



An  
Coimisiún  
Pleanála

# Inspector's Report

**PL-500489-DR-25**

## Development

(i) Demolition of the existing single storey shed to the side of existing dwelling; (ii) Construction of new single storey flat roof shed to the side-west of existing dwelling; (iii) The construction of two storey pitched roof extension with attic to the rear of existing two storey dwelling; (iv) Bay window to the rear at ground floor level; (v) New attic staircase access, (vi) New dormer window facing rear at attic level; (vii) New rooflights to the rear, sides and front, (viii) New windows and amendments to existing fenestration, internal modifications, landscaping, SUDS drainage and all associated works necessary to facilitate the development.

## Location

33 Finsbury Park, Churchtown,  
Dublin14 D14RF78

## Planning Authority

Dún Laoghaire-Rathdown County Council

## Planning Authority Reg. Ref.

D25B/0546/WEB

## Applicant(s)

Barry O'Fiacháin

## Type of Application

Permission

**Planning Authority Decision**

Grant Permission

**Type of Appeal**

First Party and Third Party

**Appellant(s)**

Barry O'Fiacháin (First Party)

Shane O'Leary (Third Party)

**Observer(s)**

None

**Date of Site Inspection**

06<sup>th</sup> March 2026

**Inspector**

Conor Hughes

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## 1.0 Site Location and Description

- 1.1. The site is comprised of a two-storey detached dwelling located in residential cul-de-sac approximately 260 metres south of the junction with the Upper Churchtown Road.
- 1.2. The building is of masonry construction with a painted smooth render finish. A single storey brick porch and bay window with a lean-to roof extends along half of the front elevation. It has a tiled roof with a brick chimney, uPVC windows, doors, fascia and gutters.
- 1.3. There is in-curtilage parking in front of the dwelling for at least two cars on a concrete drive, a small front garden and large private garden to the rear.
- 1.4. The boundary with the footpath in front of the dwelling is defined by brick pillars, timber fencing and a privet hedge. The boundaries to the rear and with the two properties either side of the site are comprised of concrete block walls.

## 2.0 Proposed Development

- 2.1. The development comprises the demolition of an existing single storey shed and construction of a new single storey flat roof shed to the side of existing dwelling, a two storey pitched roof extension with attic to the rear of existing two storey dwelling, a new attic staircase access, new dormer window facing rear at attic level, new rooflights to the rear, side and front, new bay window to the rear at ground floor level, new windows, amendments to existing fenestration, internal modifications, landscaping, SuDS drainage and all associated siteworks.

## 3.0 Planning Authority Decision

### 3.1. Decision

- On 21<sup>st</sup> November 2025 the Planning Authority issued notification of their decision to grant planning permission for the demolition of an existing single storey shed and construction of a new single storey flat roof shed to the side of existing dwelling, a two storey pitched roof extension with attic to the rear of existing two storey dwelling, a new attic staircase access, new dormer window facing rear at attic level, new rooflights to the rear, side and front, new bay window to the rear at

ground floor level, new windows, amendments to existing fenestration, internal modifications, landscaping, SuDS drainage and all associated siteworks.

- The reasons and recommendations set out in the planning officer's report were generally adopted in the decision. The grant of planning permission was subject to twelve conditions of which two are the subject of a first-party appeal. The two conditions are:

2. Prior to the commencement of development, the Applicant shall submit for written agreement with the Planning Authority, revised section, elevation, and plan drawings which shows a reduction in the first-floor and attic level's extension beyond the existing rear boundary line by 1.505 metres, resulting in a final projection of 2.5 metres beyond the rear elevation.

6. The stairwell and laundry room fenestration at first-floor level on the eastern elevation shall be installed and maintained with permanently obscured glazing.

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

- The planning report noted that the proposed development is within an Objective A zoning where an extension to an existing dwelling will be acceptable in principle subject to meeting the relevant policies and objectives of the Development Plan.
- The planning officer considered the demolition of the single-storey flat roofed shed to the side of the dwelling and its replacement with a triangular shaped bike shed to be acceptable. The proposed replacement shed was modest in scale and would not result in any adverse impact on visual or residential amenity.
- The planning report also identified that the bulk and mass of the two-storey extension projecting back from the rear elevation by 4.01 metres was excessive, overbearing on the neighbouring properties and would negatively impact on residential amenity. Consequently, it was contrary to the guidance in Section 12.3.7.1 (ii) Extensions to the rear of the Development Plan.
- The planning officer commented however that this negative impact could be addressed by reducing the first-floor part of the extension back beyond the rear building line by way of a planning condition. The ground floor part of the two-storey extension including the bay window was acceptable.

