Inspector's Report
PL-501598-DN-26

Development	PROTECTED STRUCTURE: Demolishing existing bay window on side elevation and building a proposed new ground floor only extension to the side and rear of the existing house. 2 No. new dormer windows to the side of the existing house replacing Velux windows and all ancillary works. No new works are proposed to the protected structure wall along Western Way.
Location	2 Western Way, Dublin 7, D07 K1WX
Planning Authority	Dublin City Council North
Applicant	Lawrence Lau
Type of Application	Permission
Planning Authority Decision	To grant permission with conditions
Type of Appeal	Third Party
Appellants	Dermot Freeney and Erika Rogantini Freeney Shane Holohan and Dara Long
Observers	None
Date of Site Inspection	29th September 2026
Inspector	Trevor Rue

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1.0 Site Location and Description

1.1. The application site is located in Phibsborough, about 1.2 kilometres to the north west of Dublin City Centre. It has a stated area of 225 square metres and comprises the curtilage of a two-storey dwelling.

1.2. The dwelling has yellow/brown brick walls. Its roof runs perpendicular to Western Way with a ridge height of 6.25 metres. The front door and entrance hall are at the northern end of the dwelling. A recessed single-storey utility room at its northern end is 2.5 metres in width and 3.35 metres in length and has a hipped roof with a ridge height of 3.8 metres. The remainder of the ground floor is taken up by a lounge/dining/kitchen area and a sitting room. There are two bedrooms in the attic, served by roof lights. There is a small shed in the north-western corner of the site.

1.3. The site is separated from Western Way by a stone-cut wall which runs along the northern side of that street. There is no vehicular access to the site; pedestrian access is via a wooden door in the wall. The site is bounded to the west by 1 Western Way and to the north by mid-terrace houses with relatively small curtilages, 21 and 22 Fontenoy Street. The northern site boundary is marked by a rendered wall about 1.8 metres in height. The separation distance between the existing dwelling and the Fontenoy Street properties is shown as 2 metres on the submitted existing ground floor plan. The dwelling is adjoined to the east by another house, 17A Fontenoy Street.

2.0 Proposed Development

2.1. In his application dated 4th February 2026, the applicant proposed to:

- demolish an existing bay window on the western side elevation;
- construct two new ground-floor extensions to the western side of the building on its northern end and centrally;
- install two dormer windows on the western elevation to replace two existing roof lights; and
- carry out ancillary works.

2.2. The proposed extension at the northern end of the dwelling would increase the length of the utility room to 5.4 metres, while retaining its existing width and hipped profile. The centrally placed extension would project westwards from the existing dwelling by

4.4 metres. It would be 6.65 metres wide and 3.5 metres high with a flat roof and a large roof light. The existing ground-floor sitting room would become a bedroom.

2.3. There would be no new works to the wall along Western Way.

Further Information

2.4. In response to a request for further information from the planning authority, the applicant submitted:

- a letter confirming that the applicant purchased the property on 25th March 2026;
- a revised version of the existing and proposed ground-floor plans which shows the position of the corner shed, shows a separation distance of 4.65 metres between the proposed flat-roofed extension and the Fontenoy Street properties and indicates that 96 square metres of garden space would be left after the proposed works;
- a revised side elevation which shows the proposed flat-roofed extension reduced in height to 3.2 metres and states that the applicant is willing to set the dormers back 900 millimetres from the side wall;
- revised sections showing the floor-to-ceiling bedroom height increased to 2.6 metres; and
- a drawing superimposing viewing cones on the revised sections, referring to overlooking of the application site from the rear of properties on Fontenoy Street with a photograph to illustrate this, and stating that the dormer window would provide an escape opening of a minimum of 0.33 square metres within a clear-glazed upper section, that the lower section would have fixed obscure glazing and that the sill height above first floor level would be 1100 millimetres.

