



An
Coimisiún
Pleanála

Inspector's Report PL-501519-DN-26

Development	Construction of an extension to the rear of the existing dwelling and all associated site works.
Location	26 Mountjoy Street, Phibsborough, Dublin 7, D07 X0X8
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	WEB6094/25
Applicant(s)	Krishna Kanth
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Planning Appeal
Appellant(s)	Thomas Russell
Observer(s)	None
Date of Site Inspection	17/09/26
Inspector	Donal Farrelly

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1.0 Site Location and Description

- 1.1. The appeal site is located at no. 26 Mountjoy Street, Phibsborough, Dublin 7, D07 X0X8 and comprises an existing residential dwelling oriented in a northwest to southeast position. The site is located approximately 77m northeast of Dominick Street Upper and a similar distance southwest of St. Mary's Chapel of Ease. The site backs onto St. Mary's Terrace.
- 1.2. Surrounding land uses are predominantly residential with extensive regeneration of the lands to the rear of the site ongoing. This regeneration includes the construction of Block A to the rear of the appeal site which comprises an apartment building with the rear of said building facing the rear yard of the appeal site.
- 1.3. The appeal site forms part of a terrace formation of period properties that extends for approximately 83m. It is evident from aerial images that a number of these properties include existing rear extensions of various depths.
- 1.4. The existing two storey pitched roof dwelling is approximately 6.2m wide and 9.5m deep and 8.269m in height, and has an existing pitched roof rear return approximately 4.6m deep and 3.0m wide with a height of 6.3m. A boundary wall approximately 3m in height surrounds the rear yard area of the appeal site, with a trellis forming a section of the northeast party boundary wall with no. 25 Mountjoy Street.

2.0 Proposed Development

- 2.1. The proposed development comprises the following.
 - A rear flat roof extension 5.75m in height incorporates the existing rear return and extends a further 6.4m into the rear yard area. A section of the roof slopes towards no. 25 to a lower height of 4.315m.
 - The maximum width of the extension will be 6.2m which reduces to approximately 3m at the external wall of the existing rear return to form an external courtyard area.
 - The ground floor depth will be 11m and the first floor will be 10m, leaving a flat roof section exposed at the rear of the building.

- The existing first floor northeast facing rear return window will be relocated to facilitate the rear extension, with the existing ground floor kitchen window to be removed. 2 no. northwest facing windows will overlook the proposed internal courtyard area. 4 no. windows will face the rear boundary wall.
- The ground floor extension will incorporate a bathroom and kitchen area, with the first floor extension to incorporate a bedroom and bathroom.
- Rear amenity space will be approximately 27m² between the extended rear gable and the boundary wall, and 6m² for the external courtyard area.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Planning permission was granted by Decision Order dated 18/05/2026 subject to 11 no. conditions. Condition no. 5 is of note and requires that the high-level windows serving the new bathrooms and the side window serving the existing rear 1st floor bedroom, which will be used a link corridor to be of opaque glazing.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The report of the planner dated 18/05/26 recommends a grant of permission subject to 11 no. conditions. Condition no. 5 is of note and requires that the high-level windows serving the new bathrooms and the side window serving the existing rear 1st floor bedroom, which will be used a link corridor to be of opaque glazing.

3.2.2. Other Technical Reports

- Drainage Division. No objection subject to conditions regarding drainage and surface water management.

3.3. Prescribed Bodies

Uisce Eireann. No report received.

National Transport Agency. No report received.

Transport Infrastructure Ireland. Report received which outlines that the Planning Authority should have regard to relevant road and rail policies.

3.4. **Third Party Observations to the Planning Authority**

Two no. third party submissions were received from the residents of no. 21 and 25 Mountjoy Street. The resident of no. 25 is also the third party appellant. The issues and concerns raised in this submission are similar to the issues raised in the appeal submission, which is summarised under section 7.1 of this report.

Additional concerns not contained within the appeal submission are as follows.

- The buildings will be converted into multi tenancy units and that a planning condition is required to control this.
- The minimum rear amenity space requirement is 30m².
- Concerns a balcony will be utilised.

