



An
Coimisiún
Pleanála

Inspector's Report PL-500647-DS-26

Development

Demolition of existing single storey side extension and lean-to; original rear kitchen extension; conservatory to rear and section of boundary wall to the southwest. Construction of a new part two storey part single storey side extension and single storey extension to the rear; widening of existing vehicular entrance from Belmont Avenue with all associated landscaping and drainage works.

Location

68 Belmont Avenue, Donnybrook, Dublin 4, D04 Y8W6

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

WEB5540/25

Planning Authority Decision

Grant

Type of Appeal

Third

Appellant

Nicola Woods

Observer(s)

None

Date of Site Inspection

14th March 2026

Inspector

Rachel Gleave O'Connor

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1.0 Site Location and Description

1.1. The site is located to the south east side of Belmont Avenue, on the junction of Belmont Gardens, and is formed of a 2 storey dwelling. The dwelling is part of a former semi-detached pair, the neighbouring property at no.66 Belmont having being extended to the side and subsequently attached to its neighbour. Houses range in period along this part of the street, with properties evidently built individually, but attached on the boundary to their neighbours, resulting in a terrace arrangement. The subject site is the end property in this terrace. The general character of the site is of residential 1 and 2 storey dwellings.

2.0 Proposed Development

- 2.1. The application subject to this appeal seeks permission for the following:
- Demolition of existing single storey side extension and lean-to, original kitchen extension, conservatory to rear and section of boundary wall to the southwest;
 - Construction of a new part two storey part single storey side extension and single storey extension to the rear; and
 - Widening of existing vehicular entrance from Belmont Avenue with all associated landscaping and drainage works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority issued a Notification of Decision to GRANT PERMISSION dated 15th December 2025, subject to 10 no. conditions.
- 3.1.2. Conditions of note include no.2 concerning developer contributions, no.5 concerning the vehicular entrance to be maximum 3m in width, and no.10 compliance with the drainage requirements.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports

3.2.2. The following comments are included in the Planner's Report:

- The proposed layout is acceptable to the Planning Authority.
- In regard to amenity, given the scale and location of the proposed extension, it can be reasonably be considered that no excessive overlooking, overbearance or overshadowing would arise.
- Note the Transportation Planning Division comments recommending a grant subject to a condition to reduce the width of the vehicular entrance in accordance with Appendix 5 of the City Development Plan. This is acceptable and can be addressed by condition.
- Note the Drainage Division recommend a grant subject to conditions, and it is considered that no drainage concerns arise and the applicant has satisfactorily addressed the drainage components of the development.
- Third-party concerns regarding oversailing are noted. The development will be subject to best practice and the grant of permission does not authorise development beyond the control of the applicants ownership.
- The proposed development would accord with the zoning designation of the subject site and would improve the residential amenity of the existing dwelling.

3.2.3. Other Technical Reports

- Drainage Division: Recommends grant subject to conditions.
- Transportation Planning Division: Recommends grant subject to conditions. Recommend that the vehicular entrance is reduced to 3.0 metres in width as the 3.6 metres proposed would be in excess of the Dublin City Development Plan 2022 – 2028 Appendix 5 standards.

3.3. Prescribed Bodies

3.3.1. None received.

3.4. Third Party Observations

3.4.1. There was one third party submission to the Local Planning Authority on the application. A summary of the comments in that submission are set out in the Planner's Report and copied below:

- Request that the proposed extension be constructed inside the boundary wall of the application site and that no part of the proposed extension over sails the boundary wall between the application site and the neighbouring property at No.66.
- Request that any north-facing windows on extension if proposed is omitted from the development to prevent overlooking.
- Lack of surface water drainage proposals therefore not possible to assess potential water ingress potential.

4.0 Planning History

4.1. None of relevance.

5.0 Policy Context

5.1. Development Plan

5.1.1. The applicable local planning policy is set out in the Dublin City Development Plan 2022-2028.

5.1.2. The site is zoned Z2 Residential Neighbourhoods (Conservation Areas) with a land use zoning objective 'To protect and/or improve the amenities of residential conservation areas.' It is a designated Architectural Conservation Area. There are no Protected Structures on the site, there are Registered Protected Structures opposite the site and further along the terrace.

