



Inspector's Report

PL-500966-DR-26

Development	Attic conversion with dormer and first floor extension to side.
Location	1, Oakton Park, Ballybrack, Co. Dublin, A96P9V0
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D25B/0718/WEB
Applicant(s)	Julie Kennedy
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Julie Kennedy
Observer(s)	None
Date of Site Inspection	29 th April 2026
Inspector	Michele Beirne

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1.0 Site Location and Description

- 1.1. The site is located at No. 1 Oakton Park in Ballybrack, Glenageary, County Dublin. The site comprises of a semi-detached two-storey dwelling fronting onto Wyattville Road. The site adjoins No. 2 Oakton Park to the west and public realm adjacent to the entrance of Oakton Park residential estate to the east. The rear of the site borders a road serving the residential estate. The existing dwelling on site has been extended at ground floor level to the front, rear and side of the dwelling. The site is served by a front and rear garden. The front garden is accessed via a pedestrian entrance onto a public footpath and the rear garden is accessed via a vehicular entrance gate. The site has a stated area of 0.017 hectares.
- 1.2. The site is located within a mature residential neighbourhood predominately consisting of two-storey semi-detached and terraced dwellings. There are a mix of single and two-story extensions evident in the area. External finishes include brick, stone and render finishes. The site is located approximately 0.5km from local shops at Ballybrack village.

2.0 Proposed Development

- 2.1. The proposed development is described as follows:
- Attic conversion as non-habitable storage space,
 - Dormer to rear roof to accommodate stairs to allow access to attic conversion,
 - Roof windows to front,
 - Removal of chimney,
 - First floor extension to side over existing,
 - Associated ancillary works.

3.0 Planning Authority Decision

3.1. Decision

Dún Laoghaire-Rathdown County Council (the Planning Authority) issued notification of a decision to grant permission on the 16th of February 2026 subject to 8 conditions.

3.1.1. Condition 2

Condition 2 which is the subject of the appeal states *'The proposed side extension, including the roof, shall be contained within the curtilage of the subject site and shall not be constructed directly onto the boundary with the public realm.'*

REASON: In the interest of proper planning and sustainable development'

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report can be summarised as follows:

- The site is zoned objective A 'residential'. An extension is acceptable where development is compatible with overall policies and objectives.
- Development should have regard to Chapter 3 Climate Action of the Development Plan regarding the use of materials and energy efficiency.
- The proposed side extension and roof shall be contained within the curtilage of the subject site and shall not be constructed directly onto the boundary with the public realm to comply with Section 12.3.7.1(iii) of the Development Plan. This can be a condition of grant of permission.
- The proposed bathroom window on the northern elevation shall use obscure glazing. This can be a condition of grant of permission.
- Given the scale of the proposed development, it is not considered to be excessive so as to dominate in terms of significant overshadowing or overbearing impact on neighbouring properties or on the existing dwelling.
- The proposed rear dormer is adequately inset and will have adequate separation distance from the neighbouring property to the rear.
- The removal of the chimney is acceptable and would not have a significant adverse impact on residential and visual amenity.
- Proposed rooflights are minor in nature and acceptable.
- The proposed extension elements would not significantly detract from the existing streetscape and visual amenities of the area.

- Standard drainage conditions should be incorporated.

3.2.2. Other Technical Reports

None.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

- 4.1. D11B/0101 granted on the 16th of June 2011 for a single storey extension to the front, side and rear of the existing dwelling.

5.0 Policy Context

5.1. Development Plan

Dún Laoghaire-Rathdown County Development Plan 2022-2028:

Zoning:

- 5.1.1 The area is zoned 'A', the zoning objective is to provide residential development and improve residential amenity while protecting the existing residential amenities. The proposed development is permitted in principle in this zone.

Summary of relevant policy:

5.1.2 Chapter 3 Climate Action:

- Policy Objective CA5 Energy Performance in Buildings: Supports energy conservation, energy efficiency and renewable energy sources in existing and new buildings.
- Policy Objective CA7 Construction Materials: Supports the use of structural materials that have low to zero embodied energy and CO2 emissions.

5.1.3 Chapter 4 Neighbourhood – People, Homes and Place:

- Policy Objective PHP19 Existing Housing Stock – Adaption: Conserve and improve existing housing stock through supporting improvements and adaption of homes.
- Policy Objective PHP35 Healthy Placemaking: Ensure that all development is of high quality design with a focus on healthy placemaking.

