Inspector's Report

PL-501226-DR-26

Development	Demolition of extensions and sheds, construction of extensions to front and rear, roof alterations, family room in rear garden, with all associated site works.
Location	69, Rochestown Avenue, Dun Laoghaire, Dublin, A96X082
Planning Authority	Dun Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.	D26B/0066/WEB
Applicant(s)	Miaorui Hu
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party v Permission
Appellant(s)	James amd Mary McQuinn
Observer(s)	None.

Date of Site Inspection	9th July 2026
Inspector	Paul Christy

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Appendix A – Form 1: EIA Pre-Screening

1.0 Site Location and Description

1.1. The subject site is located in a suburban residential area of Dun Laoghaire, South Dublin, albeit the large National Rehabilitation Hospital complex is located nearby on the opposite side of the R828 public road. The subject property is in a row of detached, two-storey, front gable 1960s/1970s-style dwellings. The subject property and the dwellings on either side are generally at the same level.

1.2. The two-storey main module of the dwelling is rectangular in shape, save for a 'kick-out' to the rear on the south-eastern side adjacent to No.71. The L-shaped area between the subject dwelling and the party boundary, created by the aforementioned 'kick-out' and measuring c.3.91m at its widest and 1.44m at its narrowest, is also developed in the form of a ground floor extension with a flat roof. The adjacent No.71 has a ground floor rear extension. Otherwise, the main modules of the subject property and No.71 are 'mirror images' of each other.

1.3. The main modules of the subject property and No.67 to the north-west are also mirror images of each other, each comprising a two-storey straight side elevation.

1.4. The rear curtilage of the subject property is c.10.55m wide, and the plot widths on either side are similarly-scaled. The rear elevation of the main module of the subject dwelling extends across most of the curtilage save for a distance of c.0.85m to each party boundary. There is currently a single-storey extension to the rear of the subject property. This extension is comprised of a corridor and a square-shaped kitchen unit, both of which are centrally located within the plot. The corridor connects the kitchen unit to the main module of the house. The corridor has a flat roof and is c.5.54m long x 0.65m wide x 2.39m high. The kitchen unit is 6.15m x 5.2m and has a pitched roof with a ridge height of c.3.82m. A narrow, single-storey shed also extends from the rear of the house and is immediately adjacent to the party boundary with No.71 to the south-east.

1.5. The kitchen is set back c.1.82m from the party boundary with No.71 to the south-east. The party boundary with No.71 is a block effect wall c.1.7m in height, save for an extra three rows of blocks that appear to have been recently added to the boundary for a distance of c.3.4m from the rear elevation of the rear extension to No.71. A single-storey extension has been added to the rear of No.71 adjacent to the party boundary with the subject property.

1.6. The kitchen is set back c. 2.58m from the party boundary with No.67 to the north-west. The party boundary with No.67 is a block wall structure c.1.7m in height.

2.0 Proposed Development

2.1. The main elements of the proposed development are as follows:

- Demolition of existing rear extension and sheds;
- A two-storey rear extension similar in width to the existing main module rear elevation and projecting out 3.8m from the said rear elevation, with a part hipped roof to 'marry in' with the existing part hipped roof over the existing two-storey rear 'kick out';
- A ground floor rear extension similar in width to the existing main module rear elevation (and proposed two-storey extension) and projecting out a further 4.4m from the proposed two-storey extension; and
- A single storey garden room at the bottom of the rear garden.

2.2. Other elements of the development include:

- Forming two new window openings at first floor level on the north-western side elevation facing the Appellants' property;
- A new single-storey front porch;
- A new flat roof covering to the existing single-storey element; and
- Two new velux windows on the south-eastern side of the main roof structure facing No.71.

3.0 Planning Authority Decision

3.1 Decision

3.1.1. Grant of permission. The permission was subject to ten conditions. Nine of the conditions were standard in nature. The remaining condition, Condition 3, requires as follows:

'*The glazing within the 2 no. ensuite windows at first floor level on the northern elevation shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable. REASON: In the interests of residential amenities*.'

