



An
Coimisiún
Pleanála

Inspector's Report

PL-500491-DR-25

Development

Retention Permission for; 1) Previous demolition of a garage structure adjoining neighbouring property boundary; 2) Commencement of construction of a new single storey extension to side of the existing dwelling and a single storey extension to the rear of the existing dwelling; and Permission for; 1) Completion of construction of a new single storey extension to side of the existing dwelling and a single storey extension to the rear of the existing dwelling; 2) Construction of new canopy structure to the front elevation; 3) All associated alterations to the elevations, internal alterations, site, drainage, landscaping and ancillary works.

Location

62 Orwell Gardens, Milltown, Dublin
14 D14DW92

Planning Authority

Dún Laoghaire-Rathdown County Council

Planning Authority Reg. Ref.

D25B/0562/WEB

Applicant(s)

Aisling Matthews

Type of Application

Retention Permission/Permission

Planning Authority Decision

Refuse Retention Permission and Refuse
Permission

Type of Appeal

First Party

Appellant(s)

Aisling Matthews

Observer(s)

Aileen McGowan Neale

Sarah Bogossian

Date of Site Inspection

06th 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 end of terrace dwelling located in a residential cul-de-sac approximately 300 metres east of the junction with Orwell Road.
- 1.2. The building is of masonry construction with wet dash render finish. It has a tiled roof with a brick chimney, uPVC windows, doors, timber fascia and uPVC gutters.
- 1.3. Sub-floors and masonry walls have been partially constructed to the rear and side of the dwelling and internal refurbishment works are on-going.
- 1.4. There is in-curtilage parking in front of the dwelling for one car and a small garden to the rear. The boundary with the footpath in front of the dwelling is defined by a hedgerow and driveway. The boundaries to the rear and with the two properties either side are comprised of block walls and/or fencing.

2.0 Proposed Development

- 2.1. The development comprises the retention of floors and walls commenced in the course of the construction of two separate single storey extensions to the side and rear of the existing dwelling, the completion of these extensions, the construction of a new canopy to the front elevation of the proposed side extension and over the front door, associated alterations to the elevations, internal alterations, site, drainage, landscaping and ancillary works.

3.0 Planning Authority Decision

3.1. Decision

- On 24th November 2025 the Planning Authority issued notification of their decision to refuse planning permission for the retention of floors and walls commenced in the course of the construction of two new single storey extensions to the side and rear of the existing dwelling, and planning permission for completion of the extensions to the side and rear of the dwelling, the construction of a new canopy to the front elevation over the front door, associated alterations to the elevations, internal alterations, site, drainage, landscaping and ancillary works.

- The Planning Authority considered the combined works would by reason of their height, scale, mass and lack of separation from adjoining boundaries, result in an overbearing and visually dominant form that would seriously injure the residential amenities of neighbouring properties through overshadowing and visual impact.
- Consequently, the Planning Authority further considered that the proposed development failed to comply with Section 12.3.7.1 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 (the Development Plan) and if permitted, would set an undesirable precedent for similar forms of development in the area contrary to the proper planning and sustainable development of the area.

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. This is subject to meeting the relevant policies and objectives of the Development Plan.
- The planning report highlighted that the demolition of the garage does not adversely impact the adjacent properties.
- In respect of the single-storey side extension and the retention of the building works carried out it was noted in the planning report that the two walls were constructed to a height of approximately 2.85 metres and the wall closest to 63 Orwell Gardens was 5.227 metres in length. The planning officer noted having regard to the height, mass and lack of separation from the adjacent dwelling and the observation of the third party that the walls had both a negative residential and visual effect and retention permission should be refused.
- The planning officer further considered that the addition of a parapet, bringing the side extension when completed to approximately 2.9 metres in height, would because of its height, mass and lack of separation from the adjacent dwelling be overbearing and overly dominant. Having both a negative residential and visual effect planning permission should be refused.
- The planning officer also stated that the side extension is contrary to Section 12.3.7.1 (ii) Extensions to the Rear of the Plan but I presume this was in error and the officer meant to refer to Section 12.3.7.1 (iii) Extensions to the Side.

