



An
Coimisiún
Pleanála

Inspector's Report

PL-500750-DS-26

Development

Demolition of non-original extension to rear, construction of proposed single and two-storey extension to rear, replacement of existing rooflights to original roof and new rooflight to existing return roof, new solar panels, new boundary wall treatment, modifications to opes and elevational treatment and all necessary associated site works and services

Location

12 Tower Avenue, Rathgar, Dublin 6
D06RH97

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

WEB5750/25

Applicant(s)

Perry and Niamh Ogden

Type of Application

Permission

Planning Authority Decision

Spit decision

Type of Appeal

First party

Appellant(s) Perry and Niamh Ogden

Observer(s) Mary Barrett
Mary Brennan
Grainne O'Neill & others
Elaine Barrett
Sheelagh O'Brien
Alan and Sharon Lewis

Date of Site Inspection 28 March 2026

Inspector Killian Harrington

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1.0 Site Location and Description

1.1 The subject site is located to the west of Rathgar village and east of Terenure village, Dublin 6 on an established residential street off Terenure Road East. It consists of a two-storey red brick terraced house, attached to number 11 and 13 Tower Avenue. The houses are all east-facing and smaller in width than properties on surrounding residential streets but with large rear returns. Each one is similar in design consisting of a front and rear garden, a two-storey pitched roof rear return and a front façade consisting of set back entrances with ornamental trellis features and shared curb and metal railing bounding the front lawns. Residential parking is on-street. Most of the properties on the terrace have modern single-storey rear extensions added to the existing two-storey rear returns.

2.0 Proposed Development

2.1 The proposed development comprises the following elements:

- Demolition of non-original extension to rear
- Construction of proposed single and two storey extension to rear
- Replacement of existing rooflights to original roof and new rooflight to existing return roof and new solar panels
- New boundary wall treatment, modifications to opes and elevational treatment and all necessary associated site works and services

3.0 Planning Authority Decision

3.1 Decision

Dublin City Council issued a split decision

It was recommended that planning permission be GRANTED for the demolition of non-original extension to rear, construction of single storey extension to rear, replacement of existing rooflights to original roof and new rooflight to existing return roof, new solar panels, new boundary wall treatment, modifications to opes

and elevational treatment and all necessary associated site works and services, subject to standard conditions.

It was recommended that planning permission is REFUSED for the first floor (2 storey) element.

Reason for refusal:

1. Having regard to the bulk, scale and massing of the first-floor extension, it is considered that the cumulative depth in combination with the existing rear return would be overbearing, would impact upon overshadowing to the adjacent properties and fail to harmonise with the existing and adjoining dwellings. As such, the proposed development due to its negative impact on both visual and residential amenity would be contrary to the relevant guidance set out in Appendix 18 of the Dublin City Development Plan 2022-2028. The development would set an undesirable precedent and would therefore, be contrary to the proper planning and sustainable development of the area.

3.1.1. Planning Authority Reports

The report makes reference to the previous split decision issued by the Council (Reg. Ref. WEB2756/25) and the full grant of planning permission following the third party appeal to An Coimisiún Pleanála (ACP Ref. PL-500077-DS). It notes that, while the proposal is compatible with the Z1 land use zoning, the same issues apply in this case and there has been no improvements made to the proposal to counter the previous DCC reasons for refusal for the first floor extension. This current application seeks a similar extension to the rear at both ground and first floor level. The only difference between the two applications is that this current application does not include for the detached garden room structure. Following an assessment, the report concluded that the first floor element of the proposed rear extension would have harmful impacts on neighbouring residential amenity, particularly overshadowing, overbearing, and overlooking impacts, contravening the criteria set out in Appendix 18 of the Dublin City Development Plan 2022-2028. All other elements would be acceptable in planning terms including the rooflights, solar panels and single-storey rear extension. The report therefore recommended

a split decision with standard conditions (with Condition 2 requiring the omission of the first floor element).