4.0 **Planning History**

I consider the following planning history to be of note. Applications have been made on the appeal site in excess of 20 years ago and are no longer relevant.

No. 26 Mountjoy Street (appeal site)

Planning reference no. **PL29N.124251/288600**. The conversion of a two storey house to 2 No. 2 bed apartments and the demolition of rear garden shed. Permission refused by ABP on 04/04/02.

Reasons for refusal included the conversion of the house into multiple units which did not meet the minimum standards.

Planning reference no. **1328/00**. Conversion of existing house and construction of 2 storey extension to rear to accommodate 3 no. 2 bed apartments. Permission refused on 22/06/00.

Reasons for refusal included the conversion of the house into multiple units, overdevelopment of the site and overlooking of adjacent properties.

No. 25 Mountjoy Street

Planning reference no. **2208/07**. Two storey extension of the return to the rear to provide a family room at ground floor level (15sqm) and a bedroom at first floor level (15sqm) including minor alterations to internal partitions and 2no. additional roof lights. Permission granted 26/05/07. This permission was implemented and the total rear depth is approximately 8m.

No. 27 Mountjoy Street

Planning reference no. **3240/10**. Permission sought for retention and completion of small extension to rear at first floor level to Apartment No. 3 at 27 Mountjoy Street, Dublin 7 and general upgrading works to this apartment to comply with the Building Regulations as follows: Increase in the floor to ceiling height at ground floor level; increasing height of roof; and replacement of sub standard stairs with new stairs to comply with Part K 2005 of the building regulations. Also, blocking up of existing side window at first floor level and relocation to new extension. Retention permission granted 12/01/11.

St Marys Terrace

Planning reference no. 3449/21. Part 8 development.

A comprehensive phased redevelopment of the urban block bounded by Dorset Street, Upper Dominick Street and Saint Mary's Place, in Dublin 1, known as Dorset Street Saint Mary's Place Flats.

The existing 1.2 hectare site comprises 113 homes, and a playschool (now closed) which form Dorset Street Saint Mary's Place social housing scheme; the existing dwellings comprise of 4 storey and 5 storey flat blocks with existing access roads from Saint Mary's Terrace.

The proposed development which will be managed by Dublin City Council comprises of:

- Demolition of the existing buildings, in two phases
- Provision of 163 homes; within 4 blocks and 1 terrace, ranging from 3-7 storeys (including 7 houses, 11 duplexes and 145 apartments)

- Provision of a boxing club, a multi-use childcare facility, a commercial space and a café
- Associated car and cycle parking; public and private open spaces; ancillary structures; and, all other necessary enabling works, roads and services.

Permission granted on 11/01/22.

5.0 Policy Context

5.1 Development Plan

The appeal site is located on Z2 lands 'Residential Neighbourhoods (Conservation Areas)' which seeks 'To protect and/or improve the amenities of residential conservation areas' as per the Dublin City Council Development Plan 2022-2028 (Development Plan). 'Residential' is permitted in principle on Z2 zoned lands. The apartment development to the rear is located on Z1 zoned lands 'Sustainable Residential Neighbourhoods'.

S14.6 Transitional Zone Areas states 'The land-use zoning objectives and control standards show the boundaries between zones. While zoning objectives and development management standards indicate the different uses permitted in each zone, it is important to avoid abrupt transitions in scale and land-use between zones. In dealing with development proposals in these contiguous transitional zone areas, it is necessary to avoid developments that would be detrimental to the amenities of the more environmentally sensitive zones. For instance, in zones abutting residential areas or abutting residential development within predominately mixed-use zones, particular attention must be paid to the use, scale, density and design of development proposals, and to landscaping and screening proposals, in order to protect the amenities of residential properties'.

I consider the following objectives and policies of the Dublin City Development Plan 2022-2028 to be most relevant to the appeal.

