



An
Coimisiún
Pleanála

Inspector's Report

PL-501043-DR-26

Development

Amendments to previously granted planning reference D24B/0158/ ACP Ref. 320017-24.

Location

Kilfenora, 3 Killiney Road, Dalkey, Dublin, A96KN80

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D26B/0002/WEB

Applicant(s)

David & Karen Whelan

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party Normal Planning Appeal

Appellant(s)

David & Karen Whelan

Observer(s)

James O Reilly
Liam Murray

Date of Site Inspection

14th May 2026

Inspector

Michele Beirne

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1.0 Site Location and Description

- 1.1. The site is located at Kilfenora, 3 Killiney Road, Dalkey, Dublin. The site has a two-storey detached flat roofed dwelling. The dwelling is set back from the public road and there is off-street parking to the front of the site. The dwelling has a front and rear garden with landscaping along the boundaries. 52 Killiney Road is located to the north of the property and 2 Killiney Road is located to the south. 11A Avondale Crescent is to the rear of the property. The site has a stated area of 0.070 hectares.
- 1.2. The site is in a mature residential area characterised by a mix of detached single, dormer style and two storey dwellings along Killiney Road. There is a mix of extensions, roof and external finishes in the area. The site is well served by local services and amenities and is less than 0.5km from St. Joseph of Cluny Secondary School on Avondale Road.

2.0 Proposed Development

2.1. The proposed development is described as follows:

- Amendments to permission granted for a third-floor bedroom extension:
- Addition of a side window,
- Opaque glass with metal frame louver screen.

3.0 Planning Authority Decision

3.1. Decision

Dún Laoghaire-Rathdown County Council (DLRCC) issued notification of a decision to refuse permission on the 24th of February 2026 for one reason.

3.1.1. The reason for refusal is as follows:

'The proposed development, consisting of a previously omitted window and glass privacy screen, would, by reason of its design, scale, and elevated position, cause significant overlooking impacts to neighbouring properties. The privacy and residential amenity of these houses and their development potential would

therefore be significantly and negatively impacted. Additionally, the proposed metal louvre screen located at second floor level will have a negative visual impact when seen from the public road and would set a poor design precedent for future development in the area and would be contrary to Policy Objective PHP42 of the Dun Laoghaire Rathdown County Development Plan 2022-2028. The proposed development would seriously injure the amenities of property in the area, and would, therefore, be contrary to the proper planning and sustainable development of the area.'

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' and residential development is permitted in principle.
- Development should have regard to climate action objectives of the Plan.
- This type of development has the potential for significant cumulative effects.
- The north facing side window was previously omitted by way of condition.
- The proposed screen would reduce overlooking potential of the proposed window to the rear gardens.
- The window would still significantly impact on the privacy and amenity of neighbouring properties and their development potential. It would result in significant overlooking impacts, exacerbated by its size, position and location.
- The metal louvre screen will have negative visual impact from the road and set a poor design precedent.
- The applicants are invited to explore alternative options for openings on the north elevation, allowing light and facilitating views but not down onto neighbouring properties.

3.2.2. Other Technical Reports

- Drainage report: No objection provided drainage related conditions of the parent permission continue to apply.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

- 3.4.1. Two third party submissions were made to the Planning Authority. Observations raised largely reflect observations received on the grounds of appeal, set out in Section 7.

4.0 Planning History

4.1.1. Site

- Planning Ref: ACP-320017-24, D24B/0158: Permission granted in 2024 for the addition of a master bedroom suite on top of the existing two storeys flat roof structure.

Condition No. 3 is of note:

The side facing bedroom window on the northern elevation of the proposed master bedroom suite shall be omitted to prevent direct overlooking of adjacent residential property.

- Planning Ref: D16B/0411: Permission granted in 2017 for the replacement of the dormer type roof, first floor accommodation below a flat roof, rear extension and alterations to the street elevation.

4.1.2. Adjacent properties

- Planning Ref: D15A/0165: Permission granted in 2015 at adjacent property Crofton 52 Killiney Road for the extension and alteration of a dormer bungalow.
- Planning Ref: D24A/0852: Permission granted in 2025 at rear property 11A Avondale Crescent for alterations and extensions to the 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 key policy:

- 5.1.2 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. Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.
- Policy Objective PHP42 Building Design and Height: Encourage high quality design of all new development.

- 5.1.3 Chapter 12 Development Management, in particular:

- 12.3 Neighbourhood - People, Homes and Place
 - 12.3.1 Quality Design
 - 12.3.7 Additional Accommodation in Existing Built-up Areas
 - 12.3.7.1 Extensions to Dwellings
 - (iv) Alterations at Roof/Attic Level
 - 12.8.7 Private Amenity Space – Quality Standards
 - 12.8.7.1 Separation Distances

5.2. Relevant National or Regional Policy / Ministerial Guidelines

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

The Guidelines set out guidance on sustainable residential development, compact settlements and development standards for housing. It provides guidance on quality design and placemaking and Specific Planning Policy Requirements (SPPRs) on separation distances, provision of open space, car parking and cycle parking.