3.2. **Planning Authority Reports**

3.2.1. [Planning Report]: One report on file prepared by a Senior Executive Planner, Endorsed by a Senior Executive Officer and signed off by an Approved Officer on 31st March, 2026. The report individually considers each item of the proposed works and includes, inter alia, the following commentary:

- Single-storey rear extension: Given the scale and setback, the proposed development is not considered to be excessive so as to dominate in terms of significant overshadowing or overbearing impact on neighbouring properties.
- First floor rear extension:

  ~ There will be an element of residual overshadowing onto the neighbouring dwelling to the north. However, this is not considered to be significant. As the immediate neighbour to the south already has an extension, there will be no significant overshadowing of that property.

  ~ Re the windows proposed on the eastern elevation, there will be adequate separation distance from directly opposing above ground floor windows. Therefore, there will be no undue overlloking.

  ~ Given the scale and setback, the proposed is not considered to be excessive so as to dominate in terms of significant overshadowing or overbearing impact on neighbouring properties.
- Pitched roof at first floor level: Given the scale and setback, the proposed is not considered to be excessive so as to dominate in terms of significant overshadowing or overbearing impact on neighbouring properties.
- Garden room: Neither the design nor the use will detract from the residential amenity of adjoining property or the main house.

3.2.2. [Drainage Planning Report]: No objection, subject to standards conditions.

3.3. **Prescribed Bodies**

3.3.1. None.

3.4. **Third Party Observations**

3.4.1. Two submissions were made to the Local Authority. Please refer to Section 8.1.

4.0 Planning History

4.1. **Subject site:**

4.1.1. None.

4.2. **Locality:**

- (No.77 Rochestown Avenue) P.A. Ref. D08B/0748 Single-storey extension to rear: 2009 Grant, subject to standard conditions.

5.0 Policy Context

5.1. **Development Plan: Dun Laoghaire-Rathdown County Development Plan, 2022-2028**

5.1.1. Zoning: The subject site is covered by Land Use Zoning Objective A. The relevant objective is: '*To provide residential development and improve residential amenity while protecting the existing residential amenities*.'

5.1.2. Existing Housing Stock – Adaptation: Policy Objective PHP19 (includes): 'It is a Policy Objective to: Conserve and improve existing housing stock through supporting improvements and adaptation of homes consistent with NPO 34 of the NPF'.

5.1.3. Development Management: Section 12.3.7. 'Additional Accommodation in Built-Up Areas'

~ 12.3.7.1: Extensions to Dwellings:

- (i) Extensions to the front (includes): '*Porch extensions ... should be of appropriate design and scale relative to the design of the original house. The scale, height, and projection from the front building line of the dwelling should not be excessive so as to dominate the front elevation of the dwelling. The porch should complement the existing dwelling, and a more contemporary design approach can be considered'*.
- (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.'

- (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'*.

~ 12.3.7.4: Detached Habitable Room (includes): '*It should be modest in floor area and scale, relative to the main house and remaining rear garden area. The applicant will be required to demonstrate that neither the design nor the use of the proposed structure will detract from the residential amenity of adjoining property or the main house. Any such structure shall not be to provide residential accommodation for a family member/ granny flat nor shall the structure be let or sold independently from the main dwelling*.'

5.1.4. Private Open Space: Development Management Standards Section 12.8.3.3(i) 'Private Open Space/(i) Private Open Space for Houses' - '*All houses shall provide an area of good quality usable private open space behind the front building as follows*'. Table 12.10 'Private Open Space' then includes a minimum requirement of 75m^2 for a 4 bedroom or more house.

5.2. Sustainable Residential Development and Compact Settlement Guidelines (DHLGH, 2024)

5.2.1. Private Garden Space for Houses: SPPR2 provides for a minimum requirement of 50m^2 for four-bed or more houses.

5.3. Quality Housing for Sustainable Communities (DHLGH, 2007)

5.3.1. Internal Living Spaces: Table 5.1, 'Space provision and room sizes for typical dwellings', includes the following relevant standards for 4-bed, 7-person, 2-storey houses):

- Target gross floor area – 110m^2;
- Minimum main living room – 15m^2;
- Aggregate living area – 40m^2;

- Aggregate bedroom area – 43m^2.
- Storage – 6m^2.

