



An  
Coimisiún  
Pleanála

## Inspector's Report

**PL-500177-DS**

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<b>Development</b>	Retention of internal mezzanine attic storage space and access stairs.
<b>Location</b>	104 Pembroke Cottages, Donnybrook, Dublin 4.
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	WEB2888/25
<b>Applicant(s)</b>	Nicola Carroll.
<b>Type of Application</b>	Retention.
<b>Planning Authority Decision</b>	Grant permission with conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	John & Marie Brennan.
<b>Observer(s)</b>	Gerry Keane.
<b>Date of Site Inspection</b>	14/01/26.
<b>Inspector</b>	Anthony Abbott King

## 1.0 **Site Location and Description**

- 1.1. Pembroke Cottages comprises a network of residential streets comprising single-storey artisan style homes circa. 1900. No.104 Pembroke Cottages is located at the eastern boundary of the artisan estate.
- 1.2. A later infill streetscape of 4 detached two-storey mews houses is located to the rear of the subject streetscape (between Pembroke Cottages and Eglinton Terrace located further to the east) known as "Donnybrook Mews".
- 1.3. No.104 Pembroke Cottages is a double-fronted single storey mid-terrace house in a streetscape of similar properties located on the east side of the street.
- 1.4. The houses in the streetscape have a uniform eaves and ridge height. The fenestration of the individual houses is eclectic by reason of window replacement over time.
- 1.5. The original cottages are modest in scale and have been extended to the rear including no.104 Pembroke Cottages, which has an extensive flat roof rear extension.
- 1.6. The site area is given as 122.7 sqm.

## 2.0 **Proposed Development**

- 2.1. Retention of internal mezzanine attic storage space and access stairs.  
Previously approved under reg. ref. 2787/21.

## 3.0 **Planning Authority Decision**

### 3.1. **Decision**

Grant permission subject to condition.

### 3.2. **Planning Authority Reports**

#### 3.2.1. Planning Reports

- The decision of the CEO of Dublin City Council reflects the recommendation of the planning case officer.

### 3.2.2. Other Technical Reports

- No objection subject to condition.

### 3.3. Third Party Observations

There are two third party observations on the planning authority file.

(1) The appellant at no.103 Pembroke Cottages objects to the development to be retained on the grounds of a depreciation in privacy and amenity by reason of the substantial development next door.

(2) The second submission is in support of retention planning permission.

## 4.0 Planning History

### 4.1. The following planning history is relevant:

Under reg. ref. 2787/21 planning permission was granted, on the 18 August, 2021, for a skylight to be located on flat roof of existing single-storey rear extension subject to standard conditions.

## 5.0 Policy Context

### 5.1. Development Plan

The following policy objectives of the Dublin City Development Plan 2022-2028 are relevant.

#### Zoning

The zoning objective is 'Z1'(Map H): '*to protect, provide and improve residential amenities*'.

Residential is a permissible use.

- **Residential Extensions**

Chapter 15 (Development Standards), Section 15.11 is relevant and provides development management guidance and standards *inter alia* for residential extensions as detailed in Appendix 18.

- Appendix 18, (Ancillary Residential Accommodation) Section 1 (Residential Extensions) is relevant. Section 1.1 (General Design Principles) *inter alia* states:

*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.*

## **5.2. Relevant National or Regional Policy / Ministerial Guidelines**

- The Department of Housing, Local Government and Heritage 'The Sustainable Residential Development and Compact Growth Guidelines for Planning Authorities', (15 January, 2024).

## **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.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

The grounds of appeal are summarised below:

- The appellant(s) ask the Commission to reject the development in its entirety.
- A proposed skylight located in the roof extension of the neighbouring property at 104 Pembroke Cottages did not concern the appellant(s) when the initial planning application was made / assessed in May, 2021;
- The appellant(s), who are long term residents of Pembroke Cottages, at the time of the initial planning process were focused on health matters and the covid pandemic;