3.1.2 Other Technical Reports

- Drainage Division – no objection subject to conditions

3.3. Prescribed Bodies

No submissions received

3.4. Third Party Observations

A number of observations raised the following issues:

- Proposed development would result in overshadowing and loss of sunlight
- Scale and bulk of extension is inappropriate
- There would be a loss of privacy for neighbours
- Victorian houses are narrower in width. Any extension must be in keeping with scale of houses
- Overdevelopment of the site, setting a bad precedent
- Proposal is out of keeping with character of house
- Conservation of this Georgian terrace is needed
- Contravenes Development Plan Appendix 16 & 18

4.0 Planning History

4.1 Subject site

Reg. Ref. WEB2756/25 (ACP ref PL500077-DS): Planning permission granted for demolition of non-original extension to rear, construction of proposed single and

two storey extension to rear, replacement of existing rooflights to original roof and new rooflight to existing return roof, new solar panels, proposed single storey garden room structure to rear of garden, new boundary wall treatment, modifications to opes and elevational treatment and all necessary associated site works and services.

DCC issued a split decision.

- Planning permission was granted to demolish the non-original extension to rear, construction of proposed single storey extension to rear, replacement of existing rooflights to original roof and new rooflight to existing return roof, new solar panels, proposed single storey garden room structure to rear of garden, new boundary wall treatment, modifications to opes and elevational treatment and all necessary associated site works and services.
- Planning permission was refused for the first-floor extension.

Reason 1: 'Having regard to the bulk, scale and massing of the first floor extension, it is considered that the cumulative depth in combination with the existing rear return would be overbearing, would impact on overshadowing to the adjacent properties and fail to harmonise with the existing and adjoining dwellings. As such, the proposed development due to its negative impact on both visual and residential amenity would be contrary to the relevant guidance set out in Appendix 18 of the Dublin City Development Plan (2022-2028). The development would set an undesirable precedent and would therefore be contrary to the proper planning and sustainable development of the area

Following a third party appeal (ACP ref PL-500077-DS), ACP granted full planning permission for the proposal.

5.0 Policy Context

5.1 Development Plan

Under the Dublin City Development Plan 2022-2028 the site is zoned 'Sustainable Residential Neighbourhoods – Z1 'Residential Neighbourhoods 'To protect and/or improve the amenities of residential areas'.The following Dublin City Development Plan policy objectives have specific relevance to this appeal:

Appendix 18, Section 1.1 (General Design Principles)

The design of residential extensions should have regard to the amenities of adjoining properties and in particular, the need for light and privacy. In addition, the form of the existing building should be respected, and the development should integrate with the existing building through the use of similar or contrasting materials and finishes'. Innovative, contemporary design will be encouraged. A contemporary or modern approach, providing unique designs, can offer a more imaginative solution. However, such proposals are still required to take account of the design issues outlined in this document. Applications for extensions to existing residential units 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)

Appendix 18, Section 1.2 (Extensions to Rear)

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

determining applications for first floor extensions the following factors will be considered:

- *Overshadowing, overbearing, and overlooking - along with proximity, height, and length along mutual boundaries*
- *Remaining rear private open space, its orientation and usability*
- *Degree of set-back from mutual side boundaries*
- *External finishes and design, which shall generally be in harmony with existing'*

Appendix 18, Section 1.6 Daylight and Sunlight

'Large single or two-storey rear extensions to semi-detached or terraced dwellings can, if they project too far from the main rear elevation, result in a loss of daylight to neighbouring houses. Furthermore, depending on orientation, such extensions can have a serious impact on the amount of sunlight received by adjoining properties. On the other hand, it is also recognised that the city is an urban context and some degree of overshadowing is inevitable and unavoidable. Consideration should be given to the proportion of extensions, height and design of roofs as well as taking account of the position of windows including rooms they serve to adjacent or adjoining dwellings.'

