Inspector's Report

PL-501351-DN-26

Development	RETENTION: To retain a single-storey extension to the north of the previously approved home office building (Planning Ref. WEB1059/23) and all associated site works.
Location	47, Drumcondra Road Upper, Drumcondra, Dublin 9 D09 A8P0.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	WEB1600/26
Applicant(s)	The Institute of Charity Rosminians CLG
Type of Application	Retention Permission.
Planning Authority Decision	Grant Retention Permission.
Type of Appeal	Third Party.
Appellant(s)	Martin Byrne & Fidelma Fitzpatrick.
Observer(s)	None on file.
Date of Site Inspection	11th September, 2026.
Inspector	Aiden O'Neill.

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1.0 Site Location and Description

1.1. The proposed development site is c.0.038ha in area and comprises a large rectangular plot in a mature suburban residential area of Drumcondra. To the north-east is the two-storey no. 49 Drumcondra Road Upper; to the east is the Drumcondra Road Upper (R132); to the south Home Farm Road; and to the west a laneway linking Home Farm Road with Wellpark Avenue.

1.2. The site comprises a two-storey double-bay detached dwelling in use as a residence for the applicant (a religious order), with ancillary place of worship and dining area, front garden, a lean-to annex, single-storey side and rear extensions, large courtyard area, and off-street parking to the rear via a gate with piers off Home Farm Road. To the rear of the dwelling is a detached red brick slated storey and a half office/library/store, which opens out to an enclosed courtyard, with a single-storey red brick annex extension in use as an office and storage area. It is the latter extension that is the subject of the appeal. There is a single-storey shed located to the east of the extension, accessed from the main courtyard that serves the existing dwelling. In the courtyard there is a part constructed block wall structure, with some of the walls fronted with foam insultation boards.

1.3. The site is bound by a low red brick wall with railings and piers and pedestrian gate to the east (front), and a red brick wall to the south (side), part of which forms the wall of the lean-to annex. A plastered block wall forms the western boundary with the laneway, while the eastern shared boundary with no. 49 is characterised by a plastered wall. Mature trees are located inside the northern and southern boundaries.

2.0 Proposed Development

2.1. The proposed development consists of the retention of a single-storey red brick extension to the permitted single-storey part two-storey home office building located to the rear of no. 47, generally to the north-west of the main house.

2.2. The single-storey flat-roofed extension is located to the north-east of the home office building, and extends to, but is set back (by c. 0.2m) from, the shared boundary wall with no. 49. It is set back c. 4.87m from the western boundary with the laneway.

2.3. The area of the single-storey flat roofed extension to be retained is 15.2m2 and it is 2.876m in height.

2.4. It is stated to be used for office space and file storage, confirmed on the day of the site visit. No layout is shown on the floor plan.

3.0 Planning Authority Decision

3.1. Decision

Dublin City Council granted planning permission on 6th May, 2026 subject to 6no. conditions.

3.1.1. Conditions

Of the 6no. conditions attached to the grant of permission, the following are of note:

1. Insofar as the Planning & Development Act 2000 (as amended) and the Regulations made thereunder are concerned the development shall be retained in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the conditions attached hereto. For the avoidance of doubt, this permission shall not be construed as approving any development shown on the plans, particulars and specifications, the nature and extent of which has not been adequately stated in the statutory public notices.

Reason: To comply with permission regulations.

4. The extension to the detached home office outbuilding hereby granted retention permission shall not be used for human habitation or for commercial purposes or for any purpose other than for purposes incidental to the enjoyment of the dwelling.

Reason: To protect the residential amenities of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Deputy Planning Officer's detailed report dated 6th May, 2026 notes the following:

- The proposed development which is considered to be ancillary to the enjoyment of the residents of the principal dwelling would therefore be acceptable in

principle, subject to an assessment against Appendix 18 of the Dublin City Development Plan 2022 – 2028, and protection of neighbouring amenity.

