



An
Coimisiún
Pleanála

Inspector's Report

PL-500101-DR

Development

Permission is sought for single storey rear extension, 2 storey side extension with extension of existing roof line over, alterations to the front entrance, velux type of windows to the front and side roof, dormer type of window to the rear roof, some internal alterations and associated site works.

Location

45, Tudor Lawns, Leopardstown Road, Foxrock, Dublin 18, D18V6K

Planning Authority

Dun Laoghaire-Rathdown County Council.

Planning Authority Reg. Ref.

D25B/0430/WEB

Applicant(s)

Padraig and Cliona McKeever.

Type of Application

Permission.

Planning Authority Decision

Grant Permission.

Type of Appeal

First Party v Conditions

Appellant(s)	Padraig and Cliona McKeever.
Observer(s)	None.
Date of Site Inspection	28-11-2025.
Inspector	Adam Kearney.

1.0 Site Location and Description

- 1.1. The subject property at 45 Tudor Lawns, Leopardstown Road, Foxrock, Dublin 18, is within a suburban residential area. It comprises a two-storey semi-detached dwelling with brick façade and a hipped roof located on a corner site. The property is set back from the public road and includes off-street parking to the front. The primary amenity space is located to the rear.
- 1.2. The site area is approximately 0.064 hectares. It is bounded by No. 44 Tudor Lawns to the west, No. 46 to the east, and public open space to the rear. The surrounding streetscape consists of two-storey dwellings of varied architectural style.

2.0 Proposed Development

- 2.1. Permission is sought for a single-storey extension to the rear and a two-storey extension to the side of the existing house, with the roof extended over the new side addition. The proposal includes changes to the front entrance, roof windows to the front and side, a dormer window to the rear, internal modifications, and associated site works.

3.0 Planning Authority Decision

3.1. Grant Permission –

3.1.1. Subject to 8 Conditions

Condition No. 2: Prior to the commencement of works, the applicant shall submit to the Planning Authority for written agreement, revised section and elevation drawings showing the first-floor rear/side extension set down to not exceed the level of the existing eaves. REASON: In the interest of visual and residential amenity.

Condition No. 3: The rear facing dormer structure shown on the submitted roof plan drawing shall be omitted from the permitted development. REASON: In the interest of orderly development.

3.2. Planning Authority Report

- Zoning Objective 'A' permits residential development and extensions in principle under the Dún Laoghaire-Rathdown County Development Plan 2022-2028.
- No third-party submissions or objections were received.
- Drainage Section raised no objection subject to SuDS conditions; surface water must be infiltrated locally to a soakaway designed to BRE Digest 365.
- Front entrance alterations and side extension considered acceptable; no undue overshadowing, overlooking, or overbearing impacts anticipated.
- Rear extension parapet exceeds eaves height; condition recommended to reduce parapet below eaves to protect visual amenity.
- Rear dormer not consistently shown across drawings; omission required as condition of permission.
- External finishes must harmonise with existing dwelling; condition imposed to ensure visual integration.
- Overall conclusion: proposal consistent with zoning and policies; recommended to grant permission subject to conditions including parapet reduction, dormer omission, drainage compliance, and development contributions.

3.2.1. Other Technical Reports

- **Drainage Planning Report:** No objection subject to conditions. Surface water must be infiltrated locally to a soakaway designed to BRE Digest 365, with no overflow. If soakaway is not feasible, applicant must submit infiltration test and alternative SuDS measure signed by a Chartered Engineer.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None.

4.0 Planning History

4.1. No recent Planning History on the site

5.0 Policy Context

Dún Laoghaire-Rathdown County Development Plan 2022-2028 is the relevant plan.

Zoning Objective: *The site is located within zoning objective A of the CDP, which seeks ‘to provide residential development and improve residential amenity while protecting the existing residential amenities’. Residential is permitted in principle within this zoning, subject to compliance with all relevant policies and standards of the CDP relating to residential development*

Relevant Plan Policies:

Chapter 3 – Climate Action: Policy Objective CA7 (Construction Materials) – encourages sustainable materials and energy efficiency.