- The planning officer further noted that there would still be ample private amenity space available in the rear garden for a dwelling of this size.
- It was further advised in the planning report that the flat roofed dormer window to the rear met the requirements of Section 12.3.7.1 (iv) Alterations at attic/roof level of the Development Plan as it set in from the gable and down from the ridgeline. It was not obvious from the street and would not be overlooking or overbearing on the neighbouring dwelling because of its orientation.
- The ancillary works proposed including the new staircase, five rooflights, amendments to the fenestration including new windows in both gable elevations, other modifications and landscaping were acceptable and not considered to result in residential or visual amenity impacts.
- The planning officer recommended that two of the proposed windows in the eastern gable to the stairwell and laundry room be fitted with obscure glazing.
- The planning report noted that the Drainage Planning Section of the Water Services Department required further information. The planning officer was satisfied based on a review of the drawings and the advice received that these concerns could be dealt with subject to agreement of conditions in respect of the proposed drainage.

### 3.2.1. Planning Reports

- Water Services Department - Drainage Planning: Further information was required for the following reasons.
- It was unclear to the Drainage Planning Section from the information provided how the first-party appellant proposed to dispose of surface water run-off generated by the extension in accordance with Section 10.2.2.6 Policy Objective EI6: Sustainable Drainage Systems of the Development Plan, specifically, that all surface water run-off generated by the development is infiltrated or reused locally within the property curtilage with no overflow to the public sewer.
- The first-party appellant had also not demonstrated that the proposed hardstanding areas are designed in accordance with Section 12.4.8.3 Driveways/Hardstanding Areas of the Development Plan, more specifically, that all the proposed

hardstanding areas were shown to be permeable surfaces, such as gravel or a specifically designed permeable paving stone/asphalt system.

### 3.2.2. Other Technical Reports

- None

### 3.3. Prescribed Bodies

- None

### 3.4. Third Party Observations

- In a letter of objection, a neighbouring resident at 32 Finsbury Park raised concerns that the submitted plans did not clearly show how close or high the proposed two-storey extension was to his property and that 3D drawings should have been requested by the Planning Authority to explain this.
- The objector observed that the proposed accommodation at 4005mm extended further back than the single-storey extension in his property. This was contrary to the assertion in the supporting planning statement. The objector clarified that his single storey extension, not including overhanging roof, only extended 2820mm beyond the back wall.
- The objector also observed that no daylight or shadow analysis had been submitted as proof that his property would not be overshadowed by the proposed extension. He commented that as his property was to the west overshadowing was inevitable in the afternoon and evening.
- The objector highlighted that the large roof overhang added to the bulk and scale of the extension with the eaves appearing to project about twice as far as the existing roof increasing the sense of overbearing.
- The objector observed that the existing houses are positioned less than one-metre from each other's boundaries and the proposed extension would be visually intrusive, overbearing, and detrimental to residential amenity. The new windows shown in the gable facing his house, also gave rise to concerns about privacy and fire safety.

- Overall, the objector was concerned that the proposed extension was too large, too close to his boundary, and not in keeping with the character or scale of the existing houses. It would be overbearing, reduce light, and affect privacy.

## 4.0 Planning History

4.1. None

## 5.0 Policy Context

### 5.1. Development Plan

- The Dún Laoghaire-Rathdown County Development Plan 2022-2028 (the Development Plan) is the relevant plan for the area and the site is zoned as Zoning Objective A to provide residential development and improve residential amenity while protecting the existing residential amenities.
- The proposed development comprises the demolition of an existing single storey shed and construction of a new single storey flat roof shed to the side of existing dwelling, a two storey pitched roof extension with attic to the rear of existing two storey dwelling, a new attic staircase access, new dormer window facing rear at attic level, new rooflights to the rear, side and front, new bay window to the rear at ground floor level, new windows, amendments to existing fenestration, internal modifications, landscaping, SuDS drainage and all associated siteworks. Section 12.3.7.1 provides guidance for extensions to dwellings in Existing Built-up Areas.

