



An
Coimisiún
Pleanála

Inspector's Report

PL-501304-DF-26

Development

Retention permission for alterations to previously approved FW22A/0032 consisting of increased floor area of single storey extension and first floor extension to rear and for detached gym/sauna/plant in rear garden, and permission raised boundary wall, reduction in dormer window, and removal of canopy in rear garden.

Location

33 Inglewood Road, Clonsilla, Dublin 15.

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F26A/0068E

Applicant(s)

Mivlian Idrisov & Stakhzada
Daujliatova

Type of Application

Retention Permission & Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)	Mivlian Idrisov & Stakhzada Daujliatova
Observer(s)	None.
Date of Site Inspection	08/07/2026.
Inspector	Deirdre Scully.

Contents

1.0	Site Location and Description	4
2.0	Proposed Development	4
3.0	Planning Authority Decision	4
4.0	Planning History	7
5.0	Policy Context.....	10
6.0	EIA Screening.....	14
7.0	The Appeal	14
8.0	Assessment.....	15
9.0	AA Screening.....	25
10.0	Water Framework Directive	26
11.0	Recommendation	27
12.0	Reasons and Considerations	27
13.0	Conditions	27

Appendix 1 –EIA Screening

1.0 Site Location and Description

- 1.1. The appeal site is located at no. 33 Inglewood Road, Clonsilla, Dublin 15 and the site has a stated area in the application form of 0.38 hectares; presumably a typographical error, which unfortunately is repeated in the Planner Report. From scale measurement of the site layout plans, I estimate the site is 0.038 hectares. The site accommodates a two-storey semi-detached dwelling, with a two-storey side extension, located at the entrance of a short cul-de-sac, within the larger housing suburb of Hartstown/Clonsilla.

2.0 Proposed Development

- 2.1. The proposed development, as described within the public notices, comprises of two parts- (i) retention for increased floor area for the ground and first floor extension at the rear of the house and retention for a stand-alone domestic use structure in the rear garden; and (ii) permission for reducing the size of the dormer on the rear roof and removal of a canopy in the rear garden that links the extension to the structure in the garden and changes to the boundary wall.

3.0 Planning Authority Decision

3.1. Decision

Fingal County Council issued a notification of decision to refuse permission for the proposed development on the 16th of April 2026. Two reasons for refusal were given which stated:

- 1. It is considered that the proposed development by reason of its bulk and massing would result in an overbearing effect on the surrounding visual and residential amenities, materially contravening Objective SPQHO45 of the Fingal Development Plan 2023-2029. The development would contravene a condition of a previous permission, Condition No. 1 of Reg. Ref. Fww22A/0032 and would contravene Section 14.10.2.5 and Section 14.10.4 of the Fingal Development Plan 2023-2029. The development by*

reason of its scale and visual prominence on its corner location would seriously injure the visual amenities of the area, would materially contravene the residential 'RS' zoning objective of the site, and would be contrary to the proper planning and sustainable development of the area.

2. *The applicant has not demonstrated to the satisfaction of the Planning Authority that surface water arising from the development sought for retention can be disposed of in a satisfactory manner. In the absence of such arrangements, the development would result in substandard development and would be prejudicial to public health and contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

One planning report is filed for this application, dated 16th of April 2026 and contained within the Chief Executives Order of the same date. The following provides a summary of key points made in the Planners Report:

- The report outlined the extensive planning history on this site and reasons for refusal. (See Section 4 of this report for details)
- report considered the design of the extension under four points (i) the principle of the development; (ii) the impact on the visual and residential amenity of the area; (iii) Access, Parking and Transport; (iv) Services & Drainage, (v) screening for Appropriate Assessment and (vi) screening for Environmental Impact Assessment.
- The report notes that the proposed development is located within an area zoned "RS- Provide for residential development and protect and improve residential amenity" in the Fingal Development Plan 2023-2029 and other relevant objectives and sections in Chapter 3- Sustainable Placemaking and Quality Homes regarding residential extensions (3.5.13.1, Policy SPQHP41 and Objective SPQHO45; Dublin Airport Noise Zone (Chapter 8), Green Infrastructure (Chapter 9), and Chapter 14- Development Management

Standards, referencing Section 14.10.2- Residential Extensions and 14.10.4- Garden Rooms (see Section 5.1 of this Report for full wording). The report notes that the type of uses sought would generally be acceptable under this zoning objectives, where the development is compatible with other objectives in the Plan and would not have undesirable effects.

