



An
Coimisiún
Pleanála

Inspector's Report

PL500336-SD-25

Development

Planning Permission for amendments to previously approved Planning Application Ref: SD24B/0355W for new Ground Floor Front Extension on southern boundary. Juliette Balcony on W13 of rear elevation and stone cladding to garden room and to ground level rear elevation to main dwelling

Location

6 Esker Lane, Ballydowd, Lucan, K78
R5D3

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

SD25B/0554W

Applicant(s)

Frances Wright

Type of Application

Permission

Planning Authority Decision

Grant with Conditions

Type of Appeal

First Party vs Conditions

Appellant(s)

Frances Wright

Observer(s)

None

Date of Site Inspection

10th February 2025

Inspector

Andrew Hersey

1.0 Site Location and Description

- 1.1 The site is located at 6 Esker Lane, Ballydowd, Lucan, K78 R5D3 The site comprises of a detached two storey pitched roof house with the gable facing towards the public road.
- 1.2 The site comprises of front rear and side gardens with vehicular access from the public road to the front garden.

2.0 Proposed Development

- 2.1 The proposed development is for amendments to a previously approved development under Planning Application Ref: SD24B/0355W . The amendments comprise of ;
- New Ground Floor Front Extension on Southern Boundary – this replaces a smaller ground floor extension granted previously under Planning Application Ref: SD24B/0355W
 - Juliette Balcony on rear elevation
 - Stone Cladding to Garden Room and to Ground Level Rear Elevation of Main Dwelling.

3.0 Planning Authority Decision

- 3.1 **Decision** – permission was granted subject to 4 conditions. The following conditions are considered relevant;

- Condition 2 which states:

Amendments. Prior to the commencement of development the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority: Revised plans that incorporate all of the following amendments-(a)The proposed external front door in the front extension shall be omitted.

Reason: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.

- Condition 3 which states:

Alteration of a Previous Permission. (a)All conditions attached to the permission granted under Reg. Ref. SD24B/0355W / ACP Ref. ABP-322165-25, to which this application will have the effect of creating modifications, shall apply, save as may be required by this permission or the other conditions attached hereto.(b)This permission shall expire upon the expiry of the above-referenced permission, subject to any extension of that permission.

Reason: To ensure that the development will continue to comply with the previous permission, and to clarify the appropriate period for this permission.

- Condition 4 relates to the requirement for a Section 48 Development Contribution

3.2 Planning Authority Reports

3.2.1 Planners Report

3.2.1.1 The case planners report raises the following issues;

- That, in summary, the amendments and extensions to the subject dwelling are considered acceptable with regard to the visual and residential amenities of the area and, subject to condition, would accord with the relevant provisions of the 2022-2028 South Dublin County Development Plan and BFP1, BFP2, and BFP 7 of the SDCC House Extension Design Guide.
- That the rear garden after construction of the extension will be 50sq.m in area which is sufficient to serve the dwelling
- That a condition is imposed omitting a second front door on the front elevation which is used to access the proposed extension.

3.2.1.2 Other Technical Reports

None on file

3.3. Prescribed Bodies

None on file

3.4. Third Party Observations

None received

4.0 Planning History

- **SD24B/0355W** granted permission for Alterations to Front Boundary to relocate existing Vehicular Access Gate and to form new Pedestrian Gate, Garage Conversion with Flat Roof Ground Floor Extension to Front of existing Bungalow, 2 No. Flat Roof Box Dormer Extensions to South and North Elevations set behind the Front Building Line, Two Storey Rear Extension with Concealed Balcony. External Alterations to Replace Existing Window on North Elevation with a Single Door to New Bootroom/Laundry Room and new High Level Window facing North all with new Rooflights generally. Works include a Front Sun Patio and a Garden Structure at Rear for Home Gym, Study and Tool Shed.
- The first party appealed condition 2 (ACP Ref. ABP-322165-25 refers) and the Commission in their decision revised condition 2. Condition 2 as imposed by the Planning Authority required that (a) amendments to the design of the permitted dormer extensions to a hipped roof profile as viewed from the front elevation and (b) that the applicant to reduce the overall height of a proposed garden structure to be no more than 3.0 metres in height.
- The Commission in their decision omitted Condition 2 (a)
- I note that no condition has been imposed preventing the subdivision of the property.