- The initial site notice advertising the development was for a skylight (copy included with the appeal documentation). There is no mention of a bedroom / mezzanine with large windows, a staircase, bright lighting or an attic. It is noted that property already has an attic.
- The skylight as constructed has impacted negatively on the amenities enjoyed by the appellant(s). It is claimed that the garden of the appellant(s) property adjoining the appeal site is overlooked.
- A photograph of the 'skylight' as viewed from the rear yard / garden of no. 103 Pembroke Cottages is attached to the appeal statement.
- The large windows in the structure which it is claimed accommodate an upstairs bedroom has a direct line of sight into the appellant(s) property including overlooking of the skylights in the roof of the appellant(s) house. It is claimed that the intention was to deceive both the appellant(s) and the planning authority in the use of the skylight area.
- The appellant(s) also object to the access staircase, which is located proximate to their living space.
- The appellant(s) note that their own extension is much smaller than the extension to the rear of the appeal site.
- The appellant(s) ask the Commission to note that most of the cottages are rented out and that house sales are mostly to "buy to Let" purchasers.

## 7.2. Applicant Response in the case of a 3<sup>rd</sup> Party Appeal

The applicant response prepared by Tom Duffy Architects, dated 18 November, 2025, is summarised below:

- The development granted under Re. Ref. 2787/21 for a roof light to the rear of the property resulted in no increase in the floor area of the dwelling. The design of the roof light involved raising the roof over the dining area and providing a roof with glazing to the sides of the structure to allow natural light within the dining area.
- The rooflight is not visible from the streetscape. It does not detract from the character of the cottage or the streetscape. It does not give rise to negative

impacts on the residential amenities of adjoining properties (with specific reference to guidance for residential extensions in the Dublin City Development Plan 2022-2028), including overlooking, overshadowing or overbearing impacts.

- The applicant is seeking permission for a small mezzanine level inserted within the dining room void (floor to ceiling height of 3.8m) below the skylight roof extension.
- The existing house has a constrained site with a modest floor area. The applicant has subsequent to the previous grant of permission altered the internal floor plan. The dining room area has been converted to a home office with a floor to ceiling height of 2.2m.
- The applicant has constructed of a mezzanine level over half of the converted office area, which has a maximum floor to ceiling height of 1.9m.
- The mezzanine level will provide 4 sqm of 'non-habitable' storage space. The mezzanine is non-habitable space with reference to building regulations.
- It is claimed that the introduction of the storage mezzanine level has not led to any overlooking or loss of privacy of adjoining properties. The mezzanine level can only be used for storage purposes as previously stated.
- In response to the specific concerns of the appellant, the space is not a bedroom and cannot be used as a bedroom, the space does not overlook the neighbours skylights, the high level windows are fitted with blinds to prevent any chance of overlooking and the mezzanine / attic is solely for use for storage.
- It is claimed that the development to be retained subject to condition is consistent with the policies and objectives of the Dublin City Development Plan 2022-2028.

### **7.3. Planning Authority Response**

The planning authority request the Commission to uphold their decision. A section 48 development contribution condition is requested if a permission is granted.

### **7.4. Observations**

There is one observation in this appeal, which is summarised below:

- The observer writes to oppose the appeal against the decision by the planning authority to grant retention permission.
- The observer states that the development to be retained is visible from the observer's home at no. 13 Eglinton Terrace. It does not affect the privacy or enjoyment of the observer's home. It is the opinion of the observer those elements of the design that are visible are of a high standard and add to the visual amenity of the neighbourhood.

## 8.0 **Assessment**

8.1. I have examined the application details and all other documentation on file, including all of 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 planning policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Zoning / principle of development
- Impact on adjoining properties

### Zoning

8.2. The site is zoned Z21(Residential) in the Dublin City Development Plan 2022-2028: *to protect, provide and improve residential amenities*'. Residential development including residential extension and home improvement is permissible.

8.3. The proposed development to be retained is acceptable in principle subject to satisfying the overall policies and objectives of the development plan.

### Impact on adjoining properties

8.4. The planning authority granted planning permission for a 'skylight' in the roof of an existing single-storey flat roof extension to the rear of no. 104 Pembroke Cottages in 2021. The history file reg. ref. 2787/21 shows the pre-existing substantial rear extension to the back of the property extant when the application for the 'skylight' was submitted to the planning authority.

8.5. I note that the sole drawing attached to the history file reg. ref. 2787/21 shows the pre-existing development before the insertion of the 'skylight'. I have reviewed the on-line history file (reg. ref. 2787/21) 'proposed development' drawing(s) previously permitted by the planning authority.

