



An
Coimisiún
Pleanála

Inspector's Report

PL-500017-DF

Development	Construction of a new part single-storey, part two-storey extension to side of existing dwelling.
Location	1 Knightgate Crescent, Rush, Co. Dublin K56 AY07
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F25A/0649E
Applicant(s)	John & Tamsin Watson
Type of Application	Permission
Planning Authority Decision	Grant, with conditions
Type of Appeal	Third Party
Appellant(s)	Nicholas and Roisin McCormack
Observer(s)	None
Date of Site Inspection	26th November 2025

Inspector

Paul Christy

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Appendix A – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The subject site is located in a large suburban residential area of Rush, north County Dublin. The area is characterised by a typical suburban layout largely comprised of two-storey, or two-and-a-half storey with dormer windows semi-detached dwellings. There is a relatively small and narrow (c.5.5m-wide) formal area of open space between the eastern boundary wall of the subject property and Knightsgate Avenue. The dwellings on Knightsgate Crescent are 'back-to-back' with the dwellings on 'Sea Brook' to the north. Opposite the front of the subject property on the other side of Knightsgate Crescent is the gable end of No. 14 Knightsgate Avenue, the address provided for the Appellants.
- 1.2. The subject plot is broadly triangular in shape tapering inwards from the front to the rear. The subject dwelling is two-storey, semi-detached typical of dwelling design in the area. There is also a modest single-storey side extension (internal dimensions c.2.5m x c.3.77m) with a path and flower bed adjacent, and two parking spaces are provided between the side extension/flower bed and the side boundary wall. A wall divides the parking plot from the garden.

2.0 Proposed Development

- 2.1. The proposed development will occupy almost the entire curtilage to the east of the dwelling. This area will be occupied by the entire ground floor footprint of the development, save for the existing side extension, which extension will remain and be built over as part of the development. A rectangular-shaped double garage is proposed generally in the location of the existing parking plots. A triangular-shaped 'storage' area is proposed between the garage and the existing side extension. It is proposed to 'square off' the existing dwelling to provide for a 'proposed family' room, (effectively an extension to the existing kitchen/diner) and a small 'store' to the rear of the existing side extension. Finally in terms of the ground floor, a 33m² area of permeable paving is proposed along, and adjacent to, the rear elevation of the proposed development.

2.2. The proposed first floor will include: building over the ground floor 'squaring off' area, save for the ground floor rear annex; an additional area to the side of the first floor 'squaring off' area measuring 8.85m x 2.05m and slightly stepped back from the 'squaring off' front elevation; and a 'Proposed Terrace' over the proposed ground floor garage. In terms of accommodation, the first floor will provide: two bedrooms, one with en-suite and providing access to the terrace.

2.3. The following is proposed in terms of services:

- Surface water: On the Site Layout Plan, a soakaway is identified in the rear garden with the notation 'Approximate location of soakaway (if requested by Local Authority)'. On the submitted 'Existing and Proposed Ground Floor Plan' drawing, a surface water connection is shown from the dwelling crossing Knightsgate Crescent but a connection point is not identified. On the submitted application form it is indicated that it is proposed to connect to an existing public sewer/drain.
- Water: Connection to existing 150mm watermain on Knightsgate Crescent;
- Sewer: On the submitted 'Existing and Proposed Ground Floor Plan' drawing, a foul water connection is shown from the dwelling crossing Knightsgate Crescent but a connection point is not identified. On the submitted application form it is indicated that it is proposed to connect to an existing public mains.

3.0 Planning Authority Decision

3.1 Decision: Grant

3.1.1. The decision to grant permission was subject to twelve conditions. Ten of the conditions are standard in nature. The two remaining conditions are relevant to the grounds of appeal and are therefore reproduced below.

Condition 2

'Prior to the commencement of any development works on the site, the applicant shall submit revised plans and elevations, and receive the written agreement of the

Planning Authority, detailing:

- (a) The omission of the eastern most window to 'Proposed Bedroom 5' at the front elevation and the omission of the ground floor level window to the proposed 'Storage Area' at the front elevation.*
- (b) The omission of the proposed double-doors onto the terrace at the first floor level of the side elevation. Revised plans entirely omitting these doors or replacing same with a window that is in keeping with the other first floor level windows on the side elevation may be considered.*
- (c) The omission of the glazed balustrade screen around the terrace.*

REASON: To protect the residential amenities of the area.'

Condition 3:

'The roof area of the garage shall not be used as a balcony, roof (terrace) garden or similar amenity area under any circumstances. No other structures shall be placed on the roof of the garage.

REASON: In the interests of clarity and to protect the visual and residential amenities of the area'.

