



An
Coimisiún
Pleanála

Inspector's Report

PL-500871-DF-26

Development	Demolition of structures, construction of an extension
Location	1 Shenick Avenue, Skerries, Co. Dublin, K34HY27
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F25A/1139E
Applicant(s)	Peter Garrigan & Ciara McCabe
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party Appeal
Appellant(s)	Noranne Forde and others
Observer(s)	None
Dates of Site Inspection	19 th May and 23 rd June 2026
Inspector	Shane McGlynn

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Appendix 1: Form 1 EIA Pre-Screening

1.0 Site Location and Description

The appeal site is located at no. 1 Shenick Avenue, Skerries, Co. Dublin, K34HY27. The site has a stated area of 0.29 hectares. The site accommodates a two-storey semi-detached hipped roof dwelling, located on the northern side of Shenick Avenue. The site is accessed off Shenick Avenue.

No. 1 Shenick Avenue is located in an existing housing estate within the development boundary of Skerries c. 500m to the south of Skerries town centre and c. 350m west of the foreshore. The surrounding area is characterised by standard residential housing estates, including the Churchfield estate to the north of the site. The site is bounded by the rear gardens of 5no. properties at Shenick Drive to the west, the rear gardens of 2no. properties at Churchfield Lawns to the north and by No. 3 Shenick Avenue to the east.

1.1. Embankment / Retaining Wall

The appellant notes the existence of a “precipice” immediately to the rear of the appeal site. I note that there appears to be a steep embankment between the Shenick housing estate (in which the appeal site is located) and the adjoining Churchfield estate and sports pitches to the north. No information on level differences has been provided. The Shenick housing estate is at a higher level than the lands to the north. The embankment abuts the rear (north) property boundary of the appeal site as well as the appellant’s rear property boundary.

2.0 Proposed Development

The proposed development as described in the public notes comprises: the demolition of outbuildings to the rear of the dwelling, demolitions and modifications to the existing house and an extension of the dwelling at ground level to the rear and at first level to the rear and side. The existing dwelling measures 124msq and the proposed extension area is 47msq at ground level and 47msq at first floor level. The front vehicular entrance is proposed to be widened by 750mm.

The rear extension comprises a 2-storey flat roof extension which extends c. 7m from the rear building line of the existing dwelling at both ground and first floor levels. The ground floor portion has a floor area of c. 47 sq.m. It extends to c. 8.8m in width for

the initial depth of c. 4.2m from the rear building line before narrowing to c. 6.4m in width.

The first floor element of the rear extension incorporates setbacks from the neighbouring properties to its east and west. It is set back c. 1.8m from the boundary of no. 3 Shenick Avenue (east of the site) and c. 3.6m from the rear boundaries of nos. 26, 28 and 30 Shenick Drive (west of the site). No windows are proposed on either the eastern or western elevations at ground or first floor level. A French window opening onto a Juliet balcony is provided at the north elevation.

I wish to highlight to the Commission at this juncture that no east elevation drawing for the proposed development illustrating the rear extension has been provided during the course of the application or appeal. I note however that no windows are proposed on this elevation and the sections submitted along with the northern contextual elevation show the material finishes proposed on the eastern elevation. I therefore consider that a sufficient level of detail has been provided to allow for a full assessment of the impact of the rear elevation, notwithstanding that no eastern elevation is provided.

3.0 Planning Authority Decision

3.1. Decision

Fingal County Council decided to GRANT permission for the proposed development subject to 10no. conditions. Notable conditions and conditions specifically referred to by the Applicant in their response to the grounds of appeal include:

Condition 3 Prior to the commencement of development, the developer shall submit for the written agreement of the Planning Authority revised plans and elevations to demonstrate the following:

- (a) The proposed Juliet balcony on the northern elevation and the large window on the western elevation shall be replaced with windows more in keeping with the established character and appearance of the dwelling.
- (b) The reduction in the overall depth of the rear extension at first floor level by no less than 2.5 metres.

The development shall be carried out in accordance with the approved drawings thereafter.

REASON: In the interest of visual amenity.

Condition 4 Obscure glazing requirement.

Condition 5 Agreement of external finishes prior to commencement.

Condition 6 Surface water drainage requirements.

Condition 7(a) The proposed widening of the existing vehicular access shall not exceed a maximum width of 4m.

Condition 8 Hours of operation of construction site.

