



An
Coimisiún
Pleanála

Inspector's Report

PL500044-DS

Development	Retention of a ground floor lightwell for an exempted rear single storey extension to the existing dwelling, all associated and ancillary works
Location	41 St Johns Road, Dublin 4, D04PN79
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3326/25
Applicant(s)	Deirdre Murphy & Tom Fahey
Type of Application	Retention
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Finola Martin
Observer(s)	None
Date of Site Inspection	6 th December 2025
Inspector	Andrew Hersey

1.0 Site Location and Description

- 1.1 The site is located at 41 St Johns Road, Dublin 4 D04PN79. The site comprises of a end of terrace period red brick house with front and rear gardens. There is a detached building to the rear garden. There is a pedestrian access to the site from the rear lane
- 1.2 There is pedestrian entrance to the front garden.
- 1.3 A new single storey extension has been built to the rear of the property which includes for the lightwell which is subject to this retention application.

2.0 Proposed Development

- 2.1 The proposed development is for retention permission of an internal lightwell on the eastern elevation of the existing building
- 2.2 This lightwell is not visible externally from the street or from the rear access road serving the development site.

3.0 Planning Authority Decision

3.1 Decision – Grant Permission subject to Conditions

- 3.1.1. There are no conditions relevant to this appeal. I note that there is a Section 48 condition imposed with respect to a development contribution.
- 3.1.2. Planning Authority Reports

The case planners report raises the following issues;

- That the lightwell is positioned between 0.44 metres and 0.96 metres from the red line party boundary.
- That the lightwell comprises of 2.8 metre high floor to ceiling glass comprising of clear glass planes.
- That the application is for the retention of this lightwell only as stated in the statutory notices. It is beyond the scope of this assessment to examine whether other works carried out are, or are not, exempted development.

- That it is not considered likely that light pollution occurs from the lightwell to such a degree which would reduce the residential amenities of adjacent properties.
- That issues with respect to fire spread is beyond the scope of the assessment of this application and it is more appropriately considered under building regulations.
- The lightwell does not serve a habitable room i.e. a bedroom
- Between the lightwell and the adjoining property there is a boundary wall stated as being 2.2 metres in height. The proposal for retention does not result in the undue loss of privacy or residential amenity of adjoining properties and that it is considered in this context acceptable.

3.1.3 Other Technical Reports

- Drainage (13th August 2025) – no objection

3.3. Prescribed Bodies

None on file

3.4. Third Party Observations

3.4.1 There is one objection on file from Ms. Finola Martin of the adjacent adjoining property to the east (39 St Johns Road). Photographs of the proposed development for retention accompany the objection. The following issues are raised;

- That the said development is not a lightwell but is an indoor space akin to a conservatory or winter garden. The development description is therefore inaccurate.
- That the said window associated with the development at its current location may hinder her, or subsequent owners of her property, in developing an extension
- That there is a risk of fire spread as a consequence of its location adjacent to the kitchen and dining area

- That the proximity of the window to her property results in unwanted artificial light pollution to her property.
- That drawings submitted are not comprehensive and do not show all the development of the site.
- There are no drawings submitted as to where the common boundary is located
- That the extension constructed is 43sq.m. and is therefore not exempt under the planning regulations
- That a new garden building is not shown on the drawings submitted.

4.0 Planning History

None on site.

5.0 Policy Context

5.1 Development Plan

5.1.1 The Dublin City Development Plan 2022-2028 is the statutory development plan in force in the area at present.

5.1.2 Under that Plan, the site is zoned as 'Sustainable Residential Neighbourhoods – Z2 Residential Neighbourhoods (Conservation Areas) *'To protect and/or improve the amenities of residential conservation areas'*

5.1.3 Section 14.7.2, states that Z2 zoned locations require special care in dealing with development proposals which affect structures in such areas, both protected and non-protected. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.