5.4. **Natural Heritage Designations**

5.4.1. The site is located: c.2.30km (at its closest) to the north-west of the Dalkey Coastal Zone and Killiney Hill Proposed Natural Heritage Area (Code 001206); c. 3.91km to the west of the Dalkey Islands Special Protection Area (Code 004172); and c.4.19km to the west of the Rockabill to Dalkey Island Special Area of Protection (Code 003000).

6.0 EIA Screening

6.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001 (As Amended). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

7.0 Water Framework Directive Screening

7.1. The subject site is located: c.450m to the west of the Kill of Grange Stream_010 river waterbody (IE_EA_10K020200); 1.95KM to the west of the Dublin Bay Coastal waterbody (IE_EA_090_0000); and is located over the Wicklow ground waterbody (IE_EA_G-0076).

7.2. The proposed development is as described in Section 2 of this report.

7.3. No water deterioration concerns were raised in the planning appeal.

7.4. I have assessed the proposed demolition of extensions and sheds, construction of extensions to front and rear, roof alterations, family room in rear garden, with all associated site works inclusive of connection to the public sewer and disposal of surface water via an on-site soakpit, 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.

7.5. The reasons for this conclusion are as follows:

- Whilst there is a potential hydrogeological pathway between the site and the Wicklow ground waterbody as a result of soil exposure during groundworks, given the small-scale of the proposed development and the assimilative capacity of the waterbody, which will dilute any potential effects, it can be concluded that there is no conceivable risk to this waterbody either qualitatively or quantitatively.
- The nearest surface waterbody, the Kill of the Grange Stream river waterbody, is located c.450m to the west of the subject site, and there is no known hydrological connection between the two. Furthermore, it is proposed to dispose of effluent via an existing public sewer system.

7.6. 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.

8.0 The Appeal

8.1. Grounds of Appeal

8.1.1. The Appeal is comprised of a copy of a submission made by one of the Appellants, Mr. James Quinn, to the Local Authority, together with a copy of the submission to the Local Authority of another party, Ms. Mary B. Mould.

8.1.2. The submission of Mr. Quinn indicates that he is an immediate neighbour of the Applicant and observes that:

- The scale and height of the proposal is out of character with the existing houses in the estate.
- Has no issue with a single-storey extension, but a two-storey extension on the south side of their garden would block the sunshine for most of the year and much light from their garden and rear of their home.
- The development would cause a major loss of amenity to their home and family.
- Overlooking: The proposed ground floor window facing their property, albeit on the ground floor but higher than '*the five-foot intermediary wall*' would remove their privacy.

8.1.3. The submission includes an image of the existing situation, as viewed from the Appellants' side, together with a 'mock up' image of the proposed development. It concludes with a request that the extension be limited to one storey.

8.1.4. The submission of Ms. Mould indicates that she is a neighbour of the Appellants on the Appellants' northern side. In her submission, Ms. Mould '*strongly objects*' to the proposal on the following grounds:

- Overshadowing: The two-storey extension would block the sunshine on her patio and rear of her home.
- The two-storey extension would be an eyesore to the rear '*of our houses*' and completely out of keeping and could effect the value of '*our properties*'.

8.2. Applicant's Response

8.2.1. None received.

8.3. Planning Authority Response

8.3.1. The Authority responded on 7th May, 2026. The Authority referred the Commission to the previous Planner's report and considers that the grounds of appeal do not raise any new matter which, in the opinion of the Authority, would justify a change of attitude to the proposed development.

8.4. Observations

8.4.1. None.

9.0 Assessment

9.1. Overview

9.1.1. Having examined the application details, and all other documentation on file including the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local policies and guidance, I consider that the substantive issues in this appeal to be assessed are as follows:

- The proposed rear extension and new pitched roof to side, and the potential impacts on the amenities of the adjacent property to the north-west (No.67, the Appellant's property);

- The proposed rear extension and new pitched roof to side, and the potential impacts on the amenities of the adjacent property to the south-east (No.71).