3.2. Planning Authority Reports

3.2.1. [Planning Report]: There is one report on file dated 10th September, 2025. The report is signed by a Senior Executive Planner, and countersigned by a Senior Planner and an Administrative Officer. Specifically with regards to the issues raised in the appeal, the following points are contained in the report:

~ given the approximately 3.5m height of the proposed garage, its location to the north of No.14 and the approximate 14m separation distance between the relevant elevations, no issues foreseen relating to loss of privacy or light to No.14 as a result of the garage alone;

~ generally satisfied the orientation of the two-storey element of the proposed extension will not result in any undue impacts on the existing residential amenity of

No.14 (in terms of overlooking/overshadowing) *'beyond which that are already existing'*;

~ however, the 13.2m separation distance from the two-storey element of the applicant's proposal to No.14 *'is also noted'* and, having regard to SPPR1 of the 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)' and noting the side elevation of No.14 faces the front elevation of the subject dwelling, *'to eliminate any concerns relating to loss of privacy, it is considered the eastern most window on the front elevation of Proposed Bedroom 5 should be omitted'*;

~ to maintain the visual harmony of the front elevation and to further mitigate any potential loss of privacy to the dwelling to the south, the proposed ground floor window to the storage area should also be omitted;

~ considers that the proposed terrace above the garage *'would result in undue overlooking into No.14 and, notwithstanding separation distances, would have an overbearing impact on the dwellings/public open spaces to the east, and set an undesirable precedent for other such proposals within existing estates'*

3.2.2. [Transportation Planning Section]: Advises no objection subject to standard conditions.

3.3. **Prescribed Bodies**

3.3.1. Uisce Eireann (UE): The Applicants submitted a report from UE dated 1 July 2025 (ie. prior to the Local Authority's registration date for the application) with their application. The Report is headed: 'Diversion Reference Build Near Enquiry'. It refers to the enquiry to build near UE's water main and advises: *'Based upon the details you have provided with your enquiry and as assessed by Uisce Eireann, we wish to advise you that the proposed extension can be facilitated'*.

3.4. **Third Party Observations**

3.4.1. None.

4.0 Planning History

4.1. None other than the original permissions for the overall estate.

5.0 Policy Context

5.1. National Policy

- 5.1.1. [‘Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities’¹ (hereinafter referred to as ‘the Residential Guidelines’)]: Specific Planning Policy Requirement (hereinafter referred to as SPPR) 1 addresses the issue of ‘Separation Distances’ and includes the following: ‘*A separation distance of at least 16m between opposing windows serving habitable rooms at the rear or side of houses ... above ground floor level shall be maintained*’. ‘Habitable rooms’ are defined in the Glossary of Terms in the Residential Guidelines (refer p.64) as: ‘*Primary living spaces such as living rooms, dining rooms, studies and bedrooms*’.
- 5.1.2. SPPR 2 of the Residential Guidelines identifies minimum private open space standards for houses. The minimum space for 4 or more bedrooms is 50m².
- 5.1.3. [‘Quality Housing for Sustainable Communities, 2007’ (last updated in 2021) (Dept. of the Environment, Heritage and Local Government)]: States that: ‘the area of a single bedroom should be at least 7.1m² and that of a double bedroom 11.4m².’

5.2. Development Plan: Fingal Development Plan, 2023-2029

- 5.2.1. Zoning: The subject site is within an area zoned as ‘RS Residential’. The relevant zoning objective is to: ‘*Provide for residential development and protect and improve residential amenity.*’
- 5.2.2. Residential Extensions (General): Policy SPQHP41 and Objective SPQH045 in Chapter 3: ‘Sustainable Placemaking and Quality Homes’ contain similar support for

¹ Department of Housing, Local Government and Heritage, 2024.

residential extensions, subject to appropriate scale, and the protection of residential amenities and the environment.

- 5.2.3. Side Extensions: Section 14.10.2.2: '*... 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...*'
- 5.2.4. First Floor Extensions: Section 14.10.2.4: '*...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.'*
- 5.2.5. Daylight and Sunlight: Section 14.6.6.1: Contains general commentary including the following statements – '*High levels of daylight and sunlight are essential to provide appropriate levels of residential amenity for residents...*'
- 5.2.6. Overlooking/Overbearance: Section 14.6.6.5: '*Development proposals must assess levels of overbearance and potential to cause significant levels of overlooking to neighbouring properties... Mitigation measures to ameliorate overbearance should be considered and may include alterations to the bulk and massing of the proposed scheme relative to neighbouring property. Overlooking may also be addressed by appropriate design-led solutions including the sensitive placement of fenestration and balcony treatments.'*
- 5.2.7. Open Space: Objective DMSO27 in Section 14.8.3 'Private Open Space' identifies a requirement of a minimum of 75m² of private open space located behind the front building line of the house.
- 5.2.8. Accommodation Standards: Section 14.6.1 'Design and Layout' and Objective DMSO19 both refer to a requirement for applications for residential development to

demonstrate compliance with room sizes, dimensions and overall floor areas set out in 'Quality Housing for Sustainable Communities – Best Practice Guidelines 2007'².

- 5.2.9. Separation Distances: Objective DMSO23 requires that: 'A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy...'

5.3. Natural Heritage Designations

- 5.3.1. [East and South-East of the Site:] The North West Irish Sea Special Protection Area (SPA) (Site Code 004236) is located 1.1km to the east and 1.44km to the south-east of the site. The Rockabill to Dalkey Island Special Area of Conservation (SAC) (Site Code 003000) is located to the east of the aforementioned SPA and 2.23km to the east of the site.
- 5.3.2. [South of the Site]: The Rogerstown Estuary SAC (Site Code 000208), the Rogerstown Estuary SPA (Site Code 004015) and the Rogerstown Estuary Proposed Natural Heritage Area (Site Code 000208) are all located c.1.07km to the south of the site.

6.0 EIA Screening

- 6.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001 (As Amended). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix A of report.

