



An
Coimisiún
Pleanála

Inspector's Report

PL-500536-SD-25

Development	Removal of redundant antenna to roof of existing dwelling and construction of two-storey extension and all associated site works.
Location	No.1, The Drive Kingswood Heights, Tallaght, Dublin 24, D24 A378
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD25B/0417W
Applicant(s)	Joseph Flynn
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Kingswood Heights Residents Association
Observer(s)	None
Date of Site Inspection	10/09/2026
Inspector	David Freeland

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

The appeal site (0.041 ha) is at No. 1 The Drive, Kingswood Heights, Tallaght, Dublin 24. Kingswood Heights is an established residential estate of two-storey semi-detached houses. The site is at the end of a series of semi-detached dwellings located on the south-eastern side of The Drive, close to its junction with Kingswood Avenue.

The site contains a two-storey semi-detached house with a pitched roof and a gable to the south-west. It forms a pair with No. 3 The Drive to the north-east. The front elevation is rendered and there is a driveway to the front. No. 3 has a single storey rear sunroom which abuts the shared boundary.

The south-west side of the site faces an area of grassed open space, with the road beyond it as it curves to the south-east. The submitted drawings show a single storey side extension on this side of the house, which formed the site boundary. The rear garden faces south-east and widens towards the rear boundary.

2.0 Proposed Development

Permission is sought for the removal of a redundant antenna, a two-storey extension with a pitched roof to the side, a part two-storey and part single storey flat roofed extension to the rear, a single storey shed in the rear garden and a pedestrian gate in the side boundary wall.

Development as Permitted:

The scheme was amended by further information received on 30 September 2025 and by clarification of further information received on 17 November 2025. The pedestrian gate was omitted at further information stage. The development as permitted comprises:

- A two-storey side extension aligning with the former single storey side extension. It continues the ridge and eaves of the main roof to a new gable on the south-west side and keeps the front building line. The gable has one window at first floor and three at ground floor.

- A rear part single, part two storey extension. The single storey element will be 11.17 m wide extending across the full width of the site, and 8.0 m deep at ground floor, with a flat roof 3.45 m high. It abuts the boundary with No. 3. The first floor element is 3.6 m deep and 8.54 m wide, with a flat roof approximately 6.0 m high, and is set 2.63 m off the boundary with No. 3.
- A shed at the rear boundary, 3.0 m by 5.5 m internally (16.5 sq m) and 3.45 m to the ridge.

The extended house would have kitchen, dining and living areas, a play room, utility, WC and pantry at ground floor, and four bedrooms each with an en-suite, and an office at first floor.

Water supply and foul drainage are to the existing public connections and surface water is to a soakaway in the rear garden. The drawings propose a pebble dash finish stated to match existing.

3.0 Planning Authority Decision

3.1. Decision

South Dublin County Council decided to grant permission on 5 December 2025 subject to three conditions.

3.2. Planning Authority Reports

Planning Reports

There are three planning reports on file.

The First Planning Report, dated 20 August 2025 is summarised as follows:

- The report accepted the principle of an extension under the 'RES' zoning.
- It found the rear extension, then 10m deep at ground floor and 4.8m at first floor, excessive, disruptive to the residential character of the area and overbearing on No. 3, and the first-floor element visually obtrusive from the public road when combined with the first floor side extension. As the existing

side extension forms the south-west boundary, it found the first floor side extension “contrary to BFP3 as the extension forms part of the boundary wall”.

- It considered that the proposed pedestrian gate would risk unauthorised subdivision of the site.
- The shed, the elevational changes, the removal of the antenna, access and parking, services, green infrastructure, AA and EIA were acceptable. Further information was sought on the depth of the rear extension and on the side access.

The Second Planning Report, dated 28 October 2025 (which relates to the further information received on 30 September 2025) is summarised as follows:

- The applicant had reduced the rear extension to 9m at ground floor and 4m at first floor and had omitted the pedestrian gate. The report welcomed the omission of the gate. It found that the rear extension would still be disruptive to the residential character of the area, overbearing on No. 3 and visually obtrusive from the public road, and sought clarification of additional information on a further reduction in depth or height.