5.1.4 Volume 2, Appendix 18, Section 1.1 'General Design Principles' outlines that: *'the design of residential extensions should have regard to the amenities of adjoining properties and in particular, the need for light and privacy. In addition, the form of the existing building should be respected, and the development should integrate with the existing building through the use of similar or contrasting materials and finishes'*.

Innovative, contemporary design will be encouraged. A contemporary or modern approach, providing unique designs, can offer a more imaginative solution. However, such proposals are still required to take account of the design issues outlined in this document. Applications for extensions to existing residential units should:

- Not have an adverse impact on the scale and character of the existing dwelling*
- Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, outlook and access to daylight and sunlight*
- Achieve a high quality of design*
- Make a positive contribution to the streetscape (front extensions)*

5.1.5 BHA9 Conservation Areas' To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps.

Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible. Enhancement opportunities may include:

- 1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.*
- 2. Re-instatement of missing architectural detail or important features.*
- 3. Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.*
- 4. The repair and retention of shop and pub fronts of architectural interest.*
- 5. Retention of buildings and features that contribute to the overall character and integrity of the Conservation Area.*
- 6. The return of buildings to residential use.*
- 7. Changes of use will be acceptable where in compliance with the zoning objectives and where they make a positive contribution to the character, function and appearance of the Conservation Area and its setting. The Council will consider the contribution of existing uses to the special interest*

of an area when assessing change of use applications and will promote compatible uses which ensure future long-term viability.

5.3. Natural Heritage Designations

- The South Dublin Bay and River Tolka SPA (Site Code 004024) is located 300m to the east of the site
- South Dublin Bay SAC (Site Code 000210) is located 300meters to the east of the site
- Rockabill to Dalkey Island SAC (Site Code 003000) is located 9km to the east 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 & 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.

7.0 The Appeal

7.1 Grounds of Appeal

7.1.1 A first party appeal was lodged on the 10th October 2025. The appeal in summary raises the following issues;

- That the site plan does not accurately represent what is on site including a development which was constructed in the rear garden of No 41 St Johns Road at around the same time as the subject extension was constructed. The use of this structure is unknown.
- That the level of the flat roof of the new extension is not shown
- That there are no cross sectional drawings identifying the common boundary and the distance to the development proposed for retention and the appellants property.

- That the proposed development results in overshadowing
- That the proposed development causes light pollution
- That the windows of the lightwell are non-compliant with respect to their proximity with the party boundary
- That the appellant would have objected to other aspects of the works carried if she was afforded the opportunity to do so.
- The impact of the development potential of No. 39.
- That the extension as constructed does not comply with Class 1 of Schedule 2 of the Planning and Development Regulations 2001 – Exempted Development)
- That the proposed development for retention should be refused.

7.3. Planning Authority Response

None received

7.4. First Party Response to Appeal

7.4.1 A first party response to the appeal was received 3rd November 2025. The response raises the following issues;

- That the said application was lodged on the back of an enforcement case issued by Dublin City Council which concluded that the said lightwell subject of this application required permission as the window was less than 1 metre from the party boundary (and therefore was not compliant with Class 1 of Schedule 2 of the Planning and Development Regulations 2001 – Exempted Development)
- The drawings submitted have been verified as been acceptable by virtue of the fact that they were validated by Dublin City Council.
- That the structure referred to as built in the rear garden of the applicants property has been shown on the site layout plan. The response refers to this structure as a garden room and is not subject to this application.
- That *‘cross sectional drawings identifying the common boundary and the distance to the new extension’* referred to in the appeal have been submitted as part of the drawings. In this respect an extract of the drawings has been submitted showing floorplan drawings in the context of the adjacent property. The response also refers to Drawing No (RT)400.

- That the extension constructed is a single storey structure and does not exceed the 40sq.m. allowance under Class 1 of Schedule 2 of the Planning and Development Regulations 2001
- The height is not in any way excessive - it provides for a standard 2.8 metre floor to ceiling height reflecting the ceiling heights of the existing house.
- That the applicant could have built a much higher development (up to the eaves level of the existing house) and still be exempt under the regulations.
- That the glazing associated with the lightwell faces out onto a party boundary wall and there is no overlooking of the appellants property.
- There will be no light spill to the appellants property as suggested in the appeal. Internal light will light the space and the boundary wall will block this light.
- The response refers to policy in the development plan with respect to rear extensions (Section 1.2 and Section 1.4 of Appendix 18 of the statutory development plan serving the area.)
- It is suggested that retention permission be upheld for the development.

