



An
Coimisiún
Pleanála

Inspector's Report

PL-501083-DF-26

Development

Construction of 1. A first floor extension to the side and rear of the existing semi-detached dwelling, 2. A dormer window to the rear and new roof light to the front of the existing roof and 3. All associated site works.

Location

54 Phoenix Park Avenue, Phoenix Park Racecourse, Dublin 15.

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F26A/0023

Applicant(s)

Ashling and Joe Nangle

Type of Application

Permission

Planning Authority Decision

Grant Permission with conditions

Type of Appeal

Third Party (four in total)

Appellant(s)

(1) Shane O'Donnell

(2) Dave Quigley

(3) Sam Lord & Orla Goslin

(4) Alan Murphy

Observer(s)

None.

Date of Site Inspection

21/05/2026.

Inspector

Deirdre Scully.

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Appendix 1 –EIA Screening

1.0 Site Location and Description

- 1.1. The appeal site is located at 54 Phoenix Park Avenue, at the end of terrace, and where the Avenue roadway takes a turn down the side of the property as it continues westwards. This house and adjoining residences are part of wider new housing development on the former Phoenix Park Racecourse lands, for which a large part of this extensive area is still under development. The lands are located within the north Dublin suburb of Castleknock located within the M50 and proximate to the boundary with Dublin City Council. Property in the immediate vicinity consist of modern properties, with housing terraces immediately adjacent and a number of modern apartment blocks to the north and east of the Avenue. The lands to the immediate north-west and west of the property are at construction stage and have permission for an apartment development of a mix of four and five stories in height over a ground floor parking deck. The site itself has a stated area of 0.0289 hectares.

2.0 Proposed Development

- 2.1. The proposed development, as described within the public notices, comprises Construction of (i) a first floor extension to the side and rear of the existing semi-detached dwelling(ii) a new dormer window to the rear and new roof light to the front of the existing roof and (iii) all associated site works.

3.0 Planning Authority Decision

3.1. Decision

Fingal County Council issued a notification of decision to GRANT permission for the proposed development on the 19th of February 2026 with ten conditions, two of which being amending conditions. This are set out below:

Condition no. 2:

The applicant shall amend the design of the proposed development to accord with the following:

(a) The maximum width of the dormer structure shall be 3m externally and be centrally located on the roof plane.

(b) The maximum width of the window in the dormer shall be 1.5m externally and be centrally located.

REASON: In the interest of visual amenity and the proper planning and sustainable development of the area.”

Condition no. 3:

“The window along the east elevation at the first-floor level serving bedroom 2 shall be omitted.

REASON: In the interest of visual amenity and the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

One planning report is filed for this application, dated as typed on the 10th of March 2026 and contained within the Chief Executives Order dated the 12th of March 2026.

The following provides a summary of key points made in the Planners Report:

- The report refers to planning history of site – (i) FW19A/0035- alterations to approved plans Reg. Ref. FW17A/0027 and FW17A/0110 for modifications to houses 10-54 Phoenix Park Avenue including new passage ways and reconfiguration of numbers 27-54 to change to four terraces of four houses, replacing three terraces of five and six units of the parent permission;
- (ii)FW17A/0110 which gave permission for 81 dwellings in a mix of semi-detached, detached and terraced housing and (iii) FW17A/0027 which granted alterations to FW13A/0052, modifying house type D on Phoenix Park Avenue and removing one house.
- The report includes a summary of the submissions and observations made, listing the key points- overlooking and overbearing; adverse impact on the character of the area; impact on surrounding gardens; reduction in privacy;

loss of outlook; impact on sunlight and daylight; overdevelopment of the site; and precedent.