5.0 Policy Context

5.1 *Development Plan*

5.1.1 The South Dublin County 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 'RES' the objective been to 'Protect and Improve Residential Amenities'

5.1.3 Policy H14 of the Plan seeks to '*Support the extension of existing dwellings subject to the protection of residential and visual amenities*'

5.1.4 South Dublin County Council House Extension Design Guide 2025 applies and in particular the following:

- BPF1 - All Extensions and Alterations to Houses, proposed extensions to existing dwellings should ensure that the proposal/s:
 - *Respects the appearance and character of the house and subject streetscape/local area.*
 - *Does not read as overly dominate relative to existing structure by reason of scale or position.*
 - *Provide comfortable internal space and useful outside space.*
 - *Incorporate energy efficient measures where possible.*
 - *Does not adversely impact on adjacent properties by way of significant overbearing visual appearance.*
 - *Does not result in significantly increased levels of overshadowing of adjacent properties.*
 - *Does not directly overlook/result in increased levels of overlooking of adjacent properties. Where a new window could result in overlooking or loss of privacy to neighbouring properties, consider alternative design solutions such as repositioning the window or use of a high-level window (sill level 1.7 metres or high above internal floor level), angled window or obscure glazing.*
 - *Consideration of external finishes, such as use of light-coloured materials on elevations adjacent to neighbouring properties.*
 - *Consideration of remaining private amenity space.*
- BFP2 – Front Extensions of the SDCC House Extension Design Guide, it is stated that such development:
 - *Should not dominate the front elevation of the house.*

- *Should not exceed 1.5 metres in depth where there is a regular/uniform front building line along the street.*
 - *Should retain a driveway depth of 6 metres.*
- Section 3.7.1 of the House Extension Design Guide -Other Alterations
 - Step-out balconies and roof terraces to dwellings are generally only acceptable to detached properties on large plots where significant adverse effects on the residential or visual amenities of neighbours does not arise or to the front of houses overlooking wide streets with a mix of uses

5.3. Natural Heritage Designations

- The Liffey Valley pNHA (Site Code 000128) is located 1.5km to the north of the site
- The South Dublin Bay and River Tolka SPA (Site Code 004024) is located 15km to the east of the site
- South Dublin Bay SAC (Site Code 000210) is located 15km to the east of the site
- Rye Water Valley/Carton SAC (Site Code 001398) is located 7km to the west 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 with respect to condition 2 was lodged on the 25th November 2025. The appeal in summary raises the following issues;

- That the front garden will be used as an amenity space for the occupants as it benefits from afternoon and evening sunlight whereas the rear garden is deprived of sunlight after 12.00 noon
- The front garden patio was a significant element of the brief and has been designed to make a more beneficial use of this oversized suburban front garden.
- The door from the kitchen/breakfast room to this new patio in the front garden is therefore a critical element of the design
- Double doors onto this patio were granted previously proposed under Planning Reg. Ref. SD24B/0335W. A single door is now proposed.
- This door is subservient to the main front door of the house
- That the case planners report raises concerns that the door will be used to subdivide the dwelling. This dwelling is to be occupied by two parents and their three children and they have no intention of subdividing the dwelling.
-

7.3. Planning Authority Response

7.3.1 There is a report on file dated 28th November from South Dublin County Council which requests that in the event of a decision to grant permission cognisance should be had as to whether the South Dublin County Council Development Contributions Scheme applies

8.0 Assessment

8.1. Introduction

8.1.1 A first party appeal vs condition 2 was lodged by on the 25th November 2025. The appeal relates to Condition 2 which stipulates the omission of an external door on the front elevation of the house which enters into the kitchen/breakfast room which is an single storey extension the side and which forms part of this application.

8.1.2 Section 139 (1) of the Planning and Development Act 2000, as amended, provides that an appeal may be brought against the decision of the Planning Authority to grant

permission where the appeal relates only to a condition or conditions that the decision provides subject to the Commission being satisfied, having regard to the nature of the condition or conditions, 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

8.1.3 With respect of the above, I consider, in this context that it is possible to make a determination on this condition without having to consider the proposed development de novo in the first instance.

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

- Development Plan Policy
- Other Issues

8.2 Development Plan Policy

8.2.1 The proposed development site is located within an area zoned in the South Dublin County Development Plan 2022-2028 (hereunder referred to as the plan) with as 'RES' the objective been to 'Protect and Improve Residential Amenities'

8.2.2 The proposed development includes for a side extension to the dwelling which projects forward of the front building line of the house. This extension was granted previously under Planning Reg. Ref. SD24B/0355 W and which was appealed to the Board under ABP322165-25.

