



Development

The demolition of the existing return at the first floor and single-storey extension to rear and construction of a new two storey extension to rear including balcony and all associated site works including drainage.

Location

26 New Row, Chapelizod, Dublin 20, D20 C956.

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

WEB5759/25

Applicant(s)

Harry Ward

Type of Application

Permission

Planning Authority Decision

Grant Permission + Conditions

Type of Appeal

First Party Normal Planning Appeal

Appellant(s)

Harry Ward

Observer(s)

None

Date of Site Inspection

24/4/2026

Inspector

Sandra Eapen

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1.0 Site Location and Description

- 1.1. The subject application is made with respect to an existing 2-storey, terraced dwelling at No. 26, New Row, Chapelizod, Dublin 20. The existing building forms part of a group of early buildings in the historic village of Chapelizod and is included within the Chapelizod Environs Architectural Conservation Area (ACA).
- 1.2. The existing building is a one-over two-bay dwelling house, with a stated floor area of c.48.46sqm. It is noted that all windows and doors are non-original replacements, with render surround details over the openings. The building is currently vacant and in poor condition. Part of the site falls within the notification zone for Recorded Monument DU018-028004, No. 39 Main Street.
 - 1.2.1. The adjoining dwelling to the north, No. 27 New Row has constructed a flat roof, 2-storey rear extension with a balcony at first floor level. No. 25 New Row to the south of the site has also constructed a 2-storey extension and includes single-storey, large garden structure within the rear amenity area. The dwellings address a shared mews lane immediately to the rear, which provides for bin stores and communal open space for the residents. Further to the rear, the site addresses No. 40 Main Street, which is a Protected Structure and a multiple-unit residential building.

2.0 Proposed Development

The application sought permission for the demolition of existing first and ground floor rear extension and for the construction of a new 2-storey extension to the rear. To the rear the proposal includes a balcony at first floor level and private amenity area at ground level. All associated site development works.

3.0 Planning Authority Decision

3.1. Decision

A decision to grant permission was made on 23 January 2026 for the proposed demolition of existing rear extension and construction of 2 storey extension subject to

7 no. conditions. Condition No. 2 of the decision sought to amend the proposed glazing at first floor level and omit the proposed balcony at first floor level to the rear.

3.1.1. The following conditions are to be noted:

Condition No. 2. (Condition requiring amendments and omission of balcony)

The proposed extension shall be modified as follows;

(a) The rear projecting first floor balcony shall be omitted and the proposed full-length doors shall be replaced with windows in keeping with the original house.

Revised plans and elevation drawings with the necessary alterations shown thereon shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity and to protect the character of this Z2 conservation area and Architectural conservation Area.

Condition No. 7 (Standard Archaeological condition requiring notification of the City Archaeologist should archaeological material be discovered during works.)

3.2. **Planning Authority Reports**

3.2.1. Planning Reports: Dublin City Council (DCC) Planning Report notes the following:

- Site location within Z2 zoning, Chapelizod Architectural Conservation Area (ACA) and red hatch special conservation area within the Development Plan.
- Building is also noted as to be within the zone of notification for Records of Monuments and Places (RMP)
- Proposed development was found to be compatible with the overall policies and objectives for Z2 zoning.
- Discrepancies with regard to numbering of houses on submitted plans were noted.
- Proposal to flip layout in terms of priority uses for ground and first floor was found to be acceptable.
- Ground floor extension proposed, spans the full width of the dwelling and represents an increase of c.1.5m in depth from the rear façade of the dwelling.

- First floor extension will also span the width of the dwelling and represent an increase in depth of c.5.945m from the original rear façade at first floor level.
- Previous precedents set under ABP ref PL29S.236935 at No. 3 New Row set a maximum 4m depth for first floor rear extensions.
- No. 27 New Row was granted a 2-storey extension in 2004 for similar depth rear extension and balcony.
- The PA does not consider proposals to impact daylight sunlight access to neighbouring dwellings.
- Appendix 18 of the Development Plan (Section 1.4) does not promote rear balconies and roof terraces.
- PA sought to omit by condition proposed rear balcony due to potential visual encroachment on adjacent residential properties along New Row and also to the rear of buildings along Main Street.

3.2.2. Other Technical Reports

- Archaeology Section: No objection, subject to standard condition with regard to discovery of archaeological material during construction.
- Drainage Division: No objection, subject to conditions with regard to standard conditions regarding foul and surface water systems.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None.