² The Objective also refers to 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009, the companion Urban Design Manual – A Best Practice Guide, DEHLG 2009'. These were replaced by the 'Sustainable and Compact Settlements Guidelines, Jan. 2024. The Objective also refers to Guidelines for Apartments. As the application is in relation to a dwellinghouse, these Guidelines are not relevant.

7.0 Water Framework Directive Screening

- 7.1. The subject site is located 120m to the north of the Balcunnin_010 River. This river flows eastwards towards, and enters the Irish Sea within, the North West Irish Sea Special Protection Area. The site is over the 'Lusk-Bog of the Ring' ground water body.
- 7.2. The proposed development comprises: construction of extensions to a domestic dwelling, plus associated ancillary site works; proposed connection to public mains water and sewer; and possible surface water soakaway within rear garden.
- 7.3. No water deterioration concerns were raised in the planning appeal.
- 7.4. I have assessed the proposed construction of extensions to this domestic dwelling, plus associated ancillary site works; the proposed connection to public mains water and sewer; and the possible surface water soakaway within rear garden 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.
- 7.5. The reasons for this conclusion are as follows:
- the small-scale and nature of the proposed works;
 - the discharge of foul effluent to the public system;
 - whilst there is a potential pathway from the site to the Balcunnin River (to the south of, and on lower ground than, the site) via the public surface water network, such waters are unlikely to be contaminated and will be monitored by the Local Authority;
 - whilst there is a potential pathway from the soakaway (if required) to the 'Lusk-Bog of the Ring' ground water body, the risk of damage to the water body is extremely low having regard to the modest scale of development, the

nature of the development, the resulting anticipated minimal discharges eg. siltation, and the scale of the water body³.

7.6. Conclusion: 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.

8.0 The Appeal

8.1. Grounds of Appeal

8.1.1. One appeal was received from Nicholas and Roisin McCormack of No.14 Knightsgate Avenue, Rush. Their property is diagonally opposite the subject property on the other side of Knightsgate Crescent although the gable is presented to the subject property. The Appellants are concerned that the scale of the development will '*significantly impact*' on their property on a number of grounds. These can be summarised as follows:

- '*Blocking natural light to kitchen and upstairs bedroom and be overbearing and significantly impact on privacy*';
- Windows were granted on the side of (their) house as they were '*not overlooking any other properties - the proposed development would go against this*';
- The window to replace the terrace doors at first floor level [required on foot of the Local Authority's Condition No. 2(b)], as well as the Proposed Bedroom 5 side elevation window '*will impact on our privacy*'. Request that this '*be reviewed*';

³ The dimensions of the water are body not provided on catchments.ie. However, the scale of the water body is evident from mapping on the aforementioned website and, it can be seen, is extremely large.

- The height of the car port was to enable the terrace feature. As the terrace was declined, a review of the car port structure is requested. The Appellants house sits at significantly lower levels (*'approximately 4 feet which in our opinion was not taken into complete consideration'*.) The car port is a completely unnecessary structure as there is currently ample parking space to the side of the house which will remain after the proposed house extension and is not in keeping with the current aesthetics of the development with no other residence having a car port or garage.

8.1.2. The Appellants conclude by requesting that the Commission refuses the proposed car port and assesses their privacy concerns regarding the proposed '*side windows*' in order to mitigate the impact on their property and amenity.

8.2. Applicants' Response

8.2.1. The Applicants' response to the grounds of appeal can be summarised as follows:

- Scale of proposed development: Careful consideration was taken at design stage to mitigate any impact on neighbouring properties:
 - ~ the proposed extension would be in keeping with the existing front and rear building lines;
 - ~ the two-storey element is set down approximately 300mm from the existing ridge line of the dwelling to aid the break-up of the mass of the extended dwelling;
 - ~ also allowed for minor setbacks from the existing front elevation to further reduce the impact on the surrounding environment.
- A notated proposed first floor floor plan is included. The notation includes a comment in relation to each of the five proposed first floor windows. Each comment is summarised below.
 - ~ Westernmost front elevation window serving bedroom 5: Window was permitted in Local Authority decision;

~ Easternmost front elevation window serving bedroom 5: Notes Local Authority condition to remove. This may leave the front elevation *'looking bare and off balance with the existing window symmetry and architectural detail'*. Requests that it remains in place but is fitted with permanently obscured glazing.

~ Southernmost gable window: There will be no overlooking due to the positioning of the window and the oblique view to the Appellants' property;

~ Middle gable window (refers to this on foot of the Local Authority's condition to remove originally proposed glass doors): There will be no overlooking due to the positioning of the window and the oblique view to the Appellants' property;

~ Northernmost gable window: There will be no overlooking due to the positioning of the window and the oblique view to the Appellants' property;

- Describes the fenestration on the gable of the Appellants' dwelling and comments that:

~ the windows are north facing and *'we do not believe'* that the proposed extension would block or reduce the amount of light currently afforded to the habitable rooms;

~ both the kitchen and the bedroom also benefit from having windows on the rear elevation *'which we consider are the primary windows in these rooms for harnessing natural daylight indoors'*;

~ the existing gable windows to the kitchen and hall are fitted with blinds, *'thus partially obstructing the natural daylight entering these rooms as it currently exists'*.

