



Development	RETENTION: Single-storey shed roof rear extension together with an associated timber-framed veranda and all associated site works.
Location	18 Summer Street North, Mountjoy, Dublin 1
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	WEB5412/25
Applicant(s)	M&R Khaya Investment Ltd
Type of Application	Retention
Planning Authority Decision	Grant Retention with Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Zoe Baker
Observer(s)	None
Date of Site Inspection	13 th March 2026
Inspector	Mary Crowley

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.012ha consists of a 2-storey over basement mid terrace property (with a stated gross floor area of 153.1 sq.m) located on the north-
The appeal site forms part of a terrace of dwellings of similar design and character at this location west side of Summer Street North and is accessed directly from the street the front.
- 1.2. As set out in the plans and particulars submitted the property features an existing flat roof 2-storey rear return extension which has been extended further by the subject single storey structure to be retained. This extension runs along the south-western site boundary and has a covered timber framed veranda extending from its north-eastern elevation. There is no rear access to the appeal property save from through the main house.
- 1.3. I refer to the photos available to view throughout the file. Together with a set of photographs of the site and its environs taken during the course of my site inspection serve to describe the site and location in further detail.

2.0 Proposed Development

- 2.1. Planning permission is sought for the retention of the following:
 - a single-storey shed roof rear extension (7.6 m² utility room) together with an associated timber-framed veranda and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Dublin City Council (DCC) issued a notification of decision to grant permission subject to 3 no conditions summarised as follows:

1.	Compliance with plans and particulars submitted
2.	Section 48 Development Contribution
3.	Drainage

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The **Case Planner** having considered the proposed scheme recommended that permission be granted subject to 3 no conditions. The notification of decision to grant permission issued by DCC reflects this recommendation.

3.2.3. Other Technical Reports

- **Engineering Department Drainage Division** – No objection to this development, subject to the developer complying with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0, that the development is to be drained on a completely separate foul and surface water system, that it shall incorporate Sustainable Drainage Systems in the management of surface water and that all private drainage such as, downpipes, gullies, manholes, Armstrong junctions, etc. are to be located within the final site boundary. Private drainage is not permitted in public areas, or areas intended to be taken in charge.
- **Record of the Section 48 Development Contribution** – Calculated that a development condition in the amount of €468.00 is due in this case.

3.3. Prescribed Bodies

3.3.1. **Transport Infrastructure Ireland** - Requests that the planning authority has regard to the provisions of official policy for development proposals as follows: proposals impacting national roads, to the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities and relevant TII Publications and proposals impacting the existing light rail network, to TII's "Code of engineering practice for works on, near, or adjacent the Luas light rail system".

3.4. Third Party Observations

3.4.1. There is one no observation recorded on the appeal file from Our Street Community Group, residents of Summer Street North and NEIC Community Group.

3.4.2. The issues raised relate to this former family home being converted into a rental investment property comprising a co-living / shared accommodation including at least one self-contained studio, anomalies between architectural drawings which indicates

a single family dwelling, however it is highlighted that considerable alterations have recently been made to the interior of the dwelling, including the subdivision of the bedrooms (approx. 10 bed spaces); the conversion of the former living rooms into bedrooms; adding 2 no. extra kitchen spaces (bringing the total to 3 no.) and bathrooms; and the creation of at least one self-contained studio, there is no record of planning permission for this material change of use, private open space is below the minimum standards per bedspace and the management and storage of waste.

3.4.3. The observation included internal site photos.

4.0 Planning History

4.1. There is no evidence of any previous planning application or subsequent appeal on this site.

4.2. The following Enforcement History is noted from the Case Planers Report:

- **Enforcement Ref E0198/25** - Enforcement file opened on 11/03/2025 in respect of alleged subdivision of the property and unauthorised structure to the rear. A Section 154 Notice issued in early March 2025 and in this regard, it is noted that the subject application seeks retention permission for a single storey rear extension only and not for the subdivision of the residential property. **Status: Open**
- **Enforcement Ref: S0034/25** – Relates to Short-Term Letting. **Status: Closed**

5.0 Policy Context

5.1. Development Plan

5.1.1. The operative plan for the area is the **Dublin City Development Plan 2022 – 2028**. The appeal site is located on lands zoned Z2 - Residential Neighbourhoods (Conservation Areas) where the land use zoning objective is '*To protect and/or improve the amenities of residential conservation areas.*' Ancillary domestic extensions are permissible in this zoning.