- The assessment part of the report considered the design of the proposed works to no.54 Phoenix Park Avenue under six points (i) compliance with the zoning of the Fingal County Development Plan 2023-2029 and the principle of development (ii) impact on visual and residential amenity of the area; (iii) access, parking and transportation (iv) services and drainage; (v) impact on Natura 2000 sites- screening for Appropriate Assessment and (vi) screening for Environmental Impact Assessment.
- The proposed works are associated with an existing dwelling and located within an area zoned “RS- Provide for residential development and protect and improve residential amenity” in the Fingal Development Plan 2023-2029 and the works are considered to be an compatible with the zoning policy and objectives, and consistent with proper planning and development where there are no undesirable effects.
- It is noted in the report that the site is located within Airport Noise Zone D and with landscape character area “river valleys/canal”.
- Objectives and policies and section of the Fingal County Development Plan referred to relevant to the consideration of the application are listed (Section 3.5.13.1, 14.19, Policy SPQHP41, GINHP25, Objective SPQHO45, DMSO19,DMSO105 and DMSO203) and development management standards text regarding residential extensions and dormer window development specifically contained in Section 14.10.2 of the Fingal Development Plan. (See paragraph 5.1 of this Report for full text of relevant policies and objectives and the development management standards).
- In the assessment of the visual and residential amenities the Planners Report states that with regard to the side and rear extension at first floor level with its depth of 5m, width of 4.2m and height of 5.8m; is considered to be subordinate to the existing dwelling; noting the set back of 1.9m from the rear building line of the existing rear ground floor extension. The proposed finishes of matching brickwork and a flat roof are noted and considered to be in keeping with and complementary to the current finishes on the existing

house. The planners report notes the inclusion of a window on the east elevation facing towards the attached rear garden and recommends that this is removed by condition. With regard to the proposed dormer on the rear elevation the planner notes the size and dimensions of the dormer (3.8m width, depth 2.3m and height of 1.9m); that it is set down from the ridge line by approximately 2m, and expresses the view that this proposal as applied for is overly dominant of the roof-plane. They recommend that the size, positioning and orientation of the dormer and window be modified to be in-keeping with the window sizes of the existing dwelling. As regards the third element of the proposed works- the rooflight, the planners report considers this as being a modest feature and appropriate. With regard to the views expressed in the submissions received, the planners report considers that *“with respect to all aspects, the proposed development does not adversely impact the established character of the area and does not result in overdevelopment”*.

- In relation to access, parking and transportation the planner notes that the proposed development will not result in intensification of parking requirements and in relation this issue the development is acceptable
- The planner notes that the water services section’s report raises no concerns and recommend a surface water drainage condition.
- The planners report assessed the application for Appropriate Assessment and Environmental Impact Assessment and screened out for both. .

3.2.2. Other Technical Reports

Water Services (Fingal County Council, dated 24/02/2026), no objection subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

Six third party observations were received by Fingal County Council during the statutory consultation period.

1. Alan Murphy, 51 Phoenix Park Avenue
2. Shane O'Donnell, 53 Fairhaven Walk
3. Sam Lord and Orla Goslin, 53 Phoenix Park Avenue
4. Borja Huertas & Erica Fleming, 52 Phoenix Park Avenue
5. Aisling and Niall Kilroy, 51 Fairhaven Walk
6. Dave Quigley, 50 Phoenix Park Avenue.

The main points raised in these observations were bulk, scale and massing; negative impact on light, outlook and amenity; overlooking, loss of privacy, overbearing and “tunnel effect”; departure from established form of development; undesirable precedent and conflicts and fails to comply with Section 14.10.2.4 of the Fingal County Development Plan 2023-2029.

4.0 Planning History

Subject Site:

- F19A/0035- alterations to approved plans Reg. Ref. FW17A/0027 and FW17A/0110 for modifications to houses 10-54 Phoenix Park Avenue including new passageways and reconfiguration of numbers 27-54 to change to four terraces of four, replacing three terraces of 5 and 6 houses of the parent permission;
- 06F.LV.3357- Application for Leave to Appeal against decision by Fingal County Council on file Reference FW17A/0110 REFUSED
- FW17A/0110 Permission GRANTED for 81 dwellings in a mix of semi-detached, detached and terraced housing.
- FW17A/0027 which granted alterations to FW13A/0052, modifying house type D on Phoenix Park Avenue and removing one house.

