



An
Coimisiún
Pleanála

Inspector's Report

PL-501139-DR-26

Development

Construction of an extension with increase of ridge height for existing roof structure. Demolition of the existing garage and garden structure to rear. Alterations to existing vehicular entrance and all associated site works.

Location

3, The Foster's, Mount Merrion, Dublin, A94TK64

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D26A/0035/WEB

Applicant(s)

Emmet and Val O' Rafferty

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Gavan & Angela Carty

Observer(s)

None

Date of Site Inspection

12th June 2026

Inspector

Jennifer McQuaid

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1.0 Site Location and Description

- 1.1. The subject site (0.052ha) is located in The Fosters, which is a cul-de-sac located off Fosters Avenue, Mount Merrion. The dwelling is setback back from the public roadway and served by vehicular access from The Fosters, Foster Avenue and amenity space to the rear. The subject site is bounded by No. 4 The Fosters to the East, No. 2 The Fosters to the west and No's 17 & 19 Saint Thomas Road to the South. The subject dwelling is a detached dormer style dwelling with a detached shared garage (with no. 4) located to the front of the dwelling. The dwelling has a pitched roof with a dormer window to the side, and a lower side single storey pitched roof.

2.0 Proposed Development

- 2.1. The proposed development consists of:
- Alterations to vehicular entrance to increase width to 3.5m
 - demolition of existing garage and single storey garden structure to rear
 - alterations to roof structure to increase ridge height and allow for construction of a first-floor structure.
 - single storey extension to rear and side including new garage and plant room.
 - all associated site works.

3.0 Planning Authority Decision

3.1. Decision

Grant subject to 10 Conditions.

3.1.1. Conditions

5(a) The width of the proposed widened existing vehicular entrance shall be a maximum of 3.5 metres and the footpath, including any grass verge, in front of the vehicular entrance shall be dishd and strengthened at the Applicant's own expense including any moving/adjustment of any water cocks/chamber covers and all to the satisfaction of the appropriate utility company and Planning Authority. With regards to

the dishing and strengthening of the footpath, including any grass verge, in front of the vehicular entrance, the Applicant shall contact the Road Maintenance & Control Section to ascertain the required specifications for such works and any required permits.

(b) Any changes (additions/replacement) to the driveway/parking/hardstanding area shall be constructed in accordance with the recommendations of the Greater Dublin Strategic Drainage Study for sustainable urban drainage systems (SuDs) i.e. Permeable surfacing, and in accordance with Section 12.4.8.3 Driveways/Hardstanding Areas of the County Development Plan 2022-2028. Appropriate measures shall be included to prevent runoff from driveway, parking or hardstanding areas, it shall be contained in such a way to ensure that it does not transfer on to the public road or footpath on road safety grounds.

(c) A minimum of one third of the front garden area shall be maintained in grass or landscaped in the interest of urban greening and SuDs in accordance with Section 12.4.8.3 Driveways/Hardstanding Areas of the County Development Plan 2022-2028.

(d) All necessary measures shall be taken by the Applicant and Contractor to:

(i) Prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining properties as a result of the site construction works,

(ii) repair any damage to the public road arising from carrying out the works,

(iii) Avoid conflict between construction activities and pedestrian/vehicular movements on the surrounding public roads during construction works.

Reason: In the interest of orderly development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The proposal is compatible with the overall policies and objectives for the zone (Zoning objective A), would not have undesirable effects, and would otherwise be consistent with the proper planning and sustainable development of the area.