5.1.4 Chapter 12 Development Management:

- Section 12.3.1 Quality Design states it is a policy objective to promote high quality design and layout in all new development.
- Section 12.3.7.1 Extensions to Dwellings provides guidance with respect to extensions to dwellings in existing built-up areas.
- Section 12.3.7.1(iii) relates specifically to extensions to the side and states the following:

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

....Side gable, protruding parapet walls at eaves/gutter level of hip-roofs are not encouraged.

The proposed construction of new building structures directly onto the boundary with the public realm (including footpaths/open space/roads etc), is not acceptable and it will be required that the development is set within the existing boundary on site and shall not form the boundary wall....

5.2. Relevant National or Regional Policy / Ministerial Guidelines

The Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities 2024:

- 5.2.1 Chapter 4 of the Guidelines outlines key indicators of quality urban design and placemaking. It is a policy and objective that key indicators of quality urban design

and placemaking are applied within statutory development plans and in the consideration of individual planning applications (Policy and Objective 4.2).

5.3. **Natural Heritage Designations**

The closest European Sites are Rockabill to Dalkey Island SAC (003000) located 2.7km east of the site and Dalkey Islands SPA (004172) located 3.5km northeast of the site. Dalkey Coastal Zone and Killiney Hill pNHA (001206) is located 1.2km east of the site and Loughlinstown Woods pNHA (001211) is located 0.7km south of the site.

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. Refer to Form 1 in Appendix 1 of report.

7.0 **The Appeal**

7.1. **Grounds of Appeal**

7.1.1 A first party appeal was lodged regarding Condition 2 of the decision to grant permission. It is summarised as follows:

- Proposal was informed by the site context, surrounding built form and planning precedents in the area.
- The boundary wall is already fully integrated into the dwelling as part of a ground floor extension granted under D11B/0101 in 2011. This was built with a foundation to accommodate future vertical expansion.
- Condition 2 is unwarranted as the planners reports concludes that the proposed development would not adversely impact residential amenity by reason of overshadowing, overlooking or overbearing appearance.
- There are multiple local precedents in Oakton Park and Glenavon of extensions built directly onto the boundary. A setback would create a visually awkward

profile inconsistent with the established built form and streetscape character of the area.

- Elements of Section 12.3.7.1(iii) to avoid a ‘terracing’ effect and in relation to side gable and protruding parapets walls are not relevant to the proposed development.
- No demolition or removal of the existing boundary wall is proposed.
- Concern the roof may oversail the public realm can be mitigated though a condition limiting the roof projection rather than requiring setting the entire structure back from the boundary.

7.2. Planning Authority Response

7.2.1 The Planning Authority stated the grounds of appeal do not raise any new matter which would justify a change of attitude to the proposed development.

7.3. Observations

7.3.1 None.

7.4. Further Responses

7.4.1 None sought.

8.0 Assessment

8.1. This is a first party appeal in relation to Condition 2 of Dún Laoghaire-Rathdown County Councils decision to grant planning permission.

8.2. Having examined the application details, all appeal documentation on file and having inspected the site and having regard to national and local policies and guidance, I consider that the only planning matter at issue in this appeal is Condition 2. I am satisfied that the proposed development is otherwise in accordance with the proper planning and sustainable development of the area and that the determination by the Commission of the application as if it had been made to it in the first instance would not be warranted. My assessment will therefore be limited to the matters raised in relation to the terms of Condition 2, pursuant to the provisions of section 139 of the Planning and Development Act 2000 (as amended).