Other Relevant Permissions within the Racecourse Development:

- FW23A/0213, Permission GRANTED for alterations to approved plans (FW18A/0118) comprising of modifications units contained within Block 3A (on Phoenix Park Avenue).
- FW18A/0118, Permission GRANTED for 4 apartment blocks (named 3A, 3B, 3C and 3D) along an east west orientation on the north side of Phoenix Park Avenue, comprising of four and five storeys of apartments over a ground floor parking deck.
- PL06F.303367 (Fingal Reference FW18A/0100). Permission GRANTED with conditions for 88 apartments to the north-east of the subject site (Danehill Apartments), now complete and occupied.
- PL06F.317973 (Fingal Reference FW23B/0034). 9 Fairhaven Court, permission GRANTED for attic conversion, window at attic landing and modifications at first floor level.

5.0 Policy Context

5.1. Development Plan

Fingal Development Plan 2023-2029

Zoning

5.1.1 The site is zoned for Objective RS – Residential purposes within the Fingal 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.

5.1.2 The proposed development is located within Noise Zone D as defined by Table 14.16 in the Fingal County Development Plan 2023-2029 and located within River Valley and Canal landscape character area of the County in the Fingal Development Plan 2023-2029 which is classed as high value for landscape sensitivity and value. (Table 9.3 of Fingal County Development Plan 2023.2029.)

Policies and Objectives

5.1.3 The following provisions of the Fingal Development Plan 2023-2029 are of relevance:

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.*

Objective SPQHO43: Contemporary and Innovative Design Solutions: *Promote the use of contemporary and innovative design solutions subject to design respecting the character and architectural heritage of the area.*

Objective DMSO19: New Residential Development: *Require that that applications for residential developments comply with all design and floor area requirements set out in: - Quality Housing for Sustainable Communities – Best Practice Guidelines 2007; -Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009, the companion Urban Design Manual – A Best Practice Guide, DEHLG 2009; --Sustainable Urban Housing: Design Standards for New Apartments 2020.*

Objective DMSO23: Separation Distance: *A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over three-storeys in height, minimum*

separation distances shall be increased in instances where overlooking or overshadowing occurs.

Section 3.5.13.1 of the Plan relates to Residential Extensions and outlines that: *“The need for people to extend and renovate their dwellings is recognised and acknowledged. Extensions will be considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area”.*

Development Management Standards

5.1.4 Development Management Standards are set out within Chapter 14 of the Development Plan. Section 14.10.2 of the Development Plan relates to residential extensions and outlines that: The following text is of relevance to the proposal:

“The need for housing to be adaptable to changing family circumstances is recognised and acknowledged and the Council will support applications to amend existing dwelling units to reconfigure and extend as the needs of the household change, subject to specific safeguards. In particular, the design and layout of residential extensions must have regard to and protect the amenities of adjoining properties, particularly in relation to sunlight, daylight and privacy. The design of extensions must also have regard to the character and form of the existing building, its architectural expression, remaining usable rear private open space, external finishes and pattern of fenestration. Additionally, careful consideration should be paid to boundary treatments, tree planting and landscaping. The following section provides guidance in relation to, front extensions, side extensions, rear extensions, first floor rear extensions, roof alterations including attic conversions and dormer extensions.

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.

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.”*

Section 14.10.2.5 of the Development Plan relates to dormer extensions. Of relevance to this application from that section is:

“Dormer extensions to roofs will be evaluated against the impact of the structure on the form, and character of the existing dwelling house and the privacy of adjacent properties. The design, dimensions, and bulk of the dormer relative to the overall extent of roof as well as the size of the dwelling and rear garden will be the overriding considerations, together with the visual impact of the structure when viewed from adjoining streets and public areas. Dormer extensions shall be set back from the eaves, gables and/or party boundaries and shall be set down from the existing ridge level so as not to dominate the roof space.”