8.2.3 I note that the previously granted side extension (as permitted under Planning Reg. Ref. SD24B/0355W) does not project out further than the front building line of the house (as per the plans submitted at further information stage dated 4th February 2025 on response to a further information request). The front extension subject of this appeal is proposed to project 1.5 metres out from the front building line and which contains a single glazed door facing north. A second external door on the front elevation was not proposed to the kitchen/breakfast room under the previous planning permission on the site (as per the plans dated 4th February 2025)

- 8.2.4 I note that the case planner has accepted the now front projecting extension which extends beyond the front building line by 1.5 metres but has imposed a condition stipulating that the glazed door to the (north) side of the extension is omitted.
- 8.2.5 It is noted in this respect that the 1.5 metre extension beyond the building line is compliant with BFP2 of the SDCC House Extension Design Guide.
- 8.2.6 As stated under 8.2.4 above the decision includes for a condition stipulating the removal of a glazed door on the proposed side extension. The said door faces north and serves the breakfast room/kitchen.
- 8.2.7 The appellant states that this door is required for direct access to a proposed patio to the front of the house which receives sunlight from 12.00 noon onwards
- 8.2.8 The case planner in his report, raised concerns that this additional door on the front elevation could facilitate the internal subdivision of the existing dwelling and states that an additional front door does not accord with the provisions of SDCC County Development Plan 2022-2028 (though the report does not state what part of the development plan refers)
- 8.2.9 The planning condition states that the removal of this door is to *'To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area'*
- 8.2.10 There are no policies with the statutory development plan of within the SDCC House Extension design guide which explicitly states that additional doors on the front elevation of a house are prohibited.
- 8.2.11 The appellant argues that this door is integral to the overall design of the site and in particular that users of the kitchen/breakfast room can directly access the patio to the front of the house where it is sunny from 12.00 noon onwards thus making greater use of this amenity space. This rationale is considered reasonable.
- 8.2.12 The said door faces north and it to the side of the front projecting extension rather than the front, facing the road. It is 10 metres away from the party boundary wall of the adjacent property to the north. I note that there is no objection from the owners of the adjacent property with respect to the same.
- 8.2.13 Having regard to the same it is not considered that the said door will in any way impact upon the amenities of the adjacent property to the north.

8.2.14 In terms of visual amenity, the said door is glazed in its entirety and reads as a floor to ceiling window from the outside and in general integrates with the overall design of the front elevation of the dwelling. In this respect the proposal, complies with BPF1 of the South Dublin County Council House Extension Design Guide 2025 and Policy H14 of the Plan seeks to *‘Support the extension of existing dwellings subject to the protection of residential and visual amenities’*

8.2.15 With respect to the foregoing, I recommend that the condition 2 be omitted. I note that a condition prohibiting the sub-division of the house has been imposed under

8.5 Other Issues

8.5.1 Other aspects of the application, i.e. the Juliette balcony and stone cladding to the rear were deemed acceptable by the case planner and are not subject to appeal. I therefore consider it appropriate not to discuss these aspect in any further detail.

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

- 15km to the west of the he South Dublin Bay and River Tolka SPA (Site Code 004024)
- 15km to the west of the South Dublin Bay SAC (Site Code 000210)
- 7km to the east of the Rye Water Valley/Carton SAC (Site Code 001398)

9.3 The proposed development comprises of a domestic 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 1.5km to the south of the Liffey Valley pNHA

10.2 The proposed development comprises of a domestic 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 1.5km 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 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 to amend condition 2

12 Reasons and Considerations

12.1 Having regard to the residential land use zoning for the site, the pattern of development in the area, to the nature and scale of development and subject to the conditions below it is considered that the proposed development and in particular the glazed door on the front elevation of the dwelling would not detract from the residential and visual amenities of the area. The planning authority's Condition 2 requiring the omission of this door is therefore not warranted.

12.2 I recommend that Condition No. 2 be omitted and replaced with the following condition;

The existing dwelling and the proposed extension shall be jointly occupied as a single residential unit and the extension shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the house an extension as a single residence and in the interest of residential amenity

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way

Andrew Hersey
Planning Inspector

19th February 2026

Appendix A: Form 1 EIA Pre-Screening

Case Reference	PL500336-SD-25
Proposed Development Summary	Domestic Extension
Development Address	6 Esker Lane, Ballydowd, Lucan K78 R5D3
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 type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input checked="" type="checkbox"/> No, No further action required.
<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) 	
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 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 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: _____