Chapter 4 – Neighbourhood, People, Homes and Place:

PHP19 – Adaptation of existing housing stock. *It is a policy objective to: Conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF. Densify existing built-up areas in the County through small-scale infill development having due regard to the amenities of existing established residential neighbourhoods.*

PHP20 – Protection of existing residential amenity.

Chapter 12 – Development Management:

Section 12.2.1 Built Environment.

Section 12.3 Quality Design.

Section 12.3.7 – Additional accommodation in existing built-up areas. Extensions to dwellings: front, rear, side, and roof/attic alterations.

Section 12.3.7.1 (iv) refers to dormer extensions to roofs – these will be considered with regard to impacts on existing character and form, and the privacy of adjacent The design, dimensions and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations.

Section 12.8.7 – Private amenity space standards, separation distances, and boundaries.

Drainage Policy:

Section 10.2.2.6 Policy Objective EI6 – Sustainable Drainage Systems (SuDS). Requires infiltration locally to soakaways designed to BRE Digest 365, with no overflow.

6.0 Natural Heritage Designations

6.1. None in the Area.

7.0 EIA Screening

7.1. 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 1 of this report.

8.0 The Appeal

8.1. First Party Grounds of Appeal- Summary of Main Points

The applicants are appealing two conditions (Conditions 2 & 3)

8.2. Condition 2 – Set-Down of First-Floor Rear/Side Extension

- If the extension roof were set down fully below the existing eaves line, internal ceiling heights would fall below the minimum 2.4–2.45 m required for habitable rooms.

- This would make the extension uninhabitable and contrary to proper planning and sustainable development.
- The pitched-roof portion already ties into the existing soffit/eaves level.
- The parapet upstand was omitted; the revised flat roof only projects 350 mm above the soffit line, which is a construction necessity (structural joists, insulation, waterproofing).
- The intent of the condition, to keep the extension visually subordinate is achieved without undermining functionality.
- Condition 2 should be removed or reworded to require the extension roof to remain visually subordinate, not literally below the eaves.
- Seeking wording amended as follows:

'The roof of the extension shall remain visually subordinate to the main dwelling and shall not significantly exceed the eaves level of the existing house'

8.3. **Condition 3** – Omission of Rear Dormer

- Dormer is on the rear slope, concealed from public view, with no effect on the streetscape.
- The dormer faces Leopardstown Racecourse (open lands, no houses behind).
- It does not overlook neighbouring gardens or rear elevations.
- Applicants are willing to accept obscure glazing if required.
- Dormer is modest, centrally positioned, well below ridge line, visually subservient.
- Provides daylight/ventilation for attic space used as a home office and storage.
- Sustainable adaptation of existing roof space for modern living/working.
- County Development Plan encourages sensitive adaptation of dwellings where no adverse impacts arise.

- Condition should be removed, allowing the dormer as shown on revised drawings.

9.0 AA Screening

I have considered the proposed development of a single and two storey extension and other domestic modifications in light of the requirements S177U of the Planning and Development Act as amended. The subject site is not located within or adjacent to a European site. There are no protected sites in the vicinity.

Having considered the nature, small scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have an appreciable effect on a European site. The reason for this conclusion is as follows:

- The small scale of the development involving domestic extensions and other minor alterations.
- The location of the development in a built up, serviced urban area

I consider that the proposed development would not be likely to have a significant effect individually or in-combination with other plans or projects, on a European site and appropriate assessment is therefore not required.

10.0 Water Framework Directive

10.1. The subject site is located in the Leopardstown/Foxrock suburban area. The proposed development comprises a single and two storey extension and other domestic modifications.

No water deterioration concerns were raised in the planning appeal.

I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no

conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- small scale and nature of the development]
- lack of hydrological connections

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.

11.0 **Assessment**

11.1. **Overview**

11.1.1. This is a first-party Section 139 (Planning and Development Act, 2000 [as amended]) appeal against 2 No. Conditions. The Conditions under appeal are Conditions No. 2 & No. 3 attached to the Planning Authority's decision to grant permission. The precise wording of Condition No. 2 & No. 3 is set out at Section 3.1.1 of this Report.

11.1.2. Having regard to the nature of the Conditions the subject of the Appeal, it is considered that the determination by An Coimisiún Pleanála of the application, as if it had been made to it in the first instance, would not be warranted. Therefore, in my opinion, the Commission may determine the matters raised in the appeal only, in accordance with Section 139 of the Planning and Development Act 2000 (as amended), and I intend to limit my consideration to the matters raised in relation to the terms of the conditions.