*Authorised Development*

8.6. I consider that the proposed development as constructed, as shown in the submitted drawings on the appeal file, is externally, in accordance with the permitted drawings.

8.7. I concur with the applicant that the 'skylight' is not visible from the streetscape. It does not detract from the character of the cottage or the streetscape on the east side of the street.

8.8. The appellant(s) have noted that the extension to the rear of no.104 Pembroke Cottages is significantly larger than the extension to the rear of the appellant's property at no.103 Pembroke Cottages.

8.9. I note that the existing extension to the rear of no. 104 Pembroke Cottages is a legacy development, which is not the subject of this appeal.

8.10. The applicant solely applied for planning permission in 2021 (under reg. ref. 2787/21) to enhance natural light penetration into the internal floor plan of the extended cottage by the provision of a 'skylight' roof light above the dining room area.

8.11. The applicant response notes that the design of the roof light involved raising the roof over the dining area and providing a roof with glazing to the sides of the structure to allow natural light within the dining area.

8.12. I note on the day of my site visit that the glazed side panels and supporting frame of the 'skylight' are obliquely visible above the flat roof of the rear extension of no.104 Pembroke Cottages, as viewed from the south-east (at the corner boundary to no. 1 Donnybrook Mews).

*Grounds of Appeal*

8.13. The appellant(s) initially did not object to the 'skylight' roof extension to the neighbouring property (under reg. ref. 2787/21). However, subsequent to construction the negative impact of the skylight development on their residential amenity became apparent.

- 8.14. Appendix 18 (Ancillary Residential Accommodation) of the Dublin City Development plan 2022-2028 provides guidance in the matter of residential extension. I note the guidance contained in Appendix 18, including the requirement to have regard to the amenities of adjoining properties and in particular the need for light and privacy.
- 8.15. The applicant is seeking retention permission for a small mezzanine level (4 sqm) inserted within the dining room void (floor to ceiling height of 3.8m) below the skylight roof extension.
- 8.16. The application states that the applicant has rearranged the internal configuration of the extended cottage to provide an office in the location of the dining room and to provide a mezzanine above part of the office floor area for storage purposes.
- 8.17. The appellant(s) cite the use of the mezzanine level as a bedroom space. It is claimed the upstairs bedroom has a direct line of sight into the appellant(s) property including overlooking of the skylights in the roof of the appellant(s) house.
- 8.18. The applicant response counter claims that the space does not overlook the neighbours skylights. I note the applicant response.
- 8.19. The applicant response confirms that the mezzanine is used for storage purposes only. I accept the bona fides of the applicant.
- 8.20. I acknowledge that the incremental extension of no.104 Pembroke Cottages has resulted in a change in the physical relationship between no.104 Pembroke Cottages and the abutting cottage at no.103 Pembroke Cottages located to the north.
- 8.21. No.104 Pembroke Cottages has an extended rear building line that is significantly east of the rear building line of no.103 Pembroke Cottages.
- 8.22. The north elevation of the rear extension to no. 104 Pembroke Cottages extends east along the shared property boundary with no.103 Pembroke Cottages in part enclosing the rear amenity space of no. 103 Pembroke Cottages to the south.

*Insertion of Mezzanine*

- 8.23. The mezzanine to be retained is located within the skylight' void and is accessed by an internal stairs.

