



An
Coimisiún
Pleanála

Inspector's Report

PL-500816-DS-26

Development

Retention permission for demolition of single-storey rear extension (10 sqm) and part of rear garden wall, new ground floor opening to the rear return, construction of foundations and structural walls to new rear extension.

Permission for a single-storey rear flat roofed extension (36 sqm), blocked up rear doorway to the return and Panels to main roof. All works to a protected structure.

Location

No. 38 Killeen Road, Ranelagh,
Dublin 6.

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

WEB5705/25

Applicant(s)

Neil Miller

Type of Application

Retention / Permission.

Planning Authority Decision

Grant retention with conditions.

Type of Appeal

Third Party

Appellant(s)

Gráinne Cantwell.

Observer(s)

None.

Date of Site Inspection

07/05/2026.

Inspector

Anthony Abbott King

1.0 Site Location and Description

- 1.1. Killeen Road is a residential cul-de-sac comprising parallel red-brick terraces of Victorian 2-storey houses accessed via Dunville Avenue / Belgrave Road. No. 38 Killeen Road is located on the east side of the street.
- 1.2. No. 38 Killeen Road is a two-bay mid-terrace property located on a linear plot with an east-west axis proximate to the public street separated by a narrow railed front garden with a larger rear garden.
- 1.3. The roofs of the houses in the terrace step to follow the gentle slope of the street upwards toward the south.
- 1.4. No. 38 Killeen Road (RPS Ref. No. 4249) is a protected structure, as are the adjoining houses in the streetscape.
- 1.5. The adjoining terraced houses at no. 36 Killeen Road to the north and no. 40 Killeen Road to the south are identical in form and appearance.
- 1.6. The site area is given as 189 sqm.

2.0 Proposed Development

- 2.1. The following works to a protected structure to include:
 - Retention permission for demolition of single-storey rear extension (10 sqm) and part of rear garden wall, new ground floor opening to the rear return, construction of foundations and structural walls to new rear extension;
 - Permission for a single-storey rear flat roofed extension (36 sqm), blocked up rear doorway to the return and solar panels to main roof.

3.0 Planning Authority Decision

3.1. Decision

Grant of permission subject to 8 conditions.

3.1.1. Conditions

The following bespoke conditions are relevant:

Condition 2 is relevant and states:

Within two weeks from the date of the Final Grant being issued, a development contribution in the sum of €4,527.90 shall be paid immediately to the Planning Authority as a contribution towards expenditure that was and/ or is proposed to be incurred by the Planning Authority in respect of public infrastructure and facilities benefitting development in the administrative area of the Authority as provided for in the approved Section 48 (Planning and Development Act 2000 as amended) Contribution scheme for Dublin City Council.

The amount shall be subject to any applicable indexation provisions of the Scheme at time of payment or will be increased if prior to payment an indexation increase is applied to the current Development Contribution Scheme or if a new Section 48 Development Contribution Scheme is made by the City Council the amount of the contribution payable will be adjusted accordingly.

Reason: *It is considered reasonable that the payment of a development contribution should be made in respect of the public infrastructure and facilities benefitting development in the administrative area of the Local Authority.*

Condition 3 is relevant and states:

The development shall comply with the following requirements of the Conservation Division:

a. A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained fabric and the curtilage of the Protected Structures.

b. Prior to the commencement of the development, the applicant shall submit for the written approval of the planning authority:

i. Where historic walls have been stripped of their historic plasterwork, modern plasterwork or lining boards, they shall be re-plastered with an appropriately specified lime plaster. A specification and method statement for the repair of flat plasterwork shall be submitted,

ii. A method statement for the repair of the window surround and reinstatement of skirtings,

iii. 1:10 flashing details for junctions between the new extension and the historic structure together with details of all proposed finishes and materials,

iv. A methodology for the blocking up of an existing doorway in the gable of the return. The opening shall be blocked up on a like for like basis using the same materials (stone), coursing and pointing. The pointing shall be in lime mortar.

c. During the course of the development, the applicant shall submit for the written approval of the planning authority:

i. Samples of internal plaster repairs. The repairs shall be in NHL2 lime plaster.

d. The proposed development shall be carried out in accordance with the following:

i. All works to the structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

ii. All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.

iii. All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.

iv. The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the Protected Structure and the historic area.

Reason: *In order to protect the original fabric, character and integrity of the Protected Structure and to ensure that the proposed works are carried out in accordance with best conservation practice.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Decision of the CEO of Dublin City Council reflects the recommendation of the planning case officer.

- The planning case officer considered that the works to be retained are acceptable in principle.
- The planning case officer did not concur with the conservation officer that the proposed render finish of the single-storey extension should be replaced by a more robust material, such as, brick or that the proposed roof mounted solar panels should be relocated from the rear roof plane of the main house to the flat roof of the proposed extension.
- The planning case officer concluded that the retention / proposal was acceptable by reason of the subordinate scale of the development to the main house, by reason of the scale /design / material finish in keeping with the main house and by reason of the single-storey height (3.4m), which would not impact residential amenities including amenities adjoining properties, subject to regulatory conservation condition(s).

3.2.2. Other Technical Reports

- The conservation officer recommended a grant of retention permission subject to condition.
- The Drainage Division of the planning authority have no objection subject to condition.

3.3. **Prescribed Bodies**

No responses received.

3.4. **Third Party Observations**

There is one third-party observation on file. The concerns of the submission are reflected in the appeal statement.

4.0 **Planning History**

4.1. There is no relevant recent planning history on site.

5.0 Policy Context

5.1. Development Plan

The relevant land-use zoning objective of the Dublin City Development Plan 2022-2028 is Z2 (Residential Conservation) (Map H): *To protect and/or improve the amenities of residential conservation areas.*

- **Residential Conservation Areas**

Chapter 14, Section 14.7.2 Residential Neighbourhoods (Conservation Areas) – Zone Z2 *inter alia* states:

The rationale for residential conservation area designation is that the overall quality of an area in design and layout terms is such that it requires special care in dealing with development proposals, which would affect structures both protected and non-protected in such areas. The general objective is to protect conservation areas from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.