8.0 Assessment

8.1. I have examined the application details and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.

8.1.2 I am satisfied the substantive issues arising from the grounds of this third party appeal relate to the following matters;

- Principle of Proposed Development/Development Plan Policy
- Residential Amenities
- Visual Amenity Considerations
- Other Issues

8.2 Principle of Proposed Development/Development Plan Policy

- 8.2.1 The proposed development site is located within an area designated in the Dublin City Development Plan 2022-2028 (hereunder referred to as the plan) with zoning objective Z2 Residential Neighbourhoods (Conservation Areas) *'To protect and/or improve the amenities of residential conservation areas'*
- 8.2.2 Having regard to the above, it is considered that the proposed development which is for the retention of a lightwell, internal to a building, and which is not visible from common areas including a lane to the rear of the property which serves the said property and other properties in the terrace, would not have a negative impact upon the amenities of the area.

8.3 Visual Amenity considerations

- 8.3.1 The proposed development site is located within an Architectural Conservation Area as designated in the statutory plan serving the area.
- 8.3.2 Policy BHA9 Conservation Areas as set under Paragraph 5.1.5 above therefore applies.
- 8.3.3 The area for which retention permission is sought comprises of what the statutory notices refers to as a 'lightwell' which is roofed internal space with planer windows 2.8m high facing east towards the adjacent property and towards the party boundary wall. The area of the lightwell measures approximate 1.5 metres x 2.8 metres. The windows are splayed in a V shape in plan form to draw light into the building. There is an area of external space therefore between the windows and the party boundary wall which at its closest is 440mm and widest (in the centre of the V) 960mm.
- 8.3.4 The height of the party boundary wall is not stated but from sections on file it is estimated as being between 1.8 and 2.0 metres in height. The glazing associated with the proposed lightwell for which retention permission is being sought is 2.8 metres in height.
- 8.3.5 The roof and parapet associated with the lightwell is clad in dark grey metal/zinc which contrasts appropriately with the red brick of the period property.

8.3.6 In terms of design therefore I do not consider that the proposal impacts upon the visual amenity of this Architectural Conservation Area.

8.4 Residential Amenity Impacts

8.4.1 Impacts to the residential amenity of adjacent properties is the principle issue raised by the appellant whom resides in the property to the east of the proposed development site.

8.4.2 Volume 2, Appendix 18, Section 1.1 'General Design Principles' outlines that: *'the design of residential extensions should have regard to the amenities of adjoining properties and in particular, the need for light and privacy.'* and further states that an extension should *'Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, outlook and access to daylight and sunlight'*

8.4.3 A party boundary wall circa 1.8 metres in height divides the two properties. The appellants property contains a hexagonal glass roof conservatory directly adjacent to the party boundary.

8.4.4 The said lightwell for retention and the parapet associated with the same is significantly higher than this conservatory and is visible from the internal of the appellants conservatory (as shown in photographs on the appellants submission to the Planning Authority)

8.4.5 In terms of overlooking, I do not consider that there is an issue in this respect as the glazing associated with the lightwell as it faces towards the boundary wall.

8.4.6 The appellant specifically raises potential overshadowing and light spill as impacts to her residential amenities.

8.4.7 In terms of overshadowing impacts, the said lightwell is located to the west of the appellants property. The lightwell is located to the side of an existing two storey rear return in the applicants property which already causes overshadowing and blocks light from the west. This two storey rear return is much higher than the lightwell subject to retention. In this respect there will be no overshadowing impact to the appellants property than that which already exists.