5.3. Natural Heritage Designations

The Grand Canal NHA (Site Code 002104) is located 2km to the north of the site. The South Dublin Bay and River Tolka SPA (Site Code 004024) is located 5km to the east of the site. The South Dublin Bay SAC (Site Code 000210) is located 5km to the east of the site. Rockabill to Dalkey Island SAC (Site Code 003000) is located 12km to the east of the site

6.0 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 & Development Regulations 2001, as amended. 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

The first party appeal raises the following grounds:

- Accommodation need - Improvement of existing property is a reasonable request and represents efficient and sustainable use of a limited housing resource. Although many houses on this terrace have single-storey extensions to the rear, it is considered that these are cumbersome and inefficient for accommodation needs
- Design – The proposal accords with Section 1.7 of Appendix 18 (Appearance and materials). The first floor element is a modest 4.3m depth addition and is proportionate. The ground floor element only extends 300mm beyond the existing addition that is to be demolished.
- Character and visual impact - The proposed extension is modest in scale, carefully designed to integrate with the house. The proposal is to the rear of the house and would not be visible from any public vantage point
- Residential amenity – There would be no overlooking as the proposal does not include French doors, balconies or terraces at first floor level. The extension has been carefully designed to avoid intrusion. The shadow study in the application documents demonstrate that any overshadowing would be minor and occurs only at certain times, helped by the east-west orientation.

- Precedent – The proposal is site specific and should be assessed on its merits. A larger extension reflects the larger plot size of no. 12. Precedence does not have to be an undesirable outcome. The DCC planner’s report does not explain how the creation of a first-floor extension precedent would be undesirable
- Policy compliance - Attention should be drawn to Appendix 18 of the Development Plan and the need to ‘not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, outlook and access to daylight and sunlight’. The proposal is compatible with the land use zoning Z1 Residential Neighbourhoods

7.2. Planning Authority Response

None

7.3. Observations

Six observations were received and consist of common concerns, which for brevity, are summarised below:

- Contrary to the appeal statement, the rear ground floor extensions undertaken by residents of this terrace have not been deficient and have been designed under the guidance and expertise of architects.
- Although not visible from the public road, there would still be visual impact from the rear including Brighton Gardens and this must be considered.
- The proposed development would cause overshadowing to neighbours and impact on the sunlight intake.
- The houses are already large enough and do not require further bedrooms to be suitable for families. The applicant, and all houses on this terrace already has 3 bedrooms. The appeal does not acknowledge the third single bedroom.
- The appeal is ignoring the previous split decisions issued by DCC, which deemed that there would be impacts on neighbours.

- The Edwardian style architecture of this terrace needs to be respected and the proposal is not in keeping with this terrace. It is out of scale and represents overdevelopment on a narrow plot.

8.0 Assessment

8.1. Following a review of the file, assessment of the relevant planning policies and inspection of the site, I am satisfied that the primary concern in this appeal relates to (1) principle of development, (2) neighbouring residential amenity and (3) visual appearance.

(1) Principle of Development

8.2 The proposal seeks to demolish the existing modern single storey rear extension and construct a new extension. This will provide accommodation for a kitchen/dining room at ground floor level. The extension will extend c.7.2 metres to the rear of the existing return and is c. 5.5 metres wide. The extension is partially built with a flat roof (over the ground floor element) to a height of c.3.2m. The first-floor element (c.12sqm) will be located to the side of the flat roof (north) bordering no. 13. The addition will extend for a depth of 4.7m and have a width of 3.9m. The extension is proposed with a slated pitched roof above. Access to natural light will be provided via a triple glazed rear window (west) facing out above the back garden. A brick finish is sought for the facade of the upper-level extension.

8.3 I note that there is already a permission granted by An Coimisiún Pleanála for the demolition of the existing single-storey extension and construction of a single-storey and first floor extension, following an appeal of the split decision by DCC that omitted the first floor element (ACP ref 500077). The only difference between that proposal and one that is the subject of this appeal is that the previous proposal included a flat roof garden store with a floorspace of 14 sqm at the southern end of the garden, with a parapet height of c. 3 metres. This element has been omitted from the subject proposal. All other dimensions remain the same with the rooflight, window placements and solar panels also retained.