- The development should have regard to use of materials, and climate change action long-term, regard to Chapter 3 and energy efficiency in buildings, and noting e.g. Policy Objective CA7: Construction Materials.
- The proposal consists of demolition of an attached domestic garage which shares a party wall with No. 4 The Fosters. It is noted that this issue is a civil and conveyancing matter and are not planning matters and therefore do not form part of this assessment. In the event of a grant, a condition shall be attached as follows: "The property, the consent of the adjoining property owner is required. If this written agreement is not obtained the proposed development shall be modified only insofar as is required to do this". The attention of the applicant is drawn to Section 34(13) of the Planning and Development Act 2000.
- The proposed extension will be built adjacent to the boundary with No. 4, The Fosters and would be separated by c.3m from No. 4 The Fosters. It is considered that these works will not give rise to any negative residential and visual impacts and aligns with Section 12.3.7.1 Extensions to Dwellings (iii) Extensions to the Side of the Dun Laoghaire-Rathdown CDP.
- The rear extension will retain sufficient useable rear amenity space. It is considered that the proposed extension by virtue of its height, position and materials does not have a negative impact on the visual amenity of the existing house or neighbouring properties and is therefore acceptable to the Planning Authority and aligns with Section 12.3.7.1 Extensions to Dwellings, (ii) Extensions to the Rear of the CDP.
- The works to the roof will result in alterations to the existing roof profile, it is considered that the alterations will not detract from the character and fabric of the roof profile and changes are consistent with the character of the subject dwelling. It is noted that the dwelling is located at the end of a cul-de-sac in the corner and will not be highly visible while the change in roof profile is different to the immediate surrounding properties, the change is visually acceptable and does not detract from the character of the surrounding area. It is considered that the increase in bulk and mass from the alterations in roof profile would not result in any undue overshadowing or overbearance impacts

to adjacent properties and accords with Section 12.3.7.1 Extensions to Dwellings (iv) Alterations at Roof/Attic Level of the CDP.

3.2.2. Other Technical Reports

- Drainage: No objection subject to conditions.
- Environmental Enforcement: No objection subject to conditions.
- Transportation: No objection subject to conditions.

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

One number submission was received. The following concerns were raised:

- Proposed extension is to be built up to the boundary fence which is claimed to be in the ownership of No. 4 The Fosters and is encroaching on land owned by No. 4.
- The demolition of the existing garage that shares a wall with the garage of No. 4, located to the front of the properties. The structural integrity and outer wall if works are carried out. Request a method statement as to how this will be managed.
- Construction waste management plan (exposure to asbestos), insulation of garage and unfavourable aesthetic if garage (No. 3) demolished.
- Harm to residential amenity with the loss of daylight and overlooking with the new development c. 3m from adjoining site boundary and impact of overshadowing on rear amenity space. Overbearing scale and massing.

4.0 Planning History

None on site.

Adjacent site:

Plan Reg: D15B/0206: Permission granted to No. 2 for alterations to existing dwelling.

Plan reg: D06B/0756: Permission granted to No. 4 for alterations to existing dwelling.

Adjacent dwellings along Fosters Avenue.

Plan Reg: D24A/0805/WEB: Permission refused at 12 Foster Avenue for changes to roof profile to enable the conversion of attic permitted under planning reference: D24A/0468/WEB.

It is considered that the proposed roof extension would be unduly large, bulky, overbearing and visually dominant within the existing roofscape of the house, would adversely impact on the residential amenity of subject dwelling, would contravene the requirements of Section 12.3.7.1 (iv) Alterations at Roof/Attic level of the Dun Laoghaire-Rathdown County Development Plan 2022-2028, and if permitted, would set an undesirable precedent for future similar development. The proposed development would not be in accordance with relevant policy and the provisions of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 and would therefore, not be in accordance with the proper planning and sustainable development of the area.

ACP Reg: PL06D.246176: Plan Reg: D15A/0732: Permission granted at 18 Fosters Avenue for new single storey dwelling to the rear.

Plan Reg: D15A/0282: Permission refused at 18 Fosters Avenue for single storey dwelling to rear of dwelling.

Plan Reg: D15A/0223: Permission granted at 1 The Fosters for alterations and extensions to existing two storey dwelling and all associated works.

5.0 Policy Context

5.1. Development Plan

Dun Laoghaire-Rathdown County Development Plan 2022-2028. (CDP)

The site is zoned as “A”, which seeks to provide residential development and improve residential amenity while protecting the existing residential amenities.

The lands to the northwestern across Fosters Avenue are subject to zoning objective “TLI” which seeks to facilitate, support and enhance the development of third level education institutions.

Chapter 3 relates to Climate Action

Chapter 4 relates to Neighbourhood – People, Homes and Place.

Chapter 12 relates to Development Management

Section 12.2.1 relates to Built Management

Section 12.3 relates to Neighbourhood – People, Homes and Place.