- Height of the proposed car port structure:

~ *'...will not detract from the visual amenity of the street landscape and will not result in a significant adverse impact of the view from the existing kitchen window of the Appellants' property'*;

~ *'It could also be considered that the existing hedge (on the gable side of the Appellants' property) 'is already partially blocking the view from the existing kitchen';*

~ Is an important aspect of the planned use for the garage - the intention is to use this space for high level storage solutions (eg. bike racks). The proposed head height has been carefully considered to accommodate this use;

- Local Authority condition to remove the easternmost windows at ground level (serving storage area) and first floor (serving bedroom) on the front elevation: may leave the front elevation *'looking bare and off balance with the existing window symmetry and architectural detail'*. Requests that both remain in place but they shall be fitted and permanently maintained with obscure glass. This would replicate the existing window treatment to the front facade and unit types in the neighbourhood. It would also maintain the same separation distance and angle as existing.

8.3. Planning Authority Response

- 8.3.1. The Authority advises that *'it has no further comment to make'*, requests that the Commission upholds the decision of the Authority and also advises that, in the event that the Authority's decision is upheld, provision should be made for a financial contribution and/or any special development contributions required in accordance with the Council's Development Contribution Scheme.

8.4. Observations

- 8.4.1. None.

9.0 Assessment

9.1. Overview

- 9.1.1. Having examined the application details, and all other documentation on file including 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 local policies and guidance, I consider that the substantive issues in this appeal to be assessed are as follows:

- the visual integration of the proposed development with its immediate and wider context; and
- the integration of the proposed development in terms of the residential amenities of neighbouring properties.

9.2. Visual Integration

- 9.2.1. In terms of the policy context for this issue, Sections 14.10.2.2: 'Side Extensions' and 14.10.2.4: 'First Floor Extensions' of the Development Plan include similar relevant policy provisions in relation to visual integration. Section 14.10.2.2 provides that side extensions will be evaluated against, inter alia, '*visual harmony with existing (especially front elevation)*' and that '*External finishes shall generally match the existing*'. Section 14.10.2.4 provides, inter alia, that: '*there will be no significant negative impacts on surrounding ... visual amenities*' and concludes with the statement that: '*External finishes and design, which shall generally be in harmony with existing.*'
- 9.2.2. The character of the area is defined by a common design palette of two-storey or two-storey with dormer semi-detached dwellings finished in a combination of yellow bricks and light cream painted render, and dark grey slates. The Applicants propose to replicate existing finishes in the proposed development.
- 9.2.3. Presumably with a view to alleviating any concerns in terms of the bulk of the proposed extension, the design incorporates several design features:
- Ridge line: The ridge line is slightly stepped down from that of the main dwelling;
 - Footprint/front elevation: The front elevation and footprint of the two-storey element incorporates two 'stepped-back' sections from the front elevation of the main dwelling.

9.2.4. Having regard to the replication of the existing design palette of the area, to the incorporation of the stepped down ridge line and stepped back front elevation, and to the setback of the dwelling from the main Knightsgate Avenue and the intervening area of open space, the proposed will integrate satisfactorily with character of the area, in my opinion, and I therefore have no objections in this regard.

9.3. Residential Amenities

No. 14 Knightsgate Crescent (Appellants' Property)

9.3.1. The Appellants identify three concerns and I address each of these below. The Appellants referenced the proposed terrace but did not explicitly identify this as a fourth concern. Notwithstanding, this is also a material consideration, in my opinion, and I therefore also address this matter below. In each sub-section, I identify relevant policy provisions before considering the details of this case.

Blocking of Natural Light

9.3.2. Objectives SPQHP41 and SPQO45, Development Management Standard Section 14.6.6.1 (Daylight and Sunlight), Development Management Standard Section 14.10.2.2 (Side Extensions), and Development Management Standard Section 14.10.2.4 (First Floor Extensions) all include general references to the protection of residential amenities. Development Management Section 14.6.6.5 does provide some measure of detailed guidance wherein it states that: *'Mitigation measures to ameliorate overbearance should be considered and may include alterations to the bulk and massing of the proposed scheme relative to neighbouring property.'*

9.3.3. While Section 5.3.7 'Daylight' of the Residential Guidelines would appear to be aimed primarily at new overall residential estate development, the contents of the Section may also be applied to extensions in such estates, in my opinion. A key statement contained therein is that: *'In drawing conclusions in relation to daylight performance, planning authorities must weigh up the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision, against the location of the site and the general presumption in favour of increased scales of urban residential development.'*

