



An
Coimisiún
Pleanála

Inspector's Report

PL-500102-DR

Development	Retention of changes to previously approved D24B/0548/WEB. Increase in width, height, and addition of second window in rear dormer
Location	21 Wesley Heights, Dundrum, Dublin D16YV32
Planning Authority	Dun Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.	D25B/0452/WEB
Applicant(s)	Emma Hughes and Richard Morris
Type of Application	Retention Permission
Planning Authority Decision	Grant retention permission
Type of Appeal	Third party
Appellant(s)	Margaret McKiernan
Observer(s)	None

Date of Site Inspection

26 November 2025

Inspector

Killian Harrington

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1.0 Site Location and Description

1.1 The subject site is a two-storey detached dwelling with a pitched roof located at 21 Wesley Heights, Dundrum, Dublin. The dwelling is located in a cul-de-sac within a series of residential avenues (Wesley Heights) where it faces west with an east-facing garden to the rear that backs on to the rear garden of 16 Wesley Heights. The estate is accessed by the R826 Wyckham Way via Greenmount Lane. All dwellings in this estate are of similar form and style with rear gardens being the primary amenity space for each property. A dormer roof extension to the rear of the subject property is currently under construction. There are no other external extensions to the dwelling.

2.0 Proposed Development

2.1 The proposed development comprises the retention of changes to a previously approved rear dormer roof extension, including a width increase of approximately 1.1m (now 5.2m) and height increase of 0.2m (now 1.6m) and the insertion of a second window to the north of the approved window in lieu of a rooflight. All materials remain as per the original permission.

3.0 Planning Authority Decision

3.1 Decision

Dun Laoghaire-Rathdown County Council granted retention planning permission subject to 3 no. conditions including Condition 2, which states:

'The additional window within the rear-facing dormer shall be permanently fitted with obscure glazing. Reason: In the interest of residential amenity.'

3.1.1. Planning Authority Reports

The Planning Authority noted that the proposed changes to the dormer extension to be retained amount to a of 1.1 metre width increase (total 5.2 metres). The

planner's report found the scale and massing of the proposed changes to be acceptable and in keeping with the scale of the roof, in addition to being consistent with the zoning objectives and the character of the area and not injurious to the visual amenity of the area or adversely impact on residential amenity of adjacent properties in terms of overshadowing or overbearance. The planner's report noted that there was a potential overlooking concern arising from the additional window to be retained in the dormer extension. However with the requirement of obscured glazing for that additional window, by way of Condition 2, there would be no adverse impact on privacy thus protecting neighbouring residential amenity.

3.1.2 Other Technical Reports

None

3.3. Prescribed Bodies

None

3.4. Third Party Observations

An observation from no. 16 Wesley Heights expressed concerns about overlooking from the increase in rear-facing glazing

4.0 Planning History

4.1 Subject site

Reg. Ref. D24B/0548/WEB – Split decision. Planning permission and retention planning permission granted for an attic conversion with hip to gable to both ends, dormer to rear to allow stair to convert attic as non habitable storage space with roof windows to front, proposed porch extension to front. Retention planning permission refused for extended vehicle access and associated works for the following reason:

'Having regard to the plans and particulars submitted, it is considered that the 'widened vehicular entrance' to be retained significantly exceeds the maximum permissible width, and as a result is contrary to Section 12.4.8.1 Vehicular Entrances and Hardstanding Areas - General Specifications of Dún Laoghaire-Rathdown County Development Plan 2022-2028. It is therefore considered this element would set an undesirable precedent of unauthorised development and be contrary to the proper planning and sustainable development of the area.'

5.0 Policy Context

5.1 Development Plan

Under the Dun Laoghaire-Rathdown County Development Plan 2022-2028 the site is subject to the Land Use Zoning Objective 'A', which seeks 'to provide residential development and improve residential amenity while protecting existing residential amenities'. Residential development, including alterations to existing dwellings, is permitted in principle under this zoning.

Development Plan policies:

Chapter 4 (Neighbourhood – People, Homes and Place)

Section 4.3.1.2 Policy Objective PHP19 – Existing Housing Stock – Adaptation

Section 4.3.1.3 Policy Objective PHP20 – Protection of Existing Residential Amenity

Chapter 12 (Development Management)

Section 12.3.7.1 Extensions to Dwellings - Part (iv) 'Alterations to Roof/Attic-Level'

Roof alterations/expansions to main roof profiles - changing the hip-end roof of a semi-detached house to a gable/ 'A' frame end or 'half-hip' for example – will be assessed against a number of criteria including:

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

Dormer extensions to roofs, i.e. to the front, side, and rear, will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties. The design, dimensions, and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations.

Dormer extensions shall be set back from the eaves, gables and/or party boundaries. Dormer extensions should be set down from the existing ridge level so as to not read as a third storey extension at roof level to the rear.