Section 14.6.6.4 addresses overlooking and overbearance and states

“Development proposals must assess levels of overbearance and potential to cause significant levels of overlooking to neighbouring properties. Issues in relation to excessive overlooking and overbearance may be addressed

through relocation or reduction in building bulk and height. Mitigation measures to ameliorate overbearance should be considered and may include alterations to the bulk and massing of the proposed scheme relative to neighbouring property. Overlooking may also be addressed by appropriate design-led solutions including the sensitive placement of fenestration and balcony treatments."

Other policies and objectives referenced by the Planners Report are Policy GINHP25 - Preservation of Landscape Types; DMSO105 - Development within Airport Noise Zones, DMSO203- FCC SuDS Guidance Document and Table 14.19 – Car Parking Standards. (See Pages 603-605 of the Fingal County Development Plan 2023-2029).

5.2 Natural Heritage Designations

The site is not located in or adjacent to any site designated for Natural heritage. The nearest designated site to the appeal site is approximately 1.9km to the south-east- the Liffey Valley proposed NHA (000128).

6 EIA Screening

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 The Appeal

7.1 Grounds of Appeal

Four third party appeals have been submitted by

1. Alan Murphy, 51 Phoenix Park Avenue

2. Shane O'Donnell, 53 Fairhaven Walk (adjoining to the rear)
3. Sam Lord and Orla Goslin, 53 Phoenix Park Avenue
4. Dave Quigley, 50 Phoenix Park Avenue.

As similar points are raised by each of the appeals submitted, these points are presented in summary form.

1. Loss of natural light and residential amenity, in that the proposed development would severely reduce and limit the light and enjoyment of the gardens for the other occupants of the terrace and reduce light to the rooms of the adjoining property and private open space.
2. The extension at first floor level would create an overbearing presence and “tunnel effect” when viewed from neighbouring homes, reducing the sense of openness and this was not adequately considered by the Planning Authority.
3. The proposed development would excessively interfere with the privacy of the adjoining and rear properties, with the dormer and first floor extension increasing the overlooking opportunities into adjoining gardens and thus diminish the residential amenity of these homes.
4. Planning Authority failed to give sufficient weight to the effect the proposed development would have on the whole terrace of 4 houses, by failing to take into account the restrictions at the front of the houses and the importance of the rear of the house for outdoor amenity space; and that the original roofscape and form of the terrace should be maintained as the best approach to ensuring outdoor liveable space.
5. The proposed development would set an undesirable negative precedent for the estate that would encourage similar developments to be sought and granted, destroying the light and character of the planned form of the estate and eroding the residential amenity through cumulative inconsistent and piecemeal alterations.
6. The decision by Fingal County Council failed to appropriately apply the relevant planning policies contained in the County Development Plan, particularly 14.6.6.4, 14.10.2, in that the design and layout does not have regard to; or protect the amenities of the adjoining properties.

7. The proposed dormer does not comply with 14.10.2.5 of the Fingal County Development Plan by failing to consider the existing roof variations on the streetscape and the excessive overlooking created. The condition requiring a reduced in the dormer included in the grant of permission by Fingal County Council fails to go far enough to protect residential amenity in that the overlooking into the rooms of the rear property remains; no obscure glazing was included to prevent direct sightlines and the dormer will remain visually prominent on the roof and create a third storey level on the rear elevation to the property. The dormer structure remains a visually assertive, bulky structure, and seeks that if granting permission is considered that the depth of the dormer is reduced to not more than 1.5 meters and height by 2 metres, and the window to have permanent obscure glazing to 1.7m height and be non-opening.
8. Concerns raised the procedural handling of the application with regard to the position of the site notice not being prominently displayed and located at a dead-end, and the address not including "Castleknock" making it hard to locate on the planning system and the lack of inclusion in the documentation of a structure in the rear garden at application stage.

7.2 Applicant Response

In response to the four appeals made, the applicants (1st party) have submitted a response, prepared on their behalf by OH Architecture.