5.1.2. Relevant Policies, Objectives and Standards a set out in the Dublin City Development Plan 2022 – 2028 include:

Chapter 11 – Built Heritage and Archaeology

- Section 11.5.3 Built Heritage Assets of the City
- Z2 and Z8 Zonings and Red-Hatched Conservation Areas
- Policy BHA9 Conservation Areas

Chapter 14 – Land Use Zoning

- Section 14.7.2 Residential Neighbourhoods (Conservation Areas) – Zone Z2

Chapter 15 - Development Standards

- 5.1.3. Guidance and standards relating to ancillary residential accommodation including residential extensions and sub-division of dwelling is set out in **Appendix 18 – Ancillary Residential Accommodation** of the Development Plan.

- Section 1.1 General Design Principles
- Section 1.2 Extensions to Rear

5.2. Natural Heritage Designations

- 5.2.1. The appeal site is not located in or immediately adjacent to a European Site.

6.0 EIA Screening

- 6.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning 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

- 7.1.1. The third-party appeal has been prepared and submitted by Our Street Community Group, residents of Summer Street North and NEIC Community Group and may be summarised as follows:
- 7.1.2. The Planning Authority erred in its assessment of this planning application in that it assessed the private open space standards applicable to the development on the

basis of the plans and particulars submitted with the planning application rather than on the basis of the actual, factual situation. Reference is made to Section 15.11.3 of the Dublin City Development Plan 2022-2028 that requires, within the inner city, a standard of 5-8 sq.m of private open space per bedspace to be applied. Prior to 2023, this property was a single-family dwelling comprising three (3 no.) bedrooms. Following the sale of the property extensive internal alterations were made and it is unclear as to how many bedspaces are currently in the property, but the evidence suggests that it significantly exceeds the 3 no. double bedrooms illustrated in the plans and particulars submitted with the planning application and upon which the assessment of the Planning Authority was based. There is no record of any permission having been granted for the subdivision.

- 7.1.3. The position of the Planning Authority appears to be that the plans and particulars submitted with the planning application should be taken on face value without an independent evaluative assessment. However, in this case, significant information has been submitted which strongly suggests that the plans and particulars submitted with the planning application are incorrect. It is simply not open to the Planning Authority to ignore this information and to assess the planning application solely on the basis of the information submitted by the Applicant.
- 7.1.4. Section .15.11.1 of the Dublin City Development Plan 2022-2028 and the Quality Housing for Sustainable Communities Guidelines require that dwellings provide adequate, conveniently accessible off-street refuse storage within their curtilage. As set out above, there is compelling evidence that the dwelling has been subdivided into a significantly greater number of bedspaces which are directly material to the assessment of waste storage provision. No adequate assessment of waste storage provision has been undertaken by the Planning Authority.
- 7.1.5. Where there is credible evidence that a development forms part of, or is reliant upon, unauthorised works or an unauthorised use, the Commission cannot lawfully disregard this context or proceed in the basis of assumed or hypothetical compliance. To do so would undermine the effectiveness of the planning code and the public interest and the common good it is intended to protect.
- 7.1.6. Requested that retention permission be refused.

7.1.7. Commission should seek further information from the Applicant in order to establish the actual number of bedspaces currently within the dwelling.

7.1.8. If the Commission is minded to grant permission, the following condition should be attached. Such a condition is both appropriate and necessary in order to ensure compliance with the planning code and associated building regulations, and to safeguard the proper planning and sustainable development of the area and local residential amenity.

"The dwelling and all extensions shall be used as a single dwelling unit only and shall not be subdivided, sold or rented in separate units, nor used as a commercial premises, save where otherwise permitted by a separate grant of planning permission.

Reason: To protect residential amenity and to ensure proper planning and sustainable development."

7.1.9. The appeal was accompanied by the notification of decision to grant permission and the observation to the planning authority that included internal site photos.