- The extension's stated use is office space and file storage. The extension is also attached to the garden shed not included within this application and stated to be exempt on the drawings. It is noted that the dwelling is in use by The Institute of Charity Rosminians CLG and will therefore be assessed with this in mind.
- The Planning Authority considers that the information submitted within this application is sufficient to carry out a full assessment of the proposal.
- The extension to the home office is c. 15.1sqm and c. 2.8m in height and is considered acceptable. Given the extension is one storey and is finished with a flat roof, it will not lead to any undue overbearance / loss of privacy.
- The unusual layout of the development is noted, and consideration is given to the area of open space enclosed and therefore made inaccessible by the extension, however the Planning Authority considers that given the overall area of the site (c. 1457sqm) and the quantum of accessible rear open space still remains in excess of 400sqm, the layout is acceptable in this case.
- The use of the extension is stated as storage and is deemed permissible. A condition to ensure the use is restricted to ancillary purposes only and ensures the risk of over-intensification of the site is mitigated can be attached.
- The finish of the extension is in keeping with that of the original home office and with dwelling and therefore are acceptable.
- Dublin City Council's Planning Enforcement is currently investigating a live case in relation to the removal of a chestnut tree under ref: E0619/24. Any other works other than what's proposed do not fall under the remit of the application.
- Structural damage is considered a civil matter and therefore does not fall within the scope of this application.
- Overall, the planning authority has no concerns regarding the impact on the residential or visual amenity of the property itself or on neighbouring properties.

- It is considered that the extension to the detached ancillary structure is capable of adding to the usability and amenity value of the subject property.
- The proposed extension would not cause undue overbearance, over-looking or overshadowing on neighbouring gardens and therefore considered acceptable.

The Deputy Planning Officer's report is the basis for the Planning Authority's decision to grant planning permission.

3.2.2. Other Technical Reports

The Report of the Executive Manager, Drainage Division of the Engineering Department, dated 24th April, 2026, states no objection subject to conditions.

The Report of the Contributions Section dated 30th April 2026 sets out the applicable general development contribution.

3.3. **Prescribed Bodies**

None on file.

3.4. **Third Party Observations**

2no. observations are on file, raising the following points:

- There is a repeated pattern of unauthorised construction at the property.
- The development has resulted in the removal of a mature chestnut tree, which made a meaningful contribution to the character, amenity and biodiversity of the area.
- The permitted rear garden structure is already substantial. The site is now heavily developed with multiple ancillary structures. The unauthorised extension further exacerbates overdevelopment and over-intensification of the site.
- The unauthorised development to be retained is not acceptable, is piecemeal and ad hoc.
- Residential and visual amenity impact concerns arise.
- National & local planning policy concerns arise.
- Construction stage matters are not addressed.
- Development seeking retention 'as submitted' would set poor precedents.

- Depreciation in the value of adjoining properties.

4.0 **Planning History**

4.1 The following planning history applies:

- WEB1059/23 Permission was granted on 8th September, 2023 for:
  1. Single storey extensions to the South-West and North-East of the main dwelling to house an oratory and an additional guest bedroom and to the rear to provide a covered link between the original building and the previously approved extension, a glazed lift enclosure to the rear of the main building, all to create a more inclusive / accessible dwelling house. Alterations of extension windows at rear to improve daylight and all associated internal alterations.
  2. Demolition of existing garage and construction of a single storey home office outbuilding with archival storage in the roof space in lieu.
  3. Construction of a single storey garden shed and other associated site works.

  In this application it is stated that the building is a residence that has been used by a religious order, and the application is for alterations to the said residence to fit a different order following a change of ownership. It is also noted that the detached home office included in the application replaces the existing garage and shed structure presently on site, which are shown to be demolished. The purpose of the home office and archive as stated in the accompanying cover letter is for 'private record keeping, studying and archive for the order'.
- 3421/00 – Permission was granted on 18th January, 2001 to construct a single storey conservatory as an extension to the rear of the house.
- 2400/97 - Permission was granted on 7th January, 1998 for a single storey extension containing a community room and ancillary spaces to the rear of the house.
- Section 5 Declarations:
  - Reg. Ref. 0013/26 — Shed (27 m2), determined to be development which is not exempted development on 16th February 2026.
  - Reg. Ref. 0559/25 — Storage room outbuilding (19.8 m2), determined to be development which is not exempted development on 22nd January 2026.

- Enforcement File E0619/24 – Current file open in respect of non-compliance with condition 2 of planning permission WEB1059/23 in relation to the protection of trees.

5.0 Policy Context

5.1. Development Plan

The provisions of the Dublin City Development Plan 2023-2029 refer.

The proposed development site is zoned Z1 (Sustainable Residential Neighbourhoods), with a land use zoning objective 'To protect, provide and improve residential amenities'. The proposed development is permissible in this zoning.