- In the assessment of the visual and residential amenities the Planners Report states that the works sought are very similar to the most recent refusal permission (FW25A/0164E), with the exception being the inclusion of the removal of the canopy. The planner states that the previous refusal included concerns of overbearance by reason of bulk and massing and the effect on visual and residential amenity; and this current application has not addressed these sufficiently to overcome such concerns.
- With regard to the retention of the extension works, the report outlines the dimensions of the original permitted extension and the expansion sought and points out the Planning Authority is concerned that the submitted drawings are ambiguous and do not accurately reflect the totality of the unauthorised development on this house, and particularly in relation to dimensions of the height of the two-storey extension. The planner states that the works are excessive and contribute to the overall overdevelopment of the site.
- In relation to the retention of the garden room, the report points out that the room does not comply with Section 14.10.4 which requires that such spaces are not fitted out with kitchen or toilet facilities; in that the inspection showed a space built as a utility room and a functioning kitchenette and bathroom within the building. The report notes that the garden room is excessive in size and scale and the boundary impacts of the structure by reason of height are significant on adjoining house at No.35.
- The planners report notes that permission has not been granted for the conversion of the existing dormer or the conversion of the attic; that the drawings included in the file do not reflect the existing structure, and that the Authority is precluded from considering modifications to a development that does not have permission.

- The report also notes the inaccuracy of the boundary wall dimensions in the application, and raised concern regarding the proposed size and scale of the proposed height increase.
- The report notes the recommendation for refusal by the Water Services Section due to the failure to comply with the conditions of FW22A/0032 as regards surface water management within the site.
- With regard to traffic and parking, the report notes that there are no issues of concern.
- The planners report outlined in respect of Appropriate Assessment that the proposed project, individually or in combination with another plan or project, will not have a significant effect on any European sites. And with regard to Environmental Impact Assessment Screening, that no Environmental Impact Assessment is required.

3.2.2. Other Technical Reports

Water Services (26/03/2026). The Report states that they have no objection to the development as regards flood risk, but recommend refusal due to the failure to construct the soakaway required under FW22A/0032 which granted permission for an extension to this property; and the failure to put forward any alternative.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

Subject Site:

FW25A/0164E: Retention permission and permission REFUSED for alterations to FW22A/0032 including retention of increase in floor area to single and first floor rear extension, retention of plant room/gym/sauna in rear garden and raised boundary wall and for permission to reduce the existing dormer window to the rear roof. (10/06/2025).

The reason for Refusal was:

“It is considered that the proposed development by reason of its bulk and massing would result in an overbearing effect on the surrounding visual and residential amenities, materially contravening Objective SPQHO4 of the Fingal County Development Plan 2023-2029. The development would contravene a condition of a previous permission, Condition 1 of Reg. Ref. FW22A/0032 and would contravene Section 14.10.2.5 of the Development Plan 2023-2029. The development by reason of its scale and visual prominence of its corner site location would seriously injure the visual amenities of the area, would materially contravene the residential ‘RS’ zoning objective of the site, and, therefore, would be contrary to the proper planning and sustainable development of the area.”

FW24A/0230 (ABP-320529-24): Retention permission and permission REFUSED for retention of increased floor area of extensions and ground and first floor and permission to reduce dormer window by creating two smaller dormer windows. Following a 1st party appeal the application was refused permission on one ground.

Reason for Refusal by ABP:

“Having regard to the pattern of development in the area and the scale of the development proposed to be retained and the proposed development, it is considered that, by reason of its scale, dimensions, bulk, dominance and massing, the development proposed to be retained and the proposed development would seriously injure the visual and residential amenities of the area, would be contrary to Objective SPQHO45 (Domestic Extensions) and Development Management Standards in Section 14.10.2.5 (Roof Alterations including Attic Conversions and Dormer Extensions) of the Fingal County Development Plan 2023-2029, and would set a precedent for inappropriate development in the vicinity of the site. The development proposed to be retained and proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.”

FW23A/0367- Permission REFUSED for Retention of alterations to FW22A/0032 for increased floor area on rear extension at ground and first floor level, and retention for attic conversion for non-habitable storage with rear dormer window. (25/01/2024). Reason for refusal (one) was bulk, overbearance, dominance, detracting for character of area, inappropriate precedent and contravening Condition no.1 of permission FW22A/0032.