- 8.24. The subject skylight is located in the flat roof area of no.104 Pembroke Cottages immediately to the rear of the pitched roof volume of the original cottage. The skylight is a lightwell allowing natural light into the internal floor plan of the cottage.
- 8.25. The position of the 'skylight' on the roof creates a set-back between the east fenestration of the 'skylight' and the rear building line (east elevation) of no.103 Pembroke Cottages.
- 8.26. The mezzanine platform beneath the 'skylight' is itself set back from the east fenestration by the access stair void located between the mezzanine platform and the east fenestration of the 'skylight'.
- 8.27. I consider that the set-back location of the 'skylight' from the rear building line of no. 103 Pembroke Cottages and the position of the mezzanine platform itself set-back within the "skylight' void would frustrate a clear line of sight of the rear amenity space of no.103 Pembroke Cottages mitigating direct overlooking concerns.
- 8.28. Notwithstanding the use of the mezzanine as a storage area, I consider that the roof level mezzanine area by reason of its distinct spatial location, which must be reached via an internal staircase, and elevated position, which enjoys a prospect of the roofscape of the terrace and adjoining properties, is a materially different development from that previously permitted.
- 8.29. The permitted 'skylight' insertion into the pre-existing rear extension of the cottage solely facilitated natural light into the internal ground floor plan.
- 8.30. I conclude that the development to be retained is materially different to the development previously granted planning permission under reg. ref. 2787/21.
- 8.31. However, on balance I do not consider that the proposed development to be retained would result in a significant depreciation in the residential amenities of adjoining properties, including the existing amenities of no.103 Pembroke Cottages, having regard to the set-back of the 'skylight' from the rear building line of no.103 Pembroke Cottages, the modest floor area of the mezzanine level insertion (4 sqm) and the use of the mezzanine area for storage purposes.
- 8.32. I note that the planning authority imposed a standalone condition restricting the mezzanine level use to non-habitable storage space. I consider that standard

Condition 1 regulates the nature and use of the accessible mezzanine area to be retained.

- 8.33. I conclude that the development to be retained is acceptable subject to standard retention condition 1.
- 8.34. Finally, the planning authority imposed a financial contribution condition on the development to be retained. I note that the mezzanine to be retained is a non-habitable storage space.
- 8.35. However, Section 9 (Note 2) of the Dublin City Council Development Contribution Scheme 2023-2026 requires that the measurement of the internal gross floor space within a residential unit shall be levied with a financial contribution, including mezzanine level(s).
- 8.36. Furthermore Section 12 of the Dublin City Council Development Contribution Scheme 2023-2026 provides that no reductions in whole or in part shall apply to retained development.
- 8.37. I consider that a development contribution is required given the explicit provisions of the Dublin City Council Development Contribution Scheme 2023-2026 in the matter of gross internal floor area, including mezzanine floor area, and retained floor area. The attachment of a development contribution can be dealt with by way of condition.

## 9.0 AA Screening

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 within an established suburban area and is connected to piped services and is not immediate to a European Site. The proposed development to be retained comprises minor internal alterations.

No significant nature conservation concerns were raised in the planning appeal.

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 given the small-scale nature of the development.

I conclude 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 site is located in an inner suburban location. It is proximate to the River Dodder.

However, the development comprises minor internal alterations.

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 the small scale and nature of the development.

I conclude based on objective information, the proposed development will not result in a risk of deterioration of 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 a grant of planning permission subject to condition for the reasons and considerations set out below.

## 12.0 Reasons and Considerations

Having regard to the residential zoning objective, the pattern of development in the vicinity, which is characterised by the rear extension and alteration of a building stock of modest artisan cottages, and the policy framework provided by the Dublin City Development Plan 2022-2028, It is considered that the development to be retained subject to condition would in general be consistent with Appendix 18 (Ancillary Residential Accommodation) of the Dublin City Development Plan 2022-2028, would not result in a significant depreciation in the existing amenities of adjoining residential properties, including no.103 Pembroke Cottages in terms of light and privacy and, as such, would be consistent with the proper planning and sustainable development of the area.

## 13.0 Conditions

1. The development to be retain 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 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme.

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.

A handwritten signature in black ink, appearing to read 'A. ABBOTT KING', written over a horizontal line.

Anthony Abbott King  
Planning Inspector

28 January 2026

## Appendix 1: Form 1 EIA Pre-Screening

<b>Case Reference</b>	PL-500177-DS
<b>Proposed Development Summary</b>	Internal modifications
<b>Development Address</b>	No. 104 Pembroke Cottages, Dublin 4.
<b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>	
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 Q.2
	<input type="checkbox"/> No, No further action required.
(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 Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	<b>State the Class here</b>
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	

<p><b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b></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><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	<p><b>State the Class and state the relevant threshold</b></p> <p>N/A</p>
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p><b>State the Class and state the relevant threshold</b></p> <p>N/A</p>
<p><b>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)?</b></p>	
<p>Yes <input type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b></p>
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

Inspector: A. ~~MDA~~ 4

Date: 28/01/26