- Section 12.3.7.1 (ii) Extensions to the Rear states:

*Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. The extension should match or complement the main house. First floor rear extensions will be considered on their merits, noting that they can have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:*

- *Overshadowing, overbearing, and overlooking - along with proximity, height, and length along mutual boundaries.*
  - *Remaining rear private open space, its orientation and usability.*
  - *Degree of set-back from mutual side boundaries.*
  - *External finishes and design, which shall generally be in harmony with existing.*
- Section 12.3.7.1 (iv) Alterations at Roof/Attic Level states:

*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 12.8.3.3 Private Open Space (i) Private Open Space for Houses states: *All houses (terraced, semi-detached, detached) shall provide an area of good quality usable private open space behind the front building as follows:*

*Table 12.10 Private Open Space*

<i>House type</i>	<i>Private Open Space requirement (minimum)</i>
<i>1-2 bedroom</i>	<i>48 sq. m. *</i>
<i>3 bedroom</i>	<i>60 sq. m.</i>
<i>4 bedroom (or more)</i>	<i>75 sq. m.</i>

*\* may be acceptable in cases where it can be demonstrated that good quality usable open space can be provided on site.*

*Any provision of open space to the side of dwellings will only be considered as part of the overall private open space calculation where it is useable, good quality space. Narrow strips of open space to the side of dwellings shall not be included within any of the above calculations.*

*In instances where an innovative design response is provided on site, particularly for infill and corner side garden sites, a relaxation in the quantum of private open space may be considered, however this is on a case-by-case basis. The provision of open space to the front and side of the site to serve the proposed dwelling may also be considered acceptable, subject to design, residential amenity, etc.*

*This Section should be read in conjunction with Development Management requirements i.e. infill, backland, side garden development, etc. (Section 12.3.7.1 and also Section 12.8.8 below on quality of private amenity space).*

- It is stated at Section 10.2.2.6 Policy Objective EI6: Sustainable Drainage Systems that:

*It is a Policy Objective to ensure that all development proposals incorporate Sustainable Drainage Systems (SuDS). Development will only be permitted where the Council is satisfied that suitable measures have been proposed that mitigate the impact of drainage through the achievement of control of run-off quantity and quality while enhancing amenity and habitat. In particular the requirements of the 'SUDS Manual' by the UK's Construction Industry Research and Information Association (CIRIA) shall be followed unless specifically exempted by the Council. (See also Section 12.8.6.2 SuDS (Sustainable Drainage Systems) and Appendix 7 Sustainable Drainage System Measures)*

*Any site-specific solutions to surface water drainage systems shall meet the requirements of the Water Framework Directive and the River Basin Management Plan 2018 – 2021 any subsequent RBMP and 'Water Quality in Ireland 2013 - 2018' (2019), or any updated version of the document.*

- It is stated in Section 12.4.8.3 Driveways/Hardstanding Areas that:

*A minimum of one third of front garden areas should be maintained in grass or landscaped in the interest of urban greening and SUDS. In the case of smaller properties - such as small terraced dwellings this requirement may be relaxed. Each driveway, parking and hardstanding area shall be constructed in accordance with SuDS and include measures to prevent drainage from the driveway entering onto the public. Where unbound material is proposed for driveway, parking and hardstanding areas, it shall be contained in such a way to ensure that it does not transfer on to the public road or footpath on road safety grounds.*

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

- None

## 5.3. Natural Heritage Designations

- The site is approximately 4.75 kilometres west of the South Dublin Bay Special Area of Conservation (SAC:000210) and the South Dublin Bay and River Tolka Estuary Special Protection Area (SPA:004024).

## 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 (or Part V of the 1994 Roads Regulations). 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 (Third Party Appeal)

- The third-party appellant restates his previous objection that the submitted plans do not clearly show how close or high the proposed two-storey extension is to his property and that 3D drawings should have been requested to explain this.
- The appellant clarifies his single storey extension extends 2820mm beyond the back wall not including the overhanging roof. He then argues that the proposed extension extends further back than the single-storey extension in his property by 1185mm. This is contrary to the assertion in the supporting planning statement provided with the planning application and no plans are submitted to contextualise this.
- The appellant also observes that no daylight or shadow analysis has been submitted to prove that his property would not be overshadowed by the proposed extension. He comments that as his property is west of the proposed extension overshadowing is inevitable in the afternoon and evening and no mitigation measures are demonstrated in the proposed design.
- The appellant argues the large roof overhang adds to the bulk and scale of the extension with the eaves appearing to project about twice as far as the existing roof increasing the sense of overbearing. Moving the first floor and attic parts of the proposed extension back as required by condition 2 of the grant of planning permission goes a small way to addressing the appellant's concerns.
- The appellant asserts that the windows in the gable wall facing his property are not accurately sized or positioned giving rise to privacy and fire safety concerns.