FW22A/0289- Permission REFUSED for Retention for a. single storey extension to front; b. two storey extension to side and rear, c. attic conversion incorporating dormer extension to rear with 1 rooflight to front elevation, d. single storey shed to accommodate new playroom/plant room to rear, e. all associated site works. (30/01/2023). One reason for refusal, on basis of bulk, massing, overly scaled, overbearing and contrary to Objectives DMS42, PM46 and DMS41 of the Fingal County Development Plan 2017-2023, out of character and unacceptable are regards injury to residential amenity and value to adjoining properties.

FW22A/0032- Permission GRANTED for a. single storey extension to front, b. two storey extension to side and rear, c. attic conversion incorporating dormer extension to rear and rooflight to front; d. all associated site works. The application was the subject of an additional information request, which resulted in revised drawings submitted on the 19th of May 2022 removing the rear dormer window and reducing the depth of the first and ground floor extension by 3.5m and 5m respectively, which was the basis of the grant of permission. Condition No.3 required surface water drainage to be agreed, with sustainable drainage to be installed and for measures such as a soakaway, permeable paving and rain gardens to be considered; and separation distances of min 3m from existing surface water sewer beneath Inglewood Road, to be agreed with Area Inspector.

93B/0098: Permission GRANTED for garage extension to side, and kitchen and toilet extension to rear.

It is noted that the site also has an active Enforcement File Ref: 22/114B.

Applications within Inglewood Estate:

F02A/1043 – Planning Permission granted for two storey house in the garden of 16 Inglewood Road.

F03A/0252- Planning Permission refused for two storey house in the garden of 18 Inglewood Road.

F02A/0992- Permission refused for two storey detached dwelling in the garden of 20 Inglewood Drive.

F99B/0492- Planning Permission granted for two storey side extension, 31 Inglewood Road.

5.0 Policy Context

5.1. Development Plan

Fingal Development Plan 2023-2029

Zoning

5.1.1 The site is zoned for Objective RS – Residential purposes within the Fingal Development Plan with the objective to “provide for residential development and protect and improve residential amenity”. The vision for this zoning objective seeks to “ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity”. Residential development is listed as a use that is “permitted in principle” under this zoning objective.

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

Policies and Objectives

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

Policy SPQHP41 – Residential Extensions: *Support the extension of existing dwellings with extensions of appropriate scale and subject to the protection of residential and visual amenities.*

Objective SPQHO45 – Domestic Extensions: *Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.*

Development Management Standards

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

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

14.10.2.3 Ground Floor Extensions (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 to serve the dwelling

house. The proposed extension should match or complement the existing dwelling house.

14.10.2.4 First Floor Extensions: First floor rear extensions will be considered on their merits, noting that they can have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:

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

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

14.10.4- Garden Rooms

Garden Rooms can provide useful ancillary accommodation such as a playroom, gym, or study/home office for use by occupants of the dwelling house. Such structures should be modest in floor area and scale, relative to the main house and remaining rear garden area. Applicants will be required to demonstrate that neither the design nor the use of the structure would detract from the residential amenities of either the main residence or of adjoining property. External finishes shall be complementary to the main house and any

such structure shall not provide residential accommodation and shall not be fitted out in such a manner including by the insertion of a kitchen or toilet facilities. Such structures shall not be let or sold independently from the main dwelling.

5.2. Relevant Ministerial Guidelines

Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024.

Key elements relevant are:

SPPR 1 - Separation Distances

It is a specific planning policy requirement of these Guidelines that statutory development plans shall not include an objective in respect of minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces. There shall be no specified minimum separation distance at ground level or to the front of houses, duplex units and apartment units in statutory development plans and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy.

SPPR 2 - Minimum Private Open Space Standards for Houses

It is a specific planning policy requirement of these Guidelines that proposals for new houses meet the following minimum private open space standards:

- *1 bed house 20 sq.m*
- *2 bed house 30 sq.m*
- *3 bed house 40 sq.m*
- *4 bed + house 50 sq.m*

Private open space must form part of the curtilage of the house and be designed to provide a high standard of external amenity space in one or more usable areas. Open spaces may take the form of traditional gardens or patio areas at ground level, and / or well designed and integrated terraces and/or balconies at upper level. The open space must be directly accessible from the unit it serves and a principal area of open space should be directly accessible from a living space.

5.3. Natural Heritage Designations

The site is not located in or adjacent to any site designated for Natural Heritage. The nearest designated site to the appeal site is approximately 1km to the south- the Royal Canal Proposed NHA (002103). The Rye Water/Carlton SAC (001398) is approximately 6km to the south-west of the site.