8.3 The proposed development site is located within an area designated in the Dublin City Development Plan 2022-2028 with zoning objective Z1 Residential Neighbourhoods *'To protect and/or improve the amenities of residential areas'*. Having regard to this, it is considered that the proposed development which relates to domestic extensions in a residential area would be acceptable in principle.

(2) Neighbouring Residential Amenity

8.4 Appendix 18, Section 1.1 'General Design Principles' outlines that: 'the design of residential extensions should have regard to the amenities of adjoining properties and in particular, the need for light and privacy.' and further states that an extension should 'Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, outlook and access to daylight and sunlight.

8.5 I do not consider that impacts will arise as a consequence of the ground floor extension owing to its modest scale and the demolition of the existing non-original rear extension. The proposed solar panel and rooflight elements are also acceptable and would not cause any harm to residential amenities. The assessment below focuses on the proposed first floor element.

8.6 Regarding the proposed 12 sqm first floor extension I note that it extends 4.7 metres beyond the existing first floor rear return with a width of 3.9 metres. The rising wall of the same sits directly adjacent to the northern boundary of the site. Impacts therefore will be to the property directly to the north of the site i.e. No 13 Tower Avenue.

8.7 Regarding the proposed first floor window, I note that there is a floor to ceiling window facing towards the applicants rear garden. I consider it appropriate that this window cannot be used for accessing the flat roof of the ground floor other than for maintenance purposes and a condition can be applied accordingly in the event of a grant of permission

8.8 In terms of potential impacts on neighbour privacy, there would be no windows facing either numbers 11 or 13 and I am satisfied that there would be no overlooking impact as a result of this proposal.

- 8.9 I note that the reason for refusal of this element of the application includes for overshadowing and overbearing impacts and impacts in terms of visual amenity as a consequence of the scale of the proposed first floor extension and I note observations submitted as part of this appeal that reference overshadowing and being out of scale/not in keeping with the existing character of the street.
- 8.10 In terms of potential overshadowing impacts to No 13, I have examined the overshadowing diagrams submitted with the application. These diagrams show that the roof of the single storey extension of No 13 is shadowed from 12 midday to 3pm in March and September. There is also some shadowing to the garden though it is considered that this is a result of the higher boundaries proposed more so than the proposed first floor extension. Overall, this is minor shadowing in the context of the full calendar year and I note the near complete lack of shadowing during the winter and early spring months. On balance, the west-facing rear garden of no. 13 would benefit from sufficient sunlight all year round owing to its east-west orientation and the sufficient depth of the garden.
- 8.11 Appendix 18,Section 1.6 (Daylight and Sunlight) states that extensions can have a serious impact on the amount of sunlight received by adjoining properties. The section also states however that it is also recognised that the city is an urban context and some degree of overshadowing is inevitable and unavoidable. Consideration should be given to the proportion of extensions, height and design of roofs as well as taking account of the position of windows including rooms they serve to adjacent or adjoining dwellings. I note that the first floor extension is relatively small in size (12. sqm) accommodating a single bedroom. A first floor window faces towards the rear garden of the property subject of this appeal. There are no windows proposed which face adjacent properties.
- 8.12 It is considered that, in the context of an urban setting where some degree of rear additions and related overshadowing is anticipated, and given the length of the rear gardens on this terrace and the modest scale of the proposed first floor extension, the visual, overshadowing and overbearing impacts would be minor and acceptable in planning terms.