Condition 9 Construction practice with regard to adjoining public roads.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning officer's report is consistent with the decision of the Planning Authority and can be summarised as follows:

- The principle of development is acceptable in accordance with the site's 'RS' zoning objective, Section 3.5.13.1 and Section 14.10.2 of the County Development Plan.
- Proposed side extension would blend seamlessly with existing dwelling, would not give rise to a terracing effect as the house is at the end of a row and would not have a negative impact on the visual amenities of the surrounding area.
- Side extension would not give rise to overlooking having regard to design of west-facing window, however this window would have a negative impact on visual amenities when viewed from the street and should be reduced in size.
- Side extension would not have an overbearing impact having regard to proximity to neighbouring dwellings.
- Proposed Juliet balcony on northern elevation of rear extension would be out of character with surrounding area and would give rise to overlooking. The balcony should be omitted and replaced with a window.

- Height of rear extension is acceptable as it remains below eaves of existing dwelling.
- Proposed extension would be overbearing due to its scale and massing, in particular on the adjoining dwelling to the east.
- Site falls within Highly Sensitive Landscape and design, scale and mass must accordingly be considered carefully.
- Proposal increases overshadowing impacts on private open space of dwellings west of the site.
- Proposed rear extension by reason of its depth has a significant negative impact on outlook from upper floor windows and overbearance with rear garden in respect of adjoining dwelling to east (i.e the appellant's property).
- Reduction in size of rear extension would be an acceptable means of reducing overbearing and overshadowing impacts identified.
- Proposed aluminium rainscreen cladding finish is not characteristic of neighbourhood and should be replaced with materials which match the existing dwelling.
- There is no requirement for AA or EIA.

3.2.2. **Other Technical Reports**

- Water Services Department: No objections subject to standard conditions.
- Transportation Planning Section: No objection subject to standard conditions.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

The Planning Authority have stated that 6no. third party observations were received. These included a submission by the appellant and are broadly in line with the grounds of appeal. Concerns raised included:

- Excessive scale and height of proposal compared with neighbouring properties, inconsistent with character of area.

- Overbearing, overshadowing and visual amenity impacts on rear gardens and living rooms of neighbouring properties.
- Contravention of policies of County Development Plan regarding residential amenity impacts as a result of residential extensions.
- Overdevelopment of site due to cumulative impact of height and depth of overall extension.
- Request for omission of two-storey elements, reduced massing which respects existing neighbouring rooflines and building heights.
- Non-compliance with BRE Guidelines in relation to loss of natural light – blocking of sunlight to neighbouring gardens, possibly sub-threshold for VSC and APSH. Daylight/sunlight assessment should be required.
- No information provided with application to demonstrate that overshadowing / loss of light to neighbouring properties would be negligible.
- Reduced separation distances would negatively impact privacy, increase sense of confinement / enclosure.
- Request for increased setback from property boundaries.
- Overlooking of neighbouring properties arises from rear first floor window, Juliet balcony.
- Juliet balcony not clearly illustrated on plans.
- Negative impact on property value as a result of amenity impacts.
- Potential subsidence arising at site and neighbouring properties as a result of proposal
- Proposed soakaway is in close proximity to rear garden shed at adjacent property to west, may negatively affect ground conditions.
- No ground survey submitted therefore stability of soil / ground has not been demonstrated.
- States that a number of nearby houses have previously been impacted by subsidence and 1no. nearby house required remediation as a result.

- Concern that no construction method statement or structural survey submitted, requests that these are prepared and required monitoring / remediation measures adopted.
- Concerns at construction impacts arising including noise, vibration, pollution, traffic impacts.
- Precedent of other applications / permissions in surrounding area highlighted with regard to assessment of residential amenity impacts.
- Development would set an undesirable precedent.
- Proposed external finishes would be visually incongruous with surrounding area.

4.0 Planning History

4.1. Subject Site

The Planner's Report notes that there is no previous planning history at the subject site.

4.2. Other Sites in the Vicinity

A number of recent permissions for domestic extensions are noted in the vicinity of the appeal site, including the following:

P.A Ref. F20A/0531 / ACP Ref. ABP-309226-21: Permission GRANTED at No. 29 Shenick Drive for single storey extensions to front and rear, 2 no. rooflights to front elevation, ancillary works.

P.A Ref. F20B/0328 / ACP Ref. ABP-309702-21: Permission GRANTED at No. 21 Shenick Avenue for new gable wall to form new roof profile to side of existing dwelling, conversion of attic to non-habitable space with roof windows to front (3 No.) and dormer extension to rear.

P.A Ref. F23A/0746: Permission GRANTED at No. 24 Shenick Drive for part single/ part two storey extension to the rear of an existing dwelling, porch to the front and associated works.

5.0 Policy Context

5.1. Fingal County Development Plan, 2023-2029 (as varied)

The site is zoned Objective **RS – Residential** within the Fingal County Development Plan, 2023-2029 (hereafter, the County Development Plan) with the objective to *“provide for residential development and protect and improve residential amenity”*. The vision for this zoning objective seeks to *“ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity”*. Residential development is listed as a use that is *“permitted in principle”* under this zoning objective.