Chapter 15 Development Standards

S15.5.3 Alterations, Extensions and Retrofitting of Existing Non – Domestic Buildings. 'ensure that alterations and extensions will be sensitively designed and

detailed to respect the character of the existing building, its context and the amenity of adjoining occupiers.

Appendix 16 Daylight and Sunlight.

Appendix 18 Ancillary Residential Accommodation

Appendix 18 sets out a number of general principles that should be addressed in all cases in assessing applications for permission.

1.1 General Design Principles. The design of residential extensions should have regard to the amenities of adjoining properties and in particular, the need for light and privacy. In addition, the form of the existing building should be respected, and the development should integrate with the existing building through the use of similar or contrasting materials and finishes.

1.2 Extension to Rear. Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. The extension should match or complement the main house.

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

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

1.4 Privacy and Amenity. Extensions should not result in any significant loss of privacy to the residents of adjoining properties

1.5 Separation Distances. In cases where the backs of dwellings face each other or where the side of one dwelling faces the rear of a neighbouring property, a certain

degree of separation is required to avoid any overbearing effect of one dwelling upon the other. With the emphasis on increased residential densities and the consequent incorporation of a variety of unit types and sizes in schemes, the requirement for 22 metre separation in such cases may no longer be applicable in certain instances. The acceptable reduction of such distances, however, requires a high standard of building design and layout particularly having regard to the height and inter-relationship between buildings, the use and aspect of rooms and relative floor levels. The exact distances applicable in such cases will be determined on a case-by-case basis having regard to the above criteria and other relevant development plan standards

1.6 Daylight and Sunlight. Large single or two-storey rear extensions to semi-detached or terraced dwellings can, if they project too far from the main rear elevation, result in a loss of daylight to neighbouring houses. Furthermore, depending on orientation, such extensions can have a serious impact on the amount of sunlight received by adjoining properties. On the other hand, it is also recognised that the city is an urban context and some degree of overshadowing is inevitable and unavoidable. 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.

1.7 Appearance and Materials. The 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.

5.3 National Guidance

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024

5.4 Natural Heritage Designations

The appeal site is located approximately 2.8km southwest of the South Dublin Bay and River Tolka Estuary SPA (004024).

Natural Heritage Areas

The appeal site is located approximately 1km southwest of the Royal Canal (002103).

6.0 EIA Screening

The proposed development does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. [Refer to Form 1 in Appendix 1 of report].

7.0 The Appeal

7.1. Grounds of Appeal

A third party appeal has been submitted by the resident of No. 25 Mountjoy Street. The elements of the submission I consider relevant are summarised as follows.

- There is no objection to the principle of development but the concerns are regarding the scale, bulk, height, and design due to the narrow plot width and proposal to build along the majority of the boundary line with no. 25. The rear extension is 11m in length and the rear garden depth is 15.4m.
- This will result in overbearance, overshadowing and a loss of sunlight which will impact residential amenity. It will create a sense of enclosure which will impact on the compact nature of the compact gardens of no's. 25 and 27.
- Contravenes SPPR1 of the Compact Settlement Guidelines 2024 in that there is a 12m separation distance between the opposing first floor windows of Block A of St Marys Terrace and the proposed extension. The drawings submitted do not show this. It is unclear if the boundary treatment to St. Marys Terrace is adequate.
- It will have a negative impact on the conservation area and is not appropriate development for the existing dwelling and would impact on architectural quality of the area. The form of the terrace remain with a number of existing extensions retaining the rear returns. The applicant seeks to remove the rear return and pitched roof. It is inconsistent with the character of neighbouring properties and will create an obtrusive feature and impact the amenity and architectural quality of the area.