- 9.3.4. The existing two-storey element of the subject dwelling is 9.61m in height and 6.36m in width. The distance between the nearest part of the existing two-storey part of the dwelling, its south-east corner, and the windows on the gable elevation of the Appellants' dwelling is c.15.9m when measured diagonally.
- 9.3.5. The ridge height of the proposed two-storey extension is 9.3m and the width is 4.97m. The distance between the nearest part of the proposed two-storey extension, its south-east corner, and the windows on the gable elevation of the Appellants' dwelling would be c.13.5m when measured diagonally. The gable windows on the Appellants' property are located c.7m to the east of the eastern most part of the two-storey extension. The proposed single-storey garage element is more directly opposite the Appellants' property. On the submitted plans, reference is made to a parapet wall over the garage (although this is not readily identifiable on the plans) and a height of 3.475m is identified from ground level to the top of the front edge of the garage. The garage would run broadly parallel with the adjacent road and the gable of the Appellants' property. There would be a distance of 13.85m between the garage and the Appellants' gable.
- 9.3.6. Given that the proposed two-storey extension and single-storey garage extension will extend across the northern outlook of the Appellants' dwelling to some extent, it is inevitable that the proposed development will have some impact on the natural light currently enjoyed by the Appellants. This will be amplified, to some extent, by the Appellants' dwelling being at a lower level than the Applicants' dwelling, as referenced by the Appellant. The precise difference in floor level was not provided by the Applicants but is estimated to be c.1m. However, I would also note that the Appellants' property will still benefit from significant natural light from the north afforded by the combined effects of the unbuilt and open nature of: the open space area to the side of the subject property; the immediately adjacent Knightsgate Avenue public road; and, to a lesser extent, the setback of the houses on the eastern side of Knightsgate Avenue. The affected rooms in the Appellants' property also benefit from significant fenestration on the rear elevation providing additional natural light as referenced by the Applicants. For these reasons, and given the suburban residential context of the site where compromises on privacy and amenity must

inevitably be made (as alluded to in Section 5.3.7 'Daylight' of the Residential Guidelines'), I do not accept the Appellants' concerns in relation to the impact of the proposed development on their natural light.

Proposed Terrace

- 9.3.7. The height of the terrace including a proposed parapet wall is given as 3.475m over ground level. The intended 'floor level' of the terrace may be slightly lower than this given the reference to the parapet wall but this is not made clear on the submitted plans. A glazed balustrade screen measuring c.0.5m in height is proposed to the front and side of the terrace. The balustrade is proposed to be set back c.0.5m from the front edge of the terrace and a similar distance from the side edge. Condition 3 of the Local Authority's decision prohibits the use of the roof area of the garage as a balcony, roof (terrace) garden or similar amenity area. In their response to the Appeal, the Applicants make no reference to the terrace proposal. I also note that the First Party has not appealed any of the conditions of the Planning Authority decision.
- 9.3.8. The proposed terrace is directly opposite the gable of the Appellants' dwelling. A distance of 13.85m is proposed between the front edge of the terrace and the gable of the Appellants' dwelling. A distance of 10.65m is proposed from the front edge of the terrace to the side garden boundary of the Appellants' property.
- 9.3.9. There is no detailed policy guidance that I am aware of that deals with a scenario such as in the subject case where a proposed garden terrace is proposed directly opposite the gable of a dwelling incorporating the windows of habitable rooms. In the Residential Guidelines, SPPR 1 provides that a separation distance of at least 16m should be achieved between opposing windows serving habitable rooms at the rear or side of houses above ground floor level where 'Habitable rooms' are defined as: *'Primary living spaces such as living rooms, dining rooms, studies and bedrooms'*. The distance between the proposed terrace and the gable of the Appellants' property is less than the 16m specified for opposing windows of habitable rooms. In my opinion, the potential for actual detrimental impacts on the amenities of an opposing property (eg. overlooking, noise, social gatherings) will be greater from a terrace

than from a bedroom window. This is particularly so in the case of the subject proposal where the area of the terrace is proposed as 21m² and thus the terrace could accommodate significant numbers of people. It is also my opinion that the potential for perceived overlooking would also be greater from a terrace as opposed to a window. For these reasons, I am unable to support the proposed terrace and agree with the conclusions of the Local Authority and the concerns of the Appellants. Consequently, neither am I able to support neither the proposed glass doors providing access from Bedroom 5 to the proposed terrace, nor the proposed glazed balustrade screen around the terrace. These matters are addressed in Conditions 2 and 3 of my recommendation.

- 9.3.10. Finally, in relation to the proposed terrace, I also note that the terrace would be located immediately adjacent to, and overlooking the public open space area to the east. Whilst this juxtaposition may provide passive surveillance, it could also be a disincentive to potential users of the open space area and, for this reason, would be contrary to orderly development, in my opinion.

First Floor Gable Windows – Impact on Privacy

- 9.3.11. The proposals include double glass doors (c.1.85m wide) centrally located on the gable enabling access to the roof terrace, and two smaller windows (0.85m wide) either side of the centrally-located glass doors. One of the smaller windows, the one nearest the road, is to serve a bedroom, Bedroom 5. The other, towards the rear of the gable, is to serve an ensuite shower room. In its decision, the Local Authority imposed a condition requiring the omission of the proposed double-doors onto the terrace at the first floor level. The condition also invited revised plans entirely omitting these doors or replacing same with a window that is in keeping with the other first floor level windows on the side elevation for consideration.
- 9.3.12. I note the following distances between each of the three proposed first floor gable windows and the gable of the Appellants' property; 15.13m (window nearest to Appellants' property); 17.05m (middle glass doors); and c.18.5m (northernmost gable window).