11.1.3. Having visited the site and reviewed the application and the appeal and further to the S139 status I am satisfied that the sole issue is whether or not condition No. 2 pertaining to the lowering of the flat roof should be removed or reworded & whether

Condition No. 3 pertaining to the 'removal of the rear facing dormer window' should be omitted. I will consider both conditions separately.

11.1.4. **Condition 2**

With respect to the lowering of the flat roof to below eaves level, I am of the view that the height exceedance over eaves in the original application drawing is so slight that it has no discernible effect on the dwelling's appearance or the wider streetscape.

The pitched roof element already ties in at the existing eaves, ensuring the extension reads as subordinate. The flat roof build-up is visually negligible.

Planning conditions must be proportionate to the scale of impact. In this case, the condition seeks to enforce a technical height reduction that has no material bearing on amenity or design quality.

I am satisfied that the proposed general arrangement proposed represents sensitive adaptation of existing housing stock, I note the appeal contains a further reduction to the height with the exclusion of a parapet but I do not see a reason to deviate from the original application elevation. The intent of the condition, visual subordination, is already satisfied without imposing unworkable constraints and therefore I recommend the removal of Condition No. 2.

11.1.5. **Condition 3**

The dormer window is in the development description but only presented visually in the drawings which accompanied the appeal. As such, adjoining residents were not afforded an opportunity to assess its design or potential impacts. To accept revised drawings at appeal stage that show the dormer window would in my mind undermine the transparency of the consultation process.

In addition, the appeal drawings do not demonstrate a functional need for the dormer as it appears to serve a space only labelled as attic space/storage/office and not represented by a detailed proposed floor plan.

To retain Condition No. 3 ensures that any proposal for a dormer is properly assessed in the first instance by the Planning Authority, with full public consultation thereby maintaining procedural fairness.

12.0 Recommendation

12.1. Having regard to the nature of the condition the subject of the appeal, the Commission is satisfied that the determination by the Commission of the relevant application as if it had been made to it in the first instance, would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of Section 139 of the Planning and Development Act, 2000 (As Amended) to REMOVE Condition No. 2 and the reason therefore.

13.0 Reason and Considerations

14.0 Having regard to the residential zoning of the site, the established pattern and character of development in the area, and the nature and scale of the proposed extensions, it is considered that the proposed first-floor rear/side extension, as originally submitted, by reason of its form and the very limited projection above the existing eaves line, would not detract from the character of the existing dwelling or the visual amenities of the area. The modest technical build-up required for the flat-roof element is a construction necessity and does not materially alter the appearance of the dwelling or give rise to adverse impacts on neighbouring properties. In this regard, Condition No. 2 of the planning authority's decision, requiring the set-down of the first-floor rear/side extension below eaves level, is not warranted.

However, in respect of Condition No. 3, while the dormer window was referenced in the development description, it was not meaningfully illustrated in the drawings submitted with the application. As a result, adjoining residents were not afforded a reasonable opportunity to assess its scale, design or potential impacts during the statutory consultation period. To accept revised drawings at appeal stage would undermine procedural transparency and public participation. Furthermore, the appeal

documentation does not demonstrate a functional planning need for the dormer, which appears to serve a non-habitable attic/storage/office space. In the absence of clear justification and in the absence of proper public consultation, it is considered appropriate that Condition No. 3 be retained to ensure that any future proposal for a dormer can be fully assessed by the planning authority in the first instance.

Accordingly, I recommend the removal of Condition No. 2 and the retention of Condition No. 3.

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.

Adam Kearney

Planning Inspector

18th December 2025

Appendix A: Form 1 EIA Pre-Screening

Case Reference	PL-500101-DR
Proposed Development Summary	Permission is sought for single storey rear extension, 2 storey side extension with extension of existing roof line over, alterations to the front entrance, velux type of windows to the front and side roof, dormer type of window to the rear roof, some internal alterations and associated site works
Development Address	45, Tudor Lawns, Leopardstown Road, Foxrock, Dublin 18, D18V6K
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 <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.	NO
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	

<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><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: _____