7.2. Applicant Response

7.2.1. None.

7.3. Planning Authority Response

7.3.1. DCC in their response set out the following:

- Coimisiún requested to uphold the decision to grant retention permission
- A Section 48 Condition to be attached

7.4. Observations

7.4.1. None.

7.5. Further Responses

7.5.1. None.

8.0 Assessment

8.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings.

- Principle
- Open Space
- Residential Amenities
- Drainage
- Section 48 Development Contribution
- Other Issues

8.2. **NOTE** – Access to the rear of the site was not available on day of site inspection. This assessment is based on the plans and particulars available with the appeal file.

8.3. Principle

8.3.1. Planning permission is sought for the retention of the following:

a single-storey shed roof rear extension (7.6 m² utility room) together with an associated timber-framed veranda and all associated site works.

8.3.2. The appeal site is located on lands zoned Z2 - Residential Neighbourhoods (Conservation Areas) where the land use zoning objective is '*to protect and/or improve the amenities of residential conservation areas.*' Ancillary domestic extensions are permissible in this zoning. Therefore, having regard to the zoning objective for the site I am satisfied that the principle of the development is acceptable. This is subject to the acceptance or otherwise of site specifics / other policies within the development plan and / or relevant national guidance.

8.4. Open Space

8.4.1. The third-party appeal has raised significant concern in relation to the possible subdivision of this house into smaller self-contained units without the benefit of

planning permission and the impact of same in the provision of adequate private open space.

8.4.2. In their assessment of the scheme the Case Planner set out the following in their report

The planning authority is aware that formal planning enforcement proceedings are ongoing regarding alleged subdivision of the dwelling and an unauthorised structure to the rear. The subject application seeks retention permission for a single storey rear extension only and not for the subdivision of the residential property and therefore the development of which the applicant is seeking retention permission can only be assessed under the current application.

8.4.3. I refer to Section 4.0 Planning History of this report above where the following was noted from the Case Planners Report. No further information in this regard has been made available with the appeal file.

Enforcement Ref E0198/25 - Enforcement file opened on 11/03/2025 in respect of alleged subdivision of the property and unauthorised structure to the rear. A Section 154 Notice issued in early March 2025 and in this regard, it is noted that the subject application seeks retention permission for a single storey rear extension only and not for the subdivision of the residential property.
Status: Open

8.4.4. I note the concerns raised by the appellant that the internal plans and particulars submitted with the planning application are incorrect. It is submitted that prior to 2023, the appeal property was a single-family dwelling comprising three (3 no.) bedrooms. However, following the sale of the property it is submitted that extensive internal alterations may have been made to the dwelling including the subdivision of bedrooms; the conversion of living rooms into bedrooms; the addition of multiple kitchen facilities and bathrooms; and the creation of at least one self-contained studio unit at basement level. It is further submitted that there is no record of planning permission having been granted for this subdivision and, accordingly, for the material change of use of the dwelling.

8.4.5. The matter of enforcement, should it arise, falls under the jurisdiction of the planning authority. However, having regard to the plans and particulars submitted that clearly indicate that this is a three-bedroom dwellinghouse and in the interests of clarity I agree with the appellant that a condition be attached requiring that the dwelling and

all extensions shall be used as a single dwelling unit only and shall not be subdivided, sold or rented in separate units. Condition No 2 of the recommended conditions set out in Section 13.0 below refers.

8.4.6. In terms of private open space, I refer to Section 15.11.3 of the Dublin City Development Plan 2022-2028 where a standard of 5-8 sq.m of private open space per bedspace will normally be applied for houses within the inner city. The existing floor plans show 3 no. double bedrooms indicating a requirement of 30 sq.m to 48 sq.m of private open space. As pointed out by the Case Planner the remaining area of rear garden (northwest facing) is 25.7 sq.m and when the open-ended timber framed veranda is added an area of 30 sqm to the rear garden is retained. I agree that this is acceptable for a three-bedroom dwelling given the inner-city location of the subject site.

8.5. **Drainage**

8.5.1. The DCC Engineering Department Drainage Division had no objection to the proposed development subject to conditions as set out in their report. Further details in this regard are set out in Section 3.2.3 of this report above. Condition no 3 (Drainage) of the notification of decision to grant permission issued by DCC reflects this recommendation.