4.0 Planning History

- 4.1. There is no relevant planning history on subject site. However, the following applications are relevant to neighbouring sites:

- P.A. Ref. 1708/05 – Permission granted (30 May 2005) for converting existing dwelling into 5 no. 2-bedroom apartments over 3 floors, internal alterations, reconstruction of roof, and landscaping at No. 40 Main Street, Chapelizod, to the rear of subject site.
- P.A. Ref. 5485/04 Permission granted (07 Mar 2005) for two storey extension with north-eastern facing balcony over rear yard at No. 27 New Row, Chapelizod, adjoining subject site.
- P.A. Ref. 3018/97- Permission granted (10 Mar 1998) for new roof light shed and retention of extension at No. 25 New Row, Chapelizod, adjoining subject site.

Applications with similar amendment conditions within site vicinity:

- P.A. Ref. WEB1126/22 – Permission granted for a new 2 storey extension at No. 23 New Row, Chapelizod. Condition no.2 restricted the depth of the first-floor extension to 4m from the rear building line.
- P.A. Ref. WEB 1292/15: Permission granted for a new 2 storey flat roof extension at No. 21 New Row, Chapelizod. Condition No. 2 restricted the depth of the first floor extension to a maximum of 4m from the rear building line and restricted the dimensions of rear elevation window.
- P.A. Ref. 3092/13 – Permission granted for a first floor annexe and 2 storey pitched roof extension to the rear of No. 28 New Row, Chapelizod. Condition No. 2 restricted the extension to not exceed 5.2m from the rear building line.

5.0 Policy Context

5.1. Dublin City Development Plan 2022-28

- The subject site is identified as Z2 Residential Neighbourhoods (Conservation Area) on the Zoning Map of the Development Plan with an objective ‘to protect and/or improve the amenities of residential conservation areas’.

- The subject site falls within Chapelizod and Environs Architectural Conservation Area (ACA).
- The subject site is also designated with red line hatching indicating special conservation status on the zoning maps.
- Section 11.5.2 Architectural Conservation Areas- “The protected status afforded by inclusion in an ACA only applies to the exterior of structures and features of the streetscape.”
- Policy BHA7 (Architectural Conservation Areas)
- Policy BHA9 (Conservation Areas)
- Section 15.15.2.1 (Architectural Conservation Areas)
- Section 15.15.2.2 (Conservation Areas)

Appendix 18: Ancillary Residential Accommodation: -

- Section 1.4 Privacy and Amenity: “Extensions should not result in any significant loss of privacy to the residents of adjoining properties... There will be a general presumption against the development of rear balconies and roof terraces. However, in inner urban areas, where there are limited opportunities for ground floor amenity provision, innovative design solutions for private amenity space will be considered on a case-by-case basis where it can be demonstrated that provision of same would not have a significant adverse impact on the residential amenities of adjacent properties.

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.”

- Section 1.5 Separation Distances: “In cases where the backs of dwellings face each other or where the side of one dwelling faces the rear of a neighbouring property, a certain degree of separation is required to avoid any overbearing effect of one dwelling upon the other. With the emphasis on increased residential densities and the consequent incorporation of a variety of unit types and sizes in schemes, the requirement for 22 metre separation in such cases may no longer be applicable in certain instances. The acceptable reduction of such distances, however, requires a high standard of building design and layout particularly having regard to the height

and inter-relationship between buildings, the use and aspect of rooms and relative floor levels.

The exact distances applicable in such cases will be determined on a case-by-case basis having regard to the above criteria and other relevant development plan standards. The planning system does not give neighbours 'a right to a view' and does not always prevent people's view from being blocked. However, extensions should be designed so as not to dominate or appear unduly overbearing when viewed from adjoining properties."

Chapelizod and Environs ACA, 2009

- *Architectural* New Row represents a regionally significant example of nineteenth-century housing provided by an enlightened capitalist, William Dargan.
- Policy 6.1 - General Policy - Policy to protect and conserve the character and setting of the ACA
- Policy 6.2 - Reinstatement – Policy to encourage the reinstatement of features where the original and historic features have been lost or replaced.
- Policy 6.5 - Extensions to existing buildings – in considering proposals for extensions the Council should have regard to the character or appearance of the original property - Any extensions or alterations should ideally be at the rear, or on the least important or prominent façade.

5.2. Ministerial Guidelines: Sustainable and Compact Settlements, Guidelines for Planning Authorities, 2024

- SPPR 1 – “Separation Distances It is a specific planning policy requirement of these Guidelines that statutory development plans shall not include an objective in respect of minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level. When considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained.

Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces. There shall be no specified minimum separation distance at ground level or to the front of houses, duplex units and apartment units in statutory development plans and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy. In all cases, the obligation will be on the project proposer to demonstrate to the satisfaction of the planning authority or An Bord Pleanála that residents will enjoy a high standard of amenity and that the proposed development will not have a significant negative impact on the amenity of occupiers of existing residential properties.”