6.0 EIA Screening

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

7.0 The Appeal

7.1. Grounds of Appeal

A first party appeal by the agent of the applicant has been submitted against the Planning Authority's refusal of permission. The following provides a summary of the grounds of appeal

- With regard to the first reason for refusal they put forward that the extension as built is not overbearing, is well finished and meeting the needs of the family

living in the house, and takes advantage of the space on a corner site to cater for the family needs; similar to other permissions in place in the area on corner sites that accommodate new construction.

- With regard to the second reason they state that this should have been conditioned for collection solutions to catch surface water. They state they are happy to install rainwater butts and planter beds to absorb surface water within the rear garden to achieve this.
- A revised set of plans were submitted with the appeal. An examination of these show one difference to the original lodged application drawings- the inclusion in the floor plan layout the hatching of the area for retention at first floor level which was omitted in the original application to the Planning Authority. There is no change to the measurements of the floor area. Errors in the submitted drawings are noted in the site plan with regard to the dormer but this has not impacted on the assessment.

7.2. Planning Authority Response

The Planning Authority made no further points in response to the appeal, and points to their consistent approach to this retention development, and ask that the Coimisiún uphold the refusal of the Council.

7.3. Observations

None.

8.0 Assessment

- 8.1. Having examined the application details and all other documentation on file in relation to the appeal, the report of the local authority, and having inspected the site, and having regard to the policies and objectives of the Fingal County Development Plan 2023-2029, I consider that the substantive issues in this appeal to be considered are as follows:

- Procedural Issues

- Residential Amenity and Zoning Compliance
- Design and Scale of the Development
- Drainage.

8.2 Procedural Issues

It is noted that in the planners report there are a number of inaccuracies in the application lodged. These are elaborated below, as relevant, in the following sections of the assessment. In examining the works as completed on site and the information submitted including the drawings supplied with the appeal, I consider that the information supplied was adequate to fully assess the impact of the works as sought for permission and retention permission. This report reflects this assessment on the basis of the as-built development and the proposed new dormer window to the rear (to replace the existing unauthorised dormer). Whilst there are some discrepancies as regards description of the application for the dormer window, these were not addressed at validation stage and they have not had any negative effect in fully assessing the impact of the proposed development. This report and my recommendation does not address, assess or recommend permission for any works that have not been included in the application for permission and retention permission as detailed in the application form and drawings submitted.

8.3 Principle of Development

The zoning objective RS “provide for residential development and protect and improve residential amenity” and Policy SPQHP41 which states to “support the extension of existing dwellings with extensions of appropriate scale and subject to the protection of residential and visual amenities” are important to the context of establishing the principle of development in the assessment of the application. The planners report states that they consider that *“the works in this location would be considered acceptable in principle subject to appropriate planning and design standards.”* The Development Plan is supportive of works that both improve the residential amenity of both the adjoining properties and for the occupiers of the house through extensions and renovations. This is recognised in Development

Management Section 14.10.2 relating to residential extensions which outlines that *“The need for housing to be adaptable to changing family circumstances is recognised and acknowledged and the Council will support applications to amend existing dwelling units to reconfigure and extend as the needs of the household change, subject to specific safeguards.”*

The development proposed is in general supported by and in compliance with the Fingal Development Plan and the principle of development to allow a house extend and adapt to the needs of the residents is acceptable. The Development Plan is also clear that such works are subject to the appropriate specific safeguards. The safeguards referenced above from Section 14.10.2 require that house adaptations *“must have regard to and protect the amenities of adjoining properties, particularly in relation to sunlight, daylight and privacy. The design of extensions must also have regard to the character and form of the existing building, its architectural expression, remaining usable rear private open space, external finishes and pattern of fenestration. Additionally, careful consideration should be paid to boundary treatments, tree planting and landscaping.”*

These safeguards are examined in the following section as part of the assessment of the design and scale of development and their materiality is considered in the section below titled Material Contravention.

8.4 Design and Scale of the Development

In the appeal submitted by the 1st party for this application, they put forward that the development as built is of an appropriate scale for this corner sites and does not have a negative impact on the residential amenity of the area, or the adjoining properties. The Planning Authority in their decision set out that the works in totality would result in an overbearing effect to the detriment of the visual and residential amenity of the area. Each element of the applied for development is therefore examined individually and cumulatively in this assessment.