The Third Planning Report, dated 5 December 2025 (which relates to the clarification of additional information received on 17 November 2025) is summarised as following:

- The applicant had reduced the rear extension to 8m at ground floor and 3.6m at first floor. The report found that the revised extension would not adversely affect the amenities of adjoining properties by way of overbearing appearance, overlooking or increased overshadowing, that it would comply with BFP1 and BFP4, and recommended a grant subject to conditions.

Other Technical Reports

- None. The reports state that no consultations were requested.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

A substantial number of third-party submissions and one representation from Cllr Jess Spear and Paul Murphy TD were received by SDCC. The issues raised may be summarised as follows:

- **Use and occupancy:** the intended use is unclear; the house would be used for co-living, student accommodation or multiple occupancy for sixteen to twenty or more people, or as a commercial venture.
- **Scale and character:** the house would be twice its existing size and out of keeping with the estate; the south-west elevation would look commercial and dominate the green.
- **Residential amenity:** overshadowing and loss of light to No. 3 and its garden, loss of privacy, overlooking of the properties to the rear and of the open space, and noise.
- **The side gate:** the path would cross Council-maintained open space and set a precedent. Building on the boundary would oversail adjoining land.
- **Parking and traffic:** insufficient parking and congestion near the junction.
- **Finishes:** the drawings propose pebble dash to match existing, but the houses in the area are not pebble dashed.
- **Drainage:** no soakaway design, heavy clay soils and flood risk; an existing manhole would be built over.
- **The drawings:** existing plans titled as proposed, inconsistencies between drawings and no construction management details.

4.0 Planning History

Subject site: None.

Enforcement: The planning authority's final report indicates that there is a live enforcement case under Ref. S9863 - "carrying out of demolition works without benefit of planning permission.

5.0 Policy Context

5.1. National Guidance

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

Two specific planning policy requirements are relevant. Section 3.4.1 of the SDCC House Extension Design Guide 2025 states that the rear garden standards in SPPR 2 relate to new houses rather than household extensions and are informative rather than binding in the case of extensions. The standards set out under SPPR 1 – Separation Distances and SPPR 2 – Minimum Private Open Space Standards for Houses.

5.2. Development Plan

South Dublin County Development Plan 2022–2028

The following provisions are relevant.

Zoning: The site is zoned 'RES'. Table 12.2 sets out "Zoning Objective 'RES': 'To protect and / or improve residential amenity'". Residential is a use permitted in principle.

- Policy H14: Residential Extensions: "Support the extension of existing dwellings subject to the protection of residential and visual amenities."
- H14 Objective 1: "To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 12: Implementation and Monitoring and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines)."
- Policy H11: Privacy and Security: "Promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing."

- H11 Objective 1: “To ensure there is a clear definition and delineation between private, semi-private (communal) and the public open spaces that serve residential development.”
- H11 Objective 2: “To ensure that all developments are designed to provide street frontage and to maximise surveillance of streets and the public realm.”
- H11 Objective 3: “To ensure that private open spaces, where it consists of gardens, are enclosed within perimeter blocks behind the building line and that they are subdivided by suitably robust boundary treatments of a sufficient height and composition to provide adequate privacy and security. In limited circumstances, some discretion may be provided for where the configuration of the space can provide for private and secure space, to a high quality, elsewhere on the site than behind the building line.”
- H11 Objective 4: “To ensure that opposing balconies and windows at above ground floor level have an adequate separation distance, design or positioning to safeguard privacy without compromising internal residential amenity.”

Section 12.6.8 Residential Consolidation, Extensions: “The design of residential extensions should have regard to the permitted pattern of development in the immediate area alongside the South Dublin County Council House Extension Guide (2010) or any superseding standards.”

Section 12.6.7 Residential Standards: “Development proposals for housing must be required to accord with or exceed the minimum private open space standards set out in the table below.” Table 12.20 gives, for a house of “four bedroom or more”, a house size of “110 sq m” and private open space of “70 sq m”.