5.3. **Natural Heritage Designations**

Liffey Valley Proposed NHA(Site Code) is located c.720m, northwest (upstream);

South Dublin Bay and River Tolka SPA (code 004024) c.7.7km west of the site (downstream)

South Dublin Bay SAC (code 000210) c. 8.8km to southwest of the site (downstream)

6.0 **EIA Screening**

- 6.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

7.0 **The Appeal**

7.1. **Grounds of Appeal**

This is a first party appeal against condition No. 2 of Dublin City Councils Notification of the Decision to Grant Permission, requiring the omission of a rear balcony and replacement of first-floor level glazing.

- The rear balcony is not visible from New Row and thereby does not impact the ACA
- Similar established built context on adjoining sites – No 27 and No 25 New Row
- The rear balcony overlooks a shared accessible laneway to the rear of New Row
- Balcony would also provide added privacy to the proposed ground floor bedroom
- Balcony will provide for additional and more accessible private open space for the dwelling as access to ground floor rear amenity area is provided via proposed bedroom at ground level.
- Lightweight materials proposed for a contemporary finish and to minimise the visual impact of the proposed balcony
- Condition No. 2 requires replacement of full height glazing with windows which would reduce from the amount of natural light entering the house.
- Condition No. 2 ignores the unique context of this small urban site and the merits of the proposed design solution.

7.2. **Planning Authority Response**

The PA have not submitted a response to the grounds of appeal.

7.3. **Observations**

None

8.0 **Assessment**

- 8.1. Having examined the application details, appeal grounds and all other documentation on file, having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider it appropriate that the appeal be confined

to Condition No. 2 only, as raised in the appeal grounds. Accordingly, I am satisfied that the determination by the Commission of this application as if it had been made to it in the first instance would not be warranted and that the Commission should determine the matters raised in the appeal only in accordance with, as per S.139 of the Planning Development Act, 2000 as amended.

- 8.1.1. The subject site can be characterised as a restricted urban site within a recognised Architectural Conservation Area. The proposed design has an 'upside-down' arrangement with the kitchen/dining/living areas provided at first floor level and 2 no. bedrooms provided at ground level. The Planning Authority in their grant of permission accepted the proposed upside-down layout, the scale and the depth of the proposed extension. I do not see a requirement to revisit the assessment of the scheme in terms of the residential quality standards, provision of amenity space, or overshadowing impacts.
- 8.1.2. Impact on ACA: The Commission shall note that protection of character of the Z2 conservation area and Architectural Conservation Area was cited by the Planning Authority as the reason for the inclusion of Condition No. 2 requiring the omission of balcony. The applicant in their appeal grounds has stated that lightweight contemporary finishes will be used on the balcony to minimise its visual impact along the rear elevation. I do not consider visual impact to be an issue along the rear elevation of the houses, as the proposed works would not have any street level visual impacts. I also note that there has been a pattern of alterations and extensions to the rear of properties in this terrace. Therefore, I do not consider the proposed works to result in any material impacts on the character of the ACA.
- 8.1.3. Established context: It is acknowledged that there is a planning history on neighbouring sites along New Row for similar scale, 2-storey, rear extensions. Notably, to its immediate north, adjoining dwelling No. 27 New Row was permitted a 2-storey extension, with a flat roof and a first-floor balcony under P.A. Ref. 5485/04 which was governed by a previous Development Plan and in a different policy context. The proposed 2-storey extension will match the depth of this extension along No.27. It is also noted that immediately to its south, No. 25, has constructed a part single, part two storey extension to its rear.

- 8.1.4. Impact from the proposed Balcony: The proposed design includes provision for a limited rear amenity area at ground level for the dwelling that is to be accessed via the proposed rear bedroom at ground level. The balcony, as proposed, extends up to the rear boundary of the site and at c.3.7m wide spreads almost entirely across the width of the site.
- 8.1.5. The Planning Authority in their assessment of the balcony has primarily referred to Appendix 18 of the Development Plan which states a general presumption against the development of rear balconies and roof terraces. Appendix 18 further states that innovative design solutions are open for consideration, in inner urban areas where there are limited opportunities for ground floor amenity provision, on a case-by-case basis where it can demonstrate that their provision will not result in any significant adverse impact on the residential amenities of adjacent properties.
- 8.1.6. It is noted that the proposed balcony will obscure most of the proposed private amenity space at ground level, measuring c.1.47m x c.3.95m. The applicant in their appeal grounds has stated that the presence of balcony here will add to the level of privacy available for the ground floor bedroom windows and provide additional usable private amenity space for its residents. I consider the inclusion of a full-scale balcony along the rear elevation to result in substantial reduction in the amount of daylight entering ground level bedroom and also screen the remaining ground level amenity space from receiving sunlight. The appeal grounds, also claim that the proposed balcony will provide for additional and more accessible open space for the dwelling. However, I consider, its provision to compromise the residential amenity and privacy available to neighbouring dwellings. This will be discussed in detail below.
- 8.1.7. Separation Distance: SPPR 1 of the Sustainable and Compact Settlements, Guidelines for Planning Authorities, 2024, requires a minimum separation distance of 16m between rear opposing windows serving habitable spaces. The rear facade as proposed, when excluding the balcony, will only have a separation distance of c.10.5m with the rear elevation of No. 40 Main Street. Under P.A. Ref. 1708/05 this building was subdivided into 5no residential apartments. It is acknowledged that the applicants would not be able to provide the full separation distance at this location. The Guidelines allow for a reduced separation distance where there are no opposing habitable windows and where suitable privacy measures have been designed into