5.3. Natural Heritage Designations

- 5.3.1. The closest European sites are Dalkey Islands SPA (004172) located 1.8km east of the site and Rockabill to Dalkey Island SAC (003000) located 2km east 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 on the decision to refuse permission. It is summarised as follows:
- The proposal has been informed by the side window omitted by way of condition under ACP Ref: 320017-24 and initially permitted under Planning Ref: D24B/0158.
 - The proposal seeks to mitigate overlooking impacts while allowing the occupants to enjoy improved views.
 - The proposed window will not impact the residential amenity of neighbouring properties and does not facilitate overlooking.
 - The proposed opaque glass panel with vertical metal louvred fins mitigate overlooking impacts. It will not negatively impact on the visual amenity of the area and does not contravene the Development Plan.
 - The applicants provide planning precedent examples to demonstrate through considered design overlooking can be mitigated: D22B/0334 at Kilmore Avenue, D15A/0702 at Killiney Road and Maple Lodge on Killiney Road.

- The applicant notes planning assessments did not reference overlooking at adjacent and rear properties despite site orientation. (Planning Ref: D15A/0165 at 52 Killiney Road and Planning Ref: D09A/0729 at 11A Avondale Crescent).
- The proposed window will not impact on the development potential of neighbouring property.
- The proposal is compatible with the modern architectural style of the dwelling and there are a variety of architectural styles in the area.

7.2. Planning Authority Response

- 7.2.1. The Planning Authority state 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. Two observations were received from residents adjoining the site. They are summarised as follows:

Resident of 52 Killiney Road, adjacent property

- Observation notes residential and visual impacts described in planners report.
- This issue was addressed in the previous appeal.
- The metal screen does not prevent overlooking onto the property.
- DLRCC previously refused permission for an elevated corner window.
- Request made to remain consistent with decision and refuse the appeal.

Resident of 11A Avondale Crescent, rear property

This largely reflects the first observation and is summarised as follows:

- The metal grate/louvre increases the third-floors bulk and is unattractive.
- It creates overlooking and privacy issues for neighbour to the north.
- Planning history of refusal referenced and request made to refuse appeal.

7.4. Further Responses

None.

8.0 Assessment

8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, having inspected the site and having regard to the relevant local/regional/national policies and guidance, I consider that the principle of the proposed development is in accordance with Policy Objective PHP19 Existing Housing Stock – Adaption and the ‘A’ zoning objective for the area in the Development Plan. I consider that the substantive issues in this appeal are as follows:

- Design and visual impact
- Residential amenity

8.2. Design and visual impact

8.2.1. The site accommodates a two-storey detached flat roofed dwelling that is contemporary in design. This is a first party appeal seeking permission to make amendments to a permission previously granted for a third-floor bedroom extension. The amendments comprise of a side bedroom window and an opaque metal frame louvre screen. The appellants state the proposal has been informed by the side window omitted by way of condition under ACP Ref: 320017-24 and initially permitted under Planning Ref: D24B/0158. Observations have been received from residents of adjoining properties who have expressed concern about visual and residential amenity impacts and request that the application be refused. In assessing the proposed development, I note measures in Chapters 4 and 12 of the Development Plan to conserve and improve existing housing stock through supporting improvements and adaption (Policy Objective PHP 19) and to protect the amenities of adjacent properties.

8.2.2. Section 12.3.7.1 (iv) of the Development Plan states alterations at roof level will be assessed against a range of criteria which include: *‘Careful consideration and special regard to be given to the character and size of the structure, its position on the streetscape and proximity to adjacent structures; Existing roof variations*

on the streetscape; Distance/contrast/visibility of proposed roof end; Harmony with the rest of the structure, adjacent structures, and prominence.'

- 8.2.3. The dwelling and permitted third floor extension is contemporary in design and set back approximately 12m from the public road. The proposed side window is north facing and serves a habitable room. The proposal seeks to mitigate overlooking with the proposed opaque metal frame louvre screen while improving residential amenity for the occupants and allowing them to enjoy views.
- 8.2.4. The appellants state the proposed vertical fins will not negatively impact visual amenity when seen from the public road. I note the proposed photomontage submitted as part of the privacy and overshadowing analysis to support the application. I observed on my site inspection that the adjacent property is a dormer style dwelling and the scale and height of property in the area is predominately low rise. Having regard to its elevated position above the surrounding area, it is my view that the metal frame louvre screen at third level will be visually prominent along Killiney Road and from adjoining property.
- 8.2.5. I note Development Plan policy to '*Encourage high quality design of all new development*' (Policy Objective PHP42 Building Design and Height) and Section 12.3.7.1 of the Plan requires consideration of '*Harmony with the rest of the structure, adjacent structures, and prominence.*'
- 8.2.6. The metal louvre fins are to match the material and colour of the existing dwelling and third floor bedroom extension. While I am satisfied that the finish would be compatible with the modern architectural style of the dwelling, Section 12.3.7.1 of the Development Plan also requires consideration of adjacent structures and prominence. The proposed opaque metal louvre screen is approximately 1.75m in height and 1.7m in width and will be visually prominent. I have reviewed the proposal in relation to the scale, size and bulk of the permitted third floor extension, the site's orientation and context, distance from adjacent property and the public road. I note that the prevailing character of the development along Killiney Road is a mix of detached single, dormer and two storey dwellings. Taking into consideration Development Plan policy, the prevailing character of the area, the scale and prominent location of the proposed screen on the third floor, it is my view that it would give rise to adverse visual impacts, detract from

the character of the area and set an undesirable precedent for similar type development. I am therefore not satisfied that the proposed metal louver screen accords with Policy Objective PHP42 Building Design and Height and Section 12.3.7.1 Extensions to Dwellings of the Development Plan. I have also had regard to observations received about overlooking and they are addressed below.