Other relevant policies include; Policy GI4 and GI4 Objective 1 require Sustainable Drainage Systems in new development to limit surface water run-off; QDP6 Objective 7 relate to the height and quality of boundary walls in new residential developments bordered by a public footpath or an area taken in charge; Policy QDP7 relate to high quality design; and Policy QDP11, relate to building finishes appropriate to context.

House Extension Design Guide 2025

The South Dublin County Council House Extension Design Guide 2025 supplements the policies of the Development Plan (section 1.1) and is the guidance the planning authority applied. The following provisions are relevant.

Section 3.1.6 Elements of Good Extension Design

“Extensions to existing dwellings are generally acceptable to the Planning Authority, subject to accordance with Built Form Principles.”

“It should be noted that whilst a proposal may comply with the general principles of each component singularly, the combination of interventions to the house will also need to be assessed in terms of overall design, massing, and bulk, comparative to the surrounding area and to the host property.”

“Extensions should be fully contained within the boundaries of the homeowner’s property. In the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.”

“Extensions should be designed to prevent significant loss of daylight to the window of the closest habitable room in a neighbouring property by not locating an extension within the 45° angle of the centre point at 2m above ground level of the nearest main window or glazed door to a habitable room, measured on both plan and elevation.”

Section 3.1.7 Built Form Principle (BFP) 1 – All Extensions and Alterations to Houses

- Respects the appearance and character of the house and subject streetscape/local area.
- Does not read as overly dominate relative to existing structure by reason of scale or position.
- Provide comfortable internal space and useful outside space.
- Incorporate energy efficient measures where possible.
- Does not adversely impact on adjacent properties by way of significant overbearing visual appearance.
- Does not result in significantly increased levels of overshadowing of adjacent properties.

- Does not directly overlook/result in significantly increased levels of overlooking of adjacent properties. Where a new window could result in overlooking or loss of privacy to neighbouring properties, consider alternative design solutions such as repositioning the window or use of a high-level window (cill level 1.7 metres or high above internal floor level), angled window or obscure glazing.
- Consideration of external finishes, such as use of light-coloured materials on elevations adjacent to neighbouring properties.
- Consideration of remaining private amenity space.

Section 3.3.1 General Considerations relating to all side extensions

“With regard to side extensions to corner plot houses, side extension elements should be located within the existing boundary treatment of the site and should not form part of the boundary wall to avoid an overbearing visual impact on the street.”

“At first-floor level gable windows are required for corner sites to provide passive surveillance; windows to habitable rooms are preferred in this regard.”

“Houses to corner plots can offer scope for larger extensions than more typical houses and gardens, subject to protection of existing residential and visual amenities. Where the extension is to the side of a house on a corner plot, it should be designed to take into account that it will be visible from the front and side.”

Section 3.3.2 Built Form Principle (BFP) 3 – Side Extensions

- Should not dominate the front elevation of the house.
- Should retain a driveway depth of 6 metres.
- Roof profile of first floor/two storey side extension should be carefully considered relative to the ridge height and profile of the main house and parapet height should always be minimised.
- A setback of first floor/two storey side extension element may be required where a terracing effect would otherwise occur.

- Should consider fenestration treatment relative to adjacent properties.
- In the case of corner plot, should be located within and not form part of the boundary wall of the property.
- In the case of corner plot, should provide for gable fenestration to avoid blank façades and provide for passive surveillance.

Section 3.4.1 General Considerations relating to all rear extensions

“Most typical dwellings with rear gardens can accommodate a ground floor rear extension that extends across the entire width of the rear wall of the house.”

“In this regard, the provisions on rear garden space standards to specific planning policy requirement (SPPR) 2 of the current Compact Growth Guidelines relate to new houses rather than household extensions and are therefore informative rather than binding on planning application decisions for extensions”. The figure given for a four bedroom or larger house is “4 bed+ house 50 sq. metres”.