- 8.4.8 With respect to light spill, I do accept that when internal lights are on within the area of the lightwell, the impact of this light will be visible from the appellants conservatory. However, considering the urban location of the site where there are many properties in the area with lights on within windows, I do not accept that the light spill would be a cause of impact to the appellants residential amenity.
- 8.4.9 With respect to the foregoing, I consider that the proposed development for retention will not impact in any significant way upon the residential amenities of the appellants property and the proposal therefore complies with Volume 2, Appendix 18, Section 1.1 of the Dublin City Development Plan 2022-2028.

8.5 Other Issues

- 8.5.1 The appeal raises other issues which in summary relate to a number of omissions in the application documents and the lack of detail thereof with respect to enable a full and proper assessment of the application.
- 8.5.2 The appeal also suggests that the extension constructed is not exempt as per Class 1 of Schedule 2 of the Planning and Development Regulations 2001.
- 8.5.3 Firstly, I note that the application was subject to a validation procedure by Dublin City Council whom validated the said application when initially lodged. I further note that the case planner did not raise any issues with respect to the validation of the application in their report or the lack of, or omission of any required drawings. I have examined the drawings submitted with the application and I consider that the drawings submitted are in accordance with Articles 22 & 23 of the Planning & Development Regulations 2001, as amended.
- 8.5.4 With respect to the exempt nature of the extension constructed on site, it is considered that it is beyond the scope of this assessment to examine as to whether other works on site carried out are, or are not, exempted development.
- 8.5.5 The appellant refers to another building on the site which upon examination is shown on the site layout plan and which the response to the appeal states is a garden room. This building is also visible from the rear lane of the property. Again the planning status of this is beyond the scope of this assessment and therefore is not considered relevant to the application for retention in question.

8.5.6 The application includes for an area of internal space (5.3sq.m.) and as such a Section 48 Development Contribution applies.

9.0 AA Screening

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

9.2 The subject site is located

- 300 metres to the west of the South Dublin Bay and River Tolka SPA (Site Code 004024)
- 300 metres to the west of the South Dublin Bay SAC (Site Code 000210)
- 9km to the west of the Rockabill to Dalkey Island SAC (Site Code 003000)

9.3 The proposed development comprises of the retention of an extension in an urban area. No nature conservation concerns were raised in the planning appeal.

9.4 Having considered the nature, scale and location of the project, and its location in a suburban area, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site

9.5 The reason for this conclusion is as follows:

- The relatively small scale nature of the works proposed
- The lack thereof of any hydrological connection from the proposed development to the Natura 2000 site.
- Having regard to the screening report/determination carried out by the Planning Authority

9.6 I conclude that 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.

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

10.0 Water Framework Directive

- 10.1. The subject site is located approximately 300m to the west of the South Dublin Bay and River Tolka SPA (Site Code 000210) and 300 metres to the west of the South Dublin Bay SAC (Site Code 000210)
- 10.2 The proposed development comprises of the retention of an extension in an urban area
- 10.3 No water deterioration concerns were raised in the planning appeal.
- 10.4 I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 10.5 The reason for this conclusion is as follows [insert as relevant]:
- The minor scope of the works and nature of the development
 - The 300m distance to the nearest water body and the lack of hydrological connections to the same.
- 10.6 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.

11.0 Recommendation

11.1 I recommend that permission for the development be granted.

12.0 Reasons and Considerations

Having regard to the information submitted with the application and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with the zoning objective for the site and polices with respect to residential extensions as set out in the Dublin City Development Plan 2022-2028, would not be injurious to the visual or residential amenities of the area or to adjoining properties, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1.	The development shall be retained and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity.
2	Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services. Reason: In the interest of public health
3.	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 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.

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.

Andrew Hersey
Planning Inspector

16th December 2025

Appendix A: Form 1 EIA Pre-Screening

Case Reference	PL500044-DS
Proposed Development Summary	Retention of Lightwell
Development Address	41 St Johns Road, Sandymount, Dublin 4
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?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<hr/> (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)	
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1 . EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in <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?	

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

Inspector: _____

Date: _____