- (i) Scale and Bulk- They point to the Planners Report, which pointed to the setback from the adjoining boundary of 1.9m from the rear building line of the ground floor, reducing the bulk of the 1st floor extension and that the brickwork and window detail are noted in the Planners Report as being in harmony with the existing dwelling.
- (ii) Light and Privacy- they note that the conditions imposed by the Planning Authority have addressed the concerns raised by the appellants by the omission of the east facing window, and note that there is 23 metre separation distance from the rear windows of Fairhaven Park.

- (iii) Adherence to the County Development Plan- With regard to the points made regarding precedent, they point to the statement in the Planners Report that each individual application is assessed on its own merits and that the proposed works were considered appropriate for the zoning objective for these lands.
- (iv) Dormer Condition- the applicant states they accept the changes required by Condition 2 of the grant of permission to ensure roof uniformity, which addresses concerns raised at application stage.
- (v) Garden Structure- drawings are included to show the position of the outbuilding, which fall under exempted development regulations, and recognise that the permission only relates to those works described in the public notice.

7.3 Planning Authority Response

The Planning Authority made no further points in response to the four 3rd party appeals other than to request that their decision is upheld.

7.4 Observations

None received.

8 Assessment

- 8.1 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 these appeals to be considered are (i) residential amenity, (ii) visual amenity, (iii) compliance with the Development Plan; (iv) precedent and (v) procedure; and solely relate to the rear dormer window at 2nd floor level and the extension at 1st floor level.

The proposed roof light to the front roof elevation and the change to the 2nd floor window on the west elevation are not raised as a concern in the appeals lodged or

by the Planners report and I agree with the Planners Report that these proposed works does not raise any risk of negative impact on residential or of visual amenity.

8.2 Residential Amenity

Damage to, and loss of, residential amenity is in summary the most significant concern raised by all appellants; encapsulating the impact from loss of light to rooms and rear garden space; the physical impact of the 1st floor extension by the nature of its scale and size, overbearance and reduction in view/sky and loss of privacy by increased overlooking- particularly at dormer level.

The works comprise for the most part of two build elements that have the potential to have a negative impact on residential amenity namely (i) the first-floor extension and (ii) the rear dormer window. These are examined separately.

With regard to the first floor extension, the extension comprises of two sections, (i) a minor extension to the side of the house of the bathroom and playroom/study (formerly bedroom 2) over the existing ground floor kitchen and (ii) the rear extension of the new bedroom 2 over the ground floor living/dining area.

The side extension widens the first floor by 0.98 metres and ties in with the existing ground floor element that steps out approximately 4 metres back from the front elevation at the main entrance to the house; initially to form a porch and after as part of the kitchen. (The entrance to the house is located to the side on the west elevation.) This wider 1st floor width then ties into the rear extension. The widening enables the inclusion of a new corridor within the house to connect to the rear extension. Taking into account the location at the end of the terrace and facing onto a road and the small scale of this change, it is my opinion that this side extension element does not have any negative impact on residential amenity.

The extension to the rear to incorporate a relocated and larger bedroom 2 over the kitchen/living/dining at ground floor, set back from ground floor rear building line to the southwest by approximately 1.9 metres. The extension has a width of circa 4.2 metres and depth of 5 metres; and is set back from the immediately adjoining property on the terrace (no. 53) by approximately 2.8 metres. This extension has a flat roof and adds 2.65 metres in height to the existing ground floor structure. The extension has no windows to the rear elevation and is finished in brick. Light was

originally proposed for the bedroom from two windows, one on the east and one on the west elevation. The east window was removed by condition in the grant of permission by Fingal County Council, and this removal is accepted in the statement submitted by the applicants in their response to the appeals. The window on the west elevation overlooks the road and the building site opposite. Taking into account the condition removing the window overlooking the adjoining property (no.53); and the positioning of the remaining window; in my opinion the extension as revised does not cause concern for residential amenity with regard to overlooking or loss of privacy.