8.3. Condition 2

- 8.3.1. The Planning Authority included Condition 2 in the decision to grant permission which states *'The proposed side extension, including the roof, shall be contained within the curtilage of the subject site and shall not be constructed directly onto the boundary with the public realm'*.
- 8.3.2 In this regard, I note that the planning officer's rationale for the attachment of Condition 2 is because Section 12.3.7.1(iii) states *'the proposed construction of new building structures directly onto the boundary with the public realm (including footpaths/open space/roads etc), is not acceptable and it will be required that the development is set within the existing boundary on site and shall not form the boundary wall'*. However, considering that the existing ground floor extension to the side is not a new building structure and that the boundary wall is integrated into the ground floor extension as part of permission granted under Planning Reference D11B/0101, it is my view that the boundary wall is already in existence and the proposed development is set within the existing boundary on site. I consider that the proposed development would meet Section 12.3.7.1(iii) as it shall not form a new boundary wall and the proposed development is set within the existing boundary on site. Any oversail of the roof over the public realm can be addressed by condition.
- 8.3.3 In assessing the overall design of the proposed extension, I also note policy set out in Chapters 4 and 12 of the Development Plan to ensure that all development is of high quality design. In addition, the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities place an emphasis on quality design and for development to positively enhance the established pattern of development. The site is in a mature urban neighbourhood that has evolved over time with various extensions added to the existing housing stock. The appellant states Condition 2 would create a visually awkward profile inconsistent with the established built form and streetscape character of the area. Having regard to the Development Plan and Guidelines, it is my view that a first-floor side extension built directly over the existing ground floor extension would be a better design response as it would avoid a set-back at first floor level and be more visually coherent and integrated into the streetscape.

- 8.3.4 The proposed development is consistent with development of the same design in the locality, as observed during my site inspection and illustrated in the grounds of appeal. I have reviewed the examples in the appeal and note that examples provided were granted permission under a previous Development Plan.
- 8.3.5 The appellant outlines that the proposal was informed by the surrounding built form and planning precedents. I wish to highlight that all cases are assessed and determined on their own merits having regard to the sensitivity of the receiving environment and the specifics of the proposed development.
- 8.3.6 The appellant also states that elements of Section 12.3.7.1(iii) seeking a set-back of an extension's front façade and its roof profile and ridge to avoid a 'terracing' effect' or not encouraging side gable, protruding parapet walls at eaves/gutter level of hip-roofs are not relevant to the proposed development. In my opinion, the issue raised in Condition 2 relates specifically to the boundary and the public realm and not these elements. The condition would result in a set-back of the side of the first-floor level at the end of a row of semi-detached dwellings and the proposed development does not incorporate a protruding parapet wall.
- 8.3.7 In conclusion, I consider that Condition 2 is not warranted having regard to the Dún Laoghaire-Rathdown County Development Plan 2022-2028 and the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities 2024. I recommend that Condition 2 be amended to ensure that the proposed roof of the side extension shall be contained within the curtilage of the subject site and shall not oversail the public realm. The applicant should be requested to submit revised drawings for the written agreement of the Planning Authority prior to the commencement of development.

9.0 AA Screening

- 9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.2. The subject site is located 2.7km west of Rockabill to Dalkey Island SAC (003000) and 3.5km southwest of Dalkey Islands SPA (004172).
- 9.3. No nature conservation concerns were raised in the planning appeal.

9.4. Having considered the nature, scale and location of the proposed development, 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 nature of the development proposal.
- The location of the development in a serviced area.
- The distance to the Natura 2000 network and the absence of pathways to any European Site.

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. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive.

10.2. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.

10.3. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive.

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

11.0 Recommendation

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 as follows:

The proposed development shall be amended as follows:

(a) The proposed roof of the side extension shall be contained within the curtilage of the subject site and shall not oversail the public realm.

Revised drawings showing compliance with the above requirement shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development.

12.0 Reasons and Considerations

12.1 Having regard to the grounds of appeal, the nature and scale of the proposed development, permitted development on site and in the interests of visual and residential amenity, it is considered that the proposed development, subject to a condition that the proposed roof of the side extension shall not oversail the public realm, would be consistent with the Dún Laoghaire-Rathdown County Development Plan 2022-2028, the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities 2024 and in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

2	<i>The proposed development shall be amended as follows: (a) The proposed roof of the side extension shall be contained within the curtilage of the subject site and shall not oversail the public realm.</i>
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Revised drawings showing compliance with the above requirement shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development.

REASON: In the interests of visual and residential amenity and in the interests of proper planning and sustainable development.

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.”

Michele Beirne

Planning Inspector

13th May 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500966-DR-26
Proposed Development Summary	Planning permission for attic conversion with dormer to rear roof to accommodate stairs to allow access to attic conversion as non-habitable storage space with roof windows to front, removal of chimney, 1st floor extension to side over existing all with associated ancillary works
Development Address	1, Oakton Park, Ballybrack, Co. Dublin, A96P9V0
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.
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
<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
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 type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____