- The development will have a visual impact on surrounding properties and will impact on residential amenity. Does not conform with Appendix 18 of the Development Plan regarding the protection of residential amenities.
- Inadequate daylight and sunlight report and this does not accurately show the rear extension. It shows the extension as being closer to the boundary and the boundary wall as being higher. The assessment does not analyse the impact on sunlight to 9 of the 10 living area windows of no. 25 which is not in line with the BRE Guide or Appendix 16 of the Development Plan.
- The daylight report shows incorrect position of the rear extension of no. 25 and the extension is setback 1070mm from the boundary. The openings on the rear façade are incorrectly shown. The drawings do not show the existing boundary wall and suggest that the extension will be constructed on the boundary wall. The daylight report drawings do not match the application drawings. The report shows a boundary wall of 3.25m while it is 1.9m in height with additional privacy screening on top. All ground floor windows serve living areas in no. 25.
- The Vertical Sky Component (VSC) assessment is underestimated as it assumes that the boundary wall is higher and closer to no. 25, and the impact would appear less than it is likely to be. The VSC does not take into account the size of the room served by the windows acknowledged by Site Layout Planning for Daylight and Sunlight (the BRE Guide) which recommends a two strand test for daylight impact. The proposed development would include a 4m high wall at a 1m separation distance.
- The daylight report does not show overshadowing at different times of the day and year.
- The applicant has not sought permission for boundary works. The appellant has advised the applicant that they will refuse to consent for the demolition of the party boundary wall. The drawings appear to outline that the party wall will be removed or extension constructed in its place. Article 23 (1) (f) is referenced, and also Appendix 18 of the Development Plan.

- There is potential for damage to adjacent property at no. 25 and no details on how structures or planting will be protected. An Bord pleanála in DLRCC Reg. Ref. D23B/0446; ACP Ref. PL06D.319682 refused permission for an extension constructed on a party wall due to lack of legal interest to carry out the development. Concerns that development will not be completed due to legal issues.
- There is no information submitted for foul or surface water drainage. A private drain from no. 25 connects into the drain at no. 26 before entering the public sewer. The appellant is concerned regarding the drain and potential damage to it and that their consent was not sought. The application does not identify the private drain as required under Paragraph 4.1.6 of the Code of Practice 'The lines of all private drainage crossing the site must be established and incorporated in the proposed scheme with the owner's permission.'
- The planners report did not include the further information request from drainage in their initial report. Concerns on how applicant will comply with condition no 7 (a).

7.2. Applicant Response

Report submitted by a Marston Planning Consultancy on behalf of the applicant dated 08/07/26. This also references an updated H3D daylight and sunlight report to replace the earlier assessment. However, there is no record of this file having been submitted with the appeal. I consider the relevant details of this report are as follows.

- The applicant accepts the Planning Authority decision. The decision did not require the adjustment of the design other than the inclusion of obscure glazing on the first floor hallway.
- There are no grounds for overturning the decision based on the impacts on no. 25.
- The design considers the impact on adjacent properties and SPPR1 of the 2024 Guidelines, and is consistent with the Z2 zoning. It will not have an impact on the amenity of the adjoining property.

- There is approximately a 16m separation distance between the rear elevation of the extension and Block A of the rear development. The appellant's measurement is taken from a different reference point. The screen above the wall to the rear has not been taken into account.
- The property is not a protected structure, and no. 58 is not located close to the appeal site. The majority of rear extensions do not reflect the original form. The extension is subsidiary to the original dwelling and does not impact the objective of the Z2 zoning.
- The daylight and sunlight report is in accordance with BRE Guidelines.
- The proposed extension will be built inside the shared boundary wall.
- The further information submission reduced the massing impact with a modified roof form to mitigate impact regarding daylight and sunlight. The boundary wall trellis was taken into consideration in the assessment.
- The daylight and sunlight report outlines that daylight to adjacent properties is not significantly adversely affected, sunlight access remains within BRE Guidelines and the rear garden of no. 25 retains adequate sunlight, with compliance demonstrated for sun on ground criteria. The applicant outlines that the report is accurate.
- The impact of overbearance is similar to other sites. There will be no loss of amenity to the appellant's home.
- The applicant outlines that the H3D assessment submitted with the first party response supersedes the earlier assessment and removes any uncertainty. There is however no record of a revised daylight assessment submitted with the appeal.
- Further information drawings outline an offset of the rear extension of no.25 from the party boundary.
- The existing drainage connections serving no. 26 will remain undisturbed and no alterations to the private drainage is proposed. The applicant has no issue with a condition to clarify this. There is space to accommodate the requirements of condition no. 7 regarding surface water drainage.