Section 3.4.2 Built Form Principle (BFP) 4 – Rear Extensions

- Should be designed with consideration to relationship with any adjoining properties, in particular the depth and height of ground floor level extensions.
- Should provide for setback from shared site boundaries at first floor level unless depth and orientation of site negate adverse impacts on adjacent properties.
- Should provide for adequate separation distance between opposing first floor level windows serving habitable room.
- Ridge height of first floor/two storey rear extensions should respect the ridge height of the main house.
- Extensions to bungalow/dormer bungalow should be modest in depth at first floor level and be set back from shared boundaries with adjoining properties.
- Should ensure adequate rear amenity space is retained.

Section 3.6.2 Built Form Principle (BFP) 6 – Detached Garden Rooms and Sheds

- Should ensure adequate rear amenity space is retained.
- Should be of a scale that is subordinate to the main house.
- Should be sited and designed so as not to adversely impact on the amenities of adjacent properties.
- Should provide for uses wholly ancillary to the main house.
- Should not include toilet and or sanitary facilities.

BFP7 (section 3.7.2) deals with other alterations, including new or altered windows, and section 5.5 sets out a combined checklist for decision makers.

5.3. **Natural Heritage Designations**

The appeal site is not located within or adjacent to any designated European site (SAC or SPA) or Natural Heritage Area (NHA or pNHA). The closest Natural heritage designation to the site is the Dodder Valley pNHA (Site Code: 000991) – c.2.8km to south-east and the closest European site is the Glanasmole Valley SAC (Site Code: 001209) – c. 4.9km to the south.

5.4. **EIA Screening**

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (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.

5.5. **Water Framework Directive**

An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive.

Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional

waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.

In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal was lodged on 23 December 2025 by Kingswood Heights Residents' Association. The grounds may be summarised as follows:

- **Ground 1 – inconsistent and unreasoned reversal:** The planning authority found the development disruptive to the character of the area, overbearing on the adjoining property and visually obtrusive from the public road at each stage. The modest dimensional reductions did not change the design approach, massing or boundary treatment. A numerical reduction alone does not remedy an inappropriate design.
- **Ground 2 – Failure to Properly Apply BFP3 – Side Extensions:** The first floor side extension is constructed directly on the boundary line, forms a continuous built edge to a public green and provides no setback or visual relief. The planner found it “contrary to BFP3 as the extension forms part of the boundary wall”. No change was made and the final decision disregards the conflict.
- **Ground 3 – Harm to public realm and character:** The site is a visually sensitive corner addressing a public green and an internal estate circulation route. The uninterrupted two-storey massing along the south-west elevation would create a wall-like enclosure to communal open space, urbanise an open and low-scale edge and disrupt the rhythm of semi-detached development.
- **Ground 4 – conditions:** The permission relies on conditions for finishes, use, drainage and ancillary use. Conditions cannot correct inappropriate scale, siting or

massing. The appellant states that the Commission has consistently held that design compliance must be demonstrated at application stage and that conditions cannot be used to design out overdevelopment.

- **Ground 5 – insufficient weight placed on third party concerns:** Twenty-three submissions and a representation raised consistent concerns, many aligned with the planning authority's early findings, which were not meaningfully addressed.

The appellant asks the Commission to refuse permission or, in the alternative, to remit the application with a direction requiring a materially reduced and redesigned proposal.

6.2. **Applicant Response**

None.

6.3. **Planning Authority Response**

The planning authority responded on 12th January 2026. It confirms its decision and states that the issues raised in the appeal have been covered in the Chief Executive's Order.

6.4. **Observations**

None.

7.0 **Assessment**

- 7.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of development
- The side extension and the south-west elevation
- The rear extension – scale and character

- Residential amenity of No. 3 The Drive
- Use and occupancy of the dwelling
- Access, parking, services and drainage
- Other matters

7.2. Principle of Development

- 7.2.1. The site is zoned 'RES', where residential use is permitted in principle, and Policy H14 supports the extension of existing dwellings subject to the protection of residential and visual amenities. I am satisfied that the principle of the development is acceptable.