Appendix 18 of Volume 2 of the Plan sets out the policies with respect to ancillary residential accommodation. This states as follows:

- Section 1.2 in relation to rear extensions states that:
  - Ground floor extensions should match or complement the main house.
  - The following factors will be considered:
    - Overshadowing, overbearing, and overlooking - along with proximity, height, and length along mutual boundaries
    - Remaining rear private open space, its orientation and usability
    - Degree of set-back from mutual side boundaries
    - External finishes and design, which shall generally be in harmony with existing
- Section 1.3 in relation to extensions to the side states that ground floor side extensions will be evaluated against proximity to boundaries, size, and visual harmony with existing (especially front elevation) and impacts on adjoining residential amenity.
- Section 1.4 in relation to privacy and amenity states that it is important to make sure that any extension does not unacceptably affect the

amenities of neighbouring properties, including privacy, outlook, daylight and sunlight.

- Section 1.5 in relation to separation distances states that extensions should be designed so as not to dominate or appear unduly overbearing when viewed from adjoining properties.
- Section 1.6 in relation to daylight and sunlight states that consideration should be given to the proportion of extensions, height and design of roofs as well as taking account of the position of windows including rooms they serve to adjacent or adjoining dwellings.
- Section 1.7 in relation to appearance and materials states that an extension should not dominate the existing building and should normally be of an overall scale and size to harmonise with the existing house and adjoining buildings. The materials used should complement those used on the existing building features.
- Section 2.0 Detached Habitable Rooms provide for additional space within the rear garden of an existing dwelling. These rooms shall only be used as ancillary residential accommodation. Planning applications for such rooms would be subject to a condition restricting the use of the room as ancillary living space to the main dwelling.
- Section 8.0 states that home-based economic activity is defined as small scale commercial activity carried out by residents of a house, being subordinate to the use of the house as a single dwelling unit and including working from home.

5.2. **Relevant National or Regional Policy / Ministerial Guidelines**

National Planning Objective (NPO 9) of the National Planning Framework First Revision 2025 (NPF) endorses compact and sequential patterns of growth.

The Sustainable Residential Development and Compact Settlements Guidelines 2024 set out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements.

5.3. Natural Heritage Designations

The proposed development site is c. 2.4km to the north-west of the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) and the North Dublin Bay pNHA (Site Code: 000206).

6.0 EIA Screening

6.1. The proposed development does come within the definition of a 'project' for the purposes of EIA, as it involves the execution of construction works. However, it does not fall within a class set out in Schedule 5, Part 1 or 2 of the Planning and Development Act, 2000, as amended. Therefore, EIA is not required. Refer to Form 1 in Appendix 1 of this report.

7.0 The Appeal

7.1. Grounds of Appeal

The Third Party appeal sets out the following grounds:

- The appellant did not agree in advance to any part of the submitted development which has been constructed adjoining their property boundary.
- The appellant did not object to the previous permission as the proposals did not extend unduly close to their property.
- The recent planning history confirms an intention to fill in the property with new buildings and to build closer to the shared boundary with their property.
- They object to the highly visible unauthorised development and to the loss of a mature Chestnut tree, a category A tree.
- The appellant requests that the extension is removed and a new 6m tree planted.
- The previous permission comprised significant extensions and/or new buildings argued to be required to serve as ancillary floor area and a home office for the house. The structure is now being used as office space for a religious order. An unauthorised use may have taken place from residential to offices.

- It is queried if the structure as extended is in fact a home office, as it seems to be used by staff of the Rosminians Order, which is not a ‘home’ office, used by residents of the house. Is it an authorised use? Permission for a stand alone office should be applied for.
- It is also important to note that other unauthorised development recently took place:
    - In 2025, construction began on a structure adjoining the appellant’s property for which no permission had been sought. This required the demolition of an existing pergola.
    - The applicant submitted a S5, ref. 0559/25 for a storage room outbuilding, 19.8m2 in garden area, which was deemed to be development which is not exempted development. The appellant also sought a S5 declaration on the same outbuilding.
    - That unauthorised development is of concern to the appellant.
- The area subject to retention is already overdeveloped.
- The works have caused visible cracking in the appellant’s home and rear garden building.
- The Commission is asked to refuse permission on the basis that:
    - It is not acceptable.
    - It is piecemeal and ad hoc.
    - Residential and visual amenity impact concerns arise.
    - Construction stage matters are not addressed.
    - It would set poor precedents.
    - It would depreciate the value of adjoining properties.
    - The DCC decision does not offer a sound basis for granting permission
- From a review of the planning history, the property is subdivided into 12no. rooms and in use by a religious order.