5.1.3. Relevant policies and objectives are highlighted below:

5.1.4. BHA7 Architectural Conservation Areas (ACA). This policy concerns the protection of the special interest and character of ACAs. The policy includes that development in

ACAs must contribute positively to its character and distinctiveness, complementary to context, retain positive features and promote best conservation practice.

5.1.5. Chapter 15 sets out the Development Management Standards for the Plan, section 15.11 relates to 'house developments' and refers to appendix 18 in respect of residential extensions.

5.1.6. Appendix 18 – Ancillary Residential Accommodation

5.1.7. 1.1 General Design Principles states considerations applicable to the assessment of proposals for residential extensions, including that they should:

- Not have an adverse impact on the scale and character of the existing dwelling;
- Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, outlook and access to daylight and sunlight;
- Achieve a high quality of design;
- Make a positive contribution to the streetscape (front extensions).

5.1.8. 1.2 Extensions to Rear states considerations specific to rear extensions, including:

- 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; and
- External finishes and design, which shall generally be in harmony with existing.

5.1.9. 1.3 Extensions to Side states 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.

5.1.10. 1.4 Privacy and Amenity states that it is important to make sure that any extension does not unacceptably affect the amenities of neighbouring properties. This includes privacy, outlook, daylight and sunlight.

5.1.11. 1.7 Appearance and Materials states that extensions should not dominate existing buildings and that materials should complement those used on the existing building.

5.2. Natural Heritage Designations

- 5.2.1. The subject site is located c.2 km to the South Dublin Bay and River Tolka Estuary SPA (site code: 004024). There is no connection to any European (Natura 2000) sites and no pathways.

6.0 EIA Screening

- 6.1.1. 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 main points of the grounds of appeal are as follows:
- Support the development in principle and welcome the applicant's proposal to locate the taller elements of the extension away from the shared boundary.
 - Gratefully acknowledge the attachment of conditions controlling dust, debris and noise during construction.
 - Given the location of the window of the principal living room and the patio of no.66 immediately north of the proposed extension, concern that the proximity of the existing will result in overbearance and loss of light, and in particular loss of sunlight, diminishing residential amenity.
 - Lack of clarity regarding the extent of the proposed development in relation to the boundary, and whether the extension will be on or over the boundary. Reference to Article 23(1)(f) of the Planning and Development Regulations with respect to application drawings and details to boundaries and Appendix 18 of the Development Plan in relation to proximity to boundaries.
 - Potential for construction to result in damage to the adjoining property.

- Insufficient legal interest to complete any development proposed to the boundary wall. Reference to ABP ref.319682, concerning a residential extension in Dundrum, refused for a number of reasons, including concerning the absence of adequate information confirming the applicant has sufficient legal interest to carry out the development on a boundary wall. Concern that in the absence of sufficient information, the development may result in works being carried out on the neighbouring property and/or that the applicant's will discover part way through the construction process that they do not have sufficient legal interest to complete the development and will leave the development unfinished as it adjoins the boundary.
- Request that ACP attach a condition requiring that the proposed extension be constructed inside the boundary wall of the application site and that no part of the proposed extension oversails the boundary wall between the application site and no.66.

7.2. Applicant Response

7.2.1. The applicant responded to the grounds of appeal in a letter dated 13th February 2026, with main points summarised below:

- The proposal replaces an existing poorly constructed conservatory in approximately the same location at the boundary with no.66. The proposal will therefore have minimal impact on the existing amenity enjoyed by no.66, including privacy, access to daylight and sunlight.
- The applicant confirms that all proposed works will be carried out within the application site boundary and no element of the proposed development will oversail or encroach onto adjoining lands.
- Any works that may affect the shared boundary will take place after engagement with the adjoining property owner.

7.3. Planning Authority Response

- No response.

8.0 Assessment

8.1. I propose to assess the appeal under the following headings:

- Principle of development;
- Impact upon amenity;
- Works at the boundary;
- Conditions.

8.2. Principle of development

8.2.1. The site is located in Z2 Residential Neighbourhoods (Conservation Areas) with a land use zoning objective 'To protect and/or improve the amenities of residential conservation areas.'

8.2.2. Therefore, the proposed development for the extension of an existing residential dwelling is acceptable in principle, where all other relevant considerations under the Development Plan are satisfied.

