



An  
Coimisiún  
Pleanála

# Inspector's Report

## PL-501035-DN-26

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<b>Development</b>	Extension and alterations to existing dwelling (details in section 2.0)
<b>Location</b>	23 Mount Prospect Avenue, Clontarf, Dublin 3
<b>Planning Authority</b>	Dublin City Council (North)
<b>Planning Authority Reg. Ref.</b>	WEB1008/26
<b>Applicant</b>	Nuala McElhinney
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Ronan Breslin and Therese Danaher
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	22 <sup>nd</sup> May 2026
<b>Inspector</b>	Ann Bogan

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## 1.0 Site Location and Description

- 1.1. The site is located in an established residential area at Mount Prospect Avenue Clontarf, Dublin 3. The street is characterised by a mix of semi-detached and detached dwellings with mixed architectural styles.
- 1.2. The existing dwelling on site is a two-storey semi-detached house, 180sq.m in area, with an existing vehicular entrance off Mount Prospect Avenue, car parking in the front garden and a south facing rear garden.
- 1.3. The dwelling is stepped Internally, with two steps down from the main ground floor level to a rear extension, which consists of a dining room and conservatory. There are also two steps down to a bedroom (converted from a former garage). Four bedrooms are located at first floor level with a bathroom in a return to the rear.
- 1.4. The conservatory to the rear has a parapet wall running along the boundary with the neighbouring property to the east.
- 1.5. Neighbouring properties on either side, Nos 21 and 25 Mount Prospect Avenue, have single storey rear extensions (not fully reflected on site layout drawing).

## 2.0 Proposed Development

- 2.1. Proposed development consists of alterations and extension of the dwelling to create a total floor area of 201.46sq.m:
  - Extension and alteration of kitchen/dining/conservatory area, replacing the existing rear extension and conservatory, which will result in a brick clad, flat roofed rear extension, extending the full width of the rear garden and incorporating two rooflights and a parapet wall along the western boundary, 3944mm in height
  - Change to front elevation by bringing ground floor bedroom window and wall forward in line with rest of façade
  - Lowering ground floor level internally to provide a consistent level through the dwelling, resulting in a floor to ceiling height of 3117mm on the ground floor, in the older part of the dwelling
  - Remove quoin stones from first floor façade between bedroom 4 and bathroom

- Install rooflight on north-east facing roof slope
- At first floor level, replace rear bathroom with bedroom in same position, increase floor to ceiling height and install pitched roof with changes to windows
- Widening of front vehicular entrance.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Decision to grant permission by Dublin City Council on 25<sup>th</sup> February, subject to 10 largely standard conditions.

Condition No 3 required the development to incorporate the following amendment: The parapet height of the proposed single storey extension shall be reduced from 3.944 metres to 3.744 metres unless otherwise agreed in writing with the Planning Authority.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The planning officer found the proposed extension and alterations to be generally acceptable from the point of view of design and residential amenity
- A condition recommending reduction in height of the parapet wall of the proposed extension is included, taking account of observers' concerns re reduction of light to rooflights in neighbouring house
- Increase in size of first floor window was considered acceptable
- Proposal to widen vehicular entrance was considered acceptable subject to condition requiring it to be in keeping with Development Plan standard
- It was considered that the proposed development would not be likely to have a significant effect on the Natura 2000 Network and appropriate assessment is not required. The need for environmental impact assessment was also excluded and a

screening determination is not required having regard to scale and nature of development and distance from sensitive receptors

- The proposed development is considered “an acceptable form of development at this location and would not seriously injure the amenities of adjoining properties” and grant of permission was recommended.

### 3.2.2. Other Technical Reports

- Drainage Division: No objection, subject to conditions, including details of surface water management proposals to be submitted
- Transportation Planning Division Report: No objection to proposal to widen entrance subject to conditions re width and dishing of footpath and kerb.

### 3.3. Prescribed Bodies

**None**

### 3.4. Third Party Observations

One observation received from owners of adjoining dwelling to west, No 21 Mount Prospect Avenue (appellants). Concerned that proposed parapet height would overshadow rooflights of their extension; concern re size of proposed main bedroom window and impact on privacy and amenity; request that flat roof be accessed for fire escape and maintenance only, to protect privacy.

## 4.0 Planning History

### 4.1. On site

5079/08/x1: Extension of Duration of Permission Granted for attic conversion with dormer to the rear and side including two roof lights to the front.

5079/08: Permission Granted with conditions for an attic conversion with dormer to the rear and side including two roof lights to the front.

2812/08: Permission Granted with conditions for an attic bedroom extension to the side including a dormer to the rear; two roof lights to the front and widening of existing vehicular entrance.

3243/00: Retention Permission granted with conditions for garage conversion, a first floor bedroom extension to the front of the dwelling and a new conservatory to the rear.