- The appellant's property is located to the north of the applicant's property, with the dwelling immediately adjoining the shared boundary.
- The unauthorised development relates to a concrete slab which is indicated by way of a rectangle on the Proposed Site Layout Plan, so included so as to be deemed to have permission.
- The drawings include a garden shed, but it is located outside the areas to be retained. The garden shed is not the same as that granted permission. The shed and the extension to be retained extend up to the party boundary wall, with the appellant objects to. The result is a large elevation serving two contiguous buildings in the previous setback area, which adjoin the appellant's property. The applicant can no longer maintain their wall. It overbears the appellant's property and adds to overshadowing.
- The unauthorised development is piecemeal and ad hoc and poorly integrates with the existing structure and DCC would not have allowed the tree to be removed.
- The cumulative impact of the permitted structure and the structure to be retained requires consideration. It is not in keeping with the character of the area, and is unsightly, visually intrusive, and visually incongruous.
- There are light and noise impacts from the unauthorised development.
- Negative amenity impacts are not fully assessed or mitigated. No adequate visual materials have been provided. There is no room for screening.
- The applicant fails to respond to national policies on urban design, including that the proposed development does not respond to the receiving environment in a positive way, and does not balance density with the protection of amenities.
- Retention is contrary to the policies of the Dublin City Development Plan 2022. The proposed development does not protect, provide or improve residential amenities of the adjoining property. It would set a precedent for other similar developments.
- The proposal is contrary to Appendix 3 of the Plan, as it fails to respect the existing character, context and urban form of the area.

- It is contrary to Plan policy on infill development.
- It is contrary to the Development Management requirements of the Plan, as it does not represent an acceptable addition or alteration to the existing housing stock.
- It is contrary to the General Design Principles of the Plan.
- It is contrary to sections 1.2, 1.3. 1,4, 1.6, 1.7 and 2.0 of the Plan
- It will result in negative residential and visual amenity impacts, which are contrary to the Plan.
- It fails to successfully integrate into the character of the surrounding area, and it not compliant with the requirements of the Plan with respect to daylight and sunlight.
- Construction stage matters are not addressed.
- The development will depreciate the value of adjoining properties, based on the cumulative impact of the permitted structure and the structure to be retained, as well as the amended garden shed as they are built hard up to the boundary wall.
- There are specific concerns regarding the assessment by Dublin City Council in relation to the loss of a Category A tree and the enclosure of an area of open space.
- Refusal of permission is recommended. 7no. reasons are set out.
- In the event that the Commission requests further information, suggestion are included in the appeal.
- From the photos included in the appeal, the extension to be retained is taller than the boundary wall.

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

- The applicant's response dated 12th June, 2026 makes the following points:
    - No. 47 is a large site when compared with neighbouring properties. It is three times larger than the neighbouring properties on Drumcondra Road Upper and more than five times the size of sites on Home Farm Road.

- The original dwelling is at least twice as large as any nearby dwelling and is detached. The original dwelling is dated 1897 with previous extensions in 1998, 2001 and 2024. The development the subject of the application tool place at the time of the 2024 works.
- There is a very strong institutional character to Drumcondra. Many of the large houses suited a range of institutional purposes.
- No. 47 has also historically been used as the residence and offices of religious orders. Before being acquired by the Rosminians Order it was the home of the Alexian Brothers dating back to 1988, where they also provided a drop-in service for persons recovering from mental health issues.
- In 1998 permission was granted to the Alexians to construct a single-storey extension containing a community room and ancillary spaces to the rear of the house, with a further extension in 2001.
- During construction of the development approved under 1059/32 it became apparent that an area of the roof space of the existing dwelling was not suitable for storage, it was therefore decided to extend the office building – the modest single-storey flat-roofed extension is now the subject of this appeal.
- The private open space for the dwelling has been reduced from 658sqm to 632sqm.
- The detached office building is, and will continue to be used as, ancillary office space. It will not be used as a dwelling or overnight accommodation.
- The scale of the building including the extension is modest in the context of the overall site area and scale of the dwelling.
- It replaces a garage and shed that existed in the same vicinity and historical map evidence clearly shows that a building existed in the same area and extended across the full width of the rear of the site. Gardens of dwellings on Drumcondra Road Upper have end of garden buildings with no garden separation between them. The extension does not result in the creation of any greater significant impact.