Section 3.5.13.1 Residential Extensions

Policy SPQHP41 – Residential Extensions: Support the extension of existing dwellings with extensions of appropriate scale and subject to the protection of residential and visual amenities.

Objective SPQHO45 – Domestic Extensions: Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.

Section 9.6.14 Landscape Character Assessment

Skerries falls within the **Coastal Landscape Character Type**, categorised as a highly sensitive landscape of exceptional landscape value.

Policy GINHP25 – Preservation of Landscape Types: Ensure the preservation of the uniqueness of a landscape character type by having regard to the character, value and sensitivity of a landscape when determining a planning application.

Section 14.6.6.3 Separation Distances

A minimum separation distance of 22m between directly opposing rear first floor windows is required unless alternative provision is designed to ensure privacy.

Section 14.10.2.2 Side Extensions

Side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation) and impacts on residential amenity.

First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable. In certain cases, a set-back of the extension's front facade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape and avoid a 'terracing' effect. External finishes shall generally match the existing.

Section 14.10.2.3 Ground Floor Extensions (rear)

Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining to serve the dwelling house. The proposed extension should match or complement the existing dwelling house.

Section 14.10.2.4 First Floor Extensions

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.*

5.2. Natural Heritage Designations

The appeal site is not located within or adjoining any designated site.

The nearest European Sites in close proximity to the appeal site are as follows:

- c. 320m from North-West Irish Sea SPA (site code: 004236)
- c. 660m from Skerries Islands SPA (site code: 004122)
- c. 2.6km from Rockabill to Dalkey Island SAC (site code: 003000)
- c. 3.1km from Rockabill SPA (site code: 004014)

The nearest Natural Heritage Areas in close proximity to the appeal site are as follows:

- c. 660m from Skerries Islands NHA (site code: 001218)
- c. 1.6km from Loughshinny Coast pNHA (site code: 002000)

6.0 EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.0 The Appeal

7.1. Grounds of Appeal

A third-party appeal was received from Noranne, Tony, Anne-Marie and Alan Forde and Róisín Cullen, who reside at the adjoining semi-detached dwelling No. 3 Shenick Avenue, located to the east of the appeal site. The following is a summary of the issues raised in the grounds of appeal:

- Excessive height and length compared with neighbouring properties, not in keeping with character.
- Overbearing impact on amenity of appellant's rear garden and living rooms.
- Requests omission of two-storey elements, reduced massing which respects existing neighbouring rooflines and building heights.
- Impacts of construction on structural integrity of appellant's property
- Concern that no construction method statement or structural survey submitted, requests that these are prepared and required monitoring / remediation measures adopted.

- Concerns development could give rise to subsidence at appellant's property given the proximity of an existing precipice which is located adjacent to rear boundaries of properties on Shenick Avenue / side boundaries of properties on Shenick Drive.
- States that a number of nearby houses have previously been impacted by subsidence and 1no. nearby house required remediation as a result.
- Proximity of development to appellant's property and reduced separation distance will reduce privacy and create feeling of enclosure.
- Requests increased setback from appellant's property boundary.
- Loss of daylight / sunlight to south and west of appellant's property.
- Compliance with relevant guidance on sunlight / daylight impacts and BRE Guidelines has not been demonstrated.
- Requests that a sunlight / daylight assessment is sought by the Commission.
- Concerns at construction impacts arising including noise, vibration, pollution, traffic impacts.
- Requests that permission is refused or a comprehensive Construction Management Plan is sought by way of condition.
- Changes to front elevation as a result of side extension do not respond to established character and rhythm of streetscape, detracts from visual cohesion of street.
- Marked-up photographs are provided in the appeal illustrating the extent of the proposed development as viewed from the appellant's property.

7.2. **Applicant Response**

The Applicant's response is summarised under the headings below:

- Proposal complies with County Development Plan and NPF.
- Proposal as modified by Planning Authority conditions achieves an appropriate balance between safeguarding residential amenity while allowing for domestic development.