Chapter 11, (Built Heritage & Archaeology) is relevant including Policy BHA9, which *inter alia* states:

To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

Enhancement opportunities may include:

- *Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.*
- *Re-instatement of missing architectural detail or important features.*
- *Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns*

- *Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.....*

Chapter 15 (Development Standards), Section 15.15.2.2 of the Dublin City Development Plan 2022-2028 *inter alia* states:

All planning applications for development in Conservation Areas shall:

- Respect the existing setting and character of the surrounding area.*
- Be cognisant and/ or complementary to the existing scale, building height and massing of the surrounding context.*
- Protect the amenities of the surrounding properties and spaces.*
- Provide for an assessment of the visual impact of the development in the surrounding context.*
- Ensure materials and finishes are in keeping with the existing built environment.*
- Positively contribute to the existing streetscape. Retain historic trees also as these all add to the special character of an ACA, where they exist.*

- **Protected Structures**

Policy BHA2, Chapter 11 states in the matter of the development of protected structures:

That development will conserve and enhance protected structures and their curtilage and will:

- (a) *Ensure that any development proposals to protected structures, their curtilage and setting shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) published by the Department of Culture, Heritage and the Gaeltacht.*
- (b) *Protect structures included on the RPS from any works that would negatively impact their special character and appearance.*
- (c) *Ensure that works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation.*

(d) Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.

(c) Ensure that the form and structural integrity of the protected structure is retained in any redevelopment and ensure that new development does not adversely impact the curtilage or the special character of the protected structure.

(d) Respect the historic fabric and the special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials.

(e) Ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.

(f) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.

(g) Ensure historic landscapes, gardens, and trees (in good condition) associated with protected structures are protected from inappropriate development.

(h) Have regard to ecological considerations for example, protection of species such as bats.

Policy BAH11 is relevant and states: *Rehabilitation and Reuse of Existing Older Buildings*

1. *(a) To retain, where appropriate, and encourage the rehabilitation and suitable adaptive reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of the area and streetscape, in preference to their demolition and redevelopment.*
2. *(b) Encourage the retention and/or reinstatement of original fabric of our historic building stock such as windows, doors, roof coverings, shopfronts (including signage and associated features), pub fronts and other significant features.*
3. *(c) Ensure that appropriate materials are used to carry out any repairs to the historic fabric.*

- **Urban Consolidation**

Chapter 5 (Quality Housing and Sustainable Neighbourhoods), is relevant including:

Policy QHSN6 (Urban Consolidation) is relevant. The policy promotes and supports residential consolidation and sustainable intensification through the consideration of applications *inter alia* for infill development, backland development, mews development, re-use / adaption of existing building stock, and use of upper floors subject to the provision of good quality accommodation.

- **Residential Extensions**

Chapter 15 (Development Standards), Section 15.11 is relevant and provides development management guidance and standards *inter alia* for residential extensions as detailed in Appendix 18, (Ancillary Residential Accommodation). Section 1 (Residential Extensions) is relevant.

- Section 1.1 (General Design Principles) *inter alia* states:

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)*
- Section 1.2 (Extensions to Rear) *inter alia* states:

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*
- Section 1.4 (Privacy & Amenity) is relevant and *inter alia* states:

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. It is advisable to discuss proposals with neighbours prior to submitting a planning application.

- Section 1.6 (Daylight and Sunlight) is relevant and *inter alia* states:

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.....

- **Solar Panels**

Section 15.18.8 (Solar Energy) *inter alia* states:

Solar or PV panels allow solar energy to be utilised in the ongoing operation of a building. In line with NZEB requirements, Dublin City Council will require all new developments to provide for solar panelling / PV panels to contribute to the energy generation in a building where feasible.

For individual dwelling units, homeowners can utilise solar thermal panels that produce hot water and photovoltaic panels that produce electricity. Solar systems can be installed in the roof space of a dwelling similar to roof lights. Any solar thermal panels that are installed on or in roofs should not unduly dominate the roof and should be sensitive to the character, colour and style of the existing roof.....

Policy CA11 is relevant & states:

Energy from Renewable Sources

To support, encourage and facilitate the production of energy from renewable sources, such as from solar energy, hydro energy, wave/tidal energy, geothermal, wind energy, combined heat and power (CHP), heat energy distribution such as district heating/cooling systems, and any other renewable energy sources, subject to normal planning and environmental considerations.

5.2. **Relevant National or Regional Policy / Ministerial Guidelines**

- The Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024).
- Architectural Heritage Protection Guidelines for Planning Authorities (2011) published by the Department of Culture, Heritage and the Gaeltacht.
- The Department of Environment, Heritage and Local Government 'Development Management Guidelines for Planning Authorities' (2007).

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. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination.

7.0 **The Appeal**

7.1. **Grounds of Appeal**

The grounds of this third party appeal are summarised below:

- The appellant is the owner of the adjoining house at no. 36 Killeen Road to the north of the appeal site. The appellant concludes that the planning authority decision to grant permission (including retention permission) is not robust (with individual & cumulative deficiencies), as the development fails to demonstrate compliance with the conservation objectives of the Dublin City Development Plan 2022-2028 and gives rise to an unacceptable impact on adjoining residential amenity.
- It is claimed that the decision should be set aside as the notification of decision to grant planning permission is founded upon unsecured dimensional parameters, mischaracterised site conditions, acknowledged evidential gaps and deferred conservation assessment.
- The appellant claims that there is inconsistency in the submitted extension maximum height shown as 3.615m or 3.645m on the submitted drawings. Furthermore, the maximum height given as 3.4m is neither properly established with reference to defined datum level(s) or is it fixed by condition, which constitutes a material planning deficiency.
- The appellant claims that building height assumes a particular significance in the altered spatial context, as the existing rear extension (demolished) at no. 38 Killeen Road was setback approximately 3.6-3.8m (existing buffer) from the shared property boundary with no. 36 Killeen Road. While the development the subject of appeal would remove the setback in its entirety (photographs 1-6 of the previous context and existing relationship are included within the appeal statement).
- The appellant highlights that the removal of the separation distance between the adjoining property and the shared property boundary with the appellant's house would alter the spatial relationship between the properties and in combination with building height, introduce a continuous wall of development along (extension projection) the shared property boundary at a materially increased height (3.6m) to the existing boundary wall and previous extension height (3.05m).

