Inspector's Report

PL-501549-DS-26

Development	Additional first floor living room extension, detached to the rear as part of existing 'above shop' apartment with all ancillary site development works
Location	21 Tyrconnell Road, Inchicore, Dublin 8 D08 RK46
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1740/26
Applicant(s)	David Brock
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First party
Appellant(s)	David Brock
Observer(s)	None

Date of Site Inspection	9 August 2026
Inspector	Killian Harrington

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1.0 Site Location and Description

1.1 The subject site is located on the east side of Tyrconnell Road close to the village of Inchicore, Dublin 8. The site comprises of an existing commercial premises on the ground floor and residential accommodation above and to the rear. This is a self-contained apartment with its own front door adjacent the shop premises. The shop premises and apartment above forms part of a terrace of two-storey units. The subject property differs from the others in that it also has a dormer level with a mansard type roof and two front windows. The property has a large single-storey rear extension containing residential accommodation and a terrace on top and this backs onto a site currently used as a car sales yard, along the River Camac.

2.0 Proposed Development

2.1 The proposed development comprises the creation of an additional 12 sqm first floor living room extension, detached to the rear as part of existing 'above shop' apartment with all ancillary site development works.

3.0 Planning Authority Decision

3.1 Decision

Dublin City Council refused planning permission for the following reason:

1. Having regard to the nature of the proposed first-floor development, which constitutes a separate detached room to the rear of a flat roofed deck area and is not connected to the apartment itself, it is considered that this would set an undesirable precedent for similar developments in the area. The proposal would result in a haphazard form of development, which would seriously injure the residential amenities of the adjoining properties. The proposed development would therefore be contrary to the proper planning and sustainable development of the area

3.1.1. Planning Authority Reports

The report considered that the nature of the proposal was deemed unacceptable due to its impact on visual and residential amenity. While it was, on balance, satisfied with the shadow analysis conducted, the proposed dimension modifications from the previously refused permission (reg. ref. WEB5386/25) did not overcome the principal concern regarding the unacceptable visual impact on neighbouring residents and also the haphazard form of the proposal detaching the living space from the main building. There was concern that it would set an undesirable precedent in the area. The report concluded that the proposed development did not accord with the proper planning and sustainable development of the area, and it was recommended that permission be refused.

3.1.2 Other Technical Reports

- Drainage Division – no objection subject to conditions
- Environmental Health Division – no objection subject to conditions

3.3. Prescribed Bodies

No submissions received

3.4. Third Party Observations

A number of submissions were received in support of the proposal, specially noting the proposed detached living room would not be overbearing or lead to overlooking for neighbouring properties.

4.0 Planning History

4.1 Subject site

Reg. Ref. WEB5386/25 – Planning permission refused for first floor living room and wc extension to the rear as part of existing ‘above shop’ apartment with all ancillary site development works.

Reason for refusal:

1. Having regard to the nature of the proposed first-floor development, which constitutes a separate detached room to the rear of a flat roofed deck area and is not connected to the apartment itself, it is considered that this would set an undesirable precedent for similar developments in the area. The proposal would result in a haphazard form of development, which would seriously injure the residential amenities of the adjoining property in terms of loss of light and overbearing. The proposed development would therefore be contrary to the proper planning and sustainable development of the area

Reg. Ref. 3807/14 – Planning permission granted for amendments to proposal as previously granted under Ref. No. 2981/14 to include revision of the second floor layout, east & west (front) elevations with the changing of windows to dormers on the front elevation & an increase in the overall height from 8.50m to 8.95m above ground level.

Reg. Ref 2981/14 – Planning permission granted for a change of use from office to residential (office use previously granted under Reg. Ref. 2895/13) & to carry out a renovation & extension to existing 1st floor. Alterations include the demolition of existing 1st floor single storey rear flat roof extension to rear & to construct (a) new living, kitchen, dining area with private roof garden at 1st floor level & (b) to form a 2nd storey over existing flat roof on the front main building to form a ridge line similar to adjoining buildings. This 2nd storey will incorporate a master bedroom, en-suite, balcony to rear & all associated site development works.

4.2 **Surrounding sites**

15 Tyrconnell Road, Dublin 8

Reg. Ref. 3550/04 – Planning permission granted for extension to rear at ground floor and change of use from barbers shop to creche with alterations including revised internal layout and entrance arrangement and new signage to facade, extension to the rear at first and second floor and attic conversion modification to the rear roof to provide 1 no. 2 bedroom apartment and 1 no. one bedroom

apartment, with 1 balcony to the rear at first floor and 2 balconies to the rear at second floor. Site boundary treatment to rear and associated works.