Section 12.3.1 relates to Quality Design

Section 12.3.7 relates to Additional Accommodation in Existing Built-up areas.

Section 12.3.7.1 relates to Extension to Dwellings

- i. Extension to the front
- ii. Extensions to the 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.

iii. Extensions to the 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.

Any planning application submitted in relation to extensions, basements or new first/upper floor level within the envelope of the existing building, shall clearly indicate on all drawings the extent of demolition/wall removal required to facilitate the proposed development and a structural report, prepared by a competent and suitably qualified engineer, may be required to determine the integrity of walls/structures to be retained and outline potential impacts on adjoining properties. This requirement should be ascertained at pre planning stage.

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

The proposed construction of new building structures directly onto the boundary with the public realm (including footpaths/open space/roads etc), is not acceptable and it will be required that the development is set within the existing boundary on site and shall not form the boundary wall. The provision of windows (particularly at first floor level) within the side elevation of extensions adjacent to public open space will be encouraged in order to promote passive surveillance, and to break up the bulk/extent of the side gable as viewed from the public realm.

iv. Alterations at Roof/Attic Level

Roof alterations/expansions to main roof profiles - changing the hip-end roof of a semi-detached house to a gable/ 'A' frame end or 'half-hip' for example – will be assessed against a number of criteria including:

- Careful consideration and special regard 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.

Dormer extensions to roofs, i.e. to the front, side, and rear, will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties. The design, dimensions, and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations.

Dormer extensions shall be set back from the eaves, gables and/or party boundaries. Dormer extensions should be set down from the existing ridge level so as to not read as a third storey extension at roof level to the rear.

The proposed quality of materials/finishes for dormer extensions will be considered carefully as this can greatly improve their appearance. The level and type of glazing within a dormer extension should have regard to existing window treatments and fenestration of the dwelling. However, regard should also be had to size of fenestration proposed at attic level relative to adjoining residential amenities.

Particular care will be taken in evaluating large, visually dominant dormer window structures, with a balance sought between quality residential amenity and the privacy of adjacent properties. Excessive overlooking of adjacent properties should be avoided.

Section 12.4 relates to Transport.

Section 12.4.8 relates to Vehicular Entrances and Hardstanding Areas; and

Section 12.4.8.1 relates to General Specifications

Section 12.4.8.3 relates to Driveways/Hardstanding Areas.

5.2. National or Regional Policy / Ministerial Guidelines

- Quality Housing for Sustainable Communities (2007)
- Design Manual for Quality Housing (2023)

- Urban Development and Building Heights (2018)
- Design Manual for Urban Roads and Streets (2013)
- The Planning System and Flood Risk Management (2009)
- Sustainable Residential Development and Compact Settlements (2024)

5.3. **Natural Heritage Designations**

The subject site is not located within a protected site. The nearest sites are:

- South Dublin Bay and River Tolka Estuary SPA (site code: 004024) is located approximately 1.2km east of the subject site.
- Booterstown Marsh pNHA (site code: 001205) is located approximately 1.2km east of the subject site.
- South Dublin Bay SAC & pNHA (site code: 000210) is located approximately 1.4km east of the subject site.
- Fitzsimon's Wood pNHA (site code: 001753) is located approximately 3.8km southwest of the subject site.
- Grand Canal pNHA (site code: 002104) is located approximately 4.3km north of the subject site.
- Dolphins, Dublin Docks pNHA (site code: 000201) is located approximately 4.6km north of the subject 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 (or Part V of the 1994 Roads).

7.0 **The Appeal**

7.1. **Grounds of Appeal**

The grounds of appeal have been received from the adjacent neighbour at No. 4.
The concerns raised are:

- Invalid Application, demolished and replaced rather than extension: According to the drawings, none of the external walls at first floor level are shown to be retained, it is calculated that c.75% of the external walls at ground level will be demolished. It should be noted that: a wall at first floor level is shown for retention which does not exist, there is a chimney to be retained that would not appear to be structurally supported from the proposed lounge at ground floor underneath, the roof to be retained is irregularly shaped and is not practical to retain. Therefore, the description is misleading, and a replacement dwelling is more appropriate than partial demolition. The drawings submitted do not accurately represent No. 4 as it was not surveyed but recent drawings are available under planning reference D15A/0206 and D06B/0756. The proposal should be assessed under section 12.3.9 and policies CA6 and PHP19 of the CDP.
- Visual Impact & Design: The proposal is not in keeping with the character of The Fosters in regard to height, design and prominent location within the Fosters and would have a detrimental effect on visual amenity of the area. The proposed ridge height is more than a metre higher than the adjoining buildings and two storey rather than dormer style. A revised drawing submitted showing accurate depiction of height difference between no. 3 and no. 4 The Fosters. The demolition of the shed at No. 3 will leave the outbuilding at No. 4 as a standalone outbuilding resulting in a discordant, unfavourable aesthetic.
- Residential Amenity: The proposed replacement dwelling is not compliant with the Building Research Establishments (BRE) Guidelines Site Layout Planning for Daylight & Sunlight 2022 Guidelines. The applicant has not provided details as to whether the proposed development would reduce the amount of daylight received to internal and external amenity areas in No. 4 by no greater than 0.8 times their current value as per BRE Guidelines. The proposed extension encroaches within 90° of due south of No. 4 and therefore there should be a daylight assessment. There are discrepancies between the location of No. 4 The Fosters on the Site layout plan and the proposed rear contiguous elevation drawing. Policy 12.8.7.1 of the CDP states; "In all instances, private open space should not be unduly overshadowed and where there is the potential for the proposed development to overshadow or overlook

existing/future development adjoining the site, minimum separation distances to boundaries should be increased”. And mirrored in section 12.3.7.1 (iii) of the CDP which states: “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”. The proposal is not in compliance with these policies.

7.2. Applicant Response in the case of a 3rd Party Appeal

The applicant has responded and made the following comments:

- The appellant submit that the application is invalid. All applications into DLRCC undergo extensive scrutiny before they are deemed valid. The Planner carried out a site visit and had they been unhappy they could have requested further information.
- The design considers the policy of the CDP in relation to demolition and replacement. The design submitted is to ensure compliance with the policy which the Council have agreed with. For example, a substantial proportion of the ground floor is retained which shows the balance between the existing and the proposed.
- The proposed design respects the predominant character of pitched roof/gables which address the public areas which can be seen from the submitted planning application.
- Sufficient information was submitted with the application, had this not been the case then the application would have been invalidated, or the Council would have requested Additional Information.
- In regard to the concerns of light, the applicant has submitted a shadow analysis which shows that there would only be minimal differences created from the proposed works. This is in a large part due to the proposed design which has the larger element of the dwelling removed from the appellant's existing dwelling.

7.3. Planning Authority Response

The Planning Authority have responded and stated:

- It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

7.4. Observations

- 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, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Residential Amenity
- Visual Amenity & Design
- Appropriate Assessment
- Water Framework Directive

8.2. Principle of Development

8.3. The applicant is proposing a number of alterations and extensions to an existing dormer style dwelling along with demolition of the existing attached garage and single storey garden structure to the rear. The existing dwelling is located within an existing cul-de-sac consisting of 8 detached dwellings of various heights and designs.

8.4. The grounds of appeal state that the application should be invalid as the majority of the dwelling will be demolished and replaced rather than an extension. According to the drawings, none of the external walls at first floor level are shown to be retained, it is calculated that c.75% of the external walls at ground level will be demolished. It should be noted that: a wall at first floor level is shown for retention which does not exist, there is a chimney to be retained that would not appear to be structurally supported from the proposed lounge at ground floor underneath, the roof to be retained is irregularly shaped

and is not practical to retain. Therefore, the description is misleading, and a replacement dwelling is more appropriate than partial demolition. The drawings submitted do not accurately represent No. 4 as it was not surveyed but recent drawings are available under planning reference D15A/0206 and D06B/0756. The proposal should be assessed under section 12.3.9 and policies CA6 and PHP19 of the CDP.