#### 4.2. Adjacent sites

WEB2420/25: No. 31, Mount Prospect Avenue Permission Granted permission with conditions for the demolition of an existing rear single storey extension and garage and the erection of a new part two storey and part single storey flat roofed rear extension. Associated ground floor and first floor internal alterations. Erection of a new single storey flat roofed garage to the side. Erection of a pitched roof dormer to the side and a flat roof dormer to the rear of the house and conversion of the existing attic space. Alterations to existing openings to side elevation. Widening of existing vehicular entrance.

WEB2033/24: No. 3, Mount Prospect Avenue Permission: Granted permission with conditions for the demolition of side garage and rear wall at first floor level and the construction of the new single-storey extension to the side and first floor rear extension to the detached two-storey house and associated hard and soft landscaping.

2573/07: No 21, Mount Prospect Avenue: Granted Permission for development comprising a first floor extension over existing garage to include bedroom with ensuite forming a two storey extension to side, new dormer windows to rear and to side of new roof and new rooflights and solar panels to rear roof.

## 5.0 Policy Context

### 5.1. Development Plan

Dublin City Development Plan 2022-2028

Zoning Objective: The subject site is located on lands zoned Sustainable Residential Neighbourhoods – Z1 with a land use zoning objective ‘To protect, provide and improve residential amenities.’

#### Appendix 18: Ancillary Residential Accommodation

##### 1.0 Residential Extensions

##### 1.1 General Design Principles

It is acknowledged that the development of residential extensions plays an important role in promoting a compact city in line with the core strategy as well as providing for sustainable neighbourhoods and areas where a wide range of families can live. The design of residential extensions should have regard to the amenities of adjoining properties and in particular, the need for light and privacy. In addition, the form of the existing building should be respected, and the development should integrate with the existing building through the use of similar or contrasting materials and finishes. Innovative, contemporary design will be encouraged. A contemporary or modern approach, providing unique designs, can offer a more imaginative solution. However, such proposals are still required to take account of the design issues outlined in this document. Applications for extensions to existing residential units should:

- Not have an adverse impact on the scale and character of the existing dwelling
- Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, outlook and access to daylight and sunlight
- Achieve a high quality of design
- Make a positive contribution to the streetscape (front extensions)

## 1.2 Extensions to 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. The extension should match or complement the main house. First floor rear extensions will be considered on their merits, noting that they can have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the planning authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:

- Overshadowing, overbearing, and overlooking - along with proximity, height, and length along mutual boundaries
- Remaining rear private open space, its orientation and usability
- Degree of set-back from mutual side boundaries
- External finishes and design, which shall generally be in harmony with existing

### 1.3 Extension to Side

Ground floor side extensions will be evaluated against proximity to boundaries, size, and visual harmony with existing (especially front elevation) and impacts on adjoining residential amenity. 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. External finishes shall normally be in harmony with existing.

### 1.4 Privacy and Amenity

Extensions should not result in any significant loss of privacy to the residents of adjoining properties. Generally, windows overlooking adjoining properties (such as in a side wall) should be avoided. Where essential, the size of such windows should be kept as small as possible and consideration should be given to the use of high-level windows and/ or the use of obscure glazing where the window serves a bathroom or landing. Bedrooms in general should not be lit by obscure glazed windows as a means to prevent undue overlooking of adjacent 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. It is advisable to discuss proposals with neighbours prior to submitting a planning application.

### 1.6 Daylight and Sunlight

Large single or two-storey rear extensions to semi-detached or terraced dwellings can, if they project too far from the main rear elevation, result in a loss of daylight to neighbouring houses. Furthermore, depending on orientation, such extensions can have a serious impact on the amount of sunlight received by adjoining properties. On the

other hand, it is also recognised that the city is an urban context and some degree of overshadowing is inevitable and unavoidable. Consideration should be given to the proportion of extensions, height and design of roofs as well as taking account of the position of windows including rooms they serve to adjacent or adjoining dwellings.

### 1.7 Appearance and Materials

The extension should not dominate the existing building and should normally be of an overall scale and size to harmonise with the existing house and adjoining buildings; the appearance of the existing structure should be the reference point for any consideration of change that may be proposed. The materials used should complement those used on the existing building; features such as windows and doors on the new extension should relate to those on the original building in terms of proportion and use of materials.

## 5.2. **Natural Heritage Designations**

Site is located 1.1km west of North Bull Island SPA

Site is located 1.1km west of North Dublin Bay SAC

## 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. (See Form 1 in Appendix 1 of report).

## 7.0 **The Appeal**

### 7.1. **Grounds of Appeal**

Appeal on behalf of occupants of adjoining dwelling to west, No 21 Mount Prospect Avenue:

- States appeal relates only to condition No 3 of Planning Authority decision which states: "The development hereby approved shall incorporate the following amendments: The parapet height of the proposed single storey extension shall be reduced from 3.944 metres to 3744 metres unless otherwise agreed in writing with the Planning Authority.