- The planning officer advised that in any subsequent application the height of the extension should be reduced taking account of the heights of existing garages in the local area. It was noted in the planning report that as a rule of thumb for every three-metres of height a building should be separated from the boundary by one-metre.
- In respect of the single-storey rear extension and the retention of the building works carried out it was noted in the planning report that the officer could not identify from the submitted plans what had been built and was proposed for retention.
- The planning officer identified from photographs that two walls were constructed to a height of approximately 2.7 metres and the wall closest to 61 Orwell Gardens extended back from the rear of the existing building by 4.478 metres. The planning officer noted having regard to the height, bulk and configuration of the site that the walls were overly dominant, overbearing and would lead to overshadowing of the adjacent dwellings and retention permission should be refused.
- The planning officer further noted that the extension when completed, would because of its height, mass, bulk, site coverage and configuration be overbearing and overly dominant and lead to overshadowing of the two properties either side of the site.
- The planning officer stated that the rear extension was contrary to Section 12.3.7.1 (ii) Extensions to the Rear because it is overbearing, out of character with the existing pattern of development and would have an undue impact on the neighbouring properties. It was further noted in the report that the rear garden would no longer meet the minimum private open space standards for houses contained in regional guidance SPPR 2 and the Development Plan.
- The proposed canopy on the front elevation and extending 0.425 metres forward of the front elevation was considered because of its height, scale and projection to reduce the overall length of the driveway. This was contrary to Section 12.3.7.3 (iii) Extensions to the Front.

- Another issue was raised in respect of the submission of contiguous drawings. It was concluded that because this proposal had been recommended for refusal that the drawings would not be required.

3.2.1. Planning Reports

- Water Services Department - Drainage Planning: Considered the building works and proposed development to be minor development located in Flood Zone A under Section 5.2 and Section 6.2.15 of Appendix 15 of the Development Plan. They requested a site-specific Flood Risk Assessment (SSFRA) including details of any mitigation measures.
- No SSFRA was not submitted with the planning application but is provided as part of the appeal submission.

3.2.2. Other Technical Reports

- None

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

- A letter of objection lodged by CEA Architects on behalf of a neighbouring resident at 63 Orwell Gardens raised concerns about building works being commenced at the site despite the applicant having received a decision from the Council that the proposed works were not exempted development.
- The objector raised further concerns that the height of the new side extension running along the boundary wall has an overbearing effect on their property and will result in the front garden being over shadowed.
- The objector alleged the building works for the side extension resulted in damage to a mature tree which provided screening and privacy to the drive at 63 Orwell Gardens.
- The objector further alleged the works were not being carried out in a responsible manner giving rise to health and safety concerns in respect of damage to a party

wall and a vehicle parked in the driveway causing distress to the residents of the property.

- Issues were raised about the accuracy of the application form in terms of proposal being in part retrospective and the floor space of the demolished garage not being properly accounted for. It was further suggested the application form was unsigned.
- Further issues were raised that the drawings did not include levels based on Ordnance Survey datum and that contiguous elevations were not provided in inform the assessment of this application.
- The objector raised further concerns that no detail of the stormwater and sustainable urban drainage (SuDS) had been submitted and that the garden was not large enough to accommodate a soak pit without causing flooding in the neighbouring property.
- The objector commented that a proper flood risk analysis with mitigating measures designed by a qualified hydrological engineer was required and if this was not received the application should be refused.

4.0 Planning History

- 4.1. Section 5 Referral application reference (REF1925) – existing garage for adjoining house to be demolished and rebuilt. Garage space to be converted into living space and opened into the house. A new rear extension proposed to replace the existing rear extension. Decision: Not exempted development.

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 site is also identified at Appendix 15 of the Development Plan within Flood Zone A of the Dodder River.
- The proposed development comprises the retention of partly constructed floors and walls for single storey side and rear extensions, the completion of the building works for both extensions, erection of a canopy on the external and internal alterations, drainage and associated siteworks. Section 12.3.7.1 provides guidance for extensions to dwellings in Existing Built-up Areas.
- Section 12.3.7.1 (i) Extensions to the Front states:

Porch extensions, other than those deemed to be exempted development, should be of appropriate design and scale relative to the design of the original house. The scale, height, and projection from the front building line of the dwelling should not be excessive so as to dominate the front elevation of the dwelling. The porch should complement the existing dwelling, and a more contemporary design approach can be considered. elevation of the dwelling.

Front extensions, at both ground and first level will be considered acceptable in principle subject to scale, design, and impact on visual and residential amenities. A break in the front building line will be acceptable, over two floors to the front elevation, subject to scale and design however a significant break in the building line should be resisted unless the design can demonstrate to the Planning Authority that the proposal will not impact on the visual or residential amenities of directly adjoining dwellings. Excessive scale should be avoided. Front extensions, particularly at first floor level, should reflect the roof shape and slope of the main dwelling. A minimum driveway length of 6 metres should be maintained.