7.3. Planning Authority Response

Letter dated 24/06/26 outlines that the Planning Authority requests that their decision is upheld and that a s48 condition is applied.

7.4. Observations

- None

7.5. Further Responses

- None

8.0 Assessment

8.1. Having examined the planning application details and all other documentation on file, including the submission received in relation to the appeal, the report of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance. I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of development
- Design, massing and layout
- Setbacks, overlooking and daylight
- Rear amenity space
- Drainage
- Legal boundary and access
- Other matters

8.2. Principle of development

8.3. The appeal site is zoned Z2 'Residential Neighbourhoods (Conservation Areas)'. The lands to the rear of the appeal site and to east of St Mary's Terrace are zoned Z1 'Sustainable Residential Neighbourhoods'. 'Residential' is permitted in principle on

Z2 zoned lands subject to works not having a negative impact on amenity or architectural quality of the area.

- 8.4. I am satisfied that the rear extension is located entirely on Z2 lands and setback from the Z1 lands. I do not consider s14.6 Transitional Zone Areas of the Development Plan to be relevant in this regard.
- 8.5. I therefore consider the principle of development is acceptable subject to assessment of the design and layout.
- 8.6. **Design, massing and layout**
- 8.7. I note that the appellant has expressed concerns regarding the design of the rear extension but is not objecting to the principle of development. The concerns are regard the scale, height, bulk and design having regard to the narrow plot width. They also express concern that the extension will be constructed on the party wall and is 11m in depth, and that the rear extension is not appropriate for the site or the Z2 zoning of the Development Plan.
- 8.8. I note the planners report which acknowledges that the development appears to be within the applicant's boundaries, but either way planning permission does not give the right to develop. The planner's report outlines that the rear return is being retained and incorporated into the new extension. I note that the planner's report outlines a four bedroom house, however the drawings appear to identify 3 no. bedrooms.
- 8.9. I note that permission was granted at no. 25 Mountjoy Street for a two storey rear extension planning reference no. **2208/07**. I also note that retention permission was granted for a two storey rear extension at no. 27 Mountjoy Street planning reference no. **3240/10**. Figures 4 and 5 of the appeal submission outline the layout and section drawing of the extension granted under **2208/07**. This outlines an offset of 1.07m from the adjacent property boundary at no. 26, and I observed an offset during my site visit. The extension abuts the boundary wall line of no. 24.
- 8.10. The further information elevation drawings submitted to the Planning Authority outline that the sloped roof of the rear extension of no. 25 extends to the boundary at no. 26. There is however a 1.07m offset as discussed above. In the event of a grant of permission, I am satisfied that a prior to commencement of development condition

can ensure that accurate elevation drawings are submitted to reflect the correct offsets.

- 8.11. The existing pitched roof rear return of the appeal site (no. 26) abuts the boundary line of no. 27. I note the sloped roof height of the extension at no. 26 at the boundary of no. 25 to be 4.315m. The flat roof height of the extension at no. 26 at the boundary of no. 27 is 5.75m, which is lower than the existing pitched roof ridge height of the rear return of no. 26.
- 8.12. Although the principle of development is acceptable, I consider that the rear extension depth and width is excessive for the receiving site. I am of the opinion that the sloped nature of the roof toward no. 25 will significantly improve the daylight of said property. However, I am of the opinion that a 0.5m first floor setback from the boundary of no. 25 is necessary to reduce the impact of overbearance and overshadowing. I am satisfied that the extension along the boundary line of no. 27 will not result in overbearance due to rear extension of no. 27 being located along the same party boundary. However, the proposed extension will extend further than the existing extension of no. 27.
- 8.13. Further to the above I consider that the first floor rear projection of 5.4m and a 6.2m width for the bedroom to be excessive. I have concerns regarding the overbearance and overshadowing the extension will impose on the neighbouring properties at no. 25 and no. 27.
- 8.14. I have reviewed the floor plans and consider that the overall first floor rear projection from the existing rear return should be reduced from 5.4m to 4.4m. I also consider that the first floor width should be reduced from 6.2m to 5.7m, with a 0.5m offset from the party boundary of no.25. I am satisfied that the reduced depth of the extension will limit the impact of overbearance on the adjacent property at no. 27.
- 8.15. I am also satisfied that the reduced width and depth will ensure that the first floor layout will remain flexible and that the bedroom will be adequately sized. There is flexibility and adequate space available for the internal redesign of the first floor bathroom and hallway area. In the event of a grant of permission I am satisfied that a prior to commencement of development condition will ensure a revised design is completed to the written satisfaction of the Planning Authority before the commencement of construction.