Ground and First Floor Extension increase:

The proposed additional floor space at ground floor level, whilst not accurately represented by hatching in the submitted drawings (either at application or appeal stage); shows a total of 12 sq. m. (7.4 sq. m. at ground level and 4.8 sq. m. at first). It is noted that the original permission FW22A/0032 reduced the depth of the extension to a max of 5m at ground level and to 3.5m at first floor level, whereas it was built at ground level on the western half at 5m deep and eastern side at 7.5m deep and at first floor level to 4.3m deep. The unaccounted for and unhatched extended element to the east side in this application is estimated to be 7 sq. m. approximately at ground floor level. Taking all of this into account, the total increase of approximately 19 sq. m. is a relatively small increase in the scale of the extension in the context of large suburban house plot. The additional floor space at first floor level is shallow at 0.6m deep and the separation distances between it and the house to the rear (north) at approx. 24.5m (varying slightly due to minor change in the angle of the houses); is in my opinion an acceptable form of development and is compliant with Development Plan (minimum required being 22m, Objective DMSO23, Section 14.6.6.3) and the Sustainable Residential Development and Compact Settlement Guidelines SPPR1; which set a minimum standard of 16m for opposing first floor windows. It is recognised that the extension under the 2022 application was conditioned to a smaller size. However, in considering this application in its own rights and in the context of the Ministerial Guidelines, I am of the opinion that the expansion of the permitted extension does not raise any concerns as regards negative impact on residential amenity; particularly taking into the account the location of the house on a corner site, the depth of the rear gardens, and the appropriate and compliant separation distances maintained between opposing first floor windows. There is no negative impact on residential or visual amenity arising from this small increase in floor area which is predominately to the west of the plot, at a remove from the adjoining property and where the house gable to the west faces a T-junction. The impact of the works on the visual amenity from the T-junction is minimal and is not justifiable as a reason for refusal and has little noticeable impact from the original permission to passers-by. Therefore, in my opinion, the minor increase in footprint of the extension by 12 sq .m. is an acceptable form of development. The inaccuracy referred to in the planners report in relation to the

drawings has not impacted on my ability to assess the impact of the appeal application and the extension works for retention.

Dormer Window to Rear:

The application seeks planning permission for a new form of dormer window on the rear elevation of the house. If permitted, the works will result in a new dormer form replacing the existing unauthorised dormer window currently on the house. Putting aside the lack of retention permission specifically named for altering the existing dormer to a new reduced dormer, which was not addressed at validation stage; this assessment looks at the proposed revised dormer window now sought for permission in its own right. The new dormer attic extension has a cubic metre extent of approximately 38 sq. m, and I consider this volume to be small in scale and subservient to this roof profile. The positioning of the window is below the ridge line and positioned away from the attached neighbouring house, with over 4m from the eastern edge of the dormer to the shared property boundary. The width of the proposed dormer is just over 4m, is appropriately positioned, clearly subservient to the roof and has a separation distance of in excess of 30m to the first floor windows of the property to the rear. Taking all of the above into account, the proposed dormer window is compliant with the requirements of the Fingal County Development Plan set out in Section 14.10.2.5 in that it is set back from adjoining boundaries and gables and down from the eaves, is subservient to the overall roof profile and does not negatively impact on the form or character of the dwelling house and privacy of adjacent properties.

Garden Room:

The building is located to the rear of the garden and has a substantial footprint for a such a use, at 60 sq. m. Two issues emerge from reading the planners report; (i) the size and impact of the structure within the garden; and (ii) the use/possible other use of the building beyond the purposes of residential amenity of the main dwelling house.

The building consists of three parts- (i) a plant room (catering for the large air-to-water heating system) and some storage; (ii) a sauna and hot-tub and gym area; and (iii) a lounge, play and cooking area with brick bbq style grill and kitchen units which opens onto the garden via patio doors. I note the concern of the planner in that the building has the potential to be used for habitation. However at the time of site visit this building is finished and clearly in use as a space for recreation of the residents of the main house. It is noted also that there is no independent access to the rear garden. Whilst the building is large; it is in use as a garden room/amenity space and plant space and any change of use to this will require a separate planning application process. I therefore consider the approach taken in the planners report of anticipating other future uses as inappropriate as it is not what is being sought for retention permission. Restrictions of other uses can be conditioned.