- The appeal states that works had commenced on a shed, on the understanding that it was exempt, but Dublin City Council determined that it was not exempt. Work stopped immediately and no further works have taken place. What remains on site is a concrete slab and a low wall which would not constitute development. Permission will be sought in advance of any continuing works. Therefore, there is no unauthorised shed constructed.
- The constructed extension is built entirely within the applicant's property, and is modest in scale and subservient to the office building to which it is attached and is less than 2.7m in height. It extends c. 700m above the shared boundary wall and is due south of the neighbour's garden. It is therefore not overly overbearing and will have no unacceptable overshadowing of the garden.
- The extension maintains architectural continuity, and feels cohesive with the office, and sits comfortably in scale. Its only windows face into a small, enclosed courtyard, so not to have windows facing the neighbour's dwelling.
- It was not necessary to remove the mature chestnut tree as it was in the northwestern corner of the site and there was sufficient separation between it and the new buildings. The tree was found to be of poor condition and recommended to be removed by a specialist (noted deterioration in the upper crown). A copy of the specialist's report is attached to the appeal response.
- The applicant has planted a replacement tree in the enclosed courtyard as compensation. Dublin City Council was made aware of the removal of the tree by reference to correspondence dated 18th July, 2024 appended to the appeal response.
- In relation to cracks, while it cannot be verified that these have occurred as a consequence of the works at no. 47, the applicant offered to repair these works, but the offer was declined. The reference to the cracks in the rear garden building is the first time this mentioned.

- Figures 5 and 6 of Appendix 1 attached to the appeal show the minimal impact the office extension has on the resident's amenities.
- There will be no noise impact from the operational activity, and the office has no external lighting. Impact on residential amenity is negligible.
- The proposed development does not cause any measurable significant harm to residential amenity. It enhances the amenities of no. 47 by providing essential ancillary space.
- The extension had no interference with the party wall and is independent of it. It was constructed without encroachment on the neighbour's dwelling or party wall. The portion of the wall and roof closest to the neighbour's property has been constructed using materials that require no maintenance. No complaints were received during construction.
- The proposed development does not contravene the policies of the Plan. In relation to Section 2.0 of the Plan, the development is a small extension to an existing office that is ancillary to the existing dwelling. The new building provides the required ancillary study, office and library space to the main existing dwelling which has 12no. bedrooms.
- The proposed development respects the prevailing scale, mass and pattern of the surrounding area.
- In relation to daylight and sunlight, a shadow analysis has been prepared which demonstrates that the amount of light enjoyed by the property has not reduced significantly and certainly nowhere near the 0.8 times the former value as prescribed in the BRE Guidelines.
- There is no firm basis for claiming that the extension will depreciate the value of the dwelling to the north. If it didn't exist, there would be no measurable difference that would constitute a loss in value.

7.3. Planning Authority Response

- None on file.

7.4. Observations

- None on file.

7.5. **Further Responses**

- N/A

8.0 Assessment

8.1. Having examined all the application and appeal documentation on file, and having regard to relevant policy, I consider that main issues which require consideration in this appeal are those raised in the grounds of appeal.

8.2. The main appeal issues are, therefore, as follows:

- Impact on residential amenity
- Compliance with planning policy
- Enforcement matters
- Other

8.3 Impact on residential amenity

8.3.1 The focus of the Third Party Appeal is on the impact of the extension to be retained on the residential amenities of the appellant.

8.3.2 The appellant contends that the scale, height and proximity of the extension to the party boundary wall, cumulatively with the existing permitted detached ancillary office building will result in negative residential and visual amenity impact and devalue their property.

8.3.3 In the first instance, the permitted and constructed detached ancillary office building is outside the scope of the appeal. The development for which retention permission is sought solely relates to the extension.

8.3.4 Having visited the site and viewed the extension to be retained from the appellant's rear garden, it is considered that the extension to be retained has negligible impact on the appellant's residential and visual amenities.