8.16. I am of the opinion that subject to the design revisions that the proposed extension will not impact on the character of the area and will not result in a visual impact to conservation area or surrounding properties. I am also satisfied that the revised design will be in accordance with Appendix 18 and S15.5.3 of the Development Plan.

8.17. Setbacks, overlooking and daylight

8.18. The existing side elevation of the appeal rear return includes a ground floor door and window and a first floor window. This layout corresponds to the submitted existing floor plan drawings. The floor plan and elevation drawings of the proposed extension outline the retention of the rear ground floor external door and the relocation of the first floor window closer towards the front of the dwelling. 2 no. windows are proposed within the internal courtyard and both face towards the front of no. 26. These windows are not positioned to face the adjacent property at no. 25. I note no other windows are proposed on the side elevations of the extension with 4 no. windows to face the rear boundary of no. 26.

8.19. I consider the relocation of the first floor window and position of the internal courtyard windows to be acceptable and I do not consider that these will have an adverse impact on the adjacent residential amenity in the form of overlooking or impact on privacy. I am satisfied that the first floor repositioned hallway window can be conditioned to be obscure glazing in the event of a grant of permission.

8.20. The appellant outlines policy SPPR1 of the 2024 Compact Settlement Guidelines and that the separation distance between opposite first floor windows of the appeal extension and the approved development planning reference no. **3449/21** which is located east of St. Marys Terrace is 12m. I note that the west facing above ground floor windows of Block A of planning reference no. **3449/21** contains habitable rooms.

8.21. I note that the applicant has outlined in their submission in response to the third party appeal that the setback distance between the opposing first floor windows of Block A is approximately 16m. They state that the 4.4m grassed area to the rear of the appeal site has not been included in the setback calculation. It would have been helpful if the applicant submitted a drawing which accurately demonstrates the setback distance of 16m. The applicant notes a 2021 site plan with a conceptual 16m arrow but this is not clear. I acknowledge that reference is made to screening in

addition to the boundary wall however during my site visit I observed a rear boundary wall with some overgrown vegetation on top.

8.22. I note that the setback distance from the first floor rear elevation of the extension to the rear boundary is 5.4m. The setback distance however between the first floor rear facing windows of no.26 and the rear above ground floor windows of Block A of planning reference no. **3449/21** is approximately 12.1m. Having regard to the proposed reduction in the depth of the extension from 5.4m to 4.4m I am satisfied that this will increase the setback distance between above ground floor windows to approximately 13.1m.

8.23. Having regard to SPPR1 of the Compact Settlement Guidelines which outlines a minimum separation distance of 16m between opposing above ground floor windows I am satisfied that 13.1m is an acceptable distance in this instance due to the urban nature of the site, the existing rear extensions of adjacent properties, and height of the rear boundary wall which will help to protect privacy and residential amenity of the rear garden of no. 26.

8.24. Daylight and sunlight

8.25. I note that the appellant raised a number of concerns regarding the details and findings of the daylight and sunlight report. The daylight and sunlight report was submitted by way of further information to the Planning Authority and confirms that daylight and sunlight will not be significantly affected. I note that the planner's report outlined that the further information regarding the daylight/sunlight report was noted with no further comments provided.