- It is claimed this would be unacceptable in terms of overbearing impacts and enclosure inconsistent with Section 15.8.8 of the Dublin City Development Plan 2022-2028.
- Photo 7 within the appeal statement illustrates the visual impact of a height of 3.65m using a superimposed red line located above the existing property boundary.
- The appellant claims that the planning authority granted planning permission without the benefit of essential information that was not provided by the Architectural Heritage Impact Assessment, which the planning case officer records as “limited”.
- The pre-demolition condition of the appeal site comprised a rear extension at no. 38 Killeen Road with a significant separation distance between the boundary (north boundary) and the extension together with a garden wall and boundary wall separating no. 36 & no. 38 Killeen Road forming a layered boundary. Rather than the north boundary described by the planning authority, as a “concrete block boundary wall” with removed sections to be replaced by the extension wall retaining the plot boundaries.
- It is claimed that the physical premise relied upon in the planning authority assessment in the matter of the physicality of the shared property boundary is inaccurate, as the historic party/boundary is no-longer extant and the original position cannot be verified. This is not a civil matter *per se* as characterised by the planning authority rather it constitutes a mischaracterisation of the boundary situation resulting in unreliable directly informed conclusions on enclosure and amenity impacts.
- The appellant claims that the imposition of regulatory conservation condition(s) acknowledges that the submitted heritage assessment is an inadequate evidence base and that conditionality represents deferred assessment. It is claimed this is not in accordance with the requirement to assess the impact of a development on the historic fabric, curtilage and setting of the protected structure prior to a grant of permission.

- Furthermore, the narrow and repair focused nature of the imposed condition(s) do not constitute a comprehensive conservation methodology.
- The appellant claims that the grant of retention planning permission without verification of the boundary (extent, position & interface of works) is premature and unsound given that retention permission requires a higher evidential basis and given the protected structure context.
- The planning authority reference to development of extensions at nos. 41 & 44 Killeen Road cannot be relied upon as numeric or spatial precedents to justify the height and setting permitted on the appeal site given the materially different context.
- The planning authority assessment fails to demonstrate that the development is subordinate / subservient to the main house (protected structure) as required by national guidelines and development plan policy. The internal height of the extension (2.85m) is cited as undermining the principle of minimum intervention while in tandem not required to achieve architectural quality.

7.2. Applicant Response in the case of a 3rd Party Appeal

The applicant response is summarised below:

- The applicant has taken reasonable measures to accurately represent the extent and height of the property, the demolished extension and the neighbouring properties. The application drawings contain existing and proposed ground levels and finished floor levels, which provide a clear datum from where all dimensions are provided.
- The relationship between the applicant's property on Killeen Road (no. 38) and the appellant's property (no. 36) has been represented with as much accuracy as is reasonably required. The measured dimensions are taken from the boundary with no. 38 based on the parapet of the rear extension to no. 36 Killeen Road.
- It is claimed the discrepancy of 30mm between roof height on Drawings Nos. 3, 4 & 5 is immaterial and is within reasonable tolerance, which may occur at construction stage. The permitted height of the extension is stipulated in Condition 1 of the notification of permission.

- It is claimed that the proposed development comprising a single-storey flat-roof extension is modest in height. The extension is comparable to existing rear extension on the east side of Killeen Road and due to its aspect will not result in loss of light to adjoining property.
- Notwithstanding that the appellant refers to the extension to the rear of no. 36 Killeen Road (protected structure) as the baseline for the assessment, the existing extension to the rear of no. 36 Killeen Road was constructed circa. 2022 without planning permission.
- The applicant claims that Photograph 7 of the appeal statement provides an inaccurate assessment of the height of the proposed extension at no. 38 when viewed from no. 36 Killeen Road.
- MJ Duncan contractors have prepared a diagrammatic measured section drawing (dated 16/02/2026 included within the applicant response statement) of the relationship between the subject extensions and the boundary wall based on a survey of the ground and floor levels on both sides of the boundary.
- The finished flat roof levels of the subject extensions are effectively equivalent in height based on the submitted diagrammatic drawing.
- The Architectural Heritage Impact Assessment (AHIS) was prepared by a Grade II conservation architect in accordance with the Architectural Heritage Protection Guidelines for Local Authorities (2011) and clearly describes the impact of the proposal on the historic fabric and setting of no. 38 Killeen Road.
- The proposed extension is demonstrated to be subservient to the main house and to the wider context and to have no negative impact on the character of the protected structure.
- The planning authority conservation officer report contains a number of recommendations some of which were included in Condition 3 of the notification to grant permission.
- The applicant claims that the protected structure status of no. 38 Killeen Road is “exterior only” and respectfully requests the Commission to consider the statutory protection of the property in reviewing the conditions attached (Condition 3) to

the notification to grant permission, including detail methodologies for the interior works.

- The applicant asks the Commission to determine whether the planning authority's remit would extend to enforcing these internal works and to consider whether Condition 3 of the Notification to Grant is reasonable and proportionate to the scope of the proposed development.
- The development described in the planning application comprises exterior works only. The interior of the property is not part of the protection and was described in the Architectural Heritage Impact Assessment (AHIS) for completeness only.
- In the matter of the property boundary with no. 36 Killeen Road all development subject to the planning application is within the applicant's boundary. The boundary line is clearly visible on the rear elevation of both properties and no works outside of this boundary are part of the retention or planning application.