- Appellants welcome decision to improve amenity of structure
- However, appellants consider proposed reduction of 200mm of parapet height will have little effect and consider reduction to 3.5metres would be more appropriate, given mass of extension taking up entire plot width
- This would still allow 2.6m or 2.7m floor to ceiling height, and reduce need for steps to bedroom in the return
- As new flat roof has been brought up to match first floor level and window adjacent to No 21 has been lowered, concerned that flat roof may be used as a terrace. Request condition be included to preclude use of flat roof as terrace

#### 7.2. **Applicant Response in the case of a 3<sup>rd</sup> Party**

- None

#### 7.3. **Planning Authority Response**

- The Planning Authority requested the Commission to uphold their decision and to apply a condition requiring payment of a Section 48 development contribution and the additional conditions included in planners report.

#### 7.4. **Observations**

- None

### 8.0 **Assessment**

- 8.1. The appeal states that it relates only to Condition No 3 of the planning authority decision and I therefore propose to limit consideration of the appeal largely to matters raised in relation to this condition, and associated matters raised in the appeal, rather than carrying out a de novo assessment of the proposed development.
- 8.2. I am satisfied that the Planning Authority has adequately addressed issues relating to other aspects of the proposed development including proposed changes to the front elevation, the widening of the entrance and the overall design and materials of the rear extension.
- 8.3. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal and having regard to the relevant

local policies and guidance I consider the substantive issue to be considered is as follows:

- Impact on amenity of neighbouring property

#### 8.4. Impact on Amenity of Neighbouring Property

- 8.4.1. The existing rear extension includes a conservatory with a pitched glazed roof with an apex height of c3500mm and has a parapet wall c2850mm high adjoining the neighbouring property to the west, No. 21 Mount Prospect Avenue. A further existing ground floor extension to the east has a hipped roof, 3649m high. The existing two storey bathroom return has a mono-pitched roof and is c3.2m wide and extends c3.2m from the rear building line.
- 8.4.2. The proposed rear extension will replace existing extensions, will extend the full width of the garden and will have a parapet height of 3944mm. Glazed windows/doors 2700mm high will extend along much of the facade and an internal floor to ceiling height of 2942mm is indicated. The proposed two storey element of the rear extension is slightly larger than the existing return, at 3.8m wide, and projects 3.1m from the rear building line, with a ridge height of 7483mm.
- 8.4.3. The occupants of the neighbouring dwelling, 21 Mount Prospect Avenue (the appellants), made a submission on the planning application raising concerns that the proposed parapet wall of the extension, which they state would be c900mm higher than the existing wall, would seriously overshadow the roof lights in their existing rear extension, resulting in loss of amenity. In response the Planning Authority included Condition No 3 which requires a reduction of 200mm in the parapet height to 3744mm. However, the appellants consider that this reduction would have little effect and argue that a reduction to 3500mm would be more appropriate, "given the mass of the extension taking up the entire plot width".
- 8.5. In relation to the mass of the extension as referenced above, the outer wall of the proposed extension will be in line with the existing hipped roof extension to the rear of the neighbouring dwelling, protruding approx.1200mm less than the conservatory it replaces. The proposed extension will not be visible from the interior of neighbouring dwelling at ground floor level and I am satisfied that the mass of the proposed extension

has been adequately assessed by the planning authority and will not appear unduly overbearing such as to impact on the amenity of the neighbouring residents.

- 8.6. Note that based on on-site observation, I am not satisfied that drawing No PP-25220-06 accurately represents the roof of the rear extension of the adjoining dwelling, No. 21, and in particular, I believe that the apex of the roof is lower than shown on the drawings, which has implications for accurately establishing the location of the east facing rooflights vis a vis the proposed parapet.
- 8.7. The extension to the neighbouring dwelling has a shallow roof pitch and the rooflights on the eastern slope of the roof are within 1 slate height of the apex of the roof. The consequence of this is that light entering the extension via the rooflights predominantly comes in vertically from the sky above. The position of the eastern facing roof lights is such that the existing bathroom return/proposed bedroom of the subject dwelling will shade them at sunrise from direct sunlight for most the year, due to angle of sunrise in Spring/Summer/Autumn. The only time the proposed parapet has potential for creating shade is in the months around mid winter at sunrise and a short period after sunrise, when the sun rises from a south-easterly direction. For those few months, the height of the parapet relative to the height of the rooflights, the angle of the sun, and the height and location of trees and buildings nearby are considerations in whether overshadowing of the rooflights is likely to occur.
- 8.8. I note also that the ridge of the existing conservatory at 3.5m high (0.65m higher than the existing parapet) may currently cause overshadowing of the rooflights during the mid-winter period.
- 8.9. During site visit on 22<sup>nd</sup> May I observed that by 10.00am, approaching mid-summer, with the sun at a high angle, the bathroom return chimney was casting shade on part of the neighbouring roof but the skylights were in full sun.
- 8.10. Insufficient information in relation to height of surrounding buildings and trees, and concerns as to the accuracy of the representation of the height of the neighbouring roof on drawings provided, make carrying out a detailed analysis of potential shading of the rooflights challenging.
- 8.11. However, I am satisfied that the potential for additional over shadowing of the rooflight by the proposed development is confined to early in the day in mid winter. The angle of