With regard to the concerns raised by the appellants on size, bulk and overbearance; the footprint of the rear extension is approximately 16 sq. m; 4 metres above the maximum allowable at first floor level for exempted development extensions under the Planning and Development Regulations. The design of the rear extension is oriented away from the adjoining property, with a separation distance of 2.8 metres- well above the minimum of 2 metres required for an exempt first floor extension. I recognise the concerns raised by the appellants regarding the scale of change to the original form of the terrace and the impact the extension will have on their aspect. However, the size and positioning of this rear extension is modest in scale, being only slightly larger than what can be built without seeking permission. The southerly orientation of the extension and the terrace, with the set-back, will not result in a significant loss of light to the adjoining property. There cannot be an expectation that no extension works will take place on the various houses within the terrace at first floor level. Exempted development alone on any property on the terrace will have an impact. What is relevant is the scale of impact from a residential amenity perspective. Considering all of the above; I agree with the planners report that the development is appropriate in scale for this end-of-terrace location, taking into account the width and depth of the garden, the separation distances from adjoining properties and the condition included by the Planning Authority to remove the east facing window. I do not agree that the works would constitute overdevelopment of the site as the footprint of the works is in total 25 sq. m., a relatively small increase in the size of the house and with no increase in living space.

With regard to the rear dormer window, it is not accepted as a valid argument that the lack of dormers so far in the development would lead to a conclusion that they should never be permitted. Houses need to adapt to future needs and in some instances, a dormer extension is appropriate; whether the applicant is the first to seek permission, or one following others. As houses that were built with dormer window on the front elevation; these houses are already clearly built to be three storey structures. The Fingal County Development Plan 2023-2029 states that dormer windows will be considered suitable on rear elevations where certain criteria are met.

The distance of the dormer window from the shared boundary of the applicants' property with those at No.53 and No.51 Fairhaven Park is 16 metres and the distance between opposing windows at first and second floor level is approximately 23 metres. This is above the minimum separation distances of 22 metres specified in the Fingal County Development Plan 2023-2029 for opposing windows in residential schemes (DMSO23); and well above the standard of 16 metres in SPPR1 of the Government publication *Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities*. The dormer is part of an existing house which already has visibility of the adjoining properties; there is no significant increase in the scale of overlooking already in place. The distance between the proposed dormer and the properties to the rear is adequate and appropriate, taking into account both Government and Council policy. For the same reasons of adequacy of separation, I would not agree with the suggested conditioning of the window at dormer level to obscured glass and non-opening window for a bedroom window, as such conditions would undermine the usability of the bedroom. The condition by the Planning Authority to reduce the scale of the dormer and of the associated window and centring it on the rear elevation in order to reduce the bulk and visual impact of the structure is appropriate for the house so that it is subservient to the roof structure. Including this condition will reduce the impact and result in a form more visually in keeping with the property and surrounding properties.

8.3 Visual Amenity

All four appeal statements raised concerns regarding the visual amenity impact /impact on general character of the proposed works. These were the impact on the original uniform roofscape and terrace form, the oversized form of the dormer window, and lack of recognition of the dense urban form of the existing housing and erosion of the original design approach for the estate.

As a yet incomplete developing estate of scale, these housing areas has not yet seen any noticeable alterations to the built form as granted by the original development permissions. However, as also stated above in Section 8.3 and below in Section 8.5, the lack of other examples does not justify an absolute exclusion to permitting changes to the properties in the future, or take into account works that take place under exempted development rules and regulations. The decision to permit dormers within roof profiles must be considered on the context of the objectives of the Development Plan and development management standards that set out the conditions as regards design criteria (see Section 14.10.2.5); which applies to all housing estates- whether they are mid-twentieth “12 to the acre” housing, recently built estates to modern densities or dense historic urban terraces.

The development of any housing scheme has to adapt over time to the changing needs of the owners. There is no condition on the original permission for this estate de-exempting smaller alterations and extensions. The house design is already in a three-storey form and has the roof height to accommodate living space. The dormer window, (as amended by condition No.2 by Fingal County Council to scale down and re-orient the shape), is well set back from the eaves and ridge line, with the windows in keeping with the pattern already in place on the rear elevation; is not dominating the roofscape and will not look out of place on this house form where all front elevations on this terrace have dormer windows.