- 9.3.13. The Development Plan includes a clear policy in relation to separation distances (22m) for '*directly opposing rear first floor windows*' (Objective DMSO23). However, as the scenario in the subject case is not one of directly opposing first floor windows, this policy is not fully applicable, in my opinion. Rather, it can be used as a guide for assessment, whilst other relevant considerations are also factored in. Otherwise with regard to the Development Plan, in Section 14.10.2.4: 'First Floor Extensions' it is noted that various factors will be 'considered' including overlooking. Similarly, Section 14.6.6.4: 'Overlooking and Overbearance' includes a similar general statement that: '*Development proposals must assess levels of overbearance and potential to cause significant levels of overlooking to neighbouring properties*'.
- 9.3.14. I have no objection to the northernmost window for the following reasons. Firstly, the distance between the window and the Appellants' gable (18.5m), whilst less than the Development Plan standard, is greater than the separation distance of 16m standard for opposing windows as contained in SPPR 1 of the Residential Guidelines. Secondly, the window is at an oblique angle (as described by the Applicants in their response to the Appeal) to the gable of the Appellants' gable, as opposed to being directly opposite, thereby further reducing the opportunity for any impacts on the amenities of the Appellants. Finally, this proposed window is to serve a shower room and toilet and therefore it would be standard practice to have the window fitted with obscure glazing.
- 9.3.15. In the subsection on the 'Proposed Terrace' above, I set out my reasons for not supporting the proposed glass doors on the gable providing access to the proposed terrace. I note that the Local Authority supports the replacement of the glass doors with '*a window that is in keeping with the other first floor level windows on the side elevation*'. I also note that the Applicants have indicated agreement to this arrangement in their response to the appeal. The separation distance between the position of such a window and the gable of the Appellants' property would be 17.05m. I would also support the proposed replacement 'standard' window for the same reasons as my first and second reasons for supporting the northernmost gable window (refer to immediately preceding paragraph). This is addressed in the recommended conditions.

9.3.16. With regards to the proposed southernmost gable window (serving Bedroom 5), I note that the separating distance to the gable of the Appellants' property is c.15.13m ie. significantly below the Development Plan standard, and slightly below the SPPR standard for opposing windows. However, the window is at an oblique angle (as described by the Applicants in their response to the Appeal) to the Appellants' gable, as opposed to being directly opposite, thereby reducing the opportunity for any impacts on the amenities of the Appellants. On balance, and noting also that my recommendation includes a condition requiring that the easternmost front elevation window serving Bedroom 5 is amended to have obscure glazing, it is my opinion that the southernmost gable window can be retained as proposed but subject to the condition that it is fitted with a simple screen/louvre on its southern side in order to remove any opportunity for potential impacts, actual or perceived, on the amenities of the Appellants' property.

9.3.17. For the aforementioned reasons I am satisfied that, subject to the modification of the proposed glass doors, the proposed development will not cause significant levels of overlooking to neighbouring properties and, therefore, that it does not give rise to the privacy and amenity issues as alluded to in Sections 14.6.6.4 and 14.10.2.4 of the Development Plan.

Front Elevation Windows – Impact on Privacy

9.3.18. The Development Plan and Residential Guidelines policy context set out at paras. 9.3.13 applies equally to the consideration of the proposed front elevation windows. All three windows proposed for the front elevation are less than the 22m for opposing windows stipulated in the Development Plan, and the 16m stipulated in the SPPR (c.14.23m in the case of the easternmost first floor window serving Bedroom 5 and the ground floor Storage Area window), and c.15.2m (in the case of the westernmost window serving Bedroom 5). However, the following must also be taken into account, in my opinion. The proposed front elevation windows and the gable windows of the Appellants' gable are not directly opposing each other. The nearest part of the proposed two-storey extension is positioned c.7m to the west of the most westerly part of the Appellants' dwelling. The subject dwelling is orientated to face due south, while the Appellants' dwelling is orientated in a north-westerly direction.

- 9.3.19. In my opinion, these circumstances should compensate for the relatively minor shortfall of the proposed westernmost window for Bedroom 5 from the SPPR standard, particularly given that this window will be directly over the existing and unaffected ground floor window serving the existing 'playroom'.
- 9.3.20. However, given that the easternmost window for Bedroom 5 and the Storage Area window would be c.35% below the Development Plan standard for opposing windows separation distances and also would be more directly opposite the Appellants' gable windows, I am unable to support the inclusion of these particular window in their current form. Notwithstanding, I note the proposal in the Applicants' response to the appeal that these windows remains in place but are fitted and permanently maintained with obscure glass. In my opinion, this proposal offers a reasonable compromise, particularly as such front elevation frosted glass bathroom windows are not uncommon in suburban residential estates. These matters are addressed in Condition 2 of my recommendation.
- 9.3.21. For the aforementioned reasons I am satisfied that, subject to the above-noted modifications to the easternmost window for Bedroom 5 and the Storage Area , the proposed development will not cause significant levels of overlooking to neighbouring properties and, therefore, that it complies with Sections 14.6.6.4 and 14.10.2.4 of the Development Plan.

Car Port

- 9.3.22. The Appellants state that the height of the car port in the original plans was to enable the terrace feature and, *'as the terrace was declined ... request a review of the car port structure'*. The Appellants are concerned that their house sits *'at a significantly lower level of elevation (of approximately 4 feet)'* and are of the view that this was *'not taken into complete consideration'* and that it will *'completely remove any view of the sky from our kitchen'*. Finally, they believe the car port to be *'completely unnecessary ... as there is currently ample parking space to the side of the house'* and *'is not in keeping with the aesthetics of the development with no other residence having a car port'*.