- Highlights the conditions attached by the Planning Authority which pertain to the points raised by the Appellant, namely:
 - Condition 3(a) removes any direct overlooking to the north and west and ensures streetscape is maintained.
 - Condition 3(b) reduces scale of proposal and addresses perceived overshadowing / overbearance impacts.
 - Condition 4 safeguards privacy.
 - Condition 5 addresses concerns regarding atypical cladding.
 - Conditions 6 and 7 provide for drainage, access and driveway controls.
 - Conditions 8 and 9 require compliance with construction management requirements.
- Proposed residential extension is supported by RS zoning objective, policy SPQHP41 and objective SPQHO45 of County Development Plan.
- Massing and design of development including positioning of side extension, height and roof profile, and avoiding of a terracing effect accords with provisions of Section 14.10.2 of County Development Plan.
- Applicant is not aware of any structural issues and notes this matter has not been raised prior to the appeal and no evidence of risk has been presented.
- Structural risk assessment is not a planning requirement in relation to a domestic habitable dwelling.
- Structural considerations are controlled by the Building Regulations.
- Ground and drainage matters have been appropriately addressed in Planning Authority's assessment.
- Omission of Juliet balcony, position and glazing of first floor windows safeguard privacy and ensure compliance with Objective DMSO23 and Section 14.8.2 of County Development Plan.
- The reduction in depth of the extension as conditioned by the Planning Authority mitigates perceived enclosure of neighbouring properties and removes potential for undue overshadowing.

- Setbacks of extension from appellant's property at ground and first floor levels prevent overbearance and protect privacy.
- Construction impacts are controlled by standard conditions and a CMP is not warranted for proposals of this scale and nature.
- The applicant identifies a number of examples of permissions granted in the vicinity of the site in recent years for similar domestic extensions.
- Requests that the Planning Authority's decision is upheld by the Commission.

7.3. **Planning Authority Response**

The response from the Planning Authority requests that the Commission support the Planning Authority's decision in this instance. The Planning Authority request that conditions requiring a financial contribution and tree bond are attached, where relevant, in the event that the Commission decides to grant permission.

8.0 **Assessment**

Having examined the application details and all other documentation on file in relation to the appeal, the report of the local authority, and having inspected the site, and having regard to the policies and objectives of the Fingal County Development Plan 2023-2029, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Impact on Residential Amenity
- Visual Impact
- Risk of Subsidence
- Construction Impacts
- Other Matters

8.1. **Principle of Development**

The site is zoned 'RS – Residential' with an objective to *"provide for residential development and protect and improve residential amenity"*. Extensions are permitted to existing residential dwellings within this zoning objective, and as such the

proposed development is acceptable in principle subject to compliance with relevant guidelines and standards.

8.2. Impact on Residential Amenity

The appellant has raised concerns regarding residential amenity impacts in relation to overbearance, overlooking, loss of sunlight and daylight and overshadowing.

The subject property and the appellant's property (nos. 1 and 3 Shenick Avenue respectively) comprise an adjoining pair of 2-storey semi-detached dwellings with hipped roof. Each dwelling includes a single storey attached garage / converted garage to the side. No. 1 Shenick Avenue has an overall height of c. 7.5m from ground level to ridge line and an overall width of c. 9.3m. The dimensions of no. 3 Shenick Avenue appear to be similar. The rear gardens of both dwellings extend c. 17-18m from the building line of the main dwelling and slope gently towards a steep embankment / retaining wall adjacent to the rear boundaries of the properties. In assessing residential amenity impacts, I have had regard to the existing scale, form and massing of these two adjoining properties and whether the scale and design of the proposal is proportionate in this regard.

I wish to highlight to the Commission that the applicant, as set out in their response to the appeal, considers that the conditions attached by the Planning Authority are reasonable and well-considered. The applicant identifies and relies upon the mitigation of residential amenity impacts resulting from the requirements of these conditions to support their arguments against the matters raised in the grounds of appeal.

The proposed side extension element over the existing converted garage does not project beyond the existing rear building line of the dwelling and is located on the western side of the subject dwelling. I consider that the proposed side extension would not have a negative impact on the residential amenities of No. 3 Shenick Avenue having regard to its position relative to this property and visibility from the property. I am of the opinion that the rear extension is the element of the development which has the potential to detrimentally impact the residential amenities of No. 3 Shenick Avenue, where the appellants reside. I have had regard to both the side and rear extension elements in my assessment of residential amenity impacts on the other adjacent properties located to the west and north of the appeal site.

Given the size of the subject dwelling and its rear garden and having regard to the location and separation distances of adjacent dwellings, I consider that the ground floor element of the extension, due to its scale and design (as set out in section 2.0 of my report above), is not in and of itself a cause of concern in respect of residential amenity impacts due to its height above the level of the rear garden, degree of projection (c. 7m) from the existing rear building line and width (c. 6.4m to c. 8.8m). My assessment therefore focuses on the first floor elements of the extension in relation to residential amenity impacts.

8.2.1. Overbearance

Section 14.10.2.4 (First Floor Extensions) of the County Development Plan notes the potential for first floor extensions to negatively impacts on the amenities of adjacent properties. Overbearance (with specific reference to height, proximity and length along mutual boundaries) is highlighted in the policy guidance.

The appellant has raised concerns that the proposed extension would have an overbearing impact on their rear garden and living rooms. They state it will create a sense of enclosure at their property and that the development is set back further from their property boundary and that the 2-storey elements of the extension are omitted in order to reduce overbearance on their property.