8.4 Compliance with the Fingal County Development Plan 2023-2029

I note that the Planners Report examined the proposed development with regard to compliance with the Fingal County Development Plan 2023-2029 and considered that the proposed development is compliant with the zoning objective and the relevant policy and objectives regarding house extensions and dormers. The

appeals put forward the view that the Planning Authority failed to appropriately apply the relevant planning policies contained in the County Development Plan, particularly 14.6.6.4, 14.10.2, in that the design and layout do not have regard to; or protect the amenities of the adjoining properties. The zoning objective and the relevant objectives to the consideration of this type of development (See Section 5.1 for listing of) all recognise that domestic extensions and alterations are appropriate to this zoning and are generally acceptable where the residential and visual amenity are not compromised. In considering the issue of compliance, taking into account my analysis of the residential impact and visual amenity impact of the proposed development as set out in the immediately preceding sub-sections above; I am of the opinion that the proposed development therefore does comply with the Development Plan and that the Planners Report did appropriately apply the relevant policies and objectives in their assessment in granting permission with a modifying condition.

8.5 Precedent

All applications should be considered on their merits and within the policy context of the statutory plans that are in place. Whilst certain works or extensions may be suitable for a house of the same design in one location; in another location and setting they can be inappropriate. It is therefore important to consider the impact of the extension on its own merits and the impact it will have within the relevant environment context. However precedent and seeking to maintain the original planned form in this recently built terrace and streets, has been raised in the appeals submitted report and is therefore examined in this report with regard to the points made. The concerns expressed in the appeals submitted is that the proposed alterations to this property would set an undesirable negative precedent for the estate that would encourage similar developments to be sought and granted, destroying the light and character of the planned form of the estate and eroding the residential amenity through cumulative inconsistent and piecemeal alterations.

In considering the possible impact of the grant decision made for the proposed works by Fingal County Council, I have recognised that, over time, this estate will change and be adapted to meet future needs, by way of works under the exempted development Regulations and possibly in future through individual planning

applications. This evolution to meet future need is provided for and recognised by the existing Planning & Development Regulations and also the policies and objectives of the Fingal Development Plan in meeting future resident's needs. (Section 3.5.13.1.) This particular property and the proposed works are assessed on their merits, taking into account that this site, with a larger rear garden, positioning at the end of a terrace, and also adjoined to the west by the main access road creates its own particular circumstances and setting for this assessment; which may or may not be relevant or appropriate for another property. Also, there is no requirement, nor would it be appropriate, that new housing schemes should be restricted to retaining only the original built form of the permission given for the scheme, and not be permitted to amend and change the property as needed and appropriate in the future. For these reasons I have assessed this development on its own merits; and recognise that change to the original estate design is appropriate where in compliance with the objectives of the zoning objectives and that it is reasonable to expect that works over time will take place that will result in changes to the appearance and layout from the original form.

8.6 Procedure

The non-inclusion in the planning drawings of the domestic structure (home office) in the rear garden is raised in the appeals and responded to by the applicant, who have included in their submissions drawings of the site which include this existing structure. It is noted that in the granted permission for this terrace the extent of the garden for no. 54 is 108 sq. m. The home office installed measures 4.5 metres by 2.8 metres; giving a footprint of 12.6 square metres. There are no other sheds or domestic structures in the rear garden, and the remaining garden is well above 25 sq. metres minimum required under the exempted development conditions and limitations. The existing home office is not a subject of the planning application; and the presence of the building, as is the case for all other structures within and adjoining the proposed works, are taken into account in this report. Concerns with regard to its status as an exempted building is a matter for the Enforcement Section of the Planning Authority.