- The appellant draws attention to the technical guidance document of Part B of the Building Regulations which limits unprotected openings near boundaries. The appellant suggests that the proposed gable windows nearest to his property may contravene the Regulations.
- The appellant further states that the existing houses are positioned less than one-metre of each other's respective boundary and the proposed extension will be visually intrusive, overbearing, and detrimental to residential amenity.
- The appellant lists seven criteria from Section 12.3.7 Additional Accommodation in Existing Built-up Areas as critical considerations in the assessment of this proposal. He argues that due to the bulk, proximity and design none of these criteria are met.
- The appellant requests that the Commission refuse planning permission for the proposed development as overall, the extension is too large, too close to the boundary, and not in keeping with the character or scale of the existing houses. It would if constructed be overbearing, reduce light, and affect privacy.

#### **7.2. Planning Authority Response**

- No further comment

#### **7.3. Observations**

- None

#### **7.4. Grounds of Appeal (First Party Appeal)**

- DL Planning on behalf of the first-party appellant seek the removal of conditions 2 and 6 from the decision to grant planning permission.
- It is stated in the grounds of appeal that the imposition of condition 2 is unjustified as it has been applied without a detailed understanding or analysis of the impacts that the proposed development as amended will have on neighbouring residential amenities.
- It is described in the grounds of appeal that the Development Plan does not prescribe the maximum projection for a first-floor extension but lists four key factors to be assessed – overshadowing/overbearing; overlooking/privacy; remaining usable open space; set back from mutual side boundaries and external finishes and design.

- In respect of the first factor dealing with concerns of overshadowing and the bulk and mass of the extension being overbearing. The appellant outlines that a quantitative assessment is carried out to demonstrate that the 1.505 metre reduction in the depth of the first-floor and attic part of the extension has no perceptible effect on residential amenity in terms of improving daylight, sunlight and reducing shadow. The planning report also contains no objective analysis to substantiate why the proposal is overbearing.
- In respect of the second factor dealing with concerns of overlooking and privacy. The appellant states that the windows are carefully placed to avoid overlooking and a window-to-window separation distance of more than twenty-two metres is achieved with the property to the rear. No loss of privacy arises from the proposed extension.
- In respect of the third factor dealing with the adequacy of the private amenity space. The appellant identifies that there would still be more than 75 square metres of private rear garden space if the proposed extension was built. Reducing the depth of the first-floor has no impact on the quantum of amenity space required as the footprint remains the same.
- In respect of the third factor dealing with concerns of set-back and design harmony. The appellant argues that the proposed extension is appropriately set back from the boundaries with neighbouring properties, that the pitched roof fits seamlessly into the existing roof profile and the materials match the existing house.
- It is further argued that condition 2 does not seek any additional set-back from any adjoining boundary nor does it require any amendments to the design or finishes. The changes imposed by the condition will not make any difference in terms of its proximity to neighbouring properties or to visual integration.
- The appellant asserts in the grounds of appeal that there is no standard in Section 12.3.7.1 that prevents a first-floor extension projecting more than 2.5 metres from the rear elevation of a property and there is precedence for four-metre rear extensions elsewhere in the Council Area.

- In this case the orientation of the site and generous separation distances from other detached dwellings in surrounding properties mitigates any perception on excessive mass or overbearing impacts.
- The appellant argues the imposition of a 1.505 metre reduction in the depth of the first floor and attic would have a significant and adverse impact on the architectural integrity of the building and the usability of the accommodation. This is unacceptable where there is no demonstrable benefit in terms of protecting residential amenity.
- The appellant provides five appeal decisions as examples of comparable cases where the Commission has not upheld a decision of the Council to grant planning permission for an extension subject to a condition requiring a reduction in the depth of a proposed rear extension.
- The appellant highlights that where robust evidence is provided that the proposed development will not harm residential amenity the Commission has removed the condition.
- The appellant further indicates that the Commission has previously regarded conditions that materially compromise the functional quality of an internal space is not justified where no corresponding amenity benefit is identified. These decisions are precedence for this proposal.
- Turning to issue of the need for obscured glazing. It is further stated in the grounds of appeal that whilst the principle of overlooking from non-obscured glazing is acknowledged the Planning Authority did not adequately account for the existing situation where an existing stairwell window is fitted with clear glazing.
- The appellant argues that Condition 6 is not necessary as the additional impact on residential amenity from the second window in the stairwell and the laundry room is not quantified.
- It is highlighted in the grounds of appeal that the dwellings along this side of Finsbury Park have windows with clear glazing to the stairwell on the eastern gable elevation. The opposing window in the western gable elevation of the neighbouring property is for an ensuite/WC and is fitted with obscured glazing. Included in the

grounds of appeal is a photograph taken from inside 33 Finsbury Park to illustrate this point.