- 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 (iii) Extensions to the Side states:

Ground floor side extensions will be evaluated against proximity to boundaries, size, and visual harmony with existing (especially front elevation) and impacts on adjoining residential amenity. First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable. However, in certain cases a set-back of an extension's front façade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape, and avoid a 'terracing' effect. External finishes shall normally be in harmony with existing. Any planning application submitted in relation to extensions, basements or new first/upper floor level within the envelope of the existing building, shall clearly indicate on all drawings the extent of demolition/wall removal required to facilitate the proposed development and a structural report, prepared by a competent and suitably qualified engineer, may be required to determine the integrity of walls/structures to be retained and outline potential impacts on adjoining properties. This requirement should be ascertained at pre planning stage.

Side gable, protruding parapet walls at eaves/gutter level of hip-roofs are not encouraged. The proposed construction of new building structures directly onto the boundary with the public realm (including footpaths/open space/roads etc), is not acceptable and it will be required that the development is set within the existing boundary on site and shall not form the boundary wall. The provision of windows (particularly at first floor level) within the side elevation of extensions adjacent to public open space will be encouraged in order to promote passive surveillance, and to break up the bulk/extent of the side gable as viewed from the public realm.

- 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 at Section 12.10.1 Flood Risk Management that:

Applications shall adhere to the policies and objectives set out in Appendix 15 Strategic Flood Risk Assessment and Section 10.7 Flood Risk while having regard to 'the 'Planning System and Flood Risk Management' Guidelines for Planning Authorities' DEHLG (2009) and DECLG Circular PL2/2014.

The Flood Zone maps accompanying this Plan and Appendix 15 should be consulted at pre-planning stage and/or prior to lodgement of planning applications.

- It is stated at Section 5.2.1 of Appendix 15 that:

Applications for minor development, such as small extensions to houses or the rebuilding of houses, and most changes of use of existing buildings and or extensions and additions to existing commercial and industrial enterprises, are unlikely to raise significant flooding issues, unless they obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail the storage of hazardous substances. Since such applications concern existing buildings, the sequential approach cannot be used to locate them in lower-risk areas and the Justification Test will not apply. However, a commensurate assessment of the risks of flooding should accompany such applications to demonstrate that they would not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities. These proposals should follow best practice in the management of health and safety for users and residents of the proposal.

5.2. Relevant National or Regional Policy / Ministerial Guidelines

- None

5.3. Natural Heritage Designations

- The site is approximately five 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

- Bright Design Architects argue that the appellant was unaware that planning permission was required for the demolition of the garage at the side of 63 Orwell Gardens. It is suggested in the grounds of appeal that an attempt was made to stabilise the structure but due to its poor condition it collapsed.
- It is further suggested that the appellant initially considered the building works for the extension to the rear and side of the dwellings to be exempted development as they involved the conversion of an existing building to the side and a single storey extension to the rear which was less than 40 square metres and where more than 25 square metres of private amenity space was retained.
- Bright Design Architects acknowledge the error on behalf of the appellant but consider the decision by the planning authority to be harsh given the scale of works are similar to others in the area and in the Council area in general.

- In respect of the canopy at the front of the dwelling, it is argued that this is not out of keeping with the character of the area and that is highlighted in Section 12.3.7.1 of the Development Plan that modern contemporary features can be considered.
- In respect of the extension to the rear the appellant argues that the proposed extension is similar in form, scale, height and mass to an extension that would normally be exempted development. The scheme is designed with standard floor to ceiling heights and consequently the requirements of the Development Plan are met.
- In respect of the extension to the side the appellant argues in the grounds of appeal that the proposal is essentially a rebuild of the existing garage. The height of the boundary wall is increased as residential occupation is now proposed instead of the space being used to park a car or for storage. This allows the extension to have the same floor to ceiling heights as those within the exiting dwelling. The scale of the side extension is not considered excessive.
- In response to the observations of the objector Bright Design Architects acknowledge on behalf of the appellant in the grounds of appeal the error in not following the proper planning procedures. They argue however that this does not affect the key aspects of the reasons for refusal presented by the Council.
- The appellant argues that the proposal is not overbearing on the property at 63 Orwell Gardens and submit a shadow analysis to demonstrate that there is little or no additional overshadowing from the proposed works. It is their opinion that there is no substantial loss of light to the rear of the neighbouring property. The main impact is from the existing two-storey buildings.
- The appellant argues that the loss of a tree is not a planning matter as it was not subject to a tree preservation order.
- The appellant argues the nuisance and damage caused by the building works are not significant planning matters and that they are happy to engage with their neighbours to avoid any potential issues in the future.
- The appellant argues in respect of the application forms and drawings that the Council accepted, validated and processed the application.