9.1.2. The application includes miscellaneous additional itemised proposals. I address these in Section 9.4.

9.2. The Proposed Rear Extension and New Pitched Roof To Side, and Potential Impact on the Amenities of Appellants' Property (No.67)

9.2.1. Proposed Two-Storey Rear Extension: The proposed two-storey element extends 3.8m from the existing rear elevation of the subject house, and is set back 0.85m from the party boundary. The proposed eaves and ridge heights follow those of the main dwelling and are thus c.5.22m (eaves) and 7.22m (ridge).

9.2.2. The relevant policies of the Development Plan seek to strike a balance between providing for residential development, while protecting existing residential amenities. Specifically with regards to first floor rear extensions and the protection of existing residential amenities, Development Management Section 12.3.7.1 provides as follows in relation to existing residential amenities: *'the following factors will be considered: Overshadowing, overbearing, and overlooking - along with proximity, height, and length along mutual boundaries; Degree of set-back from mutual side boundaries*.'

9.2.3. At my site inspection, I was afforded access to the rear of No.67. There is no extension to the rear of No.67. The party boundary is formed of a block wall c.1.7m high. From a distance of c.8.4m from the rear elevation of the subject property, there is also foliage running alongside the wall. That part of the garden adjacent to the proposed two-storey extension is laid out with decorative concrete slabs and is served by garden furniture (table and chairs).

9.2.4. In my opinion, the combined effects of the aforementioned depth, eave and ridge heights of the proposed two-storey extension, together with the minimal distance to the party boundary will result in an unacceptable degree of overbearance on the amenities of the Appellants' property, contrary to the aforementioned policy. These general concerns are highlighted by the projection of the proposed beyond the nearest upper floor bedroom window of No.67, and the relatively short distance between the two (c.2.33m at it nearest point). I would also advise that the rear building line of the subject property is already stepped back slightly (c.0.75m) from that of the Appellants' property and not directly in line as is indicated on the submitted 'Proposed Site Layout Plan'. Furthermore, given that the subject property is to the south-east of the Appellants' property, and having regard again to the minimal distances between the two, and the proposed height of the proposed two-storey extension, I would also have concerns that the proposed will result in a

degree of overshadowing of the Appellants' rear garden, notwithstanding that no evidence, whether positive or negative, has been presented in relation to this issue.

9.2.5. Regarding potential overlooking, three windows are proposed for the rear elevation upper floor. No windows are proposed for the upper floor of the side elevation facing No.67. I would firstly note that the larger two proposed upper floor windows on the rear elevation essentially replicate the two existing upper floor bedroom windows, albeit they will be moved somewhat deeper into the subject plot. For these reasons, they will not therefore create any material change with regard to overlooking, in my opinion. A third smaller window is also included on the upper floor rear elevation. However, this is to serve a proposed ensuite bathroom and can therefore be formed of obscure glazing, thereby preventing any additional overlooking.

9.2.6. Proposed Ground Floor Rear Extension: The proposed ground floor, including that part below the proposed first floor, extends for a total of 8.2m (ie. a further 4.4m beyond the proposed 3.8m two-storey extension) from the existing rear elevation of the main house module. A flat roof is proposed with a ridge height of slightly less than 3.49m (the 3.49m referenced on the submitted plans refers to a 600mm plinth on the outside edge of the main roof of the extension). Sliding glass doors and a separate narrow, tall window are proposed for the rear elevation. The elevation facing the Appellants' property includes a window, described on the submitted plans as a 'Slit Window', measuring c.2.65m long. The lowest part of the window is c.2.26m from ground level, with the window itself being c.0.63m in height.

9.2.7. Similar to those for first floor rear extensions, the relevant policies of the Development Plan for ground floor rear extensions again seek to strike a balance between providing for residential development, while protecting existing residential amenities. Specifically, Development Management Section 12.3.7.1 provides as follows in relation to existing residential amenities: '*Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries'.*

9.2.8. In considering this element I have had regard to the Commission's 2024 decision on Appeal Ref. No. 321332 for 15 The Rise, Mount Merrion in the same Local Authority area as the subject proposal. That proposed development included a 3.6m high (ground level to parapet level) ground floor rear extension. The extension extended across almost the entire width of the plot, and indeed immediately adjoined the party boundary on one side. The Commission granted the development, and its 'Reasons and Considerations' included having regard to the 'scale and massing of the development proposed' and that the development 'would not seriously injure the residential amenity of surrounding properties'. Having regard to the outcome of the referenced case, and to the similarities between that case and the subject proposal, I would conclude that the proposed ground floor will, similary, not seriously injure the residential amenity of the Appellants' property. I also note that in their submission to the Local Authority (now forming part of the Appeal), the Appellants stated that: '*We*

have no issue with a one-storey extension', before going on to criticise the proposed two-storey element.

