condition 2 is omitted, and the notation is attached to Condition no. 4.

7.4.5. In considering the requirements of Conditions 2 and 4, I refer to the guidance within Section 7.10 of the Development Management Guidelines which relates to instance where compliance conditions are appropriate. The Guidelines outline that they can be of value in instances where they relate to matter of detail. I consider the requirements of Conditions 2 and 4 fall within this category. I consider that the conditions are clear, reasonable and appropriate and recommend the incorporation of same in the instance that the Commission is minded to grant permission for the development.

Structural Issues

- 7.4.6. The appeal outlines that the development includes significant excavation along the boundary wall with no. 17 and outlines that no geotechnical information has been submitted. The appeal raises concern in relation to stability and neighbour safety.
- 7.4.7. The appeal response outlines that the issue of structural stability will be addressed in compliance with Building Regulations. The issue of compliance with Building Regulations will be evaluated under a separate legal code and beyond the scope of the appeal.

8.0 Water Framework Directive

- 8.1. There are no existing surface water features within the immediate vicinity of the site illustrated on EPA mapping. No water deterioration concerns were raised in the planning application or appeal. I have assessed the proposed development, on an established residential site 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 and 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.
- 8.2. 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 Appropriate Assessment

- 9.1. I have considered the proposed domestic extensions in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in a well-serviced suburban settlement c. 500m from the closest European

site at Howth Head SAC. The proposed development comprises the construction of a 2-storey extension to an existing dwelling and associated site development works as described in Section 2.0 of this report. No nature conservation concerns were raised in the planning appeal.

9.2. 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. The reason for this conclusion is as follows:

- The limited scale and nature of works
- The location of the site within an established, serviced residential area
- Lack of connections to nearest European sites

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

10.0 Recommendation

10.1. I recommend that permission be granted for the proposed development subject to conditions.

11.0 Reasons and Considerations

Having regard to the provisions of the Fingal Development Plan 2023-2029 and to the nature and scale of the proposed development on residentially zoned land, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity. The proposed development would, therefore,

be in accordance with the provisions of the Fingal Development Plan 2023-2029 and 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 on the 23rd of March 2025 and by the further plans and particulars received on the 21st 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.

2. The development shall incorporate the following amendments:
 - i. 1 no rear roof light serving the stair well shall be omitted from the main roof slope.
 - ii. The proposed rear dormer extension shall be reduced to a maximum external width of 2.5m.
 - iii. The upper floor rear facing window as part of the proposed side extension shall be flush with the rear elevation.
 - iv. Revised plans illustrating the foregoing shall be submitted for the written agreement of the Planning Authority prior to commencement of development.

Reason: In the interest of visual and residential amenity.

3. The entire premises shall be used as a single dwelling unit apart from such use as may be exempted development for the purposes of the Planning and Development Regulations.

Reason: In the interest of clarity.

4. Attic floorspace which does not comply with Building Regulations in relation to habitable standards shall not be used for human habitation.

Reason: To clarify the extension of the permission.

5. External finishes shall be as indicated on the plans submitted unless otherwise agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interests of visual amenity.

6. The proposed two/single storey side extension shall be constructed inside the party boundary with no 17 Grace O'Malley Drive. All works shall be within the applicant's site only. No construction works, eaves, gutters, or downpipes shall encroach into neighbouring property.

Reason: In the interest of residential amenity.

7. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of orderly development.

8. 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.

9. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To protect the amenities of the area.

10. 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, as amended. The contribution shall be paid 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

Stephanie Farrington
Senior Planning Inspector

28th of October 2025

Appendix 1:

Form 1 - EIA Pre-Screening

Case Reference	ACP-323625-25
Proposed Development Summary	renovation and extension to the dwelling with all associated site works
Development Address	15 Grace O' Malley Drive, Howth
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	

<p>type of proposed road 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>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____

Date: _____