7.3. The Side Extension and the South-West Elevation

- 7.3.1. The two storey side extension as permitted would be built on the line of the former single storey side extension which formed the south-west site boundary. The extension continues the ridge and eaves of the house to a new gable, 7.38 m to the ridge and 5.6 m to the eaves. The first floor of the rear extension beyond the gable is approximately 6.0 m high and 3.6 m deep, and the single storey element beyond it is 3.45 m high.
- 7.3.2. The planning authority initially found that the first-floor side extension would be contrary to BFP3 of the House Extension Design Guide 2025 (the Guide) because it would form part of the boundary wall. It did not seek further information on the point and its final report does not refer to it. The appellant refers to that finding in its second ground of appeal.
- 7.3.3. BFP3 states that a side extension on a corner plot "should be located within and not form part of the boundary wall of the property". Section 3.3.1 of the Guide gives the reason, which is to avoid an overbearing visual impact on the street. The same section states that corner plots can offer scope for larger extensions, subject to the protection of residential and visual amenities, and that a side extension on a corner plot should be designed to take account of its visibility from the front and side.
- 7.3.4. The south-west side of the site does not front directly onto the road. It faces an area of grassed open space, with the road beyond it. Based on the submitted plans, the

line of the proposed two storey side extension aligns with the now demolished side extension. The side extension keeps the front building line of the house and continues its ridge and eaves, so that the house reads as a wider version of the existing house with a gable to the side. I have no concern with the front wall aligning with the front building line or with the ridge and eaves levels. I do not consider that a two-storey gable on this line would be overbearing when seen from the road or from the open space.

- 7.3.5. The third ground of appeal is that the two-storey massing along the south-west elevation would create a wall-like enclosure to the open space and urbanise an open, low-scale edge. The drawings do not show uninterrupted two-storey massing. The two-storey element on this side is approximately 11.4 m long, of which 7.8 m is the gable of the house. The massing then steps down to the flat roof of the first floor rear element and to the single storey element, before the rear garden. The elevation has windows at both levels. It would read as a house extended to the side and rear, not as a wall enclosing the open space. The gable windows provide the surveillance of the open space which BFP3 and H11 Objective 2 seek.
- 7.3.6. The other provisions of BFP3 are met. The side extension would not dominate the front elevation. The driveway is not reduced as the front building line is kept. The roof matches the ridge and profile of the main house. There is no terracing effect, as the house is at the end of the row, and the gable windows face the open space rather than an adjoining property.
- 7.3.7. The planning authority was also concerned that the first floor of the rear extension would be visually obtrusive from the public road when read with the side extension. As reduced to 3.6 m deep and below the ridge of the house, it would be seen behind the gable as a lower and subordinate element. I am satisfied that the combined massing of the side and rear extensions is acceptable in terms of overall design, massing and bulk, as section 3.1.6 of the Guide requires.
- 7.3.8. The flank wall would be built on the south-west boundary. The Guide states that extensions should be fully contained within the boundaries of the homeowner's property, and the Residents' Association raised oversailing of the adjoining land. No part of the development, including the verge and gutters of the gable, rainwater goods and foundations, should oversail or encroach beyond the boundary. I

recommend a condition to that effect. Any question of title is a civil matter to be resolved between the parties, having regard to section 34(13) of the Planning and Development Act 2000, as amended.

- 7.3.9. The submitted drawings propose pebble dash “to match existing”. As noted within the submissions, the existing finish to the subject and neighbouring dwellings is render. A condition may address the finishes to match those of the existing house.
- 7.3.10. I am satisfied that the side extension and the south-west elevation would not have an overbearing visual impact on the street or on the open space and would be in keeping with the character of the house and the area. The development complies with BFP1, BFP3 and Policy H14.