7.3. **Planning Authority Response**

- The planning authority would request that the Commission uphold their decision. If a decision to grant retention permission issues a Section 48 development contribution condition is requested.

7.4. **Observations**

None

8.0 **Assessment**

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

- Zoning / Principle of Development;
- Architectural heritage impact assessment;
- Demolished extension and opening up works;

- Impact on residential amenities including on adjoining properties;
- Impact on the Residential Conservation area;
- Other Matters.

Zoning / principle of development

- 8.2. The proposed development is located in an area zoned Z2 (Residential Conservation) in the Dublin City Development Plan 2022-2028, which seeks *to protect and/or improve the amenities of residential conservation areas*.
- 8.3. The appellant *inter alia* proposes to retain and complete works that include demolition of a previously existing (demolition retention works) rear extension (12 sqm) and to construct a new extension (36 sqm).
- 8.4. I consider that the proposed development is acceptable in principle subject to satisfying the overall policies and objectives of the Dublin City Development Plan 2022-2028, including the policy framework regulating works to protected structures and their setting within residential conservation areas.

Architectural Heritage Impact Assessment (AHIA)

- 8.5. The third party claims that the development fails to demonstrate compliance with the conservation objectives of the Dublin City Development Plan 2022-2028 and gives rise to an unacceptable impact on adjoining residential amenity.
- 8.6. Policy BHA2 (development of a protected structure) of the Dublin City Development Plan 2022-2028 requires that development will conserve and enhance protected structures and their curtilage and will have regard to a number of listed criteria including any works that would negatively impact their special character and appearance.
- 8.7. Furthermore, Policy BHA2 requires that development works will be aligned with best conservation practice, as advised by a suitably qualified person with expertise in architectural conservation, and any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed.
- 8.8. Finally, Policy BHA2 *inter alia* provides that the historic fabric and the special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials are respected, and that new and adapted

uses are compatible with the architectural character and special interest(s) of the protected structure.

8.9. I interrogate these matters below with reference to the submitted conservation documentation and protect structure status of the subject building, as described in the Record of Protected Structures (Volume 4) of the Dublin City Development Plan 2022-2028.

8.10. *The submitted conservation documentation.*

The third party claims that the submitted conservation documentation is deficient. The appellant highlights that the planning authority (conservation officer) expressly acknowledges that the submitted heritage assessment is “limited”.

8.11. Section 15.15.2.3 (Protected Structures) of the Dublin City Development Plan 2022-2028 *inter alia* requires, to assist in the assessment of proposals to protected structures, that all planning applications for development/works to protected structures must provide the appropriate level of documentation, including an Architectural Heritage Impact Assessment.

8.12. The first party has provided an Architectural Heritage Impact Assessment (AHIA) compiled by a grade II conservation architect. I have reviewed the AHIA, which includes a written account, accompanying annotated drawings and a suitable photographic record.

8.13. Section 6.4 and Appendix B (information included in AHIA) of the Architectural Heritage Protection Guidelines for Planning Authorities, provides detail in the matter of the documentation to accompany an application for works to a protected structure.

8.14. I do not agree with the appellant that the AHIA is materially deficient in scope or content in order to fully assess the development (retention / completion works). I consider that the detail and extent of the assessment is appropriate to the scale of the proposed works.

8.15. I consider that the applicant has in general clearly documented the retention works and proposed extension works, in the submitted drawings and AHIA, in accordance with Section 6.4.4 and Appendix B of the Architectural Heritage Protection Guidelines for Planning Authorities.

- 8.16. I conclude the submitted Architectural Heritage Impact Assessment (AHIA) report is adequate and provides sufficient information in combination with the submitted drawings to make an informed decision on the impact of the proposal on the architectural character, special interest(s) and setting of the protected structure consistent with Policy Policy BHA2 (a), (b) & (c) and Section 15.15.2.2 (Protected Structures) of the Dublin City Development Plan 2022-2028.
- 8.17. Demolished extension & opening up works
- A part of the development relates to retention works. The subject works stopped in September 2025. The AHIA includes photographs of the demolition and construction works conducted circa. August 2025 (Pg. 12).
- 8.18. The foundations to the new extension were constructed, comprising concrete footings and concrete slab, as well as part of the loadbearing walls and a new steel lintel prior to September 2025.
- 8.19. The drawings clearly shows the demolition works to be retained – See DRG 4, 5 & 6. The demolition element principally relates to the demolition of a circa. 2006 unauthorised extension and works to provide an opening (north elevation) from the rear two-storey return at ground floor level to the proposed new extension (steel lintel inserted in north facing wall of return).
- 8.20. The single-storey gable ended pitched roof extension circa. 2006 was located to the rear of the two-storey return and was positioned against the shared property boundary with no. 40 Killeen Road. The AHIA highlights that the condition of the extension was suboptimal.
- 8.21. I acknowledge that the removal of the circa. 2006 extension and structural works to form the opening to the rear return wall have materially impacted the exterior of the protected structure.
- 8.22. Section 8.2 (Alterations to Walls & Other Structural Elements) provides advice in the matter of the later alteration of protected structures. The removal of accretions that are of little interest in themselves or which positively detract from the architectural quality of the building are justified. I consider that the demolished circa. 2006 extension fits within this typology and is acceptable.