8.3.5 The extension to be retained marginally extends above the shared boundary wall but is mostly screened by an existing tree in the appellant's rear garden. While it extends forward of the appellant's rear garage, it is only a minor extension. Its flat roof profile is also subordinate to the pitch roof of the existing permitted and constructed one and a

half storey building to which it is attached and the pitch roof of the appellant's rear garage to the north.

8.3.6 I agree with the applicant that the extension to be retained is modest in scale, that it is not overbearing and that, as confirmed in the applicant's shadow analysis included with the appeal response, it will not result in any overshadowing of the appellant's rear amenity space.

8.3.7 I have also had regard to the use of the extension to be retained and note from the site visit that it is laid out and in use as an office and storage space. The extension only has a window to the small courtyard to the north-west, therefore there is no prospect of overlooking the appellant's rear amenity space. Noise and light impacts would be negligible.

8.3.8 For these reasons, I do not agree with the appellant that the extension to be retained will negatively impact their residential and visual amenities.

8.3.9 However, I recommend attaching a condition requiring the entire development on site to remain in single residential use in the interests of residential amenities.

8.4 Compliance with planning policy

8.4.1 The description of the development to be retained – an extension to a permitted ancillary home office – is noted. The planning history of the site indicates that the established use of the site is residential. The extension to be retained is used as ancillary office and storage space to the primary established residential land use on the site. It is a small space accessed via the existing detached office/library/store building.

8.4.2 Having regard to the policies of Section 1 of Appendix 18 of Volume 2 of the Dublin City Development Plan 2022, it is the case that the extension to be retained:

- Matches and complements the main house on site
- Will not result in overshadowing or overlooking and will not be overbearing. Its height, length and proximity to the shared boundary wall are acceptable.
- Has created a useable private courtyard space which is well-maintained.
- Is set back by c. 0.2m from the shared boundary wall.

- Complements the design and materiality of the detached building to which it is attached.
- Does not unacceptably affect the amenities of neighbouring properties, including privacy, outlook, daylight and sunlight.
- Does not dominate or appear unduly overbearing when viewed from adjoining properties.
- Will not result in any concerns with respect to daylight and sunlight, having regard to the proportion of extension, the height and design of its flat roof, and positioning of the window on the north-western elevation. It is noted that the applicant has prepared a shadow analysis has been prepared which demonstrates that the amount of light enjoyed by the property has not reduced significantly.
- Will not dominate the existing building and is of a scale and size that harmonises with the existing house and adjoining buildings, with complementary materials.

8.4.3 Having regard to Section 8.0 of Appendix 18, the extension to be retained is used for home office use by the occupants of the dwelling on the overall site s and is subordinate to the overall use on the site. I recommend the attachment of a condition restricting the use of the extension to ancillary office use.

8.4.4 In this context, the extension to be retained, as an ancillary office use to the principal dwelling use, that will not result in any negative residential and visual amenity impacts on the appellant is acceptable and in accordance with the applicable Z1 (Sustainable Residential Neighbourhoods) land use zoning objective.

8.5 Enforcement matters

8.5.1 The appeal refers to an existing enforcement file in relation to the removal of a chestnut tree.

8.5.2 While I note that the applicant has stated, having consulted a specialist, the tree was found to be of poor condition and recommended to be removed, and that the applicant has planted a replacement tree in the enclosed courtyard as compensation, the current application and appeal relate to the retention of an extension to a previously

approved home-office outbuilding. Issues relating to enforcement by the Planning Authority are outside the scope of this appeal.

8.5.3 As noted above, in the courtyard there is a part constructed block wall structure, with some of the walls fronted with foam insultation boards. This is a matter of concern in the appeal.

8.5.4 The applicant states that works had commenced on a shed, on the understanding that it was exempt, but that what remains on site is a concrete slab and a low wall which would not constitute development. However, given the nature and extent of the works carried out on site for the purposes of constructing a shed, I do not agree with the applicant that these works do not constitute development.

8.5.5 There is no permission in place for the part construction of a shed that has been carried out on site, and it is not included in the extent of development to be retained.

8.5.6 It would appear that the part constructed shed is unauthorised and does not form part of this application or appeal. This element is therefore outside the scope of this report and is a matter of enforcement for the Planning Authority.

8.5.7 It is noted that the Planning Authority attached a condition clarifying the scope of the permission, and it is recommended that a similarly worded condition is attached in this instance in the interests of clarity.