The applicant's response to this concern notes that the reduction in depth of the extension as conditioned by the Planning Authority mitigates any perceived enclosure of neighbouring properties. They highlight that the degree of setback of the rear extension from the appellant's property boundary at first floor level and state that this would reduce potential overbearance on the property.

From the perspective of the appellant's rear garden, I note that the proposal would result in a 2-storey blank wall extending c. 7m from the existing rear building line of the dwellings. Having regard to the relative scale of nos. 1 and 3 Shenick Avenue and having inspected the site, I consider the c. 1.8m first floor level setback of the extension from the property boundary does not offset the impact of this extension on the amenity of No. 3 Shenick Avenue, from which I consider it would appear dominating and overbearing due to its massing and presentation of a continuous blank elevation when viewed from No. 3.

I consider that a reduction in the size of the first floor element of the rear extension would reduce the overbearing impact on no. 3 Shenick Avenue. Condition 3(b) of the Planning Authority's decision to grant would reduce the depth of the first floor by at least 2.5m, resulting in a depth of no more than 4.5m. This would result in a 4.5m long blank façade at first floor level within c. 1.8m of the common rear garden boundary with No. 3 Shenick Avenue, when viewed from the rear garden or rear-facing windows of this property. Given the scale of both dwellings as set out above, I consider that this remains a significant change to the context of no. 3 Shenick Avenue and I consider that concerns remain as to whether the first floor portion would be overbearing on the rear amenity of no. 3, which is contrary to Section 14.10.2.4 (First Floor Extensions) of the County Development Plan.

Having regard to the foregoing, I consider that the proposed reduction in length of 2.5m would not be sufficient to mitigate overbearing impacts on no. 3 Shenick Avenue from the first floor rear extension element in its current form. I note that a reduction greater than 2.5m would have impacts on the viability of the internal design of this element as it would necessitate significant alterations to both the walk-in closet and bedroom contained therein. I consider that a comprehensive re-design of the first floor element of the rear extension would therefore be required.

I therefore recommend to the Commission that the first floor of the rear extension is omitted from the development in its entirety. I recommend that the resulting revised design includes provision of a flat roof to the remaining ground floor rear extension element of similar design to that which the was proposed to cover the first floor element, and that fenestration is provided to the first floor rear elevation of the dwelling above the ground floor extension comprising a window to the landing and obscure-glazed window to the bathroom, in the interest of providing an adequate standard of residential amenity for the occupants.

In the interest of completeness, my assessment in each relevant section of this report below considers both a scenario in which the first floor rear extension element is retained and a scenario in which it is omitted as per my recommendation above.

Regarding impacts of overbearance on other adjacent properties apart from the appellant's property, I note as set out in section 2.0 of my report above that the rear extension achieves a greater setback distance of at least c. 3.6m from the existing

rear boundaries of properties on Shenick Drive, which back onto the western rear garden boundary of the appeal site. This represents a doubling of the setback distance achieved to no. 3 Shenick Avenue, which I consider is significant in the context of overbearance. A minimum separation distance of 25m is achieved between the western elevation of the first floor element of the extension and the existing rear building lines of the dwellings on Shenick Drive. I consider that the first floor extension would be at a considerably greater remove when viewed from either the rear gardens or habitable rooms of the dwellings at Shenick Drive and I therefore consider that no undue overbearing impacts arise in relation to the dwellings at Shenick Drive adjacent to the site as a result of the proposed 2-storey rear extension.

8.2.2. Overlooking

Section 14.10.2.4 (First Floor Extensions) of the County Development Plan refers to the need to consider overlooking, and I note in this regard the requirements of Section 14.6.6.3 (Separation Distances) that minimum separation distance of 22m between directly opposing rear first floor windows is required unless alternative provision is designed to ensure privacy.

The grounds of appeal raise concerns that the development would give rise to a loss of privacy at no. 3 Shenick Avenue, located to the east of the appeal site. In response, the applicant states that condition 3(a) requiring the removal of the rear large window and Juliet balcony would remove any direct overlooking of properties to the north and west. They also highlight the orientation and proposed glazing treatment of the windows at first floor level.

I note the Planning Authority included a condition recommending omission of the proposed rear Juliet balcony to address overlooking and impacts to the character of the area.

I note that a separation distance of more than 30m would be achieved between the rear first floor window of the proposed rear extension and the rear building line of the opposing dwelling at Churchfield Lawns, which is sufficient to avoid undue rear overlooking in accordance with Section 14.6.6.3 (Separation Distances) of the County Development Plan. I consider however that the proposed Juliet balcony would facilitate overlooking of the adjacent dwellings to the east and west of the subject site's rear garden. This issue is particularly acute on the eastern side due to

the close proximity of less than 3m between Juliet balcony and the side boundary of no. 3 Shenick Avenue. Having regard to the guidance of Section 14.10.2.4 (First Floor Extensions), I consider that the Juliet balcony would need to be omitted to avoid overlooking and I note again that the applicant appears to consider this modification acceptable noting the contents of their response to the appeal.