In terms of procedural matters and the concerns raised in terms of the location and address used for the site notice and public notice, I note that both matters were considered acceptable by the planning authority. I am satisfied that this did not prevent the concerned parties from making representations. The above assessment represents my de novo consideration of all planning issues material to the proposed development.

9 AA Screening

I have considered the amalgamation of the existing closed recessed porch into the entrance hall; façade alterations to the front and rear; upgrade and widen the existing dormer window at the front and clad it in standing seam metal cladding; remove existing flat roofed bathroom extension to the rear; new dormer extension to the rear; new rooflights to the rear; internal alterations and associated site works in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located within a well serviced suburb of the town of Castleknock and circa 8km from the nearest European Sites at South Dublin Bay and Tolka Estuary SPA (004024) and North Dublin Bay proposed NHA (000206).

The proposed development comprises of works to an existing property incorporating a first floor extension to the side and rear of the existing semi-detached dwelling; a dormer window to the rear and new roof light to the front of the existing roof and all associated site works (See Section 2.0 for description). 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 there is no conceivable risk to any European Site.

The reason for this conclusion is as follows

- The limited scale and nature of the works
- The location of the site within an established, serviced residential area
- Lack of connection to nearest European sites.

I conclude that 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 (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10 Water Framework Directive

The subject site is an end of terrace house within the newly developing estate on the former Phoenix Park Racecourse, adjacent to the N3 and within the suburb of Castleknock, and is approx. 281m to the south of the Royal Canal, and 576m south of the River Tolka. The proposed development comprises of works to an existing property incorporating a first floor extension to the side and rear of the existing semi-detached dwelling, a dormer window to the rear and new roof light to the front of the existing roof and all associated site works. (See Section 2 above for description.) No water deterioration concerns were raised in the planning appeal or the planners report.

I have assessed the works proposed to the dwelling 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 are (i) the nature of the works proposed, which are modest in scale and also (ii) the lack of hydrological connection and distance from the nearest Water bodies.

Conclusion

I conclude that 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 Recommendation

Having regard to the existing form of the subject dwelling; the residential land use zoning for the site, to the pattern of development in the area, to the limited scale, nature and design of the proposed development and its location with respect to adjoining properties, and subject to compliance with the amending conditions below with regard to the size and shape of the dormer and the omission of the east elevation window at 1st floor level, it is my opinion that the proposed development would not detract from the character of the dwelling or seriously injure the visual and residential amenities of the area.

I recommend that permission be granted for the proposed development subject to conditions.

12 Reasons and Considerations

Having regard to the provisions of the Fingal Development Plan 2023-2029 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 and the proper planning and sustainable development of the area.

13 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 21 st day of January 2026, 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
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	development and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity.
2	The entire premises shall be used as a single dwelling unit apart from such use as may be exempted development for the purposes of the Planning and Development Regulations. Reason: In the interest of clarity.
3	The applicant shall amend the design of the proposed development to accord with the following: (c) The maximum width of the dormer structure shall be 3m externally and be centrally located on the roof plane. (d) The maximum width of the window in the dormer shall be 1.5m externally and be centrally located. Reason: In the interest of visual amenity and the proper planning and sustainable development of the area.
4	The window along the east elevation at the first-floor level serving bedroom 2 shall be omitted. Reason: In the interest of visual amenity and the proper planning and sustainable development of the area
5	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 interest of orderly development.
6	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.
7	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.

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.

Deirdre Scully
Planning Inspector

8th of June 2026

Appendix 1 - Form 1 EIA Pre-Screening

Case Reference	
Proposed Development Summary	Construction of 1. A first floor extension to the side and rear of the existing semi-detached dwelling, 2. A dormer window to the rear and new roof light to the front of the existing roof and 3. All associated site works
Development Address	54 Phoenix Park Avenue, Ashtown, Co. Dublin D14 K31V
	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? (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)	☒ Yes, it is a 'Project'. ☐ No
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, 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.	No, not a class for Part 1
☒ 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.	No, not a class for Part 2
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☐ 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)	

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 not provided.

Inspector: _____

Date: _____