- The appellant argues in respect of the adequacy of the storm drainage and SuDS that they are happy to comply with the relevant standards of the Council.
- Bright Design Architects comment in respect of flooding that the appellant has no desire to invest time and money in a dwelling which could flood and includes a flood risk assessment in support of the proposed development.
- The report from a consultant hydrogeologist identifies the site as being in flood zone B and having a moderate risk of flooding. Historical data on flooding in this area suggests that only the front garden of 62 Orwell Gardens flooded in the past as a result of water extending along a side lane and flowing on the road and gardens adjacent to the roundabout. There is no record of the building flooding.

7.2. Planning Authority Response

- No further comment.

7.3. Observations

In support

- A neighbour at 61 Orwell Gardens writes in support of the proposed development for the same indicating that she agrees with the reasons set out in the submission by Bright Design Architects on behalf of the appellant dated 12th December 2025 (the grounds of appeal).

In objection

- CEA Architects respond in general to the grounds of appeal on behalf of the objector at 63 Orwell Gardens that the appellant has acknowledged that the development is unauthorised but the submission does not go far enough to address the concerns of the Council.
- In respect of the extension to the front, it is observed that the requirements of Article 23(c) of the Planning and Development Regulations are not met in full as none of the drawings include levels to an Ordnance Survey datum for the purpose of comparison with other buildings on the neighbouring property. No contiguous elevations are submitted.
- If these had been provided the observer argues that it would demonstrate there is a 650mm difference between the height of the proposed side extension and the

neighbouring garage. This abrupt change in scale is out of keeping with the street where the height was kept deliberately low to allow sunlight to penetrate through gaps in the buildings. The extension will impact on the morning sunlight into the front of 63 Orwell Gardens which is contrary to Section 12.3.7.1 Extensions to Dwellings – Extension to the Side of the Development Plan.

- It is further observed that the extension to the rear suffers from similar deficiencies in terms of the submitted plans. It is suggested that there is no intention to achieve standard floor to ceiling heights in this area and that a better design solution could have been offered with a roof sloping to the boundary with a raked ceiling. This would have less significant visual and physical dominance. For this reason, it is contrary to Section 12.3.7.1 Extensions to Dwellings – Extension to Rear of the Development Plan.
- As a consequence of its size the extension to the rear does not have sufficient amenity space for an extended three-bedroom dwelling. A dwelling with this number of rooms should have 60 square metres of private amenity space. It is suggested that this proposal has only 32 square metres which is contrary to Section 12.8.8.3 of the Development Plan.
- The observer highlights that it is not sufficient for the appellant to dismiss the earlier objection. The building works are unauthorised and appellant has shown disregard to the impact the proposal might have on the neighbouring property to the west. They argue no meaningful amendments have been provided.
- The observer comments that the shadow and daylight impact analysis are purely graphical as there is no verifiable data to ensure it is accurate. It is not in accordance with Section 3.3.17 of the BRE Guidelines (2022) and the proposed extensions overshadow and impact adversely on the right to light at the rear of 63 Orwell Gardens.
- The observer further alleges that a tree was unlawfully removed from 63 Orwell Gardens and that this tree would have provided valuable screening of the blank gable wall of the proposed side extension which is overbearing without the screening. No landscaping proposals are submitted to mitigate this impact.

- The observer also comments that there is also no landscaping or finishes for the for the front courtyard and it is a requirement of Section 12.4.8.3 of the Development Plan that a minimum of one third of the front garden should be landscaped in the interest of urban greening and SuDS.
- The observer alleges the residents of 63 Orwell Gardens suffered damage to their property as a result of the unauthorised building works and that a failure on the part of the appellant to follow proper planning procedures is a valid planning consideration.
- The observer comments that the soak pit is not in accordance with BRE Digest 365 in that the soakaway should be a least three metres from a boundary and 5 metres from a building. Due to the shape of the site and as the garden tapers towards the boundary with the River Dodder these requirements cannot be achieved and the drainage design is not feasible. Without a proper Ordnance Survey datum and levels, it is not possible to properly design storm and SuDS that addresses the potential of an impact of increased flooding on 63 Orwell Gardens.
- The observer poses the question would it be better to wait for the completion of a flood alleviation scheme for the River Dodder which includes a new flood defence wall to the rear of the properties in Orwell Gardens. It is suggested that a reduction in the soft landscaped area to the rear of 62 Orwell Gardens has the potential to exacerbate flooding in the neighbouring property during a major flood event without these defences.