As regards the impact of such a large garden room within a suburban house plot where the main house has already been extended; the key matters are (i) whether the open space retained on the plot is sufficient and appropriate; and (ii) whether there is any negative impact to adjoining residents of the building itself. As regards point (i) the plot size is larger than most in the estate due to its location at the corner plot; and the remaining garden area is stated as 74.4 sq. m, which is 0.6sq.m. below the Development Plan standard of 75 sq .m. set out in Table 14.8 of the Fingal County Development Plan for houses with 4 bedrooms and above. SPPR 2 of the aforementioned Guidelines requires a minimum provision of 50 sq. m. for houses of this size. It is clear that the provision of private open space on this plot meets policy requirements. The second consideration is the impact of the building itself. Whilst large in footprint, it is single storey with a flat roof profile (3.3m in height), with the metal roof finish visible above the boundary wall. The footprint of the building maximises the angled northern boundary of the site, resulting in an easterly elevation at its widest point of 8.2m. It is noted that concerns were raised in the planners report about the continuity of built form from the single storey extension to the garden room, with the covered area linking the two finished in the same style. This covered area is currently being used for storing bikes. The application as submitted proposes removing this area to create a break in the building line along the eastern elevation; which I consider will sufficiently address this concern. It is also noted that the eastern elevation of the garden room and the ground floor extension are off-set

from the adjoining boundary by approximately 0.6m at the extension, reducing to 0.4m on the garden room. An examination of the pattern of development in the immediate area shows a number of properties within this estate with single storey rear extensions and garden sheds/structures reducing the garden footprint below what is provided for in this application. The impact of this garden room does not have any greater negative impact on visual and residential amenity of the area than the many other exempted development works in-situ within this estate. It is clear in the planners report that the scale of this building, in combination with the slightly larger already permitted extension resulted in a conclusion that the works result in a project of scale and visual prominence that results in a visual negative impact for the area. However, if this view was taken for all applications in this area; the infill two storey housing permitted in side gardens already within this estate would never be acceptable due to their visual impact; which is not the case. The garden room is low scale, and in combination with the slight increase in height of the boundary wall to the road, has a very low visual impact when viewed from the public road. The wall is plastered and finished to an appropriate standard, as is the garden room. It is my opinion that this building, due to the single storey form and positioning to the rear of the plot does not have a significant negative impact on either the property itself or on adjoining properties and has no negative impact on visual amenity.

The final part of examining this aspect of the development is considering its compliance with Section 14.10.4 of the Development Plan. The room complies with the use types suggested, in that it has a playroom, gym spaces and is for use by the occupants of the house. The Plan goes on to state that (i) finishes shall be complementary to the house, which they are; and (ii) that shall not be fitted out in such a manner including by the insertion of a kitchen or toilet facilities. It is recognised that the existing uses included in the garden room do include a mini kitchen alongside the bbq style grill and a toilet adjacent to the sauna. These can be conditioned to be removed to comply with the Development Plan.

Boundary Wall:

Retention permission is sought for an increase in the height of the side boundary wall addressing the public road to the west. Whilst accuracy of the original height is

not clear, the wall as it is currently completed is shown in the drawings as approximately 2.4m does not raise any concerns as regards impact on residential and visual amenity and does not look out of place in the setting when examined during the site visit. I see no reason why this should not be granted retention as it protects the residential amenity of the property and its private open space and is in keeping with the finishes of the house.

In Combination Effect:

Reason One in the refusal decision sites the combined effects of the garden room, dormer window and extension as resulting in overdevelopment of the site.

The principle of acceptability on this site of a sizeable single and two storey extension is already accepted. This application seeks to amend this permission by including a small additional floor area. I do not agree with the planners report that this small addition of under 20 sq. m. would result in such a significant change in impact from what was an acceptable scale of development under FW22A/0032 to now being considered overdevelopment and overbearance.

The dormer window proposed in this application is reduced in scale by approximately a third from that currently on site, and is of a positioning and size that is appropriate for the house and location; and I do not consider that the inclusion of the dormer window to the rear results in the extension and window in combination creating an overbearing impact in light of the large garden and the adjoining of the property to the west to a public road. These houses are standard late 20th century suburban housing forms built at a low density; and have no architectural merit. I do not agree that there is a need to preserve the original character of the house and roof profile in perpetuity, and houses like this have the capacity and space to adapt to modern needs.

The final significant element to the works is the retention permission for a large garden room. Due to its size in combination with all the other works, it does raise a larger question regarding scale of development on the site. The point is made in the planners report that in combination, the footprint of development across this site through both extensions and the garden room have significantly reduced the plot ratio to a level that is out of character with this area and the zoning objective.