8.2.3. I note that the site is located within an ACA where development must be sensitive and complement the special character and interest of the ACA. The appeal grounds do not raise concern with respect to the location in an ACA. The proposed extension is two storeys to the side of the existing dwelling, mirroring the bay arrangement, roof and materials of the existing dwelling, and therefore appearing complementary in design. To the rear the proposal decreases to single storey. I am satisfied that the proposed extension is subservient to the original dwelling, is finished in appropriate materials and is acceptable in this regard.

8.2.4. Impact upon amenity

8.2.5. I note concern raised in the appeal grounds concerning overbearance and loss of light, to a principal window serving a living room in the appellants neighbouring dwelling. Concern is also raised regarding potential damage to the neighbouring property.

8.2.6. Appendix 18 of the Development Plan sets out the considerations with respect to assessment of proposals for residential extensions, including with respect to impact

upon daylight and sunlight, as well as general amenity, and that extensions should not be overbearing on the boundary (as set out above in section 5.1).

- 8.2.7. The existing dwelling on the subject site has a conservatory structure with solid wall to the boundary with the neighbouring property at no.66 Belmont Avenue. The dimensions of the existing structure are annotated on the application drawings as +2.69m high (sloping roof) and 2.988m deep as it meets the side boundary with no.66. The proposed extension is annotated on the drawings as +3.00m high (flat roof) and 2.988m deep as it meets the side boundary with no.66. Therefore, the proposed extension is slightly taller to the boundary than the existing structure, and with a flat roof, rather than a sloping roof, however I am satisfied that this will not significantly alter the extent of light to the window in the adjacent property as the increase is minor. Similarly, I am satisfied that the proposed extension would not result in overbearance to this neighbouring property on this boundary. The extension is single storey and reflective of the scale of the existing structure in this location where it is proximate to the boundary with no.66.
- 8.2.8. In relation to the potential for damage to the neighbouring property, there is nothing inherent to the design of the proposal that would generate the potential for damage to the neighbouring property at no.66. The existing wall is part of a conservatory structure for no.68. The applicant also confirms in their response to the appeal that all works will take place within the demise of the appeal site, unless otherwise agreed with the neighbouring property.
- 8.2.9. There are no other amenity concerns raised in the appeal and I am satisfied that the proposal would not have any unacceptable amenity impacts.
- 8.2.10. Works at the boundary
- 8.2.11. The appeal grounds raise concern regarding submitted detail on the works to the boundary and that the applicant has insufficient legal interest to carry out works on the boundary.
- 8.2.12. I note that Appendix 18 of the Development Plan, includes consideration around proximity to boundaries and set back from shared boundaries in relation to the assessment of extensions.

- 8.2.13. In relation to works on the boundary, the applicant's response confirms that no element of the proposed development will oversail or encroach onto adjoining lands. I am also satisfied that the drawings do not indicate any oversailing of the boundary, with drainage / guttering contained within the envelope of the structure behind a parapet to the boundary. I am satisfied with the submitted detail and applicant response in this regard.
- 8.2.14. In relation to legal interest, there is nothing in the application to suggest inadequacies in this regard. I note that the existing property on the site has a wall in the same location to be replaced by the proposed extension. In general, I also note the Local Planning Authority report states that the grant of permission does not authorise development beyond the control of the applicant's ownership, and I concur with this.
- 8.2.15. In relation to Appendix 18 of the Development Plan and the consideration of proximity to boundaries and the inclusion of setbacks to shared boundaries, I refer to the assessment set out above in my report. The proposed extension is not set back from the boundary; however, it is single storey and reflects the scale of an existing structure in the same location. As such, I am satisfied that the proposal is acceptable in this regard.
- 8.2.16. Conditions
- 8.2.17. I note that the appeal requests a condition requiring that the proposed extension be constructed inside the boundary wall of the application site, and that no part of the proposed extension oversails the boundary wall between the application site and no.66.
- 8.2.18. I am satisfied that the submitted details demonstrate that the proposed extension will not oversail the boundary and I have highlighted this above in my assessment. As such, the general condition requiring the development to be constructed in accordance with submitted plans is sufficient in my view.
- 8.2.19. I am not recommending a condition requiring construction works to be within the site boundary, as the granting of planning permission does not permit a developer to construct from outside their boundary. Access to land is a separate legal matter beyond planning legislation. The applicant has confirmed works will take place within their boundary and that any works affecting the shared boundary will take place after

engagement with the adjoining property owner. I am satisfied that no conditions are required in relation to this matter.