9.2.9. With regard to potential overlooking, the proposed rear elevation windows will not give rise to any significant issues, in my opinion. The actual potential for overlooking from the proposed slit window on the north-western elevation is low, in my opinion, having regard to the height of the window, c2.26m (or 7.4 feet) at its lowest point. However, the perception of being overlooked is a consideration, having regard to the proximity to the party boundary (c.0.85m). A reasonable compromise would be to require opaque or obscure glazing, in my opinion, particularly having regard to the extensive glazing proposed for the rear elevation and the light that will provided by these windows for the proposed develoment.

9.2.10. In terms of potential overshadowing, I note that no evidence, whether positive or negative, has been presented in relation to this issue. Notwithstanding, it is unlikely that the proposed ground floor will give rise to significant overshadowing, having regard to the height of the proposed ground floor and its location to the east/south-east of the adjacent property.

9.3. The Proposed Rear Extension and New Pitched Roof To Side, and Potential Impacts on the Amenities of No.71

9.3.1. Proposed Two-Storey Rear Extension: The submitted plans show the proposed extension (ground and first floor) being set back c.0.9m from the party boundary with No.71. The plans also indicate that the two-storey element will extend for a distance of 3.8m from the rear elevation of the existing main module. Finally, in addition to the roof of the proposed extension, the proposed works also include an adjustment to the roof of the existing return so as to provide for a symmetrical hipped roof across the existing 'kick out' and proposed two-storey extension (please also refer to para. 9.6.3 for further assessment of the proposed roof).

9.3.2. A ground floor flat roof extension has been added to No.71 with the side (north-western) elevation adjacent to the subject property being located immediately adjacent to the party boundary. This extension projects for a distance of c.5.5m from the rear elevation of the main module of the house. In terms of height, the parapet wall of the rear extension is slightly below the underside of the upstairs bedroom windows of the subject property and is thus c.2.8m-3m in height. Two skylights are included in the flat roof of this extension.

9.3.3. Notwithstanding the presence of the existing ground floor rear extension of No.71, the two-storey element of the proposed extension would still be overbearing as perceived from that side, in my opinion, having regard to: the minimal distance of the proposed two-storey extension to the party boundary (c.0.9m); the proposed eaves (c.5.22m) and ridge (c.7.22m) heights; and the projection of the proposed beyond

the nearest upper floor bedroom window of No.71, and the relatively short distance between the two (c.2.33m at it nearest point).

9.3.4. Noting that the proposed is generally to the north of No.71, I have no concerns in terms of overshadowing. In terms of potential overlooking, no upper floor windows on the south-eastern elevation are itemised in the project description, and my conclusions at para. 9.2.5 in terms of there being no significant impact apply equally here. A relatively large window for the south-eastern elevation of the existing dwelling serving a set of stairs (c.1.3m x c.1.1m) is included on the submitted plans. I address this, and similar items in Section 9.6.

9.3.5. Proposed Ground Floor Extension: My conclusions at para. 9.2.1 in relation to No.67 refer equally to No.71, and noting also that the proposed is generally to the north of No.71.

9.4. Miscellaneous Itemised Proposals

9.4.1. Demolition of Existing Single-Storey Rear Extensions and Sheds: Having regard to the extremely poor condition of the existing extensions, and their poor integration with the main dwelling module I have no objections to this proposal should permission be forthcoming, subject to the imposition of a standard condition in relation to the need for the preparation of a Resource Waste Management Plan for the prior written approval of the Planning Authority.

9.4.2. Two New Window Openings At First Floor to Side: The proposed windows are on the upper floor of the existing north-western elevation. These are to serve ensuite bathrooms. Given that they can be finished in obscure glazing, I am satisfied that they shall not give rise to any issues of overlooking.