9.3.23. The top of the proposed garage is proposed as 3.475m over ground level. This is the same height as the existing ground floor extension to the Applicants' dwelling. The garage will be set back almost 14m (13.85m) from the gable of the Appellants' dwelling. I acknowledge the Appellants' point in relation to the level of their dwelling being lower (4 feet, or c.1.2m). However, having regard to: the relatively modest height of the proposed garage; to the aforementioned separation distance between the proposed garage and Appellants' gable; the otherwise unobstructed views northwards from the Appellants' gable as set out at para. 9.3.6 above, and the suburban residential context of the site where compromises on privacy and amenity must inevitably be made (as alluded to in Section 5.3.7 'Daylight' of the 'Sustainable and Compact Settlements Guidelines'), I do not accept the Appellants' concerns in relation to the impact of the proposed development on their '*views of the sky*'. Noting also the aforementioned height and width of the proposed garage and the proposed brickwork finish to match the existing house. Neither do I agree with the Appellants' concerns that the car port will not be in keeping with the aesthetics of the development, notwithstanding no other residence having a car port. Otherwise, it is my opinion that little weight can be given to the Appellants' contention that the car port is '*completely unnecessary*' in the context of there being '*ample parking space to the side of the house*'

No. 42 Seabrook (To North of Subject Property)

9.3.24. The subject property and No.42 Seabrook are laid out as back-to-back properties. The subject property already has two bedroom windows on the rear elevation at first floor level. The proposed extension would provide for a third first floor bedroom window on the rear elevation in line with the existing windows. There will be a distance of c.24m between the rear elevations. This distance is significantly in excess of the standard of 22m separation distance between directly opposing first floor windows as contained in Objective DMSO23 of the Development Plan, noting also that these windows are not 'directly opposing'. For these reasons, the proposed development is acceptable, in my opinion, in terms of any potential impacts on No.42 Seabrook.

9.4. Other Issues

- 9.4.1. Private Open Space: After the proposed development, the subject garden will still have private space of 77m². The development therefore exceeds the required minimum standards of both the Residential Guidelines (SPPR 2 – 50m²) and the Development Plan (Objective DMSO27 – 75m²).
- 9.4.2. Parking: SPPR 3 of the Residential Guidelines sets out maximum levels of car parking spaces. The standard to be applied is determined by the site's inclusion in one of several categories of area, which categories are defined by the level of public transport service available. In simplistic terms, the greater the levels of available public transport, the more restrictive the policy is in terms of the number of car parking spaces that will be permitted. This information is to be derived from the National Transport Authority's 'Public Transport Accessibility Level' (PTAL) tool. The PTAL shows that the subject site is outside of any of the 'High', 'Medium-High', 'Medium' or 'Low' levels of service. In such circumstances, Part (iii.) of the SPPR provides that the maximum rate of car parking shall be 2 no. spaces. Accordingly, the proposed car port providing two parking spaces is acceptable.
- 9.4.3. Cycle Parking and Storage: The proposed car port and storage will provide ample cycle parking and storage.
- 9.4.4. Room sizes: The 'Quality Housing for Sustainable Communities, 2007' states that: 'the area of a single bedroom should be at least 7.1m² and that of a double bedroom 11.4m²'. The two proposed bedrooms are both 16m². Accordingly, the proposed bedroom sizes are acceptable.
- 9.4.5. Soakaway: On the submitted Site Layout Plan, a soakaway is identified in the back garden and the following notation is included: '*Approximate location of soakaway (if requested by Local Authority)...*' The Local Authority did not explicitly require the provision of a soakaway in its decision. Rather, it attached a standard condition [Condition 9(b)] requiring that 'Surface water drainage shall be in compliance with the Greater Dublin Regional Code of Practice for Drainage Works ...' The referenced Code of Practice states that '*All new (my emphasis) developments must incorporate Sustainable Drainage Systems (SUDS)*' para. 3.2). It is, therefore, unclear whether

or not the Local Authority intended to require the provision of a soakaway/SUDS system for this extension to an existing development. In the Water Framework Directive Assessment at Section 7 I have followed a precautionary approach and assessed the proposed development on the basis that a soakaway will be required by the Local Authority.

- 9.4.6. In terms of water and sewer provision, I note the contents of Uisce Eireann's letter to the Applicants in which it is advised that: *the proposed extension can be facilitated*.

9.5. Development Contributions

- 9.5.1. The Fingal Development Contribution Scheme 2021-2025 (the DCS) applies development contributions to residential extensions [refer Note 4, Para. 9] but also allows for exemptions for the first 40m² of such developments [refer Para. 11(1)(a)]. The total floor area of the development is 92m². As the total is greater than the exemption limit of 40m², the DCS is applicable. The total of 92m² includes the proposed garage. Para. 11(1)(m) of the DCS provides an exemption for 'ancillary surface and underground car-parking'. The proposed enclosed garage is not considered to fall within either such category and therefore has been included in the calculation of 92m² for the total floor area.