- 8.5. The applicant has outlined that the design considered the policy of the CDP in relation to demolition and replacement. The applicant carried out preplanning prior to submitting an application and the Planning Authority stated the proposal should have regard to Section 12.3.7.1 Extensions to Dwellings of the CDP. A substantial proportion of the ground floor is retained which shows the balance between the existing and the proposed.
- 8.6. I have assessed the elevation drawings and floor plans submitted with the application. I note that the applicant proposes an extension to the ground floor level and proposes to increase the height of the roof at first floor level which will allow for 3 no. bedrooms. The current height of the existing dwelling is c.7.67m and the proposed height will be c. 8.5m, therefore, the overall height will increase by 0.83metres. The applicant has outlined that the alterations to the first floor will only require a minimal increase in the roof apex height. I am satisfied from reviewing the first-floor plans that the majority of the existing first floor will be retained. In relation to the ground floor, I note substantial changes will be made to the overall layout, however, I am satisfied that a significant part of the existing dwelling will be retained, and this has been stated by the applicant as a total of 125sqm. The overall floor space will increase from 133.5sqm to 219.5sqm, this will almost double the size of the existing dwelling on a site size of 0.052ha. I note the appellant's concerns in relation to the demolition required, however, I am satisfied that a sufficient amount of the existing dwelling and floor area will be retained and that the main footprint of the dwelling will be retained. Therefore, I consider the proposal shall be assessed in accordance with section 12.3.7.1 Extensions to Dwellings of the CDP.
- 8.7. I have assessed the application in relation to section 12.3.7.1 of the CDP, the proposal consists of a side and rear extension and alterations to roof/attic level, therefore, I will have regard to section (ii), (iii) and (iv) of section 12.3.7.1. In determining 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, its orientation and usability, degree of set back from mutual side boundaries,

external finishes and design, which shall generally be in harmony with existing. The proposed rear extension is generally single storey and will consist of a dining/living area with an overall height of 4.12metres, there will be a small addition to the first-floor level to increase the bedroom floor area. In my opinion, due to the location of the rear extension located c.5 metres from the common boundary to the rear and distance of over 30 metres to the nearest dwelling to the rear, there will be no potential impact on adjacent residential amenity. The rear extension will be finished in brick and render to match the existing dwelling.

8.8. In regard to the side extension part (iii) of section 12.3.7.1 is applicable and ground floor side extension will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation) and impacts on adjoining residential amenity. The proposed extension is single storey and will comprise of extension to the lounge with garage and plant room. The proposed extension will be constructed directly adjacent to the boundary with No. 4 but will remain within the boundary of the applicant. No windows are proposed on the side elevation and there are no windows on the side elevation of the adjacent property, therefore there will be no direct overlooking to the adjacent property and there will be no impact to residential amenity. The proposed side extension is similar size and design to other extensions to dwellings in the cul-de-sac. The proposed garage will replace the existing single storey garage, which is located closer to the front boundary, the setting back of the proposed garage will enhance the visual amenity on the cul-de-sac. The finishes proposed will be similar to those of the existing dwelling. In my opinion, the side extension complies with part (iii) of section 12.3.7.1 of the CDP.

8.9. In relation to the alterations to the attic, I will assess this in accordance with part (iv) of section 12.3.7.1 of the CDP which shall have regard to 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 the proposed roof end, harmony with the rest of the structure, adjacent structures and prominence. The existing roof profile is a dormer style and consisted of two rooms, the applicant proposes an "A" pitched roof which will increase the ridge height by 0.83 metres, thereby creating additional floor space at first floor level. The dwelling is set back over 11 metres from the roadside boundary and will not pose a negative overbearing impact on the cul-de-sac. The adjacent dwellings mainly consist of dormer style, however, I note dwelling No. 2 located to the west is located on higher ground level compared to the subject dwelling, and I further note, two storey

dwelling is located to the rear of the subject site and the roof is visible from the cul-de-sac at The Fosters. The applicant has provided a contiguous elevation with No. 4 and No.2 and in my opinion, the increase in height of less than 1 metres is not inconsistent or out of character with the adjacent properties. Therefore, I consider the increase in height complies with part (iv) of section 12.3.7.1 of the CDP.

8.10. Having regard to the proposed alterations and extension and demolition to the existing dwelling and domestic garage, I am satisfied based on the drawings submitted that the proposal is not for a replacement dwelling and as such is in accordance with part (ii), (iii) and (iv) of section 12.3.7.1 of the CDP.