Notwithstanding the above, I highlight again my concerns regarding the overbearing impact of the first floor element of the rear extension and my consequent recommendation that this element is omitted from the development in its entirety, thus negating the need to omit the Juliet balcony alone.

I note that opaque glazing is proposed to the west-facing first floor window on the side extension and I consider that no overlooking impacts therefore arise as a result of the side extension in this context. I also note that the window serves internal circulation space only and I consider it acceptable on this basis.

In a scenario in which the first floor rear extension element is omitted as recommended in section 8.2.1 of my report, I consider that undue overlooking of adjacent properties would arise if access to the flat-roof is allowed for use as a terrace or balcony. I therefore recommend to the Commission that the prohibition of use of the flat roof for this purpose is specifically set out by condition. With this requirement in place, I consider that the revised development the ground floor rear extension element alone would not give rise to undue overlooking of adjacent properties due to the height, orientation and separation distance of the proposed windows relative to the adjacent properties, in particular given the separation distance between the west-facing ground floor windows and rear of properties on Shenick Drive as set out above, and would thereby be compliant with Section 14.10.2.3 (Ground Floor Extensions (rear)) and Section 14.6.6.3 (Separation Distances) of the County Development Plan in respect of overlooking.

8.2.3. Loss of Sunlight and Daylight

Section 14.10.2.4 (First Floor Extensions) of the County Development Plan identifies the need to consider overshadowing impacts on adjacent properties.

The appellant states in the grounds of appeal that the proposal would result in a loss of sunlight and daylight to the north and west of their property. They state that compliance with the relevant guidance on sunlight / daylight impacts and the BRE

Guidelines has not been demonstrated by the applicant. The appellant has requested that a sunlight / daylight assessment is sought by the Commission. Having regard to the guidance of the County Development Plan and the appellant's concerns, in the absence of any technical sunlight / daylight analysis having been provided in respect of the proposed development, I have generally assessed the potential for overshadowing impacts and loss of light as a result of the proposed extensions.

The rear of the subject dwelling at no. 1 Shenick Avenue is north-northeast facing. Having regard to the arc of sunlight during the day, overshadowing impacts and loss of sunlight at the appellant's property at no. 3 Shenick Avenue would therefore be confined to the summer months and to the late afternoon / early evening. The proposed rear 2-storey flat-roof extension projects c. 7m from the rear of the property as mentioned above and would be set back c. 1.8m from the appellant's property at first floor level. Given the scale of the extension and setbacks incorporated and having regard to the orientation of the dwelling and its location relative to the appellant's property, I consider that overshadowing impacts and loss of sunlight access at the appellant's property would be minor and acceptable within the built-up urban context in which the sites are located. I therefore consider that the proposal would not give rise to undue overshadowing impacts of the appellant's property having regard to the requirements of Section 14.10.2.4 (First Floor Extensions) of the County Development Plan.

In relation to other neighbouring properties at Shenick Drive and Churchfield Lawns, I note again the greater setback distances of the first floor element of the extension of c. 3.6m and c. 10m from the western and northern rear garden boundaries respectively. Overshadowing impacts and loss of sunlight access to the rear of the adjacent properties at nos. 26, 28 and 30 Shenick Drive would be confined to the morning time. The properties to the rear of the site at Churchfield Lawns are more susceptible to overshadowing impacts and loss of sunlight as they are located to the north of the extension and are at a lower level than the appeal site, as set out in section 1.0 of my report above.

Having regard to the scale of the proposed extension and the separation distances achieved from neighbouring properties, having inspected the site including its relationship with neighbouring properties and given the position and orientation of the

nearest properties on Shenick Avenue and Shenick Drive relative to the proposed rear extension, I consider the likelihood of significant sunlight / daylight impacts arising at neighbouring properties does not require detailed assessment in accordance with the methodology of the BRE Guidelines is not warranted.

I consider that the setback distances of the first floor element of the extension from the western and northern site boundaries and the minimum separation distances between the extension and the rear building lines of the properties on Shenick Drive (c. 25m) and Churchfield Lawns (c. 30m) are substantial in an urban context. Having regard therefore to the size and dimensions of the extension, its setback distance from the northern and western rear garden boundaries, the minimum separation distance from dwellings on Shenick Drive and Churchfield Lawns, and the level difference between the appeal site and lands to the north, I consider that no undue impacts arise at these properties in relation to overshadowing and loss of sunlight access.