- It is further highlighted that the large gable windows are a feature of houses in Finsbury Park in general and the first-party appellant exhibits photographs of dwellings at 9, 11, 13 and 15 Finsbury Park with two windows in the gable elevation.
- It is argued that this pattern of fenestration is part of the established pattern of development and character of the area. In this circumstance Section 12.3.7.1 (ii) of the Development Plan only restricts the use of clear glazing where it is demonstrated that the insertion of new windows has significant negative impact results in terms of residential or visual amenity.
- In this respect it is set out in the grounds of appeal that the subject windows in the stairwell and laundry rooms do not overlook any habitable room, living spaces or private amenity area and do not give rise to a loss of privacy.
- The first-party appellant argues that the Planning Authority did not seek further information during the application process which could have addressed the above-mentioned issues without the need for this appeal.
- The first-party appellant states that neither condition is necessary or reasonable and are not required to safeguard the residential amenity of the adjoining properties. It is also stated that both conditions are unduly restrictive and imposed without a clear understanding of the existing situation and that the imposition of the conditions does not accord with the proper planning and sustainable development of the area.
- It is also argued in the grounds of appeal that the proposal has been carefully designed having regard to the established suburban context, established pattern of development and the relationship to the neighbouring dwellings.
- The removal of the two conditions will not result in any adverse impact on established residential amenity and provide benefit to the proposed development which is consistent with policies and objectives of the development plan.

#### **7.5. Planning Authority Response**

- No further comment

## 7.6. Observations

- None

## 8.0 Assessment

8.1. Having examined the application details and all the other documentation on file, including the submission received to appeal, the reports of the local authority, and having inspected the site, and having regards to the relevant local/regional/national policies and guidance, I consider that the substantive issues appeal to be considered as follows:

- The sequence for dealing with the appeals
- The principle of development
- Size, scale, depth and the impact on residential amenity
- The impact of extending the building to the rear on visual amenity
- Mitigating impact by the use of planning conditions
- Other considerations

### The sequence for dealing with the appeals

8.2. The third-party appellant argues that planning permission should be refused for the two-storey extension to the rear of dwelling on the grounds the extension is too large, too close to the boundary, not in keeping with the character or scale of the existing houses and if constructed would be overbearing, reduce light, and affect privacy.

8.3. Consequently, before I can deal with the first-party appeal that conditions two and six are removed from the grant of planning permission I must deal with the grounds of appeal set out by the third-party.

### The principle of development

8.4. The site is subject to zoning Objective A in the Development Plan which has the purpose of improving residential amenity while protecting existing residential amenities.

8.5. I agree with the Planning Authority that an extension to the dwelling is acceptable in principle subject to being in accordance with the requirements of the policies and

objectives of the zoning and consistent with the proper planning and sustainable development of the area. I also note the third-party appellant does not raise any in principle objections to a two-storey rear extension.

Size, scale, depth and impact on residential amenity

- 8.6. The third-party appellant argues that as the existing houses are positioned less than one-metre from each other's respective boundary the proposed extension will be visually intrusive and overbearing. The large roof overhangs add to the bulk and scale of the extension increasing the sense of overbearing. As his property is west of the proposed extension overshadowing is inevitable in the afternoon and evening. The windows in the gable wall facing his property are not accurately sized or positioned giving rise to privacy and fire safety concerns. The appellant draws attention to the technical guidance document of Part B of the Building Regulations which limits unprotected openings near boundaries and suggests that the proposed gable windows nearest to his property may contravene the Regulations. He also argues that due to the bulk, proximity and design none of the criteria under the general heading of 12.3.7 of the Development Plan are not met.
- 8.7. Whilst no observations are received in respect of the third-party appeal, I acknowledge that the first-party engages with the same issues in his appeal statement. An assessment of the impact of overshadowing is submitted and the first-party appellant asserts there is no overshadowing and that the bulk and mass of the extension will not have an overbearing effect on residential amenity. It is argued that the extension is appropriately set back from the boundaries with neighbouring properties, that the pitched roof fits seamlessly into the existing roof profile, that the materials match the existing house and the orientation of the site and generous separation distances from other detached dwellings in surrounding properties mitigates any perception on excessive mass or overbearing impacts.
- 8.8. The first-party further asserts that the windows are also carefully placed to avoid overlooking and a window-to-window separation distance of more than twenty-two metres is achieved with the property to the rear. No loss of privacy arises from the proposed extension and there will still be more than 75 square metres of private rear garden space if the proposed extension is built.