5.0 Policy Context

5.1 Development Plan

Under the Dublin City Development Plan 2022-2028 the site is zoned Z4 Key Urban Villages and Urban Villages, with zoning objective 'to provide for and improve mixed-services facilities'. The proposed development as ancillary residential accommodation is permissible in this zoning.

The following sections of the Development Plan are relevant to this appeal:

Policy CCUV20

Seeks to supports the development, regeneration and or consolidation of Key Urban Villages to ensure they continue to develop their mixed used role and function adding vitality to these centres.

Appendix 18, Section 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'. Innovative, contemporary design will be encouraged. A contemporary or modern approach, providing unique designs, can offer a more imaginative solution. However, such proposals are still required to take account of the design issues outlined in this document. Applications for extensions to existing residential units should:

- Not have an adverse impact on the scale and character of the existing dwelling
- Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, outlook and access to daylight and sunlight

- Achieve a high quality of design
- Make a positive contribution to the streetscape (front extensions**)**

Appendix 18, Section 1.2 (Extensions 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'*

Appendix 18, Section 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.'

5.2. Natural Heritage Designations

Liffey Valley proposed NHA is c. 5km to the northwest, South Dublin Bay SAC & South Dublin Bay and River Tolka SPA c.4km to the east, North Dublin Bay SAC and North Bull Island SPA are c. 8km to the northeast and North Dublin Bay proposed NHA c. 7km to the northeast

6.0 EIA Screening

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

7.0 The Appeal

7.1 Grounds of Appeal

The first party appeal raises the following grounds:

- The applicant has a genuine family housing need, with the proposed extension presented as necessary to allow a growing family to remain living above their business and within their local community.
- The Council's claim that the development would create an undesirable precedent is disputed, as the property is a unique "living over the shop" mixed-use building with site-specific constraints that do not apply elsewhere. The proposal is consistent with the general urban environment.
- In terms of design, the proposal is not considered haphazard development, with the detached room being a carefully designed response to physical limitations of the site where it has been positioned and scaled to minimise impacts. There were revisions from the previously refused scheme,

including a reduced size, lower height, greater setback from boundaries, and measures to reduce overlooking and overshadowing.

- In terms of neighbouring residential amenity, these concerns are misplaced as demonstrated by shadow analysis, increased setbacks, reduced height, and neighbour support letters to argue there would be no significant loss of light or overbearing impact.

7.2. Planning Authority Response

The planning authority request that the Commission uphold their decision. If permission is granted the following conditions should be applied:

- Section 48 development contribution
- Payment of a bond
- Social housing condition
- Name and numbering condition

7.3. Observations

None

8.0 Assessment

8.1. The proposed extension is a 12 sqm detached box structure approximately 3.6m in height and supported on concrete stilts and to be inserted at ground level with steps leading to the entrance of the structure from the internal yard. The structure would be to the very rear of the property but would allow for a 1.8m set back to the boundary wall. It is proposed to contain a living room only with a window at both the front (northwest facing) and rear (southeast facing) elevation.

8.2 The principle of the extension is acceptable as it relates to the provision of ancillary residential accommodation in Z4 zoning. Following a review of the file and

documentation, it is considered that the main concerns in this appeal relate to (1) residential amenity and (2) visual amenity

Residential Amenity

8.3 Appendix 18, Section 1.1 ‘General Design Principles’ outlines that: ‘the design of residential extensions should have regard to the amenities of adjoining properties and in particular, the need for light and privacy.’ and further states that an extension should ‘not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, outlook and access to daylight and sunlight.

8.4 Appendix 18,Section 1.6 (Daylight and Sunlight) states that extensions can have a serious impact on the amount of sunlight received by adjoining properties. The section also states however that it is recognised that the city is an urban context and some degree of overshadowing is inevitable and unavoidable.

8.5 This proposed detached extension does not greatly differ from the previous proposal in terms of its form and appearance. The dimensions of the detached structure have been reduced overall. The width has been reduced, which provides a 1.2m setback from the southern boundary with No. 23 Tyrconnell Road. The structure has a reduced overall height compared to the refused scheme. The structure's length has increased by approximately 1 metre however.

8.6 I concur with the planning authority that while there would be some inevitable loss of light to the private amenity space of the existing apartment (i.e. the decking area) this would not be an unacceptable loss. The submitted shadow diagrams show a minor level of shadowing to this space. However, this is already in an urban setting to the rear of a three-storey building. Whilst it may be located to the southeast of the rear addition, the space receives sufficient sunlight all year round and it would not be an unacceptable impact. There is a sufficient distance (c. 9 metres) to the nearest window of the residence – the existing kitchen living dining room. There would be no impact on the daylight/sunlight of adjacent properties. The letters of support from both neighbouring properties nos. 19 and 23 are noted. In any event, it is considered that, in the context of an urban setting where some degree of rear additions and related overshadowing is anticipated.