8.3. Residential amenity

- 8.3.1. Section 12.3.7.1 of the Development Plan relating to alterations at roof level states '*excessive overlooking of adjacent properties should be avoided*'. The Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities 2024 includes a Specific Planning Policy Requirement (SPPR 1) on separation distances. SPPR 1 states separation distances below 16 metres between opposing rooms serving a habitable room at the rear or side of houses '*may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and privacy amenity spaces.*' The Development Plan highlights that in the event of new or updated versions of guidelines '*it shall be taken as read that the most up to date versions shall apply*' (Section 1.6.1, Section 28 Ministerial Guidelines). Proposed Variation No. 1 to the Development Plan incorporates the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities 2024 and is at material alteration stage.
- 8.3.2. The proposed side window is approximately 2m in width and 2.7m from the side boundary with the property to the north. It is a secondary window for a habitable room, the permitted third floor master extension has a bedroom window approximately twice its width and fronting onto the public road. Observations have been received that along with visual impact concerns relating to the proposed screen, the proposed side window would cause overlooking and the screen does not prevent overlooking onto the adjoining property.
- 8.3.3. The proposed opaque metal louver screen is from the edge of the bedroom extension to the side of the building. Having regard to the scale and design, I do

not consider adjoining property would be unduly impacted by shadowing or overbearance.

8.3.4. With regard overlooking, I note that the screen reduces overlooking potential to the rear gardens only. Given the scale and prominent location of the proposed side window, I consider that the proposed window into a habitable room that is approximately 3.5m from the adjoining property would result in additional overlooking and seriously injure amenities. I note that the appellant states the proposed window will not impact on the development potential of neighbouring property and highlights an existing side window on the same elevation. This window is however smaller in scale and at a lower and much less prominent level. I also observed on my site inspection a mix of extension types including contemporary extensions in the area and I note the appellants provided examples of planning precedent to support the appeal. I have reviewed the examples provided and note that some are on larger plots. Considering the scale and prominence of the window and its proximity to the adjoining property to the north, I do not consider circumstances to be comparable. I note that some of the examples provided were granted permission under a previous Development Plan. I also note that the planners report invited applicants to explore options for openings on the north elevation, allowing light into the main bedroom and facilitating views out but not down onto neighbouring properties and that the decision to refuse permission by the Planning Authority states '*...cause significant overlooking impacts to neighbouring properties. The privacy and residential amenity of these houses and their development potential would therefore be significantly and negatively impacted*'.

8.3.5. Having regard to the design, scale and prominent position of the proposed side window, the degree of setback from the side boundary and the limited screening by the opaque glass with metal frame louvre screen, I consider that Condition No. 3 of ACP Ref: 320017-24 which omitted the side bedroom window remains relevant as the proposal would cause significant overlooking impacts that would seriously injure amenities. It would therefore be contrary to Section 12.3.7.1 of the Dún Laoghaire Rathdown County Development Plan 2022-2028 and SPPR 1 of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities 2024.

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 1.8km west of Dalkey Islands SPA (004172) and 2km west of Rockabill to Dalkey Island SAC (003000).
- 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. I recommend that permission be refused for the reasons and considerations set out below.

12.0 Reasons and Considerations

- 12.1. The proposed amendments to permission granted for a third-floor bedroom extension consisting of a side window previously omitted by condition and an opaque glass with metal frame louvre screen, would, by reason of its design, scale, prominent elevated location, degree of setback from the side boundary and limited screening proposed cause significant overlooking impacts which would seriously injure amenities. It would be contrary to Section 12.3.7.1 of the Dún Laoghaire Rathdown County Development Plan 2022-2028 and SPPR 1 of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities 2024. Additionally, the proposed opaque glass metal louvre screen would give rise to adverse visual impacts, detract from the character of the area and set an undesirable precedent for similar type development. It would be contrary to Policy Objective PHP42 Building Design and Height and Section 12.3.7.1 Extensions to Dwellings of the said Development Plan. The proposed development would, therefore, be contrary to the 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.”

Michele Beirne

Planning Inspector

30th June 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501043-DR-26
Proposed Development Summary	Amendments to previously granted planning reference D24B/0158/ ACP Ref. 320017-24.
Development Address	Kilfenora, 3 Killiney Road, Dalkey, Dublin, A96KN80
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'. Proceed to Q.2.
	☐ 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)?	
☐ 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
☒ 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?	
☒ 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.	

☐ 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
☐ 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 ☐	Screening Determination required (Complete Form 3)
No ☐	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____