



An
Coimisiún
Pleanála

Inspector's Report

PL-500804-KE-26

Development	Retention of extension
Location	5 The Green Newtown Hall, Maynooth, Co. Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	2561071
Applicant(s)	Stephen Reilly
Type of Application	Retention
Planning Authority Decision	Refuse Retention
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Stephen Reilly
Observer(s)	None
Date of Site Inspection	13 th May 2026
Inspector	Elaine Power

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Appendix 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The appeal site is located at no. 5 The Green, within an established residential estate of Newtown Hall in the southern environs of Maynooth. The surrounding area is suburban in character generally comprising 2-storey dwellings and 3-storey apartments. The appeal site has a stated area of 0.023ha and is rectangular in shape. The site comprises a 3-bed end of terrace dwelling with an existing part single and part 2-storey extension to the rear. The existing house has a stated floor area of c. 145sqm. There is an existing driveway to the front and private open space to the rear. There is an area of public open space located adjacent to the appeal site. The rear gardens of no. 75 and 76 Castledawson are located to the rear (south) of the appeal site.

2.0 Proposed Development

- 2.1. The proposed development comprises the retention of a c. 16sqm first floor rear extension.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused by the Planning Authority for the following reasons.

1. It is an objective of Kildare County Council, as expressed in HO 06 of the Kildare County Development Plan 2023-2029, to '*ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable residential development is achieved in all new developments.*' Furthermore, Section 15.4.12 of the Kildare County Development Plan 2023-2029 requires extensions to dwellings to *inter alia* have regard to the design, form and scale of the existing dwelling and adjoining properties. Having regard to the height, depth and mass of the proposed development for which retention is sought, and in combination with the permitted ground floor and attic extension, it is considered the proposed development would be injurious to the residential and visual amenity of the area, by virtue of overshadowing caused to the neighbouring dwelling to the east and an overbearing visual appearance. The proposed development would therefore fail to align with the provisions of Section 15.4.12 and contravene Objective

HO O6 of the Kildare County Development Plan 2023-2029 and, if permitted, would set an undesirable precedent for future similar developments in the area which would be contrary to proper planning and sustainable development.

2. Having regard to the '*B - Existing/Infill Residential*' zoning objective pertaining to the subject site, as set out in the Maynooth and Environs Joint Local Area Plan 2025-2031, the objective of which is '*protect and enhance the amenity of established residential communities and promote sustainable growth*', it is considered that the development proposed to be retained would have a negative impact of the residential amenity of adjoining residential properties given the overbearing design and negative overshadowing impacts. The development proposed would therefore contravene the zoning objective of the area, which would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial Planners Report dated 10th November 2025 raised concerns regarding the development to be retained and requested that two items of further information be sought. These are summarised below.

1. Submit a daylight / sunlight analysis / study to determine potential overshadowing and loss of sunlight to adjoining properties.
2. Submit updated detailed drawings and CGI's, which fully incorporate the permitted single storey extension, dormer window and proposed first floor extension that is sought to be retained.

The Planners report dated 19th January 2026 noted that the submitted Daylight and Sunlight Analysis provided drawings for the 21st June only and considered the analysis to be incomplete and substandard. It was also considered that the CGI's submitted did not accurately represent the development for retention. The report considered that and when taken in conjunction with the 2 no. permitted extensions on site the development for retention would have a significant negative impact on the residential amenity of the neighbouring

dwelling to the east of the subject site. The report recommends that permission be refused for the two reasons outlined above.

3.2.2. **Other Technical Reports**

Water Services Department: Report dated 15th October 2025 had no objection to the development to be retained subject to standard conditions.

Environment Section: Report dated 20th October 2025 had no objection to the development to be retained.

Maynooth Area Engineer: Handwritten note stating no objections.

Unauthorised Development: Handwritten note stating UD8859 relates to the appeal site.

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

None

4.0 **Planning History**

ABP 300713-18, Reg. Ref. 17/759: Permission was granted in 2018 for the conversion of the attic space to non-habitable use with a dormer window. Condition no. 2 (b) omitted the dormer window and replaced with a flush roof light / window. Condition no. 2(b) was upheld on appeal. The reasons and considerations of the decision states the following:

Having regard to the scale of the dormer window proposed, the planning history of the site and pattern of development in the area, it is considered that the proposed development would be an inappropriate form of development and would be out of character at this location. The proposed dormer window would, therefore, seriously injure the visual and residential amenities of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

Reg. Ref. 25/60244: Permission was granted in 2025 for the conversion of the attic to study / storage with a dormer window to the rear and internal modifications.

Enforcement UD8859: The Planners Reports notes that a warning letter was issued in relation to a first floor rear extension.

5.0 Policy Context

5.1. Maynooth and Environs Joint Local Area Plan 2025-2031

The Maynooth and Environs LAP came into effect on the 1st April 2025.