8.6 Other

8.6.1 The appeal refers to cracks at their property. While noting that the applicant offered to repair these, it is considered that this is a civil matter outside the scope of the planning code. The setback of the extension to be retained from the shared boundary wall is also noted.

8.6.2 In relation to the devaluation of the appellant’s dwelling, no information has been provided to demonstrate that the property has been devalued as a consequence of the extension to be retained. The established use of the site and the nature and extent of the development to be retained is a relevant consideration in this context.

9.0 **AA Screening**

9.1. I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

9.2. The proposed development site is c. 2.4km to the north-west of the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024).

9.3 The proposed development consists of RETENTION: To retain a single-storey extension to the north of the previously approved home office building (Planning Ref. WEB1059/23) and all associated site works on a site at 47, Drumcondra Road Upper, Drumcondra, Dublin 9 D09 A8P0.

9.4 No nature conservation concerns were raised in the planning appeal.

9.5 In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the South Dublin Bay and the River Tolka Estuary SPA in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The modest scale of the works and the nature of the development
- Location - distance from nearest European site and lack of connections

9.6 Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

9.7 I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

9.8 Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 **Water Framework Directive**

10.1 The proposed development site is located in the established suburban area of Drumcondra, Dublin City. The nearest relevant water body is the Tolka_060, code IE_EA_09T011150, c. 0.75km to the south-west, the status of which is 'At Risk'.

10.2 The proposed development consists of RETENTION: To retain a single-storey extension to the north of the previously approved home office building (Planning Ref. WEB1059/23) and all associated site works on a site at 47, Drumcondra Road Upper, Drumcondra, Dublin 9 D09 A8P0.

10.3 No water deterioration concerns were raised in the planning appeal. I have assessed the proposed RETENTION: To retain a single-storey extension to the north of the previously approved home office building (Planning Ref. WEB1059/23) and all associated site works on a site at 47, Drumcondra Road Upper, Drumcondra, Dublin 9 D09 A8P0, 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.

10.4 The reason for this conclusion is as follows:

- The nature and scale of the development proposed.
- Distance from the nearest relevant water body, and the lack of hydrological connections.

10.5 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

11.1. I recommend that permission for the proposed development is granted for the following reasons and considerations.

12.0 Reasons and Considerations

Having regard to the Z1 Sustainable Residential Neighbourhoods zoning objective, the pattern of development in the area, and the provisions of Appendix 18 of Volume 2 of the Dublin City Development Plan 2022-2028 (as varied), it is considered that, subject to compliance with the conditions below, the established use and planning history on the site, the nature and scale of the proposed development to be retained would not seriously injure the residential and visual amenities of property in the vicinity, and is, therefore, in the interests of 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 on the 13th March, 2026, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be retained, carried out and completed in accordance with the agreed particulars

   Reason: In the interest of clarity.

2. The development shall be retained in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the conditions attached hereto. For the avoidance of doubt, this permission shall not be construed as approving any development shown on the plans, particulars and specifications, the nature and extent of which has not been adequately stated in the statutory public notices.

   Reason: In the interests of clarity.

3. (a) The extension the subject of this grant of planning permission shall be restricted to an ancillary home office use that is incidental to the occupation and use of the overall property , as specified in the lodged documentation, unless otherwise authorised by a prior grant of planning permission.

(b) The existing dwelling house, as extended, and the ancillary outbuilding, including the extension the subject of this grant of planning permission, shall be occupied as a single residential unit, and the existing dwelling house, as extended, and the ancillary outbuilding, including the extension the subject of this grant of planning permission, shall not be used, sold, let or other transferred or conveyed, save as part of the dwelling house, as extended.

Reason: In the interests of orderly development.

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

Reason: in the interests of public health and surface water management.

6. 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.

Aiden O'Neill
Planning Inspector

12th September, 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501351-DN-26
Proposed Development Summary	RETENTION: To retain a single-storey extension to the north of the previously approved home office building (Planning Ref. WEB1059/23) and all associated site works.
Development Address	47, Drumcondra Road Upper, Drumcondra, Dublin 9 D09 A8P0.
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified **in Part 1.** **EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.**	**State the Class here**
☒ No, it is not a Class specified in Part 1. Proceed to Q3	

3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. **No Screening required.**	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. **EIA is Mandatory. No Screening Required**	
☐ 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 ☒	

Inspector:_____ **Date: 12th September, 2026**