The proposed quality of materials/finishes for dormer extensions will be considered carefully as this can greatly improve their appearance. The level and type of glazing within a dormer extension should have regard to existing window treatments and fenestration of the dwelling. However, regard should also be had to size of fenestration proposed at attic level relative to adjoining residential amenities.

Particular care will be taken in evaluating large, visually dominant dormer window structures, with a balance sought between quality residential amenity and the privacy of adjacent properties. Excessive overlooking of adjacent properties should be avoided.

Section 12.8.7.1 Separation Distances

A minimum standard of 22 metres separation between directly opposing rear first floor windows should usually be observed, for new developments. This normally results in a minimum rear garden depth of 11 metres. However, this required rear garden depth may be prior to any domestic rear extensions, which may require planning permission or be exempted development being carried out. Adequate

separation distances, between directly opposing rear first floor windows, should be provided when extending existing dwellings at first floor level, to ensure the retention of adjoining residential amenity. For single storey dwellings, a reduction in the rear garden depth may be considered, subject to the protection of adjoining residential amenity. However, where sufficient alternative private open space (e.g. to the side) is available, the required separation distance for new developments may be reduced, subject to the maintenance of privacy and protection of adjoining residential amenities. In all instances, private open space should not be unduly overshadowed and where there is the potential for the proposed development to overshadow or overlook existing/future development adjoining the site, minimum separation distances to boundaries should be increased.

5.2. Relevant National or Regional Policy / Ministerial Guidelines

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, (2024)

SPPR 1 – Separation Distances

It is a specific planning policy requirement of these Guidelines that statutory development plans shall not include an objective in respect of minimum separation distances that exceed 16m between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level. There shall be no specific minimum separation distance at ground floor level or to the front of houses, duplex units or apartment units in statutory development plans and planning applications shall be determined on a case by case basis to prevent undue loss of privacy

5.3. Natural Heritage Designations

The subject site is c. 4 km from South Dublin Bay proposed NHA, Booterstown Marsh proposed NHA and European sites South Dublin Bay SAC & South Dublin Bay and River Tolka SPA

6.0 EIA Screening

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

7.0 The Appeal

7.1 Grounds of Appeal

The third party appeal specifies the following grounds:

- The additional glazing results in direct overlooking impact on the property 16 Wesley Heights (rear windows and garden) and adjacent properties which is an unacceptable degree of impact and injurious to residential amenity (A photograph of the existing view from rear first floor is included in the submission). The appeal states that Condition 2 should therefore be amended to require obscure glazing for the entire glazed area of the dormer roof extension.

7.2. Planning Authority Response

The response states that the Commission is referred to the previous planner's report and it is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

7.3. Response to Third Party Appeal

The applicant has responded that the proposal relates to changes to a previously approved development and so it would not be appropriate to amend the original dormer window via Condition 2 as this window was already approved under Reg. Ref. D24B/0548/WEB.

7.4. Observations

None

8.0 Assessment

8.1. Rear dormer roof extensions are permissible under the land use zoning objective 'A' in the Dun Laoghaire-Rathdown Development Plan 2022-2028 set out in Section 5.1 of this report. This appeal relates to the planning permission Reg. Ref. D24B/0548/WEB and works that have already been carried out that deviate from that permission, namely a small increase in the dimensions of the dormer extension and an installation of a smaller additional window to the north of the approved larger window in lieu of a rooflight.

8.2 I am satisfied that the scale and massing of the structure with its width of 5.2 metres, height of 1.6 metres, 150mm set down from ridge, 1.5 metre set back from eaves and the matching materials are Development Plan compliant, in keeping with the scale of the roof and adjacent dwellings and in keeping with the character of the area. Therefore, this minor change in scale would not be injurious to the visual amenity of the area

8.3 Following a review of the file, assessment of the relevant planning policies and inspection of the site, I am satisfied that the primary issue in this appeal is the potential overlooking impact on neighbouring dwellings.

Overlooking

8.4 The Planning Authority noted that the proposed changes to the dormer extension to be retained amount to a of 1.1 metre width increase (total 5.2 metres). The planner's report found the scale and massing of the proposed changes to be acceptable and in keeping with the scale of the roof, in addition to being consistent with the zoning objectives and the character of the area and not injurious to the visual amenity of the area or adversely impact on residential amenity of adjacent properties in terms of overshadowing or overbearance. The planner's report noted that there was a potential overlooking concern arising from the additional window

to be retained in the dormer extension. However with the requirement of obscured glazing for that additional window, by way of Condition 2, there would be no adverse impact on privacy thus protecting neighbouring residential amenity