The appeal site is zoned Existing Residential / Infill with the associated land use objective to *protect and enhance the amenity of established residential communities and promote sustainable intensification*.

Residential uses are permitted in principle under this zoning objective.

5.2. Kildare Development Plan 2023 - 2029

Objective HO O6: *Ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable residential development is achieved in all new developments.*

Section 15.4.12 of the Development Plan sets out guidance for extensions to dwellings. The basic principles include:

- The extension should be sensitive to the appearance and character of the house and the local area.
- The extension shall have regard to the form and scale of the existing dwelling and should not adversely distort the scale or mass of the structure.
- The design and scale should have regard to adjoining properties.
- A flexible approach will be taken to the assessment of alternative design concepts and high-quality contemporary designs will be encouraged. A different approach may apply in the case of a Protected Structure, structures with significant heritage or within an Architectural Conservation Area.
- The cumulative impact of the existing extent of overlooking and the overlooking that would arise as a result of any proposed extension need to be considered.

- The extension should not have an overbearing impact on neighbouring properties. Large extensions, particularly if higher than one storey, should be moved away from neighbouring property boundaries.
- New extensions should not overshadow adjacent dwellings to the degree that there is a significant decrease in daylight or sunlight entering into the house.
- An adequate area of private open space, relative to the size of the dwelling should be retained, generally not less than 25sq.m.

5.3. **Natural Heritage Designations**

The appeal site is not located within or immediately adjacent to a designated 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 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. Please refer to Form 1 in Appendix 1 of report.

7.0 **The Appeal**

7.1. **Grounds of Appeal**

The grounds of the first party appeal are summarised below.

- Do not agree that the development would have an unacceptable impact on adjoining properties. It is considered that the development has not been considered with a fair degree of proportionality.
- There were no objections from neighbours.
- The development does not represent an unacceptable impact on adjoining dwellings in this dense urban area. The scale and pattern of development in the area has been established for larger developments.
- This an appropriate form for an urban residential extension. An element of overshadowing is expected and accepted by people living in urban areas.

- The design approach creates a contemporary box-like structure to reduce the need for a pitched roof.
- The first floor extension is 15sqm, which is minor.
- A balance must be made between protecting residential amenity and accommodating residential extensions in urban areas.
- Do not agree that the development represents an unacceptable level of overshadowing or overbearing impact on adjoining properties
- There is a precedent for similar extensions in the wider area including Reg. Ref. 10/250 at no. 1 The Green, Reg. Ref. 07/491 at no. 74 Castledawson and Reg. Ref. 16/25 at 110 Castledawson.

7.2. **Planning Authority Response**

The response from the Planning Authority states that they have no further comment or observation to make and the Commission is referred to the Planning Report and reports of various technical departments referred to during the assessment of the application.

7.3. **Observations**

None

8.0 **Assessment**

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

- Principle of Development
- Design Approach
- Residential Amenity

8.2. ***Principle of Development***

- 8.2.1. The appeal site is zoned Existing Residential / Infill with the associated land use objective to *protect and enhance the amenity of established residential communities and promote sustainable intensification*.
- 8.2.2. It is noted that the Planning Authority's second reason for refusal considered that the development to be retained would negatively impact on the residential amenity of adjoining properties and, therefore, contravene the zoning objective of the area. As residential uses are permitted in principle under the zoning objective, I am satisfied that the development to be retained would not materially contravene the zoning objective. It is my opinion that the development is acceptable in principle and should be assessed on its merits.

8.3. ***Design Approach***

- 8.3.1. The first reason for refusal considered that having regard to the design, form and scale of the existing dwelling and adjoining properties and to the height, depth and mass of the development for which retention is sought, and in combination with the permitted ground floor and attic extension, that the development would be injurious to the residential and visual amenity of the area, by virtue of overshadowing caused to the neighbouring dwelling to the east and an overbearing visual appearance and would therefore contravene Objective HO O6 of the Kildare County Development Plan 2023-2029 *to ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable residential development is achieved in all new developments* and would fail to align with the provisions of Section 15.4.12
- 8.3.2. Section 15.4.12 of the Development Plan sets out a number of criteria for extensions to dwellings. With regard to the design approach, it notes that an extension should be sensitive to the appearance and character of the house and the local area.
- 8.3.3. The appeal site is an end of terrace dwelling in a well-established residential estate in the southern environs of Maynooth. The development to be retained comprises a first floor rear extension with a stated area of 16sqm. The extension to be retained sits above an existing single storey rear extension. The extension is the full width (c. 5.8m) of the house and sits at the sites boundary with no. 4 The Green and is located c. 2m from the boundary with no. 6 The Green. The extension projects c. 3.3m from the original rear building line of the house. It has a flat roof with a maximum of height of 5.8m above ground floor level and sits c. 0.3m above the eaves of the original house. The extension resulted in internal modifications to

provide additional floor area to the two existing bedrooms to the rear of the house. It is noted that permission was granted in 2025 (Reg. Ref. 25/60244) for a dormer window to the rear. During my site visit on the 13th May 2026 the rear dormer extension had not been constructed.