However as referred to above in relation to the garden room; many houses in this estate with smaller plot sizes have reduced the private open space footprint to the rear of the house significantly through the use of exempted development works; with large single storey extensions up to 40 sq.m. in combination with sheds/garden rooms; reducing the space available to similar and lower provision than in this case. I would put that the scale of development seen in this application within rear gardens is no longer rightly considered out of character with the area; but reflects the now established pattern of development in this area and the scale of development within suburban rear gardens that the exempted development regulations permit. Whilst the planning history and failure to comply with the original permission is noted; I have examined this development in its own right in the context of the existing national Guidelines and local authority policy within the Fingal Development Plan. It does not breach any of the standards or required criteria; and is not out of keeping with development within the area; does not raise any significant impacts regarding residential or visual amenity and for these reasons I do not see that there is a clear case made in putting forward this as overdevelopment of this site. As regards visual intrusiveness, I do not agree with this conclusion in the planners report that the development is visually intrusive on the surrounding environment; the impact of all works from the public road is not significant. With most of the development at single storey, it is not clearly visible; and the first-floor extension and dormer are in keeping with the general pattern of upgrade to these types of houses; at a location where the density of the existing housing has the capacity to absorb these works.

8.5 Drainage

The second reason for refusal is in relation to surface water management on this site. The original permission FW22A/0032 was conditioned as regards surface water management. Condition No.3 required that surface water drainage to be agreed, with sustainable drainage to be installed and for measures such as a soakaway, permeable paving and rain gardens to be considered; and separation distances of min 3m from existing surface water sewer beneath Inglewood Road, to be agreed with Area Inspector. In my opinion there is an inaccuracy in the Engineering Inspectors Report on this file in believing that a soakaway was conditioned as a requirement in the original permission. In my reading of this condition, the phrase

“such as” allows for a discussion with the owner on a possible range of solutions that could address this need. I agree with the appellant on this matter that if the Council required a soakaway, it should have been directly conditioned. Mat

From the site visit where extensive hard paving was visible, it is clear that there is a need for surface water management measures to be installed. The appellant has made this offer and such works can be conditioned.

8.6 Material Contravention

In Reason One of the Planning Authority decision, the development is refused due to the overbearing effect resulting in a material contravention of Objective SPQHO45- Domestic Extensions: *Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.*

This objective is not a quantitative objective but is open to interpretation as to what constitutes a sensitively designed extension and the scale of impact such may have. Having reviewed in detail above the small scale of the additional retention works on the existing granted extension, their compliance with the quantitative standards as regard development works in a domestic context, and totalling a floor area extension increase of 19 sq.m. (of which 4.8 is at first floor level), I do not agree with the conclusion reached in the Fingal County Council decision that the extent of works here being sought for retention is so intensely different as an extension to what they considered acceptable under FW22A/0032 that it is now considered a material contravention of the Development Plan. Clearly what was built was a contravention of the conditions of the decision made under FW22A/0032. However that does not lead to a conclusion that any additional expansion to the works permitted cannot be considered in their own right and in the context of planning policy at the time. For the reason of minimal increased impact and scale, I conclude that this application is not a material contravention of the SPQHO45 and the Coimisiún should not consider themselves bound by the restrictions of Section 37 (2) (b) of the Act.

With regard to the reference in the decision to the contravention of Section 14.10.2.5 (dormer windows) and 14.10.4 (garden rooms); which are not stated as material contraventions; I have addressed above that the dormer in my opinion is compliant

with the relevant standard, and the garden room can be made compliant through condition.

The second half of Reason One sites that the application would materially contravene the residential 'RS' zoning objective due serious injury to visual amenity due to "*the scale and visual prominence*" on this corner location of the proposed retention of the expanded extension and new smaller dormer. As outlined above, the vast majority of works seeking retention is at ground floor level and not noticeably visible outside of the house plot. The extent of increase at first floor level is minimal at 4.8 sq.m.; increasing the depth of the extension by 0.65m. The 5m granted depth at first floor level created a visual impact that was considered compliant with the zoning policy in FW22A/0032; I do not agree that increasing from 5m to 5.56m results in such a significant negative visual impact as to be seriously injurious to the visual amenity of the area and thus a contravention of the RS zoning objective. With regard to the visual impact of the dormer window, it is now smaller in scale and oriented away from the adjoining property and with appropriate separation distances to housing to the rear; is clearly subservient and therefore in my opinion is meeting the requirements of the Fingal Development Plan development management standards. The inclusion of appropriate dormer windows is an acceptable development form for RS zoned locations; the scale of this dormer is small on the roof and the visual impact it has is minimal; with the 1st floor extension reducing its visibility from pedestrian height on the public road. I therefore give my conclusion to the Coimisiún, that the scale of works sought for retention and permission is not a material contravention of the residential 'RS' zoning objective due to its scale and visual prominence at its corner site location; and that the Coimisiún should not consider itself bound by the restrictions of Section 37 (2) (b) of the Act.