- 8.9. Having regard to the submitted plans, the photomontages supplied in support of the proposal and based on my observations from the site visit I consider the initial concerns raised by the planning authority and the third party appellant in respect of the size, scale form and mass of the extension and its proximity to the boundaries to be well founded.
- 8.10. The footprint of the existing dwelling is 91.5 square metres and the extension at 22.7 square metres represents an increase in the footprint of the dwelling of approximately 25%. Whilst this is relatively modest increase the footprint when considered in the context of a plot which is 426 square metres in size the schedule of areas provided confirms that when constructed the extension over three floors will provide an additional 92.6 square metres of floorspace in the rear extension and a converted and extended attic. To achieve an increase of floorspace of this scale (approximately 58%) and taking account of the existing constraints of a triangular plot, the pattern of fenestration in the front façade and the position of the stairs and landing to provide access into the attic the designer has had no choice but to extend the building with significant, scale, height, bulk and mass close to the boundary of 32 Finsbury Park.
- 8.11. This means the proposed extension is flush with the existing gable wall by four metres over two floors to an eaves height of 5.385 metres creates a blank wall of approximately 21.5 square metres within 1.1 metres of the common boundary with 32 Finsbury Park. This wall will extend beyond a single-storey extension in the neighbouring property by approximately one-metre and although this is not significant on its own a blank wall of this height, length and area so close to the boundary will appear dominant and overbearing from the private garden of the neighbouring property which is detrimental to and has a significant adverse impact on residential amenity.
- 8.12. I also note that whilst the roof has a receding plane with the two properties either side it is designed to tie into the existing roof at the ridge line maximising the available accommodation and headroom in the extended attic. The effect of this is to increase the volume of the proposed extension which takes on the appearance of a full height three-storey building at the rear of a two-storey dwelling. The form, scale and mass of an extension of this size is not typical of the context and increases the perception of dominance and appearance of being overbearing when viewed from the rear garden of 32 Finsbury Park in particular.

- 8.13. I note the submission of the first-party appellant in respect of overshadowing and agree that the findings of the assessment that the proposed extension will not result in significant additional overshadowing of the habitable room within 32 Finsbury Park. I note from the submission however that the extension casts a longer shadow in the rear garden between March and September in the afternoon and evening when the sun is lower and the bulk and mass of the proposed extension has the greatest impact.
- 8.14. While the assessment concludes this is minor and transient no other property is affected in the same way from my observations from the site visit. For this reason, I accept the concerns of the third-party in respect of overshadowing are valid and a significant impact on residential amenity is demonstrated.
- 8.15. I agree with the first-party that there is an adequate window to window separation distance between the proposed rear elevation and the property behind. I also observe that there is only an oblique view of the garden at 32 Finsbury Park from the additional first-floor bedroom windows and third floor attic window. I also agree with the first-party that the three additional windows on the gable elevation do not harm privacy or residential amenity of the neighbouring property by reason of overlooking. The opposing gable wall is blank with the exception of a small en-suite bathroom window and the path is only for the purpose of access and maintenance.
- 8.16. As I understand it, that one of the subject windows is already on the gable of the existing house, the comment by the third-party appellant with regard to proximity of the extension to the side boundary may not therefore be correct. If it is a question of compliance with Building Regulations, however, this is a separate regulatory code and outside the scope of this assessment.
- 8.17. I note that the planning officer was of the opinion that the adverse impact on residential amenity could be mitigated by the use of a planning condition reducing the depth of the extension on the first floor and extended attic by approximately 1.5 metres and that this is the principal reason why the proposed development was considered to meet the requirement of Section 12.3.71 (ii) of the Development Plan.
- 8.18. I agree with the first-party appellant that there is no basis for asserting that this will lessen the degree of impact to the extent that it would address the concerns I have identified above. Practically the condition does not take account for how the rear wall of

the upper floors will be supported and further information would have been required by the Planning Authority to conclude the condition was appropriate.

- 8.19. In conclusion I agree that because of its excessive depth, height and proximity to the boundary that the proposed extension will be dominant, has an overbearing impact and will overshadow 32 Finsbury Park, impact negatively on residential amenity. This is contrary to Section 12.3.7.1 (ii) of the Development Plan.

The impact of extending the building to the rear on visual amenity

- 8.20. Notwithstanding what I have concluded in respect of the impact the proposal has on the residential amenity of the adjacent residential properties I also observed at the site visit that none of the rear elevations of the adjacent properties had two storey extensions of a similar form or size.
- 8.21. Most of the properties that I could see had single storey extensions or no extension at all. For this reason, I do not consider the proposed extension to either match or complement the existing dwelling or other dwellings in the immediate context of the appeal site.
- 8.22. I also observed that a two-storey extension of the scale and mass proposed will be visually prominent from the street from the gap between 33 and 34 Finsbury Park.
- 8.23. I note that if this is to be the first two-storey rear extension and with an extended roof space conversion in the immediate locality of the appeal site it should be subordinate in scale and mass to the host building, set down from the ridge line and set back further from the boundary with 32 Finsbury Park.
- 8.24. As submitted however an extension of the size, form, scale and mass harms the visual amenity of the area contrary to Section 12.3.7.1 (ii) of the Development Plan, would set an undesirable precedent for similar development which is not consistent with the proper planning and sustainable development of the area.