the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.

- 8.1.8. It is acknowledged that the proposed balcony would directly address a shared laneway to the rear, but this does not rule out any potential overlooking or resultant loss of privacy for adjacent properties. The applicant has not considered any additional design or mitigation measures to prevent any possible overlooking of habitable rooms or private amenity areas of neighbouring residential units from the proposed first floor extension. As a mitigation measure, Condition No. 2 sought to omit the balcony and replace the full-scale glazing, c.2.4m tall and c.3.2m wide, proposed at first floor level rear elevation with standard windows that are in keeping with the original house. The applicant in their appeal grounds has claimed that these measures will result in the reduction of natural light entering the proposed living/dining area. However, given the reduced separation distance between existing buildings to the rear, I consider the omission of the balcony and reduction in the scale of glazing along the rear elevation to be necessary to prevent any undue overlooking or loss of privacy issues.
- 8.1.9. Conclusion: I agree with the Planning Authority's assessment that the design of the balcony as proposed would result in potential visual encroachment and loss of privacy for adjoining properties. It is noted that the design will allow the proposed balcony at subject site to line up with the permitted balcony along No. 27, thereby allowing for possible overlooking across the sites, as well as habitable rooms and private amenity areas of dwellings to the rear. The applicant has not included any privacy measures to successfully demonstrate that the proposed balconies will not result in any significant negative impact on the amenities of neighbouring residential properties. I therefore consider Condition No.2 to be attached to protect existing residential amenities and Z2 land use objective. However, I do not consider the proposed works to impact the character of the Z2 special conservation area or the Architectural Conservation Area. Therefore, I recommend the omission of these from the stated reasons for Condition No. 2.

9.0 AA Screening

- 9.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.
- 9.2. The subject site is not located within a designated site, with the nearest site being South Dublin Bay and River Tolka SPA (code 004024) c.7.7km west of the site (downstream).
- 9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 9.4. The reason for this conclusion is as follows:
- Scale and size of the proposed development within an existing urban setting.
 - The lack of connections to the SAC.
 - Connection to public water, drain and sewer.
- 9.5. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

- 10.1. The subject site is located in the urban area of Chapelizod in Dublin city. The nearest waterbody is the LIFFEY_180, IE_EA_09L012350 (poor status), c. 40m west of subject site. The site is located within Ground Waterbody Dublin, IE_EA_G_008, (good status). The proposed development will consist of an extension to an existing residential dwelling and all associated site works. No third-party concerns were raised in relation to water deterioration.
- 10.2. 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.

- 10.3. 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.
- 10.4. 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.
- 10.5. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

11.1. Having regard to the nature of the condition the subject of the appeal, the Commission is satisfied that the determination by the Commission of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to –

- AMEND condition number 2 and the reason as follows:

Condition No. 2.

The proposed extension shall be modified as follows;

(a) The rear projecting first floor balcony shall be omitted and the proposed full-length doors shall be replaced with windows in keeping with the original house.

Revised plans and elevation drawings with the necessary alterations shown thereon shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

12.0 Reasons and Considerations

Having regard to the Z2 residential neighbourhoods conservation area zoning objective assigned for the site and the existing pattern of development in the area, it

is considered that the proposed balcony, by reason of its scale, nature and design and its location opposite and adjacent to other residential properties would seriously injure the amenities of the area by reason of overlooking or loss of privacy. The Planning Authority's condition No. 2 requiring the omission of the proposed balcony and replacement of proposed windows, subject to minor amendments, is therefore, warranted.

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.”

Sandra Eapen
Planning Inspector

29 April 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	
Proposed Development Summary	Residential extension within an inner-city site
Development Address	26 New Row, Chapelizod, Dublin 20
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.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	

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.	NA
<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.	NA
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.	State the Class and state the relevant threshold

<p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	
<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: Sandra Eapen

Date: 29/4/2026