Given my conclusion above that no undue overshadowing or loss of light arises from the proposal, I consider that this is also the case in a scenario in which the first floor rear extension element is omitted as I have recommended in section 8.2.1 of my report.

8.3. Visual Impact

The appellant states in the grounds of appeal that the excessive height and length of the proposed extension compared with those of neighbouring properties would not be in keeping with character of the area. I note that this matter was also raised by third parties at application stage.

The Planning Authority stated that the proposed aluminium rainscreen cladding finish is not characteristic of the neighbourhood and should be replaced. A standard condition requiring agreement of material finishes with the Planning Authority was attached to address this issue.

The applicant in their response to the appeal highlights the requirements of condition 3(a) which relates to the omission of the Juliet balcony and French window and condition 5 which relates to the agreement of material finishes with the Planning Authority. The applicant considers that these requirements would suitably mitigate

potential visual impact of the development on the streetscape or character of the area.

The appeal site falls within an area categorised within the Coastal Landscape Character Type, categorised as a highly sensitive landscape of exceptional landscape value as per Section 9.6.14 (Landscape Character Assessment) of the County Development Plan. I note there are no specifically identified long views or vistas within the County Development Plan which encompass the site.

From my site inspection, I note that views of the rear garden of the appeal site are significantly obstructed from public roads and public areas within the housing estates surrounding the site. Views of the site from within Churchfield Lawns estate and open space area to the north of the site are significantly obstructed due to the level change and location of the embankment and retaining wall.

Having regard to the foregoing, I consider that no undue visual impacts within public areas would arise as a result of the development. I consider that the proposed extension has been designed in accordance with the stated County Development Plan guidance for side and rear extensions as set out in Sections 14.10.2.2, 14.10.2.3 and 14.10.2.4 respectively. The south-facing element of the side extension has been designed to blend with the existing southern elevation.

I consider that the 2-storey rear extension is centrally located within rear elevation of the main dwelling insofar as practicable having regard to account for mitigation of residential amenity impacts. The flat-roof design of the rear extension and its setting below the eaves of the main dwelling ensure that it would not read as excessively bulky and would remain subordinate to the main dwelling. During my site inspection, I noted a number of other existing 2-storey flat-roof rear extensions in the surrounding area, the exterior design of which appeared to utilise a similar palette of materials to that hereby proposed.

I consider on the basis of the foregoing analysis that proposed development would not give rise to significant visual impacts and that its design would sufficiently harmonise with the established character of the area, subject to agreement of material finishes by condition with the Planning Authority. The proposal would be consistent with the guidance of Sections 14.10.2.2, 14.10.2.3 and 14.10.2.4 of the County Development Plan in this regard.

In a scenario in which the first floor rear extension element is omitted as recommended in section 8.2.1 of my report, I consider that the revised development would not give rise to significant visual impacts. The rear extension would remain centrally located within the rear elevation and the flat-roof design would remain. The visibility of the rear extension from adjacent properties and public areas would also be greatly reduced under this scenario. I consider for these reason that the revised proposal I recommend would also be consistent with the guidance of Sections 14.10.2.2, 14.10.2.3 and 14.10.2.4 of the County Development Plan in relation to visual impact.

8.4. Risk of Subsidence

The grounds of appeal raise concerns that the proposed extension could give rise to subsidence at the appellant's property in addition to other neighbouring and nearby properties. The appellant submits that subsidence has previously occurred at nearby properties and that remedial works were required. I note this matter was also raised by third parties at application stage. No supporting documentation relating to alleged subsidence and remedial works at nearby properties has been submitted within the observations or grounds of appeal. No survey data of ground conditions or soil stability at the appeal site, the appellant's property or any nearby properties has been presented during the course of the application or appeal.

I note that the rear building line of the proposed extension would maintain a distance of at least c. 10m from the embankment to the rear of the site, which I have described in section 1.0 of my report above. The proposed 2-storey domestic extension would not require extensive foundations or construction works below ground level in comparison with the existing built context in the vicinity of the site on both the northern and southern sides of the embankment.

Having regard to the scale and nature of the proposed extension and its location distance from the embankment to the rear of the appeal site, and noting the existing built context in the vicinity of the site, I consider that the development is not likely to give rise to risk of subsidence, instability or any other impact to ground conditions beyond the site. No technical evidence has been presented by the appellant or third party observers to demonstrate that the appeal site and surrounding area is susceptible to increased risk of subsidence. I wish to highlight that my conclusion in

relation to this matter applies with and without the revisions to the proposal that I recommend under Section 8.2.1.

In the absence of any information relating to potential risk of subsidence, I conclude that resolution of any such issues arising on third party lands is a civil matter between the parties and beyond the scope of my assessment of the subject planning application. I note also that the Planning Authority did not raise any concerns in this regard.