10.0 AA Screening

- 10.1. I have considered the proposed extensions to No.14 Knightsgate Crescent, Rush, Co. Dublin in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located to the west and north-west of the North West Irish Sea Special Protection Area (SPA) (Site Code 004236). The Rockabill to Dalkey Island Special Area of Conservation (SAC) (Site Code 003000) is located to the east of the aforementioned SPA and 2.23km to the east of the site. Finally, the Rogerstown Estuary SAC (Site Code 000208) and the Rogerstown Estuary SPA (Site Code 004015) are both located c.1.07km to the south of the site.
- 10.2. The proposed development comprises a part two-storey and part single-storey extension to the side of an existing dwelling typical of a suburban residential estate

and within the existing plot. No nature conservation concerns were raised in the planning appeal.

10.3. 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 European Site. The reasons for this conclusion are as follows:

- The nature of the works: small scale extension to an existing dwelling with existing connections to public services.
- The distance of the site from the Natura sites to the south and the absence of any connections between the two.
- The site is connected to the Natura sites to the east and south-east as surface water from the site is likely to discharge to the Balcunnin River, and the Balcunnin River in turn discharges to the said Natura sites. However, it is unlikely that such discharges will have any impact on the Qualifying Interests of the SPA (21 no. bird species) or the SAC (reefs and porpoise) given the relatively small volume nature of the potential discharge, and the extent of the designated areas.

10.4. I conclude that on the basis of objective information, the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

11.0 Recommendation

11.1. I recommend that permission for the development be granted, subject to conditions for the reasons and considerations as set out below.

12.0 Reasons and Considerations

12.1. Having regard to the location of the site; and to the design and scale of the proposed development, it is considered that, subject to compliance with conditions below, the

proposed development would not be injurious to the general amenity and architectural quality of the area, and would not seriously injure the visual or residential amenities of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>a. (i.) The proposed double glass doors providing access from proposed Bedroom 5 to the proposed terrace and the proposed glazed balustrade screen around the terrace are not hereby permitted and shall be omitted from the design.</p> <p>(ii.) The proposed easternmost front elevation window for proposed Bedroom 5 shall be formed of permanently obscured glazing.</p> <p>(iii.) The proposed southernmost first floor gable window serving proposed Bedroom 5 shall be fitted with a screening louvre, or similar, on its southern side.</p> <p>(iv.) The proposed ground floor window serving the proposed Storage Area shall be formed of permanently obscured glazing.</p> <p>b. Prior to the commencement of development, the Applicant shall submit revised plans providing for compliance with the aforementioned</p>

	<p>for the prior written approval of the Planning Authority. Said plans may provide for a window of similar dimensions to the other windows proposed for the first floor gable to replace the gable elevation glass doors.</p> <p>Reason: To preserve the privacy and amenities of the residents of the area and to cater for orderly development.</p>
3.	<p>The roof of the proposed garage shall not be used as a terrace, balcony, garden or similar amenity area.</p> <p>Reason: To preserve the privacy and amenities of the residents of the area and to cater for orderly development.</p>
4.	<p>The garage shall be used solely for use incidental to the enjoyment of the dwelling house and shall not be used for human habitation or sold, rented or otherwise transferred or conveyed independently of the house and shall not be used for the carrying on of any trade or business.</p> <p>Reason: In the interests of the proper planning and sustainable development of the area.</p>
5.	<p>The external finishes shall be as indicated on the submitted drawings and shall harmonise in colour and texture with the existing premises.</p> <p>Reason: In the interests of visual amenity.</p>
6.	<p>All bathroom/en-suite windows shall be fitted and permanently maintained with obscure glazing. The use of film is prohibited.</p> <p>Reason: In the interests of residential amenity.</p>
7.	<p>Prior to the commencement of development, the developer shall enter into water and/or wastewater connection agreements with Uisce Éireann.</p> <p>Reason: In the interests of orderly development.</p>

8.	<p>Surface water arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interests of public health.</p>
9.	<p>Site development and building works shall be carried out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the Planning Authority.</p> <p>Reason: To safeguard the residential amenities of property in the vicinity.</p>
10.	<p>a. All necessary measures shall be taken by the Applicants/developer to prevent the spillage or deposit of any materials, including clay, rubble, or other debris on adjoining roads during the course of the development. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the Applicants'/developer's own expense.</p> <p>b. The Applicants/developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road, arising from the construction work and shall either make good any damage to the satisfaction of the Planning Authority or pay the Planning Authority the cost of making good such damage upon issue of such a requirement by the Planning Authority.</p> <p>Reason: To protect the amenities of the area.</p>
11.	<p>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</p>

	<p>Planning and Development Act 2000, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>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.</p>
12.	<p>a. No gate shall open across a public footpath/roadway.</p> <p>b. No objects, structures, landscaping or planting shall be placed or installed within the visibility splays (as defined by DMURS and as per the submitted Site Plan) exceeding a height of 900mm; which would interfere or obstruct (or could obstruct over time) the required visibility splays.</p> <p>c. Any works to the public footpath, verge and road carriageway to facilitate the development and any repairs to the public footpath, verge and road carriageway necessary as a result of the development shall be at the expense of the developer and completed to the Councils' standards for taking-in-charge and to the satisfaction of the Council.</p> <p>Reason: In the interests of traffic and pedestrian safety and to cater for orderly development.</p>

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.



Paul Christy

Planning Inspector

16th December 2025

<p>3. Is the proposed development of a CLASS specified in <u>Part 2</u>, 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?</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>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold</p>
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>State the Class and state the relevant threshold</p>

Inspector: Paul Christy



Date: 16th December, 2025