8.5.2. It is recommended that should the Coimisiún be minded to grant permission that the Coimisiun standard drainage condition be attached requiring that all drainage arrangements including the attenuation and disposal of surface water, comply with the requirements, of the planning authority for such works and services.

8.6. **Section 48 Development Contribution**

8.6.1. The DCC Record of the Section 48 Development Contribution report calculated that a development condition in the amount of €468.00 is due in this case. This calculation was based on 4 sqm x €117 = €468.00. Condition no 2 (Section 48 Development Contribution) of the notification of decision to grant permission issued by DCC reflects this recommendation.

8.6.2. I refer to the DCC Development Contributions Scheme 2023 – 2026. Section 10 of this scheme states that the first 40sq metres of extensions to a residential

development (subsequent extensions or extensions over and above 40 square metres will be charged at the residential rate per square metre). However, Section 12 of the scheme states that no reductions in whole or in part shall apply to permissions for retention of development. This section is relevant in this case.

- 8.6.3. It is therefore recommended that should the Coimisiún be minded to grant permission that a Section 48 Development Contribution condition is attached seeking payment in the amount of €889.20. This is based on a stated floor area of 7.6 sqm as follows:

$$€117.00 \times 7.6 \text{ sqm} = €889.20$$

8.7. Other Issues

- 8.7.1. **Waste Management** - The concerns regarding the management and storage of waste are noted. However, given that this is a three-bedroom dwelling house, subject to the condition outlined above, I agree with the Case Planner that the dwelling is adequately served to facilitate the storage and management of waste to the rear of the property.
- 8.7.2. **Transport Infrastructure Ireland** – TII in their submission to DCC requested that the planning authority have regard to the proposals impacting the existing light rail network. Having regard to the nature and location of the proposed development I am satisfied that no issues arise in this regard.

9.0 Appropriate Assessment Screening

- 9.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The proposed development comprises extensions and alterations to an existing dwelling. No nature conservation concerns were raised in the planning appeal.
- 9.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:
- Nature of the works e.g. small scale and nature of the development.
 - Distance from nearest European site and lack of connections.
 - Taking into account determination of the Planning Authority.

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

10.0 Water Framework Directive

10.1. 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 & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.2. The reason for this conclusion is as follows:

- Nature of the project, site and receiving environment
- Location-distance from nearest Water bodies and/or lack of hydrological connections.

10.3. On the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1. Having considered the contents of the application the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **GRANTED** for the following reason.

12.0 Reasons and Considerations

12.1. Having regard to the zoning objective for the site, the design, layout and scale of the proposed development to be retained and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure residential or visual amenities, established character or appearance of the area and would, otherwise, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Coimisiun Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The dwelling and all extensions shall be used as a single dwelling unit only and shall not be subdivided, sold or rented in separate units, nor used as a commercial premises, save where otherwise permitted by a separate grant of planning permission.</p> <p>Reason: To protect residential amenity and to ensure proper planning and sustainable development.</p>
3.	<p>Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to</p>

	<p>shed (utility room) (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.</p> <p>Reason: To protect the amenities of property in the vicinity</p>
4.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements, in writing where necessary, of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
5.	<p>The developer shall pay to the planning authority a financial contribution of €889.20 (eight hundred and eighty nine euro and twenty cent) 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.</p> <p>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.</p>

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.

Mary Crowley

Senior Planning Inspector

18th March 2026

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

Case Reference	PL-500544-DC
Proposed Development Summary	Retention permission for a single-storey shed roof rear extension (7.6 m ² utility room) together with an associated timber-framed veranda and all associated site works.
Development Address	18 Summer Street North, Mountjoy, Dublin 1
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.
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 checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

15.0 Appendix 2 - WFD – Stage 1 Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	PL-500544-DC	Townland, address	18 Summer Street North, Mountjoy, Dublin 1
Description of project		Retention permission for a single-storey shed roof rear extension (7.6 m ² utility room) together with an associated timber-framed veranda and all associated site works.	
Brief site description, relevant to WFD Screening,		The site is located in an established urban.	
Proposed surface water details		Question 20 Application Form – Public sewer / drain	
Proposed water supply source & available capacity		Question 20 Application Form – Existing public mains	
Proposed wastewater treatment system & available capacity, other issues		Question 20 Application Form – Existing public sewer	
Others?		Not applicable	