9.4.3. Front Porch: The proposed porch is modest in scale, and no issues arise in my opinion.

9.4.4. Family Room In Rear Garden: The key elements of the relevant development management policy for such structures, as contained in Section 12.3.7.4: 'Detached Habitable Room' and as reproduced at para. 5.1.1 above, include that: it should be modest in floor area and scale, relative to the main house and remaining rear garden area; neither the design nor the use of the proposed structure will detract from the residential amenity of adjoining property or the main house; and that the proposed unit shall not be to provide residential accommodation for a family member/ granny flat, nor shall be let or sold independently from the main dwelling.'

9.4.5. The proposed dimensions are 10.3m long x 4.8m wide x 3.12m high. With a floor area of c.49m^2, the proposed structure is, in my opinion, modest in scale to the main house and remaining garden area (the remaining garden area will be c.220m^2, including the proposed patio area). The proposed garden room is located at the very

bottom of the subject garden, and extends across the full width of the subject plot. It is, therefore, immediately adjacent to the party boundaries with residential properties to the north-west, north-east and south-east. However, having regard to the proposed location significantly removed from the dwellings in the adjacent plots, the general depths of the adjacent plots (ie. c.34.5m from the main modules of the dwellings on either side, and c.15m to the dwelling of the plot to the rear) and to the foliage at the respective party boundaries, the proposed structure will not give rise to any significant issues in terms of adjacent residential amenities and is acceptable, in my opinion. In terms of proposed uses, little detail is provided other than notation on the submitted plans indicating that the structure is to be used as a 'Multi function space – home gym/office/store'. Such uses would be in compliance with the aforementioned policy and can be controlled by condition.

9.4.6. New Flat Roof Covering to Existing Single-Storey Playroom To Side: This is a straightforward proposal to replace the existing roof of the existing single-storey element of the main dwelling module at a similar height and, in this regard, I have no objection.

9.4.7. Two New Velux Windows In Main Roof To Side: The two velux windows are proposed on the south-eastern facing roof plane of the existing main module of the dwelling. They are small in scale, 0.78m x 0/98, are immediately adjacent to the apex of the roof and, according to the plan notation, are to be 'inserted into attic space'. I have no objection to this proposal.

9.5. **Other Issues**

9.5.1. Other Issues Raised By Appellant: In their Appeal, the Appellants attached a copy of the 'Proposed Side North Elevation' and highlighted in red two items on the drawing, together with a question mark against each. It is reasonable to assume that the Appellant was questioning these items on the basis that they were not highlighted in pink on the submitted plans, whereas the other proposed new items were. I would comment on each of these as follows.

9.5.2. The first item is identified on the referenced drawing as a chimney. At my site inspection, I noted that the chimney was present and thus there is no issue in relation to this matter for the Commission, in my opinion.

9.5.3. The second item is a ground floor window. This item is not referenced in the public notices, but is shown on the referenced 'Proposed Side North Elevation' drawing, and on the 'Proposed ground & first floor plans' as serving an ensuite room. I also note that the submitted 'Existing Ground Floor Plan' drawing includes two no. windows serving a 'Rear Office' in the general area of the new ground floor window, and that the submitted 'Existing Side North Elevation' identifies a single window in the general area whereas, at my site inspection, I noted that no such windows were

in place. Having regard to the absence of any reference in the public notices to the window as identified on the proposed plans, and to the inaccuracy of the representation of the current situation as contained in the plans purporting to show the existing situation, in the event of a decision to grant permission it is recommended that a condition be attached to clarify that the proposed window is not approved should a grant of permission be forthcoming.

9.5.4. Amenities of No.65: I note the concerns of the occupant of No.65 as expressed in the submission to the Local Authority. The concerns relate to blocking of sunshine on their patio and rear garden. However, having regard to the distance of the nearest part of the proposed development to the referenced property (c.10.55m), and to the sheds of Nos.67 and 65 and shrubbery straddling the party boundary of these two properties, it is unlikely that the proposed will give rise to any significant overshadowing of No.65, in my opinion.

9.5.5. Accommodation Spaces: The proposed accommodation spaces exceed the requirements as set out in the 'Quality Housing Guidelines'.