8.11. **Residential Amenity**

8.12. The subject dwelling is located within a cul-de-sac of 8 detached dwellings and consists of an existing dormer style dwelling. The subject dwelling is located c. 1 metre from the western boundary, c. 8metres from the southern boundary and c. 5m to the eastern boundary and set back over 11 metres from the roadside.

8.13. The grounds of appeal state the proposed development is not compliant with the Building Research Establishments (BRE) Guidelines Site Layout Planning for Daylight & Sunlight 2022 Guidelines. The proposed extension encroaches within 90° of due south of No. 4 and therefore there should be a daylight assessment. There are discrepancies between the location of No. 4 The Fosters on the site layout plan and the proposed rear contiguous elevation drawing. The distance is not dimensioned on the drawings. The proposal is not in compliance with Policy 12.8.7.1 of the CDP or section 12.3.7.1 (iii) of the CDP in terms of overshadowing, overlooking and visual harmony with the adjoining properties.

8.14. The applicant has responded and stated in regard to the concerns of light; the applicant has submitted a shadow analysis which shows that there would only be minimal differences created from the proposed works.

8.15. I have reviewed section 12.8.7.1 of the CDP which relates to separation distances in regard to private amenity space – quality standards. This is not applicable in this regard as the proposal relates to alterations and extension to an existing dwelling not a new dwelling. Therefore section 12.3.7 Additional Accommodation in Existing Built-up Areas is applicable. The criterion for an extension outlines that overshadowing, overbearing and overlooking along with proximity, height and length along mutual boundaries shall be considered. I note that the eastern single storey side extension proposed is directly along

the mutual boundary with No. 4 for a length of c. 6 metres. The single storey extension does not include any windows along the side elevation, and I note there are no windows on the side elevation of the adjacent property, therefore, I have no concerns in relation to overlooking. In regard to overbearance, due to the overall height of the proposed side extension of 5 metres and the lack of side elevation windows on the adjacent property, I do not consider that overbearance will impact the residential amenity of the adjacent property. In regard to overshadowing, the applicant has carried out a shadow analysis, and it clearly shows minimal impact to the adjacent property. Therefore, I am satisfied that minimal overshadowing will occur and will not negatively impact residential amenity for the adjacent property.

- 8.16. Having regard to section 12.3.7 of the CDP, the layout and design of the proposed development, it is my opinion that the proposed development will not negatively impact residential amenity in terms of overlooking, overshadowing or overbearance.

8.17. Visual Impact & Design

- 8.18. The proposed development will consist of alterations and extension to an existing dormer style dwelling. The proposed design will consist of a two-storey dwelling with single storey side extension.
- 8.19. The grounds of appeal state the proposal is not in keeping with the character of The Fosters in regard to height, design and prominent location and would have a detrimental effect on visual amenity of the area. The proposed ridge height is more than a metre higher than the adjoining buildings and two storey rather than dormer style. The demolition of the shed at No. 3 will leave the outbuilding at No. 4 as a standalone outbuilding resulting in a discordant, unfavourable aesthetic.
- 8.20. The applicant has stated the proposed design respects the predominant character of pitched roof/gables which addresses the public areas.
- 8.21. I have assessed the proposed design, height and location of the proposed development. As I have mentioned above, the design is similar to the existing dwellings in the cul-de-sac of The Fosters. The Fosters consists of a variety of house styles and designs; however, the majority are dormer in style. Although the proposed development will consist of a two-storey section of the dwelling, the overall height is similar to the adjacent properties due to its siting and location, therefore I consider the proposed design, and height is in keeping with the character of the area. I note the appellant raised concerns in relation to the

demolition of the adjacent garage to No. 4 and that it would appear as a standalone building, however, I consider due to the design of the existing garage at No.4 which is finished in similar material to the existing dwelling, it appears as an extension to No. 4 and the demolition of the domestic garage at No. 3 will not negatively impact the visual amenity of No.4 domestic garage.

- 8.22. Having regard to the design, overall height, the proposed finishes, it is my opinion that the proposed development is similar to the existing dwellings of The Fosters and will not negatively impact the character of the area.