9.0 AA Screening

I have considered the proposed single and two storey extension to the dwelling in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located within a well serviced suburb of the town of Blanchardstown and circa 6.2km from the nearest European Sites at the Rye Water Valley/Cartron SAC (001398).

The proposed development comprises of retention permission for alterations to previously approved FW22A/0032 consisting of increased floor area of single storey extension and first floor extension to rear and for detached gym/sauna/plant in rear garden, and permission raised boundary wall, reduction in dormer window, and removal of canopy in rear (See Section 2.0). No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site.

The reason for this conclusion is as follows

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

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

The subject site is located in Inglewood housing estate, within the built-up suburb of Blanchardstown and is approx. 1.3m to the south of the Tolka River. The proposed development comprises of retention permission for alterations to previously approved FW22A/0032 consisting of increased floor area of single storey extension and first floor extension to rear and for detached gym/sauna/plant in rear garden, and permission raised boundary wall, reduction in dormer window, and removal of canopy in rear; (see Section 2 above for description.) No water deterioration concerns were raised in the planning appeal or the planners report; other than the need to slow the speed of surface water discharge from the site in accordance with the principles of sustainable drainage.

I have assessed the works proposed to the dwelling and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to

protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion are (i) the nature of the works proposed, which are modest in scale and also (ii) the lack of hydrological connection and distance from the nearest Water bodies.

Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

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

12.0 Reasons and Considerations

Having regard to the provisions of the Fingal Development Plan 2023-2029 and to the nature and scale of the proposed development on residentially zoned land, the planning policies, objectives and development standards contained therein (particularly Sections 3.5.13.1, 14.10.2, 14.10.4, Policy SPQHP41 and Objective SPQHO45); and the Ministerial Guidelines 'Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities', 2024; it is considered that, taking into account the design of the extension and the relatively small scale of the increased floor area to the extension; and the adequate private

open space provision remaining with the increased extension size and the space taken by the garden room; the lack of increased significant impact on visual or residential amenity from these amendments to the permitted development; that subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the provisions of the Fingal Development Plan 2023-2029 and the proper planning and sustainable development of the area.

13.0 Conditions

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 entire premises, including the extension to be retained, shall be used as a single dwelling unit apart from such use as may be exempted development for the purposes of the Planning and Development Regulations. Reason: In the interest of clarity.
3	The garden room shall not be sold, let or otherwise conveyed as an independent living unit and shall only used for residential amenity purposes as part of the main dwelling. The existing garden and curtilage of the overall residential property on this site shall not be subdivided.

	Reason: In the interest of residential amenity and to control the density of residential units
3	The toilet and kitchen facilities (cooker hob/oven) shall be removed from the garden room within 3 months of the grant of permission. Reason: To comply with the requirements of the Fingal County Development Plan 2023-2029 and to ensure orderly development.
4	Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Reason: In the interest of orderly development.
5	Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority. Reason: In order to safeguard the residential amenities of property in the vicinity.
6	The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense. Reason: To protect the amenities of the area.
7	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.

Deirdre Scully
Planning Inspector

16th of July 2026

Appendix 1 - Form 1 EIA Pre-Screening

Case Reference	
Proposed Development Summary	Retention permission for alterations to previously approved FW22A/0032 consisting of increased floor area of single storey extension and first floor extension to rear and for detached gym/sauna/plant in rear garden, and permission raised boundary wall, reduction in dormer window, and removal of canopy in rear garden.
Development Address	33 Inglewood Road, Clonsilla, Dublin 15.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. ☐ No
2. Is the proposed development of a CLASS specified in 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, not a class for Part 1
☒ No, it is not a Class specified in Part 1.	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	No, not a class for Part 2
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?

Yes ☐

No ☒	No, Schedule 7A information not provided.

Inspector: _____

Date: _____