9.5.6. Remaining Rear Garden Space: Development Management Standard 12.8.3.3(i) of the Development Plan includes a minimum private open space requirement of 75m^2 for houses with four bedrooms (or more), while SPPR2 of the 'Compact Settlement Guidelines' has an equivalent requirement of 50m^2. The rear garden space of c.220m^2 after development would comfortably exceed these requirements.

9.5.7. Services: It is proposed to connect to the existing public sewer and to dispose of surface water via an on-site soakaway. The Local Authority Drainage Division has no objections.

9.6. Various Proposed Works Identified On Plans but Not Itemised In Development Description

9.6.1. In addition to the issue I address at para. 9.5.3, I would advise that the following items also are included on the submitted plans but not specifically referenced in the development description:

- Three replacement windows on front elevation (two at first floor, and one at ground floor level);
- Replacement window on upper floor of existing south-eastern elevation; and
- Small window to rear of existing single-storey south-eastern elevation.

9.6.2. With regard to the works proposed in the first and second bullets, I note that the proposed windows are like-for-like in terms of dimensions and position within the elevation. As a result, there shall be no material change in the appearance of the

dwelling. That being the case, and having regard also to the inclusion for general works in the development description, I have no concerns in relation to these matters. Similarly, the proposed window proposed for the rear elevation of the existing single-storey element does not give rise to any issues, in my opinion, as it is significantly below the level of the party boundary with, and rear extension of, the adjacent property and I also have no concerns in this regard.

9.6.3. I would further advise of an apparent inconsistency in the representation of the proposed upper floor hipped roof on the south-eastern elevation. Two drawings, the 'Proposed Side South Elevation' and the 'Proposed First Floor Plan', show the proposed hipped roof being a mirror image of the existing hipped roof in terms of length, whereas the 'Proposed Site Layout' drawing shows a wider hipped roof extending further towards the front elevation of the subject house.

9.6.4. Having regard to the materiality of this difference, in the event of a decision to grant permission that includes the proposed roof amendments it is recommended that a condition be attached to clarify that the lesser of the two designs ie. that included on the 'Proposed Side South Elevation' and the 'Proposed First Floor Plan' is the one that is permitted.

9.7. Development Contributions

9.7.1. The Dun Laoghaire-Rathdown Development Contribution Scheme, 2023-2028 includes a requirement for payment of contributions for domestic extensions in excess of 40m^2 (Table A and Section 7.1(i) refers). The gross floor space of the total proposed works is c.131m^2 (the total proposed ground floor is c.65m^2). As the proposed floor area (and ground floor alone) comfortably exceeds the threshold at which contributions become payable, a condition requiring the payment of contributions should be applied if a positive decision is forthcoming.

10.0 AA Screening

10.1. I have considered the proposed demolition of extensions and sheds, construction of extensions to front and rear, roof alterations, family room in rear garden, with all associated site works inclusive of connection to the public sewer and disposal of surface water via an on-site soakpit, at 69, Rochestown Avenue, Dun Laoghaire, Dublin in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located c. 3.91km to the west of the Dalkey Islands Special Protection Area (Code 004172); and c.4.19km to the west of the Rockabill to Dalkey Island Special Area of Protection (Code 003000). No nature conservation concerns were raised in the planning appeal.

10.2. 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 reasons for this conclusion are as follows:

• the nature of the works: small scale extension to an existing dwelling with existing connections to the public mains sewer and an on-site soakaway;

• the distance of the site from the nearest European site and the absence of any connections between the two.

10.3. I conclude that on the basis of objective information, 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.

11.0 Recommendation, Reasons and Considerations

11.1. **I recommend:**

(a) The GRANT of permission for: a single-storey rear extension only; the demolition of existing single storey rear extensions and sheds; forming 2 new window openings at first floor on the existing north-western elevation; a new single-storey porch extension to front; a new multi-function family room in rear garden; a new flat roof covering to existing single storey playroom to side; placing 2 new velux windows in main roof of existing south-eastern elevation; and all associated site works based on the reasons and considerations marked (1) under and subject to the conditions set out below.