8.5. Construction Impacts

The grounds of appeal identify a number of concerns with regard to construction impacts arising from the proposed development, including noise, vibration, pollution and traffic impacts. The appellant requests that permission is refused or a comprehensive Construction Management Plan (CMP) is sought by way of condition.

In response, the applicant states that construction impacts are controlled by standard conditions and a CMP is not warranted for proposals of this scale and nature.

Having regard to the nature, scale and extent of the proposed development, which comprises a domestic extension to an existing dwelling, I consider that the submission of a Construction Management Plan would not be reasonable or necessary in this instance. The proposed works are of a scale that would typically be undertaken using standard domestic construction practices and I consider that significant construction impacts beyond those normally associated with small-scale residential development are not likely.

I consider that any temporary disturbance arising during the construction phase, including matters relating to construction traffic, noise, vibration, dust, working hours, site and waste management, can be adequately addressed through standard planning conditions and through compliance with relevant environmental health, waste management and public safety legislation. I am therefore satisfied that a specific Construction Management Plan is neither necessary nor proportionate having regard to the limited scale of the proposed development.

8.6. Other Matters

The Planning Authority in their response to the appeal have requested that a suitable financial contribution condition be attached in the event of a grant of permission. I

note the development comprises a domestic extension in excess of 40 sq.m and is not otherwise exempt from payment of contributions in accordance with the Fingal County Council Development Contribution Scheme 2026-2030. This is also the case in a scenario in which the first floor element of the rear extension is omitted as per my recommendation.

The application includes for the widening of the existing vehicular entrance from c. 2.5m to c. 3.3m. I note no objection to the works was raised by the Transportation Planning Section of the Planning Authority. Having regard to the 30km/h speed limit of Shenick Avenue, low traffic volumes which I observed during site inspection, visibility from the site entrance and distance from junction with Shenick Drive, I consider the proposed works do not give rise to a traffic hazard and are therefore acceptable.

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:

- c. 320m from North-West Irish Sea SPA (site code: 004236)
- c. 660m from Skerries Islands SPA (site code: 004122)
- c. 2.6km from Rockabill to Dalkey Island SAC (site code: 003000)
- c. 3.1km from Rockabill SPA (site code: 004014)

The proposed development comprises demolition of structures and construction of an extension. No 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.

The reason for this conclusion is as follows:

- The simple nature and limited scale of the proposed works.
- The distance from the nearest European site and lack of connections.
- The outcome of the screening report/determination by Fingal County Council.

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

I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Nature of the project, site and receiving environment
- Location-distance from nearest water bodies and/or lack of hydrological connections.

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

11.0 Recommendation

11.1. I recommend that permission should be GRANTED for the reasons and considerations as set out below.

12.0 Reasons and Considerations

Having regard to the provisions of the Fingal Development Plan, 2023-2029 (as varied) and to the nature and scale of the proposed development on residentially zoned land, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the provisions of the Fingal Development Plan, 2023-2029 (as varied) and the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 18th day of August 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The existing dwelling and the proposed extension shall be jointly occupied as a single residential unit and the extension shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.

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

3. Prior to the commencement of development, the developer shall submit for the written agreement of the Planning Authority revised plans and elevations to illustrate the omission of the first floor of the rear extension. The remaining

ground floor rear extension shall be provided with a flat-roof and glazing shall be provided on the northern elevation for the hall and bathroom at first floor level. The flat roof shall not facilitate general access for use as a terrace or balcony.

Reason: In the interest of residential amenity.

4. The glazing to all bathroom and en-suite windows and the first floor window on the western elevation shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

Reason: In the interest of residential amenity.

5. Prior to the commencement of development, details of the materials, colours and textures of all external finishes shall be submitted to and agreed in writing by the Planning Authority.

Reason: In the interests of orderly development and the visual amenities of the area.

6. No development shall commence on the site until such time as the following have been agreed and complied with:
 - a. Requirements of Fingal County Councils Transport Planning Section in relation to the widened vehicular entrance.
 - b. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interests of roads and traffic safety, public health and the proper planning and sustainable development of the area.

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 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.

8. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To protect the amenities of the area.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Shane McGlynn
Planning Inspector

17th July 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500871-DF-26
Proposed Development Summary	Demolition of structures, construction of an extension, widening of vehicular entrance
Development Address	1 Shenick Avenue, Skerries, Co. Dublin, K34HY27
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?	✓ Yes. It is a project
(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)?	
✓ No, it is not a Class specified in Part 1.	
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?	

✓ 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.

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 ☐

No ☐

✓ No, Schedule 7A information has not been submitted.

Inspector: _____

Date: _____