7.4. The Rear Extension – Scale and Character

- 7.4.1. The rear extension was reduced from 10 m to 8 m deep at ground floor and from 4.8 m to 3.6 m at first floor. The first floor element is set 2.63 m off the boundary with No. 3 and its flat roof is below the ridge of the house. The first ground of appeal is that the reductions were numerical only and did not change the design approach.
- 7.4.2. However, I consider that the amendments to the scheme were substantial and successfully addressed the concerns of the planning authority.
- 7.4.3. Section 3.4.1 of the Guide accepts that most houses can provide a ground floor rear extension across the full width of the rear wall. This is a wide corner plot which widens further to the rear. As permitted, the extension leaves a rear garden of approximately 100 sq m, excluding the shed. That exceeds the 70 sq m in Table 12.20 of the Development Plan for a house of four bedrooms or more, and the 50 sq m for a four bedroom house in SPPR 2 of the Sustainable Residential Development and Compact Settlements Guidelines 2024 which section 3.4.1 of the Guide applies on a site-by-site basis.
- 7.4.4. The rear extension would be seen mainly from the rear gardens and, over the side boundary from the open space to the south-west. The single storey element is modest in height. The extension would be large, but it is proportionate to the plot and would not be out of character with the area. I am satisfied that it complies with BFP4 and Policy H14.

7.5. Residential Amenity of No. 3 The Drive

- 7.5.1. No. 3 adjoins the site to the north-east. Its rear garden faces south-east, like that of the subject site. It has a single storey rear sunroom adjoining the boundary with the subject site, c. 3.9m in depth. The occupier of No. 3 objected on the grounds of loss of light and sun to her garden and loss of privacy.
- 7.5.2. The single storey element would extend 8 m along the shared boundary at a height of 3.45 m, projecting c. 4 m beyond No. 3's sunroom. The first floor element is set 2.63 m off the boundary and at 3.6 m deep, would not project beyond No. 3's sunroom. I do not consider that the extension would be overbearing when seen from No. 3.
- 7.5.3. In relation to daylight, I have applied the 45 degree approach in section 3.1.6 of the House Extension Design Guide 2025 and in paragraphs 2.2.16 and 2.2.17 of BRE 209 (2022). A window in the rear of No. 3's sunroom may fall within the 45 degree lines of the single storey element. However, the sunroom has ample other glazing and would continue to receive adequate daylight.
- 7.5.4. In relation to sunlight, the extension is to the south-west of No. 3's garden and would add some shadow. BRE 209 recommends that at least half of a garden should receive at least two hours of sunlight on 21 March (paragraph 3.3.7). Having regard to the south-east facing orientation, the height of the single storey element on the boundary, the setback of the first floor and the length of No. 3's garden, I am satisfied that the adjoining private amenity space to No. 3 will have adequate levels of sunlight.
- 7.5.5. There are no first floor windows to the side of the first floor element facing No. 3. The first-floor rear windows face towards the rear boundary as the existing rear windows do and are approximately 13 m from it. The separation between the first-floor and the rear elevations of the houses to the rear would be in excess of 25 m, well above the 16m standard under SPPR 1 of the 2024 Guidelines. I do not consider that the development would give rise to undue overlooking of No. 3 or of the properties to the rear.

- 7.5.6. I am satisfied that the extension as permitted would not seriously injure the residential amenity of No. 3 by way of overbearing impact, loss of daylight, overshadowing or overlooking. It complies with BFP1, BFP4 and Policy H11.

7.6. Use and Occupancy of the Dwelling

- 7.6.1. Most of the submissions concern who might occupy the house. The house as permitted would have four bedrooms, an office and one kitchen. The Council included under condition 2, the stipulation that the house and the extension(s) permitted shall be jointly used as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes, and the extension shall not be sold, let (including short-term letting), leased or otherwise transferred or conveyed, by way of sale, letting or other wise save as part of the single dwelling unit. I note that the subdivision of a house into two units is now exempted development under Class 1A of Part 1 of Schedule 2 to the Regulations, as inserted by the Planning and Development (Exempted Development (Act of 2000)) (No. 2) Regulations 2026, subject to the conditions of that Class. That is a separate matter from this application.
- 7.6.2. The shed is subordinate to the house, leaves an adequate rear garden and has no toilet. It complies with BFP6. At approximately 19 sq m, it is within the 30 sq m limit for structures within the curtilage of a house in Class 3 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as substituted by the Planning and Development (Exempted Development (Act of 2000)) Regulations 2026, and it is below the minimum floor area of 32 sq m set for a detached auxiliary dwelling by Class 3A. It is not designed or sized for habitable use being clearly a structure for purposes incidental to the enjoyment of the house.