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 in this appeal to be considered as follows:

- The principle of development
- The retention of the demolished garage

- The retention and completion of the side extension
- The proposed canopy on the front elevation
- The retention and completion of the rear extension
- Drainage
- Flooding
- Other considerations

The principle of development

- 8.2. 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.
- 8.3. I agree with the assessment of the Planning Authority that one or more extensions 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.

The retention of the demolished garage

- 8.4. There is no information in the forms of plans, structural reports or photographs available other than some historical photography on Google Street View that is referred to in the grounds of appeal to assist in understanding the form, scale, mass of the original garage.
- 8.5. However, I could observe from the site visit and the difference in paint colour on the gable wall that the roof was flat, had been attached to the wall and ran the full length of the gable. The aerial photography also suggests it extended the full width of the area between the dwelling and the boundary with 63 Orwell Gardens.
- 8.6. I agree with the planning authority that the structure was located entirely within the site. I did not observe that it shared a party wall or was part of the same roof structure for the neighbouring garage at 63 Orwell Gardens.
- 8.7. The demolition of the garage does not have any adverse effects on the adjacent properties and that its demolition is consistent with Objective A of the Plan.

The retention and completion of the side extension

- 8.8. It is stated in Section 12.3.7.1(iii) that ground floor side extensions will be evaluated against proximity to boundaries, size, and visual harmony with existing (especially front elevation) and impacts on adjoining residential amenity.
- 8.9. In respect of the submitted plans I note the side extension will not be in larger in footprint than the original garage. The front elevation is also flush with the existing wall and has a large glazed opening that mimics in size the appearance of a garage door. The proposed materials will match the existing. The parapet wall above has the appearance of a flat roof structure which is consistent with the appearance of the former garage and the garage in the neighbouring property.
- 8.10. I observed at the site visit the gable elevation of the side extension as built is less than 200mm from the site boundary and is taller than the previous garage by approximately 0.7 metres for approximately 4.3 metres.
- 8.11. The visual impact of the buildings works that are the subject of the appeal appear stark now because the mature vegetation on the boundary was removed to facilitate the building works. If the hedgerow is properly reinstated this impact can be significantly mitigated over time.
- 8.12. I consider that it is the impact of the 0.7 metres of additional height over a 4.3 metre distance that needs further assessment. Having regard to the submitted plans, the planning report and the submissions from the appellant and third party I consider the views of this extended wall to be limited to the immediate visual context when approaching the site from the roundabout to the west. The gable wall of the two-storey dwelling provides a backdrop and when finished with the same materials and paint colour it will blend into its surroundings.
- 8.13. For the reasons set out in the preceding paragraphs I do not accept that the concerns raised by the planning authority or the objector that the height and length of this extension will harm the visual amenity of the neighbouring property or be out of keeping with the host building or other buildings in the local context.
- 8.14. In respect of the impact of the proposed side extension of the residential amenity of 63 Orwell Gardens both the objector and the planning authority consider the side extension to be dominant and overbearing.

- 8.15. I observed at the site visit that the dwelling at 63 Orwell Gardens is sited at an oblique angle to and forward of 62 Orwell Gardens. There is only one small window in the first floor of a blank elevation and the proposed extension is adjacent to the driveway. I did not observe any overlooking or loss of light. Views into and out of the front garden from inside 63 Orwell Gardens are not interrupted by the proposed side extension. The size of the gap between the two properties is large and whilst it narrows to towards the rear the side extension it is not cramming nor does the additional height result in a terracing effect.
- 8.16. I acknowledge that partly finished buildings can often be perceived as dominant and appear overbearing but I could not find any evidence of harm to the residential amenity of the property at 63 Orwell Gardens to sustain a refusal of planning permission.
- 8.17. The objector further highlights the potential for overshadowing and loss of light from the extended building. Without prejudice to the view expressed by the objector about the accuracy of the shadow study I observe the side extension is on the western gable and the front of the buildings either side are south facing. It will not result in a loss of daylight in 63 Orwell Gardens. I agree with the appellant that it is the larger two-storey buildings either side of the gap are the predominant cause of overshadowing in the rear gardens of these properties.
- 8.18. For the reasons set out in the preceding paragraphs I consider the side extension to be designed in visual harmony with the existing building and of a similar form and size to the previous garage. It matches and complements the shape, form and size of a domestic garage with a flat roof attached to an end terrace dwelling.
- 8.19. Although the walls on three sides of the extension are increased in height to create new residential accommodation this improves the amenity of the residents living in the property and I do not consider that the planning authority or the objector has sustained their objections in respect of this part of the development.
- 8.20. The retention and competition of the side extension is therefore in accordance with Section 12.3.7.1 (iii) Extensions to the Side of the Development Plan and consistent with the proper planning and sustainable development of the area.
- 8.21. There is no reason to conclude that the extension if completed would set an undesirable precedent for similar forms of development in the area. Not all the dwellings in this cul-

de-sac have garages or similarly sized gaps between the buildings to accommodate an extension of this size or design.