8.2.20. I am satisfied that the conditions set out in the Local Planning Authority decision are sufficient and are reflected in my recommended conditions below.

8.2.21. Conclusion

8.2.22. Further to the assessment set out above, I am satisfied that the proposed extension is acceptable, and in accordance with policy BHA7 Architectural Conservation Areas and Appendix 18 of the Dublin City Development Plan 2022-2028.

9.0 **AA 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).

9.2. The subject site is located in an urban residential area in Dublin City. The site is not on nor adjacent to any designated European Site. The closest site is South Dublin Bay and River Tolka Estuary SPA c.2.5km to the east. Dublin Bay is designated as a SPA and pNHA. This is appeal concerning an extension to an existing dwelling. No nature conservation concerns were raised in the appeal.

9.3. 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 given the small-scale nature of the development.

9.4. 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 plan or projects.

9.5. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 **Water Framework Directive**

10.1. The site is located in a mature city location, with no watercourses on the site or immediately proximate. The proposed development concerns the extension of an

existing residential building. No water deterioration concerns were raised in the planning appeal.

10.2. I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both 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 bodies either qualitatively or quantitatively.

10.3. The reason for this conclusion is the small scale and nature of the development.

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

11.0 Recommendation

11.1. Having regard to the above, I recommend planning permission be GRANTED subject to conditions, and the following reasons and considerations set out below.

12.0 Reasons and Considerations

Having regard to:

- (1) the zoning of the site under Objective Z2 Residential Neighbourhoods (Conservation Areas) with a land use zoning objective 'To protect and/or improve the amenities of residential conservation areas.',
- (2) planning policies and objectives under the Dublin City Development Plan 2022-2028, in particular, guidance on additions and alterations as set out in Appendix 18,
- (3) the nature, scale and design of the development,
- (4) the existing pattern of development in the vicinity, and
- (5) the planning history of the site,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously, or disproportionately, injure the amenities of the area or of property in the vicinity, would otherwise be acceptable in terms of pedestrian and traffic safety and convenience, and therefore, be in accordance with the proper planning and sustainable development of the area.

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 Coimisiún Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>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 Bord Pleanála to determine the proper application of the terms of the Scheme.</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>
3.	<p>The external finishes of the proposed extension (including roof tiles/slates) shall harmonise with those of the existing dwelling in respect of colour and texture.</p> <p>Reason: In the interest of visual amenity</p>
4.	<p>The existing dwelling and the proposed extension shall be jointly occupied as a single residential unit and the extension shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: To restrict the use of the extension in the interest of residential amenity.</p>
5.	<p>a) The widening of the existing vehicular entrance to the northeast shall be limited such that the vehicular entrance shall be at most 3m in width. The vehicular entrance shall not have outward opening gates.</p> <p>b) Footpath and kerb to be dishd and amended entrance provided to the requirements of the Area Engineer, Roads Maintenance Division.</p> <p>c) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.</p> <p>Reason: In the interests of sustainable transportation and orderly development.</p>
6.	<p>During the construction and demolition phases, the proposed development shall comply with British Standard 5228 ' Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control.'</p> <p>Reason: In order to ensure a satisfactory standard of development, in the interests of residential amenity.</p>

7.	<p>Site development and building works shall be carried out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.</p> <p>Reason: To safeguard the amenity of property in the vicinity.</p>
8.	<p>The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers expense.</p> <p>Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.</p>
9.	<p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. All private drainage such as, downpipes, gullies, manholes, armstrong junctions, etc. are to be located within the site boundary. Private drainage is not permitted in public areas, or areas intended to be taken in charge.</p> <p>Reason: In the interest of public health and surface water management</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, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Rachel Gleave O'Connor
Senior Planning Inspector

18th March 2026

13.0 Form 1 - EIA Pre-Screening

Case Reference	PL-500647
Proposed Development Summary	Demolition of existing rear and side extension, and construction of 2 storey side extension and single storey rear extension.
Development Address	68 Belmont Avenue, Donnybrook, Dublin 4
	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? (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)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<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.	
<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	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	

<p>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)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____