- 8.5 The property 16 Wesley Heights is most vulnerable from the potential loss of privacy as it is the closest in terms of direct overlooking and directly facing habitable rooms. In this context, there would be little or no impact on 15 and 17 Wesley Heights. The distance between the subject dormer windows of no. 21 is approximately 22 metres to the rear windows of no. 16 or 19 metres to the single storey rear addition to no. 16. Although effectively second floor level and having a more commanding view, the dormer windows are set back behind the eaves of the roof by approximately 1.5 metres lengthening the existing distance between the first floor windows. The level of overlooking as a result of the proposed works would therefore not be substantially greater than what already exists at this location.
- 8.6 Although this appeal relates to a dormer extension, the general guidance in the Development Plan (Section 12.8.7.1) for new housing developments is that there should be a minimum standard of 22 metres separation between directly opposing rear first floor windows but SPPR1 of *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)* introduced a minimum of 16 metres separation between habitable room windows on upper floors and states that planning applications shall be determined on a case by case basis to prevent undue loss of privacy.
- 8.7 According to Section 12.3.7.1 Part IV of the Development Plan (Extensions to Dwellings - Alterations to Roof/Attic-Level'), particular care should be taken in evaluating large, visually dominant dormer window structures, with a balance sought between quality residential amenity and the privacy of adjacent properties. In addition, excessive overlooking of adjacent properties should be avoided.
- 8.8 I am of the opinion that keeping both glazed windows unobscured would amount to an excessive amount of glazing cover that would create an intrusive feeling for the occupant of no. 16 to the rear. Noting that the appeal refers to both windows, the

question arises then as to whether the one unobscured window from the original permission would itself cause substantial loss of privacy and for this I refer to the need for a balanced approach as outlined in Section 12.3.7.1 of the Development Plan. I am satisfied that obscuring the second window alone (i.e. the subject of the retention application) would sufficiently mitigate any 'excessive overlooking' impact. Obscuring both windows could hinder the usability of the attic as additional non-habitable space within the dwelling.

- 8.9 The works already carried out do not deviate from the original planning permission to the extent they would introduce new and substantial impacts on visual amenity or residential amenity. The level of overlooking is unchanged as the second window would have permanent obscured glazing and the same condition would be attached to any permission in the event of a grant by the Commission. I note that this second window is in lieu of the rooflight that was originally approved under Reg. Ref. D24B/0548/WEB but changed as part of the latest application.
- 8.10 I am therefore in agreement with the decision of the planning authority and find the retention of works with the second window permanently obscured would not cause substantial injury to neighbouring residential amenity or visual amenity and that the works would be therefore in compliance with Section 12.3.7.1 of the Dun Laoghaire-Rathdown Development Plan. The proposal is therefore acceptable in planning terms.

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. The subject site is located in an established residential area c. 4 km from South Dublin Bay SAC & South Dublin Bay and River Tolka SPA
- 9.2. The proposed development comprises the retention of changes to previously approved rear dormer extension (Reg. Ref. D24B/0548/WEB) including an increase in width, height, and addition of second window in rear dormer at 21

Wesley Heights, Dundrum, Dublin D16YV32. No nature conservation concerns were raised in the planning appeal.

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

- Nature of works
- Location in an established residential area
- Lack of connections to nearest European sites

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

10.0 Water Framework Directive

10.1. The subject site is located at 21 Wesley Heights Dundrum Dublin D16YV32 approximately 400 metres south and east of the Dodder river system.

10.2 The proposed development comprises the retention of changes to previously approved rear dormer extension (Reg. Ref. D24B/0548/WEB) including an increase in width, height, and addition of second window in rear dormer. No water deterioration concerns were raised in the planning appeal.

10.3 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:

- Nature of works
- Location-distance from nearest water bodies and/or lack of hydrological connections

10.4 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 retention planning permission be granted subject to conditions

12.0 Reasons and Considerations

12.1 Having regard to residential zoning of the site, the residential character of the area, the design, scale and massing of the proposed development and the policies and objectives set out in the Dun Laoghaire-Rathdown Development Plan 2022-2028, it is considered that the proposed development would not be injurious to the amenities of neighbouring residential properties, would not cause any harm to the visual amenity of the area and would be in keeping with the residential character of the area, thereby according with the provisions of the Dun Laoghaire-Rathdown Development Plan 2022-2028 and with the proper planning and sustainable development of the area

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The glazing within the additional window of the rear facing dormer shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

Reason: In the interests of residential amenities

3. The external finishes of the proposed extension (including roof tiles/slates) shall harmonise with those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

4. The attic space hereby approved shall not be used for the purposes of human habitation unless it complies with current building regulations

Reason: To provide for an adequate standard of development

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.

Killian Harrington
Planning Inspector

03 December 2025

Appendix A: Form 1 EIA Pre-Screening

Case Reference	ACP-323666-25
Proposed Development Summary	The proposed development comprises the retention of changes to previously approved rear dormer extension (Reg. Ref. D24B/0548/WEB) including an increase in width, height, and addition of second window in rear dormer.
Development Address	21 Wesley Heights Dundrum Dublin D16YV32
IN ALL CASES CHECK BOX /OR LEAVE BLANK	
<p>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</p> <p>(For the purposes of the Directive, "Project" means:</p> <ul style="list-style-type: none"> - 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.
<p>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)?</p>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1 . EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<p>1. 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>	

<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	
<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)	
2. 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)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: 03 December 2025