8.26. The daylight report concludes the following.

- 10 no. windows were analysed and all passed the Vertical Sky Component analysis and that diffuse daylighting to the adjacent properties will not be adversely affected.
- Of the windows that were analysed, all are predicted to achieve the required 25% APSH of which has 5% WPSH or have values that are not lower than 0.8 times the existing values and thus comply with the BRE Guidelines.
- The sunlighting of the living room window facing within 90 degrees of due south of the proposed development will not be adversely affected

- The garden amenity of the nearest adjoining property to the north passes the analysis for overshadowing to adjacent gardens.

8.27. Considering the appeal submission and findings of the daylight and sunlight report and having regard to the assessment of the design with respect to overbearance and Appendix 16 of the Development Plan. I am of the opinion that on balance a revised design with a 0.5m setback of the proposed extension from the party wall of no. 25 will significantly improve daylight and sunlight of no. 25. Having regard to section 1.6 of Appendix 18 of the Development Plan I consider the appeal site to be urban in nature and that there will be some degree of overshadowing and impact on daylight of the adjacent property at no. 25 due to the site position and orientation of the sun. I consider that a revised design to address overbearance will also reduce the impact on daylight and sunlight of no. 25.

8.28. **Rear amenity space**

8.29. I note the appellant outlines that there is insufficient rear amenity space to be provided on the appeal site. I note the details of the planners report which mentions the provision of 27m² rear amenity space but does not include any further details.

8.30. I note that the proposed rear amenity space is approximately 27m². An internal ground floor courtyard space is approximately 6m². I consider that the total amenity area provided for this 3 bedroom dwelling is 33m². SPPR 2 of the Compact Settlement Guidelines 2024 requires the provision of 40m² for a three bedroom unit. However as this is an extension of an existing dwelling I am satisfied that the 33m² is an appropriate rear amenity area for an urban dwelling of this nature.

8.31. **Drainage**

8.32. I note the final response from the Planning Authority Drainage Department which outlines no objection subject to conditions regarding surface water management and compliance with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0. However, I note that the further information request from the Drainage Department was regarding information to be submitted for surface water and foul management. This was subsequently not included within the further information request issued to the applicant.

- 8.33. I note the appeal submission which raises concerns regarding their private drainage connection into the property at no.25 prior to connection to the public mains. The appellant notes Paragraph 4.1.6 of the Greater Dublin Regional Code of practice for Drainage Works Version 6.0 which states 'The lines of all private drainage crossing the site must be established and incorporated in the proposed scheme with the owner's permission'.
- 8.34. I am of the opinion that in order for the applicant to comply with the Greater Dublin Regional Code of practice for Drainage Works Version 6.0 in the event of a grant of permission that the applicant should submit a revised site layout plan to adequately demonstrate the presence of any private drainage connection from no.25 and relevant measures that will be implemented to protect this during construction. If no private drainage connections are present on the appeal site a letter from a certified engineer shall be submitted to confirm same. A prior to commencement condition can address this.
- 8.35. I am satisfied that further permissions are not required in terms of providing this information as any relevant potential drainage connections are located within the appeal site.
- 8.36. **Legal boundary and access**
- 8.37. I note that the appellant makes reference to the fact that in order for the applicant to carry out works as part of the planning permission that they may require permission to access their property. I draw the Commissions attention to Section 34(13) of the Planning and Development Act in this regard.
- 8.38. Section 34(13) of the Planning and Development Act provides that if the applicant lacks title or owner's consent to do works permitted by a planning permission, the permission does not give rise to an entitlement to carry out the development. I consider that any legal dispute is considered a Civil matter and is outside the scope of the planning appeal. In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act.

9.0 AA Screening

- 9.1. I have considered the project in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is located at 26 Mountjoy Street, Dublin 7 approximately 2.8km southwest of the South Dublin Bay and River Tolka Estuary SPA (004024).

The permission is for a rear extension of a house.

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

The reason for this conclusion is as follows:

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

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

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

10.0 Water Framework Directive

- 10.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive, together with relevant guidance published by the Environmental Protection Agency (Ireland), including applicable codes of practice for the protection of water quality. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.