the sun at that time of year is shallow and sun reaching the rooflights is therefore unlikely to penetrate deeply into the rooms below or add significantly to natural light reaching these rooms. I conclude therefore that the proposed development has potential for a limited amount of additional overshading of the rooflights around mid-winter, which may have some limited impact on residential amenity, but it is unlikely to have a significantly negative impact on the residential amenity of occupants of the neighbouring dwelling, relative to the situation at present.

- 8.12. Planning Authority condition 3 requires a minor reduction of the parapet height by 200mm to 3755 in order to protect residential amenity. Although the basis for the reduction is not set out, the principle of a minor reduction in response to a limited potential impact on the amenity of neighbouring residents can be seen as reasonable, having regard to Section 1.1 of Appendix 18 of the Dublin City Development Plan which states that extensions to dwellings should not “adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, outlook and access to daylight and sunlight”. Based on the available documentation and site visit, I see no basis for a further reduction in the height of the parapet and therefore recommend that condition No. 3 be retained as proposed by the Planning Authority.
- 8.13. The appeal also makes reference to concerns that the roof of the extension might be used as a terrace as the window of the main bedroom has been enlarged and lowered. Appendix 18 of the Dublin City Development plan includes a general presumption against the development of rear balconies and roof terraces and there is no indication that a terrace is proposed in this case. I note that there is a large rooflight proposed in the extension, close to the bedroom window, which would make it awkward to access the roof and there are no railings shown on the roof. I consider it unlikely that the roof would be used as a terrace, however in the event the Commission wishes, a condition could be included requiring that the balcony be accessed for maintenance purposes only and not used as a terrace for amenity purposes.

## 9.0 AA Screening

I have considered the development in the light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is 1.1km North Bull

Island SPA and 1.1km from North Dublin Bay SAC. The development comprises alterations and extension to an existing dwelling.

- 9.1. No nature conservation issues were raised in the planning appeal.
- 9.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it would not have any effect on a European Site. The reason for this conclusion is as follows:
  - Nature of the works i.e. small scale and nature of the development
  - Location and distance from nearest European Site and lack of connections
- 9.3. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on a 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 at 23 Mount Prospect Avenue, Clontarf Dublin 3 and the nearest waterbody is Dublin Bay. The development comprises alterations and extension of an existing dwelling. No water deterioration concerns were raised in the planning appeal.
- 10.2. 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 and groundwater water bodies 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.
- 10.3. The reason for this conclusion is as follows:
  - The small scale of the development
  - The distance from nearest water bodies and lack of hydrological connections

10.4. I conclude on the basis of objective information, that the proposed development will not result in a 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 condition No.3 be retained unaltered.

## 12.0 Reasons and Considerations

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 attach condition number 3, and the reason therefor.

Having regard to the provisions of Appendix 18 of the Dublin City Development Plan 2022-2028 relating to residential extensions, the existing circumstances, and the height and design of the proposed development, the condition requiring a minor reduction in the height of the proposed parapet is considered reasonable, in order to protect the residential amenity of the neighbouring dwelling to the west, in the interest of proper planning and sustainable development of the area.

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.

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Ann Bogan  
Planning Inspector

05/06/2026

## Appendix 1: Form 1 EIA Pre-Screening

<b>Case Reference</b>	PL-501035-DN-26
<b>Proposed Development Summary</b>	Alterations and extension to dwelling and widen vehicular entrance
<b>Development Address</b>	<b>23 Mount Prospect Avenue, Clontarf, Dublin 3</b>
<b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>	
<b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
<p>(For the purposes of the Directive, "Project" means:</p> <ul style="list-style-type: none"> <li>- The execution of construction works or of other installations or schemes,</li> <li>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)</li> </ul>	
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	<b>State the Class here</b>
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	

<b>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?</b>	
<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.  <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	<b>State the Class and state the relevant threshold</b>
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	<b>State the Class and state the relevant threshold</b>
<b>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)?</b>	
<b>Yes</b> <input type="checkbox"/>	
<b>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

Inspector: Ann Bogan \_\_\_\_\_

Date: 05/06/2026 \_\_\_\_\_