The proposed canopy on the front elevation

- 8.22. A new canopy is proposed over the large glazed window pane in the proposed side extension which extends over the front door and connects the new part of the building to the old. It is a box structure above the window and door and does not extend to the ground.
- 8.23. The planning authority consider the height, scale and projection of the canopy to be inappropriate. It is stated in Section 12.3.7.1(i) that porch extensions should be of appropriate design and scale relative to the design of the original house and that a contemporary design approach can be considered.
- 8.24. This is a long narrow rectangular structure. It is not out of scale with the existing building and ties the new flat roof side extension to the older building with a contemporary element. This is an appropriate design response.
- 8.25. It is further stated by the Planning Authority that the scale, height, and projection from the front building line of the dwelling should not be excessive so as to dominate the front elevation of the dwelling. I do not consider a canopy which protrudes by 0.425 metres and is 0.52 metres in height will dominate the front elevation of the dwelling. It is less than 5% of the total surface area of the front elevation.
- 8.26. The planning authority also object to the proposed canopy on the basis that the minimum driveway length specified in Section 12.4.8.1 of the Development Plan is not met.
- 8.27. Having reviewed the plans I note that the proposed extension is flush with the existing front elevation and does not project into the existing driveway which remains unaltered. The canopy overhangs and does not obstruct the driveway. A minimum driveway length of 5.5 metres is still achieved in accordance with Section 12.4.8.1 of the Development Plan to ensure a parked car does not overhang onto the existing public footway.
- 8.28. I therefore consider the proposed canopy to be in accordance with Section 12.3.7.1 (i) Extensions to the Front of the Development Plan and consistent with the proper planning and sustainable development of the area.

The retention and completion of the rear extension

- 8.29. The appellant in their grounds of appeal argue that the dimensions of the rear extension falls within the parameters of exempted development by reason of its size, height and the remaining garden space. They suggest that if the dwelling had not been extended before then an extension of this form, size scale, mass and height could have been built without the need to apply for planning permission.
- 8.30. The appellant did not bring an appeal against the decision that the proposed side and rear extensions were not exempted development. As the appellant has now conceded that a planning application is required I must consider this proposal against the requirements of the Development Plan. There is little purpose in seeking to draw comparison with Schedule 2 of the Planning and Development Regulations, 2001.
- 8.31. The Planning Authority and objector both consider the length, height and mass of the proposed extension to be excessive and the proximity to mutual boundaries with both 61 and 63 Orwell Gardens means the proposed extension and retention of the existing walls is overbearing, dominant and results in overshadowing. Consequently, this harms the residential amenity of the two dwellings on either side of the site.
- 8.32. They also consider the quantum of usable rear private open space remaining to be less than the guidance in SPPR2 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities and Section 8.2.2 of the Development Plan.
- 8.33. Based on my observations from the site visit and notwithstanding the letter of support provided by the occupant at 61 Orwell Gardens I consider many of the concerns raised by the planning authority and objector to be well founded.
- 8.34. The majority of the dwellings in this terrace have small lean-to extensions that do not project as far back into the rear gardens of those properties as the rear extension does here. I do not consider the partly constructed structure complements the main house or the other buildings in the neighbouring terrace and is not justified when considered in the context of the more sympathetic design approach taken along the rear of the terrace in the neighbouring properties.
- 8.35. The scale, height and mass of the proposed rear extension is also excessive for such a small plot. A high parapet wall at 3.2 metres approximately 300 mm from the boundary

with 61 Orwell Gardens dominants and has an overbearing effect on a sunlounge immediately adjacent to the boundary.