8.7 In terms of overlooking, the proposed window facing southeast at the rear would not impact on residential properties. The northwest-facing window is orientated towards the host dwelling and there would be no direct overlooking of windows of either no. 19 or no. 23.

(3) *Visual Amenity*

8.8 Section 1.1 of Appendix 18 of the Development Plan states that extensions in general must not have an adverse impact on the scale and character of the existing dwelling and must achieve a high quality of design. Innovative, contemporary design will be encouraged subject to satisfying the design criteria set out in Appendix 18.

8.9 In relation to first floor extensions to the rear, Appendix 18 notes that these will be considered on their merits 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.

8.10 The appeal is correct to note the scaled down proposal following the previous refusal and I can see that comparably, the subject proposal is an improvement with a noticeable set back from the boundary and reduction in scale overall. Despite the increased length, the proposal has achieved greater reductions in width and height, moving away from the boundaries. With regard to keeping in harmony with the existing character of the dwelling and adjoining dwellings, the zinc finish is appropriately chosen given its rear location and the need to demarcate the extension from the original building.

8.11 However, there is no other property on the terrace that has extended in such a way and a detached habitable space with external stairs would be visually jarring. The appeal is not clear on how the site constraints would prevent a regular extension. I note the rear extension works at no. 15 Tyrconnell Road includes a first floor element (I refer to section 4.2 of this report). However, this is connected to the main building and not detached and located at the very rear of the site.

8.12 Notwithstanding the appeal's argument about a reduction in scale, the proposed extension would appear unmoored and be visually incongruous. The proposed

living room would remain a completely detached room. It would remain located at first-floor level behind the apartment. It would be physically separate from the main dwelling unit. It would therefore represent a haphazard form of development.

8.13 I would agree that there is potential to set an undesirable precedent in allowing any works to the rear that do not sensibly step down from the host building and do not respect the character of the building and adjoining buildings. The proposed access is disorganised, located at the very rear of the site at the boundary wall and bearing no relationship to the main building. While Appendix 18, Section 2.0 of the City Development Plan 2022 -2028 relates to detached Habitable Rooms, this relates to the more traditional garden rooms of houses with rear garden areas at ground floor level. In this instance the application is for a detached room at first floor level to the rear of an apartment, and there is serious concern with regard to the haphazard form of development proposed and the undesirable precedent that it would set in the immediate area

8.14 Overall, the proposal would be an incongruous addition due to its unusual, detached design and positioning, would be out of character for rear extensions in the area and cause harm to the visual amenity of the area. It would not comply with the criteria set out in Appendix 18 of the Development Plan. I therefore recommend that the Commission refuse planning permission for the proposal.

9.0 AA Screening

9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located c. 4 km to the west of the South Dublin Bay and River Tolka SPA and the South Dublin Bay SAC and c. 8 km southwest of North Dublin Bay SAC and North Bull Island SPA

9.2. The proposed development comprises a detached domestic extension to the rear of an existing ‘over the shop’ apartment at 21 Tyrconnell Road, Inchicore, Dublin 8. No nature conservation concerns were raised in the planning appeal.

9.3. 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:

- Nature of works
- Location in an established residential area
- Lack of connections to nearest European sites

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

10.0 Water Framework Directive

10.1. The subject site is located c.15 metres north of the River Camac, c. 600 metres south of the River Liffey and c. 400 metres north of the Grand Canal. The proposed development comprises of a detached domestic extension in an urban area. No water deterioration concerns were raised in the planning appeal.

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

- Nature of works

10.3 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 be refused

12.0 Reasons and Considerations

Having regard to the zoning of the site, the character of the area, the design of the proposed development and the policies and objectives contained in the Dublin City Development Plan 2022-2028, it is considered that the proposed development would result in a haphazard form of development at the rear of the property, seriously injuring the visual amenity of the area. The proposal would be contrary to Appendix 18 of the Dublin City Development Plan 2022-2028 and would set an undesirable precedent for the area. The proposed development would therefore not be in accordance with the proper planning and sustainable development of the area

Killian Harrington
Planning Inspector

16 August 2026

Appendix A: Form 1 EIA Pre-Screening

Case Reference	PL-501549-DS-26
Proposed Development Summary	Additional first floor living room extension, detached to the rear as part of existing 'above shop' apartment with all ancillary site development works
Development Address	21 Tyrconnell Road, Inchicore, Dublin 8 D08 RK46
IN ALL CASES CHECK BOX /OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, No further action required.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified **in Part 1.** **EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.**	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
1. Is the proposed development of a CLASS specified in <u>Part 2</u>, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of	

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

2. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	**Screening Determination required (Complete Form 3)**
No ☒	**Pre-screening determination conclusion remains as above (Q1 to Q3)**

Inspector: _____ Date: 16 August 2026