(b) The REFUSAL of Permission for: the proposed upper floor rear extension; and pitched roof at first floor level to side for the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to: the zoning of the site, Land Use Zoning Objective A, in the Dun Laoghaire-Rathdown County Development Plan, 2022-2028 the relevant objective of which is: '*To provide residential development and improve residential amenity while protecting the existing residential amenities*.'; and to the design and scale of the proposed development hereby permitted, it is considered that, subject to compliance with conditions below, the proposed development would not be injurious to the general amenity of the area, and would not seriously injure the visual or residential

amenities of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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 ground floor extension hereby permitted shall extend for a maximum distance of 8.2m from the rear elevation of the main module of the existing dwelling, and the width and height of the extension shall be as per the submitted plans. The finishes to the entirety of the roof of the ground floor rear extension hereby permitted shall generally be as per those identified on the submitted plans for the proposed ground floor extension. Prior to the commencement of development, precise details of the finishes to the proposed rear extension shall be submitted to the Local Authority for its prior written approval. **Reason**: To cater for orderly development.
3.	The glazing within the two ensuite windows at first floor level on the north-western elevation of the existing dwelling, and the ‘slit windows’ on the proposed ground floor extension shall be glazed with obscure glass. **Reason**: To prevent overlooking of adjoining properties.
4.	The following items identified on the submitted plans but not itemised in the development description contained in the planning application form or public notices are not hereby permitted: i. Ground floor window on north-western elevation of existing dwelling. **Reason:** To cater for orderly development.

5.	The proposed multi-function family room in the rear garden shall be used solely for uses incidental to the enjoyment of the dwelling house; shall not be used to provide residential accommodation for a family member/ granny flat; and shall not be used for the carrying on of any trade or business. The structure shall not be subdivided from the existing house, either by way of sale or letting or otherwise. **Reason**: To cater for orderly development.
6.	Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times. **Reason:** In the interest of sustainable waste management.
7.	Surface water arrangements shall comply with the requirements of the planning authority for such services and works. **Reason:** In the interests of public health.
8.	Site development and building works shall be carried out between the hours of 0800 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 residential amenities of property in the vicinity.

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 Bord 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.

Reasons and Considerations (2)

(a.) Having regard to the scale of the proposed two-storey rear extension in terms of eaves height, ridge height and depth, and its proposed proximity to the adjacent residential properties on either side, it is considered that the proposed would have an unacceptably detrimental impact on the residential amenities of the said residential properties by reason of overbearance and, specifically with regards to No.67 to the north, by reason of overshadowing. Accordingly, to permit the proposed development would be contrary to Development Management Policy Section 12.3.7.1 'Extensions to Dwellings' of the Dun Laoghaire-Rathdown County Development Plan, 2022-2028 and would thereby be contrary to the proper planning and development of the area.

(b.) Having regard to the inconsistencies in the representation of the proposed 'pitched roof at first floor level to side' between the 'Proposed Side South Elevation' and the 'Proposed First Floor Plan' on the one hand, and the 'Proposed Site Layout' on the other, it is considered that insufficient information has been submitted in order to enable an informed assessment of this proposal. Accordingly, to permit this element of the proposed development could give rise to disorderly development and would thereby be contrary to the proper planning and sustainable development of the area.

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

P.Christy

Paul Christy
Planning Inspector

23rd July 2026

Appendix A: Form 1 EIA Pre-Screening

Case Reference	PL-501226-DR-26
Proposed Development Summary	Demolition of extensions and sheds, construction of extensions to front and rear, roof alterations, family room in rear garden, with all associated site works.
Development Address	69, Rochestown Avenue, Dun Laoghaire, Dublin, A96X082
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'. Proceed to Q2. ☐ No, No further action required.
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.**	**State the Class here**
✓ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in <u>Part 2</u>, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of	

proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
✓ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. **No Screening required.**	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. **EIA is Mandatory. No Screening Required**	**State the Class and state the relevant threshold**
☐ Yes, the proposed development is of a Class but is sub-threshold. **Preliminary examination required. (Form 2)** **OR** **If Schedule 7A information submitted proceed to Q4. (Form 3 Required)**	**State the Class and state the relevant threshold**
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
No ✓	**Pre-screening determination conclusion remains as above (Q1 to Q3)**

Inspector: **Paul Christy** **Date: 23rd July, 2026**

P.Christy