- 8.23. I note that the removal of the extension has revealed the first floor gable window opening to the historic return, which was in part concealed behind the pitched roof of the demolished extension. I also note the removal of inappropriate PVC doors and windows.
- 8.24. The removal of historic fabric principally relates to a previously altered section of return wall (north elevation) where the wall fabric had previously been punctured to accommodate modest sized modern window openings.
- 8.25. I accept that the down-stand of the new beam to the opening will retain an understanding of the return wall at this location internalised within the extended rear ground floor of the protected structure.
- 8.26. Finally, I note the argument of the conservation architect that the removal of historic fabric must be balanced with the benefit of the upgrade and modern function of domestic accommodation on site, including the new extension to facilitate the family circumstances of the owner, which will in part ensure the continued use of the protected structure.
- 8.27. Section 7.7 (Promoting Minimum Intervention) of the Architectural Heritage Protection Guidelines for Planning Authorities, *inter alia* states that a planning authority should be satisfied that works to a protected structure are necessary whether these be repair works to the fabric of the building or adaptations to the structure to allow it to perform a new or enhanced function.
- 8.28. I consider that the demolition works were necessary to accommodate the adaption and upgrade of the house for contemporary living.
- 8.29. The submitted Architectural Heritage Impact Assessment (AHIA) Report, (dated November 2025), concludes that it has been demonstrated on balance that the demolition works do not have a negative impact on the special character of the protected structure.
- 8.30. The conservation officer reports that the demolition retention works are acceptable.
- 8.31. I note the assessment of the AHIA in the matter of demolition works. I conclude that the limited removal of historic fabric and the location of the works to the rear of the protected structure within the return volume of the protected structure are mitigating

factors, which would support the view that the works to be retained are compatible with its special character and appearance.

8.32. I interrogate the construction works to be completed below in terms of their impact on the adjoining properties in the terrace (nos. 40 & 36 Killeen Road) and in terms of their impact on the protected structure itself.

8.33. Impact on residential amenities including the amenities of adjoining properties

The substantive matter under appeal is the impact of the proposed rear extension on the neighbouring property at no. 36 Killeen Road to the north of the appeal site.

8.34. The third party claims that existing authorised extensions in the vicinity do not constitute a precedent to justify the height and form of the proposed extension given materially different contexts.

8.35. I note the planning context in the vicinity of the appeal site where other extensions have been constructed to the rear of protected structures. However, I consider that the proposed development shall be assessed on its own merits.

Development plan guidelines for domestic extensions

8.36. Appendix 18 (Ancillary Residential Accommodation), Section 1.0 (Residential Extensions) of the Dublin City Development Plan 2022-2028 provides a number of general principles that should be applied in the assessment of the extension of an existing dwellinghouse, including the assessment of potential adverse impacts on adjoining properties.

8.37. The subject dwellinghouse is located in a terrace of similar houses. No. 40 Killeen Road abuts the appeal site to the south and no. 36 Killeen Road (appellant) abuts the appeal site to the north.

8.38. Section 1.1 (general design principles) of Appendix 18 of the development plan provides guidance for the design of residential extensions, which *inter alia* 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.

- 8.39. It is acknowledged that the development of extensions plays an important role in promoting a compact city in line with the core strategy, as well as providing for sustainable neighbourhoods and areas where a wide range of families can live.
- 8.40. The extension would have an internal width of 6245mm and a depth of 7660mm.
- 8.41. The proposed extension is a single-storey (maximum height 3645mm as shown on the submitted DRG. No. 4) extension to the rear of the dwelling house, as such, the extension would have limited overbearing, overshadowing and enclosure impacts on adjoining properties.
- 8.42. In the matter of respecting the form of the existing building, the assessment of the impact of the development on the protected structure is interrogated below.

No. 40 Killeen Road

- 8.43. I note that there is an existing shared two-storey return to the rear of no. 38 / 40 Killeen Road abutting the property boundary. The return structure to no. 40 and a single-storey annexe to the rear of the return both abutting the boundary between no. 38 / 40 Killeen Road would screen the proposed single-storey extension to rear of no. 38 Killeen Road from the adjoining property to the south.
- 8.44. I note that the maximum ridge height of the circa. 2006 extension demolished was 3680mm and the height of the new proposed flat roof extension would be 3615mm / 3645mm as shown on DRG. No. 5 (Section BB / North Elevation) and DRG. No. 4.
- 8.45. Notwithstanding that the proposed extension would be located on the property boundary with no. 40 Killeen Road, I consider that the proposed extension would not have a significant adverse impact on No. 40 Killeen Road by reason of the existing two-storey return and single-story annexe to the rear of 40 Killeen Road abutting the shared property boundary and by reason of the single-storey height of the proposed extension.

No. 36 Killeen Road

- 8.46. The proposed single-storey extension would be located to the south of no. 36 Killeen Road and would be located on the shared property boundary.
- 8.47. The third party highlights that there was an existing significant separation distance between the previous demolished extension to no. 38 Killeen Road and the shared

property boundary (given as 3.6-3.8m), which it is claimed acted as a buffer between the two properties.

8.48. Section 1.2 (rear extensions) of Appendix 18 of the development plan provides further guidance in regard to rear extension. It slates *inter alia* that 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.

8.49. *Length, Height & Proximity to Boundary*

In the matter of the form and location of the proposed extension with reference to the shared property boundary between nos. 38 / 36 Killeen Road, the proposed extension would extend for the full width of the residential plot (6955mm) abutting the property boundaries to the north and south.

8.50. It would project 7760mm from the main established rear building line of the terrace along the shared boundary with no. 36 Killeen Road. I note that there is an existing substantial single-storey extension to the rear of no. 36 Killeen Road.

8.51. The height of the proposed extension is given as 3645m on the property boundary as shown on DRG. No. 4. The third party has noticed a discrepancy in the drawings where the maximum height of the extension is shown as 3615mm or 3645mm on the submitted drawings.

8.52. I have noted the discrepancy in the maximum height shown on the submitted drawings.

8.53. The applicant response clarifies that the discrepancy of 30mm between roof height on the submitted drawings is immaterial and is within reasonable tolerance, which may occur at construction stage.

8.54. The third party also claims that no datum is provided against which a definitive maximum extension height can be evidenced based.

8.55. The applicant response includes a diagrammatic measured section drawing prepared by M J Duncan contractors (16/02/2026) of the relationship between the existing extension to the rear of no. 36 Killeen Road and the proposed extension to the rear of no. 38 Killeen Road based on a survey of the ground and floor levels on both sides of the boundary and illustrating the boundary wall separation.