- 8.36. The impact is much less on the dwelling at 63 Orwell Gardens for the same reasons explained earlier in the report. There is greater separation distance between the rear elevation of the dwelling at 63 Orwell Gardens and the extended building at 62 Orwell Gardens. It was also observed at the site visit that there is landscaping in between the buildings and on the boundary between the two properties.
- 8.37. That said the cumulative effect of the side and rear extension together does have an overbearing effect on the rear amenity space of 63 as this encloses the garden on two sides with high walls.
- 8.38. However, this does not mean that my concerns extend to overshadowing. The rear gardens of the 61, 62 and 63 Orwell Gardens are north facing and I agree with the appellant that it is the larger two-storey buildings are the predominant cause of overshadowing of the rear gardens of these properties
- 8.39. The objector considers the requirements of Section 12.8.3.3 applies to extended properties and while it is stated in the final paragraph of this section that it should be read in conjunction with the guidance at Section 12.3.7.1 it is not explicit that the remaining garden area must still meet a minimum size.
- 8.40. The guidance at Section 12.3.7.1 only requires consideration of the '*quantum of usable rear private open space remaining*' for a single-storey rear extension. I agree with the objector that only approximately 30 square metres of garden area would be available following completion of the building works. However, the private open space remains accessible from the dwelling and it is not so small as to render the space unusable detrimental to the amenity of occupants of 62 Orwell Gardens. For this reason, I do not consider that a refusal of permission could be sustained based on the guidance in Section 12.8.3.3 of the Development Plan.
- 8.41. The retention and completion of the rear extension is therefore not in accordance with Section 12.3.7.1 (ii) Extensions to the Rear and inconsistent with the proper planning and sustainable development of the area.

8.42. If allowed a rear extension of this length, mass and height would be the first in the terrace and would set an undesirable precedent for similar forms of development in the area.

Drainage

- 8.43. In respect of the objections that the site is too small to accommodate SuDS in accordance with guidance in BRE Digest 365. The Drainage Planning Section made no comment in respect of the drainage proposal submitted with the application, the Planning Authority did not make any further observations on the storm drainage after the appeal was lodged and the issue was raised for a second time on behalf of the objector at 63 Orwell Gardens.
- 8.44. Notwithstanding the issues raised having examined the plans I am satisfied the garden is of sufficient size to accommodate a soak pit. If the Commission were minded to accept the recommendations of this report, then an appropriate condition can be applied to ensure the SuDS objectives of the Development Plan can be met.

Flooding

- 8.45. A site-specific flood risk assessment is provided by the appellant which indicates the site in flood zone B and that there is a moderate risk of flooding. It is also explained in the assessment that there is also a history of flooding in the front garden but none of the buildings have previously flooded.
- 8.46. Having examined the content of the submitted flood risk assessment I am satisfied that the requirement of Appendix 15 of the Development Plan has been met and that the implications of flooding have been taken account of. Minor development including house extension are acceptable in flood Zones A and B in the Plan and there is no evidence to conclude that the proposals will exacerbate flooding in 63 Orwell Gardens.

Other considerations

- 8.47. I note that the concerns raised by the objector in respect of the content of the application and whether it was a valid application. Whilst it is not explicit in the planning report how this objection was dealt with the planning authority continued to process and conclude the application process without the need to seek further information.

8.48. I am satisfied having reviewed the submitted documents and plans that I had adequate information to consider the proposal and properly understand the issues and concerns raised by the objector. No prejudice occurs as a consequence of details not having been included on the application forms or the drawings.

8.49. The objector claims to have suffered damage as a consequence of the unauthorised building works to date. These are matters that are beyond the scope of the appeal and civil matters for the Courts.

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 5 kilometres west South Dublin Bay Special Area of Conservation (SAC) and the South Dublin Bay and River Tolka Estuary Special Protection Area (SPA:004024).

The proposal is for the retention of floors and walls commenced in the course of the construction of two new single storey extensions to the side and rear of the existing dwelling, the completion of these extensions, the construction of new canopy to the front elevation over the front door, associated alterations to the elevations, internal alterations, site, drainage, landscaping and ancillary works.

Other than the loss of a tree in the course of the building works for the side extension no other 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 adjacent to the River Dodder.

The proposed development is for the retention of floors and walls commenced in the course of the construction of two new single storey extensions to the side and rear of the existing dwelling, the completion of these extensions, the construction of new canopy to the front elevation over the front door, associated alterations to the elevations, internal alterations, site, drainage, landscaping and ancillary works.

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:

- the retention permission and permission is granted for the previous demolition of a garage structure adjoining neighbouring property boundary, the commencement of construction of a new single storey extension to side of the existing dwelling, the completion of construction of a new single storey extension to side of the existing dwelling, construction of new canopy structure to the front elevation and all associated alterations to the elevations, internal alterations, site, drainage, landscaping and ancillary works; and
- the retention permission and permission is refused for the commencement of the single storey extension to the rear of the existing dwelling and the completion of construction for a single storey extension to the rear of the existing dwelling for the reasons and considerations set out below.