Mitigating impact by the use of planning conditions

- 8.25. I have addressed the issue of mitigating the loss of residential amenity by means of condition at 8.11 to 8.15 of this report.
- 8.26. I observe that reducing the depth of the first floor and attic does not make any significant difference in terms of the impact of dominance or overshadowing and the

extension being overbearing without moving the extended wall which has a boundary with 32 Finsbury Park further away from the boundary, reducing the ridge height and decreasing the depth of the whole extension.

- 8.27. I also accept that there is no loss of privacy as a result of the windows in the gable elevation being fitted with clear glazing for the reasons explained earlier in this report.

#### Other considerations

- 8.28. The construction of the new attic staircase access, new dormer window facing rear at attic level, new rooflights to the front, new windows and amendments to existing fenestration in the main dwelling unrelated to the rear extension, internal modifications, landscaping, SuDS drainage and associated site works are not disputed by the Planning authority or any other party to the two appeals.
- 8.29. Having regard to the submitted plans, having inspected the site, the planning report, the observations of the third-party and having regards to the relevant local policies and guidance I agree that these parts of the proposed development are in accordance with the requirements of Objective A of the Development Plan and improve the amenity of the residents of 33 Finsbury Park without harming residential or visual amenity.

## 9.0 **AA Screening**

- 9.1. I have considered the proposed development in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended.

The subject site is located approximately 4.75 kilometres west of the South Dublin Bay Special Area of Conservation (SAC:000210) and the South Dublin Bay and River Tolka Estuary Special Protection Area (SPA:004024).

The proposal comprises the demolition of an existing single storey shed and construction of a new single storey flat roof shed to the side of existing dwelling, a two storey pitched roof extension with attic to the rear of existing two storey dwelling, a new attic staircase access, new dormer window facing rear at attic level, new rooflights to the rear, side and front, new bay window to the rear at ground floor level, new windows, amendments to existing fenestration, internal modifications, landscaping, SuDS drainage and all associated siteworks

No 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 appreciable effect on a European Site. The reason for this conclusion is as follows:

- The site in an established residential area and the scale of the proposed development which is a domestic extension to a dwelling is small.
- The distance to the identified European sites and the lack of connection.
- Taking into account the screening determination by the Planning Authority.

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 (Stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 **Water Framework Directive**

10.1. The rear boundary of the subject site is approximately 1.5 kilometres southeast of the River Dodder.

The proposed development comprises the demolition of an existing single storey shed and construction of a new single storey flat roof shed to the side of existing dwelling, a two storey pitched roof extension with attic to the rear of existing two storey dwelling, a new attic staircase access, new dormer window facing rear at attic level, new rooflights to the rear, side and front, new bay window to the rear at ground floor level, new windows, amendments to existing fenestration, internal modifications, landscaping, SuDS drainage and all associated siteworks.

No water deterioration concerns were raised in the planning appeal.

I have assessed the proposed 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 and 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 wither qualitatively or quantitatively.

The reason for this conclusion is as follows:

- The location of the site in an established residential area, the scale of the proposed development which is an extension to a domestic dwelling is small. Sustainable Urban Drainage can be used as mitigation and reduce the impact of surface/storm water entering the drainage network if properly designed can be an acceptable form of mitigation.

I conclude 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 a split decision that:

- permission is granted for the demolition of the existing single storey shed to the side of existing dwelling, construction of new single storey flat roof shed to the side-west of existing dwelling, new attic staircase access, new dormer window facing rear at attic level, new rooflights to the front, new windows and amendments to existing fenestration in the main dwelling not related to the rear extension, internal modifications, landscaping, SuDS drainage and all associated works; and
- permission is refused for the construction of a two-storey pitched roof extension with attic to the rear of existing two storey dwelling, bay window to the rear at ground floor level, new rooflights to the rear and sides, new windows and amendments to existing fenestration in the rear extension.

## 12.0 Reasons and Considerations (1)

- 12.1. That permission be granted for demolition of a single-storey shed to the side of existing dwelling, construction of new single storey flat roof shed to the side-west of existing dwelling, new attic staircase access, new dormer window facing rear at attic level, new rooflights to the front, new windows and amendments to existing fenestration in the main dwelling not related to the rear extension, internal modifications, landscaping, SuDS drainage and all associated works.
- 12.2. The proposed development, comprising minor alterations to the existing dwelling, would be acceptable in terms of the visual and residential amenities of the area and would accord with the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area subject to the following conditions:

1. The development shall be carried out in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.

REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.