- 8.56. The diagram illustrates that the finished flat roof levels of the subject extensions are effectively equivalent in height based on the survey conducted by M J Duncan contractors who were given access to the appellant's property to evidence their submission.
- 8.57. I consider that the diagram clarifies the height of the proposed extension with reference to the boundary and the existing extension to the rear of no. 36 Killeen Road.
- 8.58. Notwithstanding that the extension abuts the shared property boundary, the diagram clearly illustrates that no adverse overbearing, overshadowing or noise impacts would result from the height and build construction of the proposed extension given the relationship between the proposal and the existing extension to the rear of no. 36 Killeen Road.
- 8.59. Finally, I note the proposed extension to the rear of no. 38 Killeen Road would project forward of the existing extended rear building line of no. 36 Killeen Road. The planning case officer considered that the forward project is negligible. I do not concur.
- 8.60. However, I consider that no significant overbearing, overshadowing or other adverse impacts on the rear amenity space (to the north) immediately to the east of the existing rear extension to no. 36 Killeen Road would result given the single-storey height (3645mm) of the extension, the flat roof profile proposed and the height of the existing south boundary wall enclosing the garden of no. 36 Killeen Road.

Open Space

- 8.61. In the matter of open space, Section 5.11.3 (Private Open Space) of the Dublin City Development Plan envisages of open space per bed space in the form of rear gardens where a minimum 10sqm per bedspace is the applicable standard.
- 8.62. The existing dwelling house on site has 4 bedrooms comprising 3 double bedrooms and one single bedroom. The indicative open space requirement would be 70 sqm. However, the development plan provides that these standards may be relaxed on a case by case basis subject to a qualitative analysis of the development.
- 8.63. I consider that the appeal site is an instance where quantitative standards can be relaxed subject to qualitative standards.

- 8.64. The truncated rear garden would have a residual area of 52 sqm. The garden is east facing with a southern flanking unobstructed aspect. I consider that the proposed rear garden would represent an acceptable amenity area for the occupants of the house.
- 8.65. Finally, I note that SPPR2 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024) requires a minimum open space provision of 50 sqm. for a 4-bedroom new house. The residual garden area (53 sqm) would satisfy this standard
- 8.66. I conclude that the residual garden would satisfy quantitative and qualitative open space standards.

Material Finish

- 8.67. Finally, Section 1.2 (rear extensions) of Appendix 18 of the development plan the extension should match or complement the main house. The rear of no. 38 Killeen Road is rendered.
- 8.68. The AHIA clarifies that the design of the extension will make it clearly identifiable as a modern intervention. The external render of the extension will match the render of the main house and the proposed “Aluclad” sliding access door to the garden would identify the contemporary fenestration from the historic type fenestration of the main house.
- 8.69. The conservation officer recommends a more robust external finish to the extension. I consider that the proposed finishes are acceptable in accordance with Section 1.2 (rear extensions) of Appendix 18 of the development plan.

8.70. Impact on Protected Structure - House and Setting

I consider that the substantive impact on the protected structure is the potential adverse visual and structural impact of the new rear extension. The single-storey volume, interconnection and material finish of the extension are noted.

- 8.71. Section 6.8.2 of the Architectural Heritage Protection Guidelines for Planning Authorities *inter alia* provides that extension of a protected structure should ensure that important features are not obscured, damaged or destroyed. Furthermore principal elevations of a protected structure in general should not be adversely affected by new extensions.

- 8.72. I note that the floor area of the proposed extension is 36 sqm, which would represent a clearly subordinate floor area to the main house, which has a given floor area of 124 sq.
- 8.73. The conservation officer considered the height, scale and massing of the proposed extension would be subservient to the protected structure and would be acceptable in principle.
- 8.74. I concur with the conservation officer. I consider that the single-storey flat roof contemporary design extension would be subservient to the historic two-storey pitched-roof main house. Furthermore, I do not consider that the rear elevation of the house would be adversely visually impacted by the extension.
- 8.75. The historic return will remain legible externally above ground floor level and internally at ground floor level demarcated by the supporting back-stand of the inserted steel in the north elevation of the return.
- 8.76. Finally, no important features would be obscured, damaged or destroyed.
- 8.77. I note that the applicant will utilise the existing opening in the rear façade (uPVC patio door at present) to provide access from the main house to the extension with minimum intervention in the rear wall of the protected structure (east elevation).
- 8.78. The conservation officer welcomes the removal of the UPVC doors and windows on the ground floor of the return and the main rear elevation (retained works). It is noted that UPVC and aluminium are inappropriate materials for fenestration in historic buildings as these materials damage the special interest of historic buildings and negatively impact their character.
- 8.79. The first party proposes new cast aluminium rainwater goods to the rear of the property replacing existing uPVC, which I consider a planning gain in terms of the external appearance of the rear of the property.

8.80. *Conservation officer Report*

The proposed works include the blocking up of the doorway opening to the gable of the rear return. The door way gave access to the circa. 2006 extension located to the west of the return and is non-original. The blocking of the doorway inserted in the rubble stone of the return is acceptable.

- 8.81. The conservation officer recommends that the new work will match the historic and that there would be no perceived trace of the opening. A methodology statement for the construction work to demonstrate that the opening will be blocked up on a like-for-like basis using the same materials (stone), coursing and pointing (lime mortar) can be dealt with by way of condition.
- 8.82. The conservation officer also recommends regulation of interior works to the main house including the submission of method statements.
- 8.83. The planning authority attached Condition 3 to the notification to grant planning permission in order to apply the recommendations of the conservation officer to the regulation of external and internal works.