12.0 Reasons and Considerations (1)

12.1. The commission is satisfied, based on the information provided, that permission is granted for the previous demolition of a garage structure adjoining neighbouring property boundary, the commencement of construction of a new single storey extension to side of the existing dwelling, the completion of construction of a new single storey extension to side of the existing dwelling, construction of new canopy structure to the front elevation and all associated alterations to the existing side and front elevation, internal alterations, site, drainage, landscaping and ancillary works for the reasons and considerations set out below.

12.2. Having regard to the existing pattern of development on this and adjoining lands, to the nature, form and scale of development proposed which is replacing a previous structure on the site and its relationship with the adjoining property, the Commission is satisfied that the proposed development would be in visual harmony with the existing dwelling

and not negatively impact on the residential of visual amenity of adjoining properties. It would also not set an undesirable precedent for similar forms of development in the area. The proposed development would therefore be in accordance with Objective A and Section 12.3.7.1 (iii) Extensions to the Side Section, Section 12.3.7.1 (i) Extensions to the Front and Section 12.4.8.1 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028. Consequently, the proposed development would be in accordance with the proper planning and sustainable development of the area subject to the following conditions:

1. The development shall be retained and completed in its entirety 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 the development shall be in accordance with the permission and that effective control is maintained.

2. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority within three months of the decision. This scheme shall include the following:

(a) A plan to scale of not less than [1:500] showing –

(i) Existing trees, hedgerows [shrubs] [rock outcroppings] [stone walls], specifying which are proposed for retention as features of the site landscaping

(ii) The measures to be put in place for the protection of these landscape features during the construction period

(iii) The species, variety, number, size and locations of all proposed trees and shrubs [which shall comprise predominantly native species such as mountain ash,

birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder] [which shall not include prunus species]

(iv) Details of screen planting [which shall not include cupressocyparis x leylandii]

(v) Details of roadside/street planting [which shall not include prunus species]

(vi) Hard landscaping works, specifying surfacing materials, furniture and finished levels.

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment

(c) A timescale for implementation [including details of phasing] but this should be no later than the first planting season after the scheme is agreed by the Planning Authority

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of [five] years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interest of residential and visual amenity

3. The surface water runoff generated by the extension shall not be discharged to the public sewer but shall be infiltrated locally to a soakaway, as detailed in the application, in accordance with Section 10.2.2.6 Policy Objective EI6: Sustainable Drainage Systems (SuDS) of the County Development Plan 2022-2028. The soakaway shall be designed to BRE Digest 365 and shall not have an overflow. The offset distance for infiltration from adjacent buildings or structures will be at the professional judgement of a suitably qualified engineer and shall ensure the proposed system has no impact on neighbouring properties. If a soakaway is not a

feasible solution then, prior to the commencement of development, the applicant shall submit for the written agreement of the Planning Authority a report signed by a Chartered Engineer showing an infiltration test (with results, photos, etc) and shall propose an alternative SuDS measure.

Reason: In the interest of Public Health and surface water management

Reasons and Considerations (2)

- 12.3. The Commission is satisfied that permission be refused for the retention permission and permission for the commencement of the single storey extension to the rear of the existing dwelling and the completion of construction for a single storey extension to the rear of the existing dwelling, for the reasons and considerations set out below.
- 12.4. The proposed rear extension on this small plot, by reason of its scale, height and mass does not complement the main house or the other buildings in the neighbouring terrace, and would have dominant and overbearing effect on adjoining properties and would thereby set an undesirable precedent for similar forms of development in the area. The proposed development would therefore not be in accordance with Section 12.3.7.1 (ii) Extensions to the Rear and of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 and would be contrary to 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.

Conor Hughes
Planning Inspector

12th March 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500491-DR-25
Proposed Development Summary	The development comprises the retention of floors and walls commenced in the course of the construction of two new single storey extensions to the side and rear of the existing dwelling, the completion of these extensions, the construction of new canopy to the front elevation over the front door, associated alterations to the elevations, internal alterations, site, drainage, landscaping and ancillary works.
Development Address	62 Orwell Gardens, Milltown, Dublin 14 D14DW92
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 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. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here

<input checked="" 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 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?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	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
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)?	
Yes <input type="checkbox"/>	
No <input type="checkbox"/>	

Inspector: _____

Date: 12th March 2026