2. The proposed two-storey pitched roof extension with attic to the rear of existing two-storey dwelling, bay window to the rear at ground floor level, new rooflights to the rear and sides, new windows and amendments to existing fenestration in the rear extension, shall be omitted.

Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

3. REASON: In the interests of clarity and to protect adjacent residential amenities.
4. Prior to the commencement of development, the Applicant shall submit for written agreement with the Planning Authority (Drainage Department), revised site layout plans and accompanying commentary with outlines: a) how the applicant proposes to dispose of surface water run-off generated by the development. The Applicant

shall demonstrate that their proposal is in accordance with Section 10.2.2.6 Policy Objective EI6: Sustainable Drainage Systems of the County Development Plan 2022-2028, specifically, that all surface water run-off generated by the development is infiltrated or reused locally within the property curtilage with no overflow to the public sewer. The Applicant shall also demonstrate that their proposal is in accordance with Section 12.4.8.3 Driveways/Hardstanding Areas of the County Development Plan 2022-2028, specifically, that all proposed hardstanding areas are shown to be permeable surfaces, such as gravel or a specifically designed permeable paving stone/asphalt system.

REASON: In the interest of sustainable development.

5. The subject dwelling shall be used as a single dwelling unit and shall not be subdivided in any manner or used as two or more separate habitable units.

REASON: To prevent unauthorised development.

6. All external finishes, shall harmonise in material, colour and texture with the existing dwelling on site.

REASON: In the interest of visual amenity.

7. All necessary measures shall be taken by the Applicant and Contractor to: a) prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining properties as a result of the site construction works, b) repair any damage to the public road arising from carrying out the works, c) avoid conflict between construction activities and pedestrian/vehicular movements on the surrounding public roads during construction works.

REASON: In the interest of public safety and residential amenity.

8. Site development and building works shall be carried out only between the hours of 7.00am to 7.00pm Monday to Friday inclusive, 8.00am to 2.00pm Saturdays and no works permitted on site on Sundays and Public holidays. Deviations from these times will only be allowed in exceptional circumstances where prior written approval has been obtained from the Planning Authority.

REASON: In order to safeguard the residential amenities of property in the vicinity.

9. This development shall not be carried out without prior agreement, in writing, between the Applicant and the Planning Authority relating to the payment of development contributions.

REASON: Investment by Dún Laoghaire-Rathdown County Council in Local Authority works has facilitated and will facilitate the proposed development. It is considered appropriate and reasonable that the developer should contribute to the cost of same.

## **Reasons and Considerations (2)**

12.3. The Commission is satisfied, based on the information provided that the proposed development comprised of the two-storey rear extension by reason of its excessive depth, height and proximity to the boundary that the proposed extension will be dominant, has an overbearing impact and will overshadow 32 Finsbury Park, impacting negatively on residential amenity. The size, form, scale and mass of the extension does not match or complement the existing dwelling and harms the visual amenity of the area. The proposed construction of a two storey pitched roof extension with attic conversion to the rear of existing two storey dwelling, bay window to the rear at ground floor level, new rooflights to the rear and sides, new windows and amendments to existing fenestration in the rear extension is contrary to Section 12.3.7.1 (ii) of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, would set an undesirable precedent for similar development which is not consistent with the proper planning and sustainable development of the area.

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.

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Conor Hughes  
Planning Inspector

15<sup>th</sup> March 2026

## Appendix 1: Form 1 EIA Pre-Screening

<b>Case Reference</b>	PL-500489-DR-25
<b>Proposed Development Summary</b>	The demolition of an existing single storey shed and construction of a new single storey flat roof shed to the side of existing dwelling, a two storey pitched roof extension with attic to the rear of existing two storey dwelling, a new attic staircase access, new dormer window facing rear at attic level, new rooflights to the rear, side and front, new bay window to the rear at ground floor level, new windows, amendments to existing fenestration, internal modifications, landscaping, SuDS drainage and all associated siteworks
<b>Development Address</b>	33 Finsbury Park, Churchtown, Dublin14 D14RF78
<b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>	
<b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>	<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)	
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.	<b>State the Class here</b>

<p><b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b></p>	
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
<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><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><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><b>Yes</b> <input type="checkbox"/></p>	
<p><b>No</b> <input type="checkbox"/></p>	

Inspector: \_\_\_\_\_

Date: 15<sup>th</sup> March 2026