Scope of conservation condition(s)

- 8.84. The first party claims that the protected structure status of no. 38 Killeen Road is “exterior only” and respectfully requests the Commission to consider the statutory protection of the property in reviewing the conditions attached (Condition 3) to the notification to grant permission, including detail methodologies for interior works.
- 8.85. Section 2.2.2 of the Guidelines specifies that the meaning of the term structure *inter alia* is expanded to include the interior of the structure. Section 4.1 of the Guidelines explains that works which are normally exempted from planning permission are not exempted development where they would materially affect the character of a protected structure or any element of it which contributes to its special interest.
- 8.86. I inform the Commission that there has been no first party appeal against Condition 3 and that it would be unfair in the context of a third party appeal to improve the situation of the first party.
- 8.87. The owner of a protected structure can seek a Declaration under Section 57 of the Planning and Development Act 2000 to make a written request to the planning authority for a Declaration as to the type of works the authority considers would or would not affect the character of the protected structure (works to the interior / exterior of the structure).
- 8.88. The first party has not substantiated by reason of Section 57 Declaration the claim in the applicant response that the interior of the property is not part of the protection. However, the inclusion in the record appears definitive.

- 8.89. The Dublin City Council Record of Protected Structures (RPS) lists no. 38 Killeen Road as Item 4248. The inclusion notes the date of construction as circa. 1890. The description states: 'exterior of building protected only'.
- 8.90. 'The Architectural Heritage Protection Guidelines for Planning Authorities, Section 2.2.1 states that a 'protected structure' is defined as any structure or specified part of a structure, which is included in the Record of Protected Structures (RPS).
- 8.91. I acknowledge that the applicant in general applied for external works.
- 8.92. I note the AHIA has provided the planning authority with the detail of overall internal works to provide a comprehensive description of the development.
- 8.93. The AHIA clarifies that the applicant intends to retain the internal layout, with the exception of modifications to the ground floor of the return where a utility room and a larger ground floor bathroom will be inserted.
- 8.94. The modern sash windows, their historic internal surrounds and shutters, cornices, ceiling roses, picture and dado rails and internal doorways will be retained.
- 8.95. Finally, on the first floor the works comprise internal wall insulation to bedrooms, and full refurbishment of the bathroom. The fireplace surrounds to the bedrooms have been removed.
- 8.96. The Development Management Guidelines for Planning Authorities (2007) require that conditions attached to planning permission should meet a number of basic criteria, including that the condition should be relevant to the development to be permitted and should be necessary & reasonable.
- 8.97. I consider that the regulation of internal works that relate to the return are directly related to the development to be permitted and are both necessary and reasonable.
- 8.98. I note the internal works that are not detailed in the development description and advertised on the public notice.
- 8.99. I consider on balance that the extensive regulation of internal works recommended by the conservation officer within the main house other than internal works to the return unnecessary and unreasonable.

8.100. I conclude that internal works to the return and external works the subject of the planning application should be the sole elements of conditionality. This matter can be dealt with by way of condition.

Conditionality deferred assessment inconsistent with protected structure status

8.101. Finally, the third party claims the imposition of regulatory conservation condition(s) acknowledges that the submitted Architectural Heritage Impact Assessment (AHIA) is an inadequate evidence base to assess the development and that conditionality represents deferred assessment.

8.102. Section 6.7.2 of the Architectural Heritage Protection Guidelines for Planning Authorities *inter alia* details the framing conditions in a planning permission where granting works to a protected structure. Section 6.7.2 (a) & (b) provides for agreement in writing with the planning authority of particular specifications and samples, which would be required in order to carry out a development in accordance with good conservation practice.

8.103. I consider that the recommendation of the conservation officer that would provide for supervision of external works aligned with best conservation practice (as provided for in Section 6.7.2 (e) of the Guidelines) and detailed methodologies / samples are consistent with standard practice in the regulation of works to protected structures in accordance with Section 6.7.2 of the Architectural Heritage Protection Guidelines for Planning Authorities.

8.104. I conclude that the use of the protected structure and as extended as a single family dwellinghouse is acceptable in principle consistent with Policy BHA2, which *inter alia* ensures that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.

8.105. Impact on Conservation Area

8.106. I note that no works are proposed to the front façade of the protected structure.

8.107. The conservation officer recommends that the proposed PV solar panels to the main front and rear roof plane should be relocated to the flat roof of the extension where the solar panels would not be visible from the public realm behind the parapet of the extension.

- 8.108. I note the recommendation of the conservation officer. I do not consider that the indicative solar panel area shown on the submitted drawings to the front roof plane is acceptable.
- 8.109. The conservation report clarifies that new solar panel installations and associated equipment should not be seen from the public realm, as this would be considered to impact the special architectural character of the protected structure and the wider historic streetscape.
- 8.110. I note on the day of my site visit that the roofscape on both the east and west side of Killeen Road is visually unobstructed
- 8.111. However, I do not agree with the conservation officer that the location of the solar panels on the rear roof plane would significantly adversely impact the special character of the protected structure and the wider historic streetscape.
- 8.112. Section 15.18.8 (Solar Energy) of the Dublin City Development Plan 2022-2028 supports the installation of roof mounted solar panels.
- 8.113. I concur with the planning case officer that the solar panels to the rear roof pane are acceptable consistent with Policy CA11.
- 8.114. The conservation officer noted that the solar panels located on the rear roof plane of the main house would be visible by the public from the lane at the rear of the house.
- 8.115. I note on the day of my site visit that the lane is isolated and narrow with no direct line of sight above the high rear boundary walls of the houses on this section of Killeen Road.
- 8.116. The AHIA notes that the solar panels are reversible and would have the least harmful impact on the historic fabric compared to, for example, a heat pump (requiring air tightness measures to the fabric).
- 8.117. I consider that the location of the solar panels on the rear roof plane of no. 36 Killeen Road would not have a significant adverse visual or structural impact on the protected structure itself, its curtilage or setting within the terraced streetscape as viewed from Killeen Road and the rear lane.
- 8.118. I concur with the conservation officer that the solar panel area as shown indicatively on the submitted front roof plane would impact on the special character of the

protected structure and the wider historic / protected terrace streetscape inconsistent with best conservation practice. This matter can be dealt with by way of condition.

8.119. I conclude that the development to be retained and completed subject to condition would not have an adverse impact on the character and distinctiveness of the conservation area consistent with Policy BHA9 (development in conservation areas).

8.120. Other matters

The demolition works to be retained resulted in the removal of part of the south and north shared property boundary walls.