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. The subject site is not located within a designated site. South Dublin Bay and River Tolka Estuary SPA (site code: 004024) is located approximately 1.2km east of the subject site.

The proposal consists of permission for construction of an extension with increase of ridge height for existing roof structure. Demolition of the existing garage and garden structure to rear. Alterations to existing vehicular entrance and all associated site works. No nature conservation concerns were raised by the appellant.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:

- Scale and size of the development.
- Distance to the nearest European site
- The lack of connections to the SPA & SAC.
- Connection to public services

I conclude, on the basis of objective information, that the proposed & retention 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. The subject site is located within an existing cul de sac known as The Foster's. There is an existing dwelling on site. The proposal consists of permission for construction of an extension with increase of ridge height for existing roof structure. Demolition of the existing garage and garden structure to rear. Alterations to existing vehicular entrance and all associated site works. No concerns were raised in relation to water deterioration.

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

- Scale and size of the development.
- Distance to the nearest waterbody
- The lack of connections to the waterbody
- Connection to public services

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.

11.0 Recommendation

11.1. I recommend a grant of permission subject to the reasons and considerations below.

12.0 Reasons and Considerations

Having regard to the established residential location, pattern of development in the vicinity, the nature and scale of the proposed development, which comprises of extensions/modifications to an existing dwelling which accord with section 12.3.7.1 Extensions to Dwellings as per Dun Laoghaire-Rathdown County Development Plan 2022-2028. It is considered that, subject to compliance with conditions below, the subject development would provide for a reasonable upgrade of accommodation on the site, would not have an adverse impact on the residential amenities of adjoining properties, and would be in keeping with the pattern and character of development in the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 23rd 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 development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The external finishes of the proposed extension (including roof tiles/slates) shall harmonise with those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

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

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

4. The proposed side extension located to the eastern side of the subject site shall be constructed fully within the applicant's site boundary. No part of the extension, associated surfacing, foundations, edging, or any other element of the works shall encroach onto the adjoining lands.

Reason: In the interest of proper planning and sustainable development.

5. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements, in writing where necessary, of the planning authority for such works and services.

Reason: In the interest of public health.

6. (a) The width of the proposed widened existing vehicular entrance shall be a maximum of 3.5 metres and the footpath, including any grass verge, in front of the vehicular entrance shall be dished and strengthened at the Applicant's own expense including any moving/adjustment of any water cocks/chamber covers and all to the satisfaction of the appropriate utility company and Planning Authority. With regards to the dishing and strengthening of the footpath, including any grass verge, in front of the vehicular entrance, the Applicant shall contact the Road Maintenance & Control Section of Dun Laoghaire Rathdown County Council to ascertain the required specifications for such works and any required permits.
(b) Any changes (additions/replacement) to the driveway/parking/hardstanding area shall be constructed in accordance with the recommendations of the Greater Dublin Strategic Drainage Study for sustainable urban drainage systems (SuDs) i.e. Permeable surfacing, and in accordance with Section 12.4.8.3 Driveways/Hardstanding Areas of the County Development Plan 2022-2028. Appropriate measures shall be included to prevent runoff from driveway, parking or

hardstanding areas, it shall be contained in such a way to ensure that it does not transfer on to the public road or footpath on road safety grounds.

(c) A minimum of one third of the front garden area shall be maintained in grass or landscaped in the interest of urban greening and SuDs in accordance with Section 12.4.8.3 Driveways/Hardstanding Areas of the County Development Plan 2022-2028.

(d) All necessary measures shall be taken by the Applicant and Contractor to:

- (i) Prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining properties as a result of the site construction works,
- (ii) repair any damage to the public road arising from carrying out the works,
- (iii) Avoid conflict between construction activities and pedestrian/vehicular movements on the surrounding public roads during construction works.

Reason: In the interest of orderly development.

7. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

8. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the

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

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

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

Jennifer McQuaid

Planning Inspector

16th June 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501139-DR-26
Proposed Development Summary	Construction of an extension with increase of ridge height for existing roof structure. Demolition of the existing garage and garden structure to rear. Alterations to existing vehicular entrance and all associated site works.
Development Address	3, The Foster's, Mount Merrion, Dublin, A94TK64
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.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	

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

Inspector: _____ Date: _____