2.5. The further information also included a daylight and sunlight performance/impact report, which may be summarised as follows:

- Assessments were conducted using the methodologies, targets and recommendations of the Building Research Establishment Good Practice Guide “Site Layout Planning for Daylight and Sunlight” (BRE 209).

- A purpose-built three-dimensional computer model was configured to represent the existing topography of the site and neighbouring structures and the post-development scenario.
- Potential impacts on the vertical sky component (VSC) of 17 windows on five dwellings (20, 21, 22 and 23 Fontneroy Street and 1 Western Way) were assessed. It was found that no neighbour's windows would experience any noticeable reduction in daylight due to the proposed development.
- Potential impacts on annual and winter sunshine (APSH and WPSH) reaching 13 windows on four dwellings within 90^{o} of south (20, 21, 22 and 23 Fontneroy Street) were assessed. It was found that no neighbour's windows would experience any noticeable reduction in sunlight due to the development.
- Potential impacts on amenity sunlight reaching five outdoor amenity spaces (at 17A, 21, 22 and 23 Fontneroy Street and 1 Western Way) were assessed. It was found that no spaces would experience a noticeable reduction in amenity sunlight due to the development. The amenity zones on Fontenoy Street did not meet the 50% amenity sunlight standard in the absence of the development but the development would have no effect on the existing levels.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On 28th May 2026, Dublin City Council decided to grant permission, subject to 11 conditions:

Condition 1 required the development to be carried out in accordance with the plans, particulars and specifications lodged with the application, as amended by the further information.

Condition 2 prohibited the use of the flat roof to the ground-floor extension as a balcony or terrace.

Condition 3 required the materials and colour to match those of the existing house.

Condition 4 required the dormer elevations and associated elements to be finished in a dark colour.

Condition 5 required dormer windows to be finished with obscure glazing to a minimum of 1.8 metres above floor level. It also provided for additional roof lights to be added to the dormer rooftop.
Condition 6 required the works to be carried out under the professional supervision of an architect or conservation expert.
Condition 7 dealt with drainage.
Condition 8 required compliance with codes of practice relating to drainage, transport and noise and air pollution.
Condition 9 restricted the hours during which works were to take place.
Condition 10 governed noise control during construction and demolition.
Condition 11 governed the manner in which the works were to be carried out.

3.2. Planning Authority Reports

3.2.1. A **planning officer's report** dated 2nd April 2026 made the following points:

- The proposed utility room extension would not have a significant undue impact on the residential properties to the north on Fontenoy Street. It would have one window facing north, directly to the rear of No. 21. This window should be replaced with a high-level window 1.8 metres above ground level to restrict any perceived overlooking to the Fontenoy Street dwellings.
- The proposed contiguous front elevation shows that the height of the proposed flat-roofed extension would exceed that of the lower half of the first-floor rear windows of the properties on Fontenoy Street. In the absence of a daylight/sunlight assessment it was not possible to determine whether the development would have an undue impact on the residential amenities of those properties. The applicant may consider reducing the height of the extension and/or the roof profile to ensure it does not impede adequate levels of daylight. Further information would be sought in relation to these matters. There was no objection to the proposed roof light over the flat-roofed extension.
- The proposed dormer windows would serve the two first-floor bedrooms. In the absence of sectional drawings showing the floor-to-ceiling height, the suitability of the attic as a habitable space could not be assessed. The applicant would be requested to address this matter through further information.

- The proposed dormer windows would face the boundary with 1 Western Way at a distance of about 5.7 metres. It appeared that the dormer closer to the front of the site would face the eastern façade of No. 1. As this façade did not appear to have any windows other than roof lights, the potential for overlooking would be limited. The applicant should be requested to provide viewing cones and address the potential for overlooking.
- It is unclear whether the space to the north and north west would be useable open space after the proposed development is constructed. It appears from the information provided this area would be significantly overshadowed. The applicant would be requested to demonstrate that useable open space of 40 square metres required for a three-bedroom dwelling would be retained.
- The stone wall enclosing Western Way is a Protected Structure. If planning permission is granted, a condition should be attached to ensure works are carried out under the professional on-site supervision of an architect or conservation expert, to ensure the integrity of the boundary wall is maintained.