8.121. The AHIA documents that part of blockwork garden wall with no. 36 Killeen Road was removed during the demolition works that stopped in September 2025. The AHIA states that it was likely a reminder of an earlier extension in that location. The OS map shows the extension.

8.122. The demolition also uncovered a timber lintel and a blocked up opening close to the party wall shared with no. 36 Killeen Road.

8.123. One of the grounds of the third party relate to the physicality of the existing and proposed shared property boundary between nos. 38 / 36 Killeen Road. The appellant states that the boundary issue is not solely a civil matter rather it is also a material matter of assessment in terms of an adverse impact on the neighbouring property at no. 36 Killeen Road.

8.124. The conservation officer subsequent to review of photographs (estate agent brochure) of the appeal site in 2025 before works commenced notes that the north boundary wall with no. 36 Killeen Road and the south boundary wall with no. 40 Killeen Road are of concrete block construction. The removed section of the south boundary formed part of the circa. 2006 extension attached to the rear return.

8.125. The conservation officer considered that the boundary treatment proposed was acceptable in principle. The removed sections of the walls would be replaced with the north and south walls of the proposed extension retaining the existing plot boundaries. I concur with the conservation officer.

8.126. The third party claims that the grant of retention planning permission without verification of the boundary (extent, position & interface of works) is premature and

unsound given that retention permission requires a higher evidential basis and given the protected structure context.

- 8.127. The applicant response confirms that all development subject to the planning application is within the applicant's red line boundary.
- 8.128. In the matter of the detail of the proposed boundary between nos. 38 / 36 Killeen Road, the applicant response has included a measured diagrammatic representation of the proposed boundary evidenced by a survey conducted after the lodgement of the appeal statement.
- 8.129. The boundary wall would be capped with a bitumen membrane valley to close off the void between the neighbouring boundary wall at no. 36 Killeen Road and the wall supporting the roof structure of the extension at no. 38 Killeen Road located inside the boundary wall.
- 8.130. The valley would be drained via fall to back to a downpipe located on the appeal site.
- 8.131. I consider that the height and material finish of the proposed boundary walls, including the boundary wall between nos. 38 / 36 Killeen Road, is acceptable in principle.
- 8.132. Finally, I note that any issue of oversailing or encroachment into neighbouring property is a civil matter and cannot be resolved through the planning process.

8.133. Development Contribution

Condition 2 of the notification to grant planning permission applies a development contribution to the development to be retained.

Section 12 of the Dublin City Council Development Contribution Scheme 2023-2026 requires that no exemption in whole or in part shall apply to retention development.

I conclude a Section 48 development contribution applies.

9.0 **AA Screening**

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 within an established suburban area and is connected to piped services and is not immediate to a European Site. The proposed development comprises an extension to a dwellinghouse.

No significant nature conservation concerns were raised in the planning appeal.

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.

I conclude 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 site is located in an inner suburban location. It is not proximate to a visible watercourse.

The proposed development comprises the extension of an existing dwellinghouse.

No water deterioration concerns were raised in the planning appeal.

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 the small scale and nature of the development.

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 any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1. I recommend a grant of planning permission for the following reasons and considerations.

12.0 Reasons and Considerations

Having regard to the Z2 residential conservation zoning objective, the policy framework provided by the Dublin City Development Plan 2022-2028, including for the regulation of works to protected structures and their setting, and the Architectural Heritage Protection Guidelines for Planning Authorities (2011), it is considered that the development to be retained and completed subject to condition would not have an adverse impact on the architectural character, special interest(s) and setting of no. 38 Killeen Road, a protected structure (RPS Ref. No. 4249) consistent with Policy BHA2 (development of a protected structure), Policy BHA9 (development in a conservation area) and the requirements of the Architectural Heritage Protection Guidelines for Planning Authorities for the extension of a protected structure.

Furthermore, the development would be consistent with Appendix 18 (Ancillary Residential Accommodation), Section 1.2 (Extensions to the Rear) of the Dublin City Development Plan 2022-2028, and would not result in a significant adverse impact on the existing residential and visual amenities of the neighbouring properties at nos. 36 and 40 Killeen Road (Protected Structures) or of properties in the vicinity and, as such, would be consistent with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development to be retained 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. The applicant shall omit the proposed solar panel area from the front roof plane of the house, as indicatively shown on the submitted drawings.

Reason: In order to protect the character and integrity of the Protected Structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

3. The applicant shall comply with the following recommendation of the planning authority:

a. A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained fabric and the curtilage of the Protected Structures.

b. Prior to the commencement of the development, the applicant shall submit for the written approval of the planning authority:

(i). Where historic walls within the return have been stripped of their historic plasterwork, modern plasterwork or lining boards, they shall be re-plastered with an appropriately specified lime plaster. A specification and method statement for the repair of flat plasterwork shall be submitted for the existing historic ground floor return;

(ii) 1:10 flashing details for junctions between the new extension and the historic structure together with details of all proposed finishes and materials,

(iv). A methodology for the blocking up of an existing doorway in the gable of the return. The opening shall be blocked up on a like for like basis using the same materials (stone), coursing and pointing. The pointing shall be in lime mortar.

c. During the course of the development, the applicant shall submit for the written approval of the planning authority:

(i). Samples of internal plaster repairs. The repairs shall be in NHL2 lime plaster.

d. The proposed development shall be carried out in accordance with the following:

(i). All works to the return structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

(ii). All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.

(iii). All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.

(iv). The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the Protected Structure and the historic area.

Reason: In order to protect the original fabric, character and integrity of the Protected Structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

4. The site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 800 to 1400 hours on Saturdays 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: In order to safeguard the residential amenities of property in the vicinity

5. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme

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.

Anthony Abbott King
Planning Inspector
08 May 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500816-DS-26
Proposed Development Summary	Domestic Extension (Protected Structure)
Development Address	No. 38 Killeen Road
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.	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 N/A
<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 N/A
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"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____