8.3.4. The proposed extension is located to the rear of the existing house. It sits above an existing single storey extension and does not extend beyond the existing side building line of the house. The height of the extension (5.8m) does not extend beyond the existing ridge height of the roof (8m). While there may be some limited views of the rear extension from between no 75 and 76 Castledawson to the rear of The Green I am satisfied that the proposed development would not be highly visible from the public road and would not impact on the character of setting of the local area and that the design.

8.3.5. Section 15.4.12 also requires that extensions have regard to the form and scale of the existing dwelling and should not adversely distort the scale or mass of the structure. The existing house, which includes the first floor rear extension has a stated area of c. 145sqm. The extension to be retained is c. 16sqm and projects c. 3.3m from the rear building line. It is noted that the house has previously been extended at ground floor level and permission has been granted for a dormer window. However, given the relatively limited size of the development to be retained and its location to the rear of the existing house I am satisfied that it would not distort the form and scale of the existing.

8.3.6. Section 15.4.12 of the Development Plan also states that an adequate area of private open space should be retained. As the development to be retained is located above an existing single storey extension it would not impact on the availability of private open space and having regard to the stated size of the garden (53sqm), I am satisfied that there is adequate private open space to serve the existing 3-bed house.

8.3.7. Overall, I have no objection to the design approach and consider it acceptable in this suburban context.

8.4. ***Residential Amenity***

8.4.1. The Planning Authority's first and second reasons for refusal considered that the proposed development would negatively impact on the existing residential amenities of adjacent properties with regard to overbearing and overshadowing impacts. With regard to residential amenity Section 15.4.12 of the Development Plan requires that the design and scale should

have regard to adjoining properties and should not overlook, overshadow or have an overbearing impact.

- 8.4.2. The rear elevation of the first floor extension includes two windows on the rear (south) elevation. There is a c. 25m the separation distance between the existing extension and the rear elevation of existing dwellings fronting onto Castledawson. Given the separation distance and the orientation of the extension I am satisfied that the development does not result in undue overlooking of any adjacent property.
- 8.4.3. Section 15.4.12 states that an extension should not have an overbearing impact on neighbouring properties and large extensions, particularly if higher than one storey, should be moved away from neighbouring property boundaries. As noted above the extension to be retained is c. 16sqm and projects c. 3.3m from the original rear building line. It is noted that the extension sits at the boundary with no. 6 The Green and that it is visible from the rear gardens of adjacent properties. However, it is my opinion that given the relatively limited size and scale of the extension that it does not result in an overbearing impact on any adjacent property.
- 8.4.4. Section 15.4.12 also states that new extensions should not overshadow adjacent dwellings to the degree that there is a significant decrease in daylight or sunlight entering into the house. It is acknowledged that the extension to be retained would result in some overshadowing, however, having regard to the relatively limited size of the extension and the southern orientation of the rear garden and to the suburban context on the appeal site I am satisfied that any overshadowing or loss of access to sunlight would not be significant and is acceptable in this instance.
- 8.4.5. In my opinion the extension to be retained is in accordance with the guidance set out in Section 15.4.12 of the Development Plan with regard to extensions to dwellings and provides an appropriate balance between extending the existing dwelling and the protection of existing residential amenities and the established character of the area.
- 8.4.6. The existing ground floor rear extension and the previously approved rear dormer extension are noted, and I am satisfied that in combination with the extension to be retained they do not negatively impact on the visual or residential amenities of the area. Therefore, I am satisfied that the proposed development is in accordance with Objective HO O6 of the Kildare County Development Plan 2023-2029, and I do not agree with the Planning Authority that permission should be refused on this basis.

9.0 AA Screening

9.1. In accordance with Section 177U of the Planning and Development Act 2000, as amended and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European sites in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required. This determination is based on:

- The small scale and nature of the scheme,
- The urban location of the site,
- The separation distance from nearest European site, and
- The lack of a direct or indirect pathway to any designated site.

10.0 Water Framework Directive

10.1. 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.

10.2. 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.

10.3. 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.

10.4. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

It is recommended that permission be granted subject to conditions.

12.0 Reasons and Considerations

Having regard to the sites residential zoning objective, Objective HO O6 and the provisions of Section 15.4.12 regarding residential extensions as set out in the Kildare County Development Plan, 2023 - 2029, the existing pattern of development in the area and the nature and scale of the development to be retained, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be retained 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. The existing dwelling and the extension to be retained shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity

3. Drainage arrangements, including the disposal and attenuation 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.

4. 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.

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.

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.

Elaine Power

Senior Planning Inspector

21st May 2026

Appendix 1: EIA Pre-Screening

Case Reference	PL-500804-KE-26
Proposed Development Summary	
Development Address	
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.
<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) 	
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 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	
<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)	
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:** _____