10.2. Furthermore, the development will not adversely affect the achievement of established environmental objectives, including the maintenance or attainment of Good Ecological Status/Potential and Good Chemical Status, as required under the Directive. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4

11.0 Recommendation

11.1. I recommend to the Commission that permission is granted for the reasons and considerations set out below.

12.0 Reasons and Considerations

Having regard to:

- The provisions of the Dublin City Development Plan 2022-2028 including Appendices 16 and 18.
- The nature, scale, and location of the proposed rear extension, and the existing pattern of development in the area.
- The location of the site within Z2 Residential Neighbourhoods (Conservation Areas) zoned lands.

It is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenities of property in the vicinity or visual amenity of the area. Therefore, the proposed development would be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out 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 development hereby approved shall incorporate the following amendments for the written agreement of the Planning Authority:

a) The extension at first floor shall be set back 0.5m from the party boundary line with no. 25 Mountjoy Street and shall be a maximum depth of 4.4m from the rear elevation of the existing rear return. The sloped roof profile shall continue to be maintained to the intersection with the flat roof profile. Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to and agreed in writing by the Planning Authority.

b) accurate elevation drawings to be submitted to demonstrate the 0.5m first floor offset from the party boundary line.

Reason: In the interests of orderly development and visual amenity.

3. (a) Prior to the commencement of development, the applicant shall submit a revised site layout plan which demonstrates the location of drainage connections on site including any private drainage connections with the adjacent property no. 25 Mountjoy Street. If no private connection with no. 25 Mountjoy Street exists, then a letter from a qualified engineer shall be submitted for the written agreement of the Planning Authority to confirm same.

(b) The applicant shall demonstrate appropriate mitigation measures to protect drainage infrastructure on site during construction works to the written agreement of the Planning Authority prior to the commencement of development.

Reason: To ensure the protection of public drainage infrastructure.

4. The first floor windows serving the new bathroom and the side window serving the rear link corridor to the bedroom, shall be permanently fitted with opaque glazing. The use of a film is not acceptable.

Reason: in the interests of orderly development

5. The proposed extension in conjunction with the amended existing dwelling shall be used as a single dwelling unit only.

Reason: In the interests of residential amenity

6. No flat roof shall be used or accessed as amenity space whether or not it would be exempted development.

Reason: in the interests of orderly development

7. The development shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.

a) The developer shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from www.dublincity.ie Forms and Downloads).

b) The drainage for the proposed development shall be designed on a completely separate foul and surface water system.

c) The development shall incorporate Sustainable Drainage Systems in the management of surface water. Full details proposals shall be agreed in writing with the Planning Authority prior to commencement of construction.

d) Any new paving shall be carried out in a sustainable manner so that there is no increase in surface water run-off to the drainage network as per the Dublin City Development Plan 2022-2028.

e) All private drainage such as, downpipes, gullies, manholes, armstrong junctions, etc. are to be located within the final site boundary. Private drainage is not permitted in public areas, or areas intended to be taken in charge.

8. (a) During the construction and demolition phases, the proposed development shall comply with British Standard 5228 'Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control.'

(b) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place.

Reason: In order to ensure a satisfactory standard of development, in the interests of residential amenity.

9. (a) The site and building works required to implement the development shall only be carried out between the hours of:

Mondays to Fridays - 7.00am to 6.00pm

Saturday - 8.00 a.m. to 2.00pm

Sundays and Public Holidays - No activity on site.

b) Deviation from these times will only be allowed where a written request with compelling reasons for the proposed deviation has been submitted and approval has been issued by the Planning Authority. Any such approval may be subject to conditions pertaining to the particular circumstances being set by the Planning Authority.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

10. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) 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 developers expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition

11. 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.”

Donal Farrelly
Planning Inspector

01/10/26

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501519-DN-26
Proposed Development Summary	Rear extension to a dwelling
Development Address	26 Mountjoy Street, Phibsborough, Dublin 7, D07 X0X8
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.	State the Class here

EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☐ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____