7.7. Access, Parking, Services and Drainage

- 7.7.1. No change is proposed to the vehicular access. The side extension keeps the front building line, so the driveway is not reduced, and the house remains a single dwelling. I agree with the planning authority that access and parking are acceptable.
- 7.7.2. The house would remain connected to the public water supply and foul sewer, and surface water from the extensions is to go to a soakaway. Conditions requiring

separation of foul and surface water and a soakaway designed to BRE Digest 365, as the planning authority imposed, will address the concerns raised about the soakaway and ground conditions.

- 7.7.3. The drawings show an existing combined drain crossing the site, with a manhole within the footprint of the rear extension. This is a private drain and not Uisce Éireann infrastructure, and the planning authority raised no concern relating to it. I refer to section 34(13) of the Act, which indicates that a person is not entitled solely by reason of a permission to carry out any development.

7.8. Other Matters

- 7.8.1. The single storey side extension has been demolished and enforcement case S9863 relates to demolition without permission. The development applied for is a two-storey side extension, and the demolition already carried out is not part of the development before the Commission. Any question of unauthorised works is a matter for the planning authority and does not preclude a grant of permission.
- 7.8.2. The fourth ground of appeal is that the permission relies on conditions to address matters that should have been resolved in the design. The potential conditions suggested above deal with finishes, use, drainage, construction and the containment of the development within the site. None of them alters the scale, siting or massing of the development, which I have assessed as permitted.

8.0 AA Screening

The proposed development comprises the extension of an existing house in a serviced urban area, with foul drainage to the public sewer and surface water to a soakaway within the site. No nature conservation concerns were raised in the planning appeal.

Having considered the nature, small scale and location of the project, and taking account of the screening determination of the planning authority, I am satisfied that it can be eliminated from further assessment because there is no significant risk to any European Site.

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. Appropriate Assessment, therefore, is not required.

9.0 Recommendation

I recommend that permission be granted for the reasons and considerations set out below, subject to the conditions set out below.

10.0 Reasons and Considerations

Having regard to the 'RES' zoning objective of the site, to Policy H14, H14 Objective 1 and Section 12.6.8 of the South Dublin County Development Plan 2022–2028, to the South Dublin County Council House Extension Design Guide 2025, to the corner location of the site, and to the design, scale and form of the extensions as revised at further information and clarification stages, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be in keeping with the character of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

	Reason:
1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 30/09/2025 and 17/11/2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of

	development and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity.
2.	Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.
3.	No part of the development, including foundations, walls, eaves, gutters and rainwater goods, shall oversail or encroach beyond the boundary of the site. Details demonstrating compliance shall be agreed in writing with the planning authority prior to commencement of development. Reason: In the interest of orderly development and to protect the adjoining land.
4.	Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Reason: In the interest of public health and surface water management.
5.	Site development and building works shall be carried out between the hours of 0700 and 1900 hours Mondays to Fridays inclusive, between 0900 and 1300 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority. Reason: To safeguard the amenity of property in the vicinity.
6.	The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the

	Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme. Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

David Freeland

10/09/2026

Appendix 1 - Form 1 - EIA Pre-Screening [EIAR not submitted]

An Coimisiún Pleanála Case Reference	PL-500536-SD-25		
Proposed Development Summary	Removal of antenna, two-storey side extension, part two-storey and part single storey rear extension, and shed.		
Development Address	No. 1 The Drive, Kingswood Heights, Tallaght, Dublin 24		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	✓		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No	✓	N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4
4. Has Schedule 7A information been submitted?			
No		Preliminary Examination required	
Yes		Screening Determination required	

Inspector: _____ Date: _____