(3) *Visual appearance*

- 8.13 With regard to keeping in harmony with the existing character of the dwelling and adjoining dwellings, the scale of the two-storey extension is sufficiently modest. The first floor element is set back and the combined visual appearance is in keeping with the rear appearance of these dwellings, which have combined large two-storey rear returns with modern single-storey additions. This additional first floor element is set back enough to offset any overbearing or overshadowing impact and does not visually detract from the residential character and appearance of these dwellings from the street. I note the materials proposed seek to match the existing building and harmonise with the surroundings
- 8.14 I note that some of the observations reference the particular period style architecture of the Tower Avenue houses. However, the street falls under 'Z1 Residential Neighbourhoods' zoning and is not subject to an Architectural Conservation Area or any other building protections. Almost all of these houses have been subject to modern alterations in recent years, including rear extensions. However, the proposal does not alter the appearance from the public road and the front façade would remain unchanged as part of the proposal.
- 8.15 All other concerns contained in the observations about scale and massing have been dealt with as part of this assessment and the extension would be in keeping with the size of the main house with more than 50% of garden space remaining. Any concerns about the number of bedrooms are not relevant here, although for clarity, I can see that there are three bedrooms in the existing house.
- 8.16 The proposal, as a part 1/part 2 storey rear extension, is sufficiently set back to preserve the residential amenity of the host dwelling and neighbouring dwellings and would not cause harm to the residential character of adjoining houses or the residential character of Tower Avenue. The proposal would comply with the criteria set out in Appendix 18 of the Development Plan. I therefore recommend that the Commission permit the first floor element of the development and accordingly permit the proposal as a whole.

9.0 AA Screening

- 9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located c. 5km to the west of the South Dublin Bay and River Tolka SPA and the South Dublin Bay SAC. Rockabill to Dalkey Island SAC is located 12km to the east of the site
- 9.2. The proposed development comprises a domestic extension to the rear of a dwelling. No nature conservation concerns were raised in the planning 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. The reason for this conclusion is as follows:
- Nature of works
 - Location in an established residential area
 - Lack of connections to nearest European sites
- 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 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. The subject site is located approximately 2km to the south of the Grand Canal NHA (Site Code 002104). The proposed development comprises of a domestic extension in an urban area. 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 & 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. The reason for this conclusion is as follows:

- Nature of works
- Location-distance from nearest water bodies and/or lack of hydrological connections

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

11.0 Recommendation

11.1. I recommend that permission be granted

12.0 Reasons and Considerations

Having regard to the information submitted with the application and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with the zoning objective for the site and polices with respect to residential extensions as set out in the Dublin City Development Plan 2022-2028, would not be injurious to the visual or residential amenities of the area or to adjoining properties, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. 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 and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. External finishes shall be indicated on the plans submitted unless otherwise agreed in writing with the Planning Authority prior to commencement of the development.

Reason: In the interest of visual amenity

3. The first floor window of the proposed extension shall not be used for access onto the flat roof of the ground floor unless for the purposes of maintenance of the flat roof.

Reason: In the interests of residential amenity.

4. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Monday to Fridays, between 0800 and 1400 hours on Saturday and not at all on Sundays and Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: To safeguard the residential amenities of adjoining property in the vicinity

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.

Killian Harrington
Planning Inspector

05 April 2026

Appendix A: Form 1 EIA Pre-Screening

Case Reference	PL-500750-DS-26
Proposed Development Summary	Demolition of non-original extension to rear, construction of proposed single and two-storey extension to rear, replacement of existing rooflights to original roof and new rooflight to existing return roof, new solar panels, new boundary wall treatment, modifications to opes and elevational treatment and all necessary associated site works and services
Development Address	12 Tower Avenue, Dublin 6
IN ALL CASES CHECK BOX /OR LEAVE BLANK	
<p>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</p> <p>(For the purposes of the Directive, "Project" means:</p> <ul style="list-style-type: none"> - 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) 	<p><input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.</p> <p><input type="checkbox"/> No, No further action required.</p>
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<p><input type="checkbox"/> Yes, it is a Class specified in Part 1.</p> <p>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</p>	
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	

<p>1. Is the proposed development of a CLASS specified in <u>Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)</u> OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</p>	
<p><input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>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>2. 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: 05 April 2026