3.2.2. A second planning officer's report dated 18th May 2026 provided the reasoning for the authority's decision. It may be summarised as follows:

- The applicant's response about ownership of the property is acceptable.
- The floor-to-ceiling height of 2.6 metres is acceptable for the use of the first floor as habitable bedrooms.
- The daylight/sunlight assessment and the reduction of 300 millimetres to the overall height of the proposed side extension adequately address the concerns about neighbouring daylight.
- Not all of the 96 square metres of private open space which the applicant states would be retained would be usable. Sufficient open space would be retained to the front and side and would be bounded a wall about 1.8 metres in height which is a Protected Structure. As no works would be permitted to this wall, the occupant would be able to enjoy this part of the site as a private, as opposed to semi-private, space.

3.2.3. The Council's **Drainage Division** had no objection subject to conditions.

3.3. Prescribed Bodies

3.3.1. **Transportation Infrastructure Ireland** had no observations on the planning application. It noted that the site falls within an area set out in a levy scheme for light rail established under Section 49 of the Planning and Development Act 2000. The scheme lists several exemptions where the levy does not apply.

3.3.2. No comments were received from Uisce Éireann, the National Transport Authority, An Chomhairle Ealaíon, Fáilte Ireland, the Heritage Council, An Taisce, or the Department of Housing, Local Government and Heritage.

3.4. Third Party Submissions

3.4.1. The Council received submissions from both appellant parties, the substance of which was repeated in their appeal statements. The submissions included the following additional point. As of 9th March 2026, the applicant was not the legal owner of 2 Western Way and no owner's written consent can be found on the file. The planning authority was requested to invalidate the application on this basis alone.

3.4.2. The Council also received a submission from residents of 1 Western Way, which included the following points:

- While the proposed extension would not directly affect light levels within their home, a reduced height of about 2.5 metres would be significantly more favourable from an aesthetic perspective. Such a modification would ensure that the new structure would remain subordinate and would be consistent with the approach taken when No. 1 was extended.
- The proposed construction would be in close proximity to their nearest house wall. They required reassurance that they would retain full access to their wall for any necessary future repairs. They requested that a "no oversailing/ overhanging" condition be re-imposed to ensure no eaves, gutters or downpipes extend beyond the applicant's boundary and to enable them to access their own gutters for cleaning and maintenance.
- They sought confirmation that no drilling, drainage works or electrical installations would disrupt their existing utilities or cause vibrations affecting their home. A Construction Management Plan should be provided.

- All surface-water drainage should be managed entirely within the application site to prevent dampness affecting their adjoining property.
- Because the Western Way boundary wall is part of a Protected Structure, a conservation method statement and professional supervision should be required for all works adjacent to the boundary, consistent with recent precedent on the street.

4.0 Planning History

4.1. Application Site

4.1.1. **3173/02:** On 18th December 2002, permission was granted for a single-storey one-bedroomed house to the rear of 21 Fontenoy Street with independent access from Western Way via an existing gate in the stone wall. A condition was attached stating that no part of the development, including gutters and eaves, shall abut, oversail or impinge on any adjoining property, save with the written agreement of the owner(s).

4.2. 17A Fontenoy Street

4.2.1. **4766/03:** On 28th January 2004, the Council decided to grant permission for a single-storey artist's studio to the rear of 17 Fontenoy Street. On 8th July 2004, following a third-party appeal **(206183)**, An Bord Pleanála granted permission.

4.3. 1 Western Way

4.3.1. **1131/07:** On 2nd August 2007, permission was granted for a single-storey one-bedroom detached house at the rear of 27 Fontenoy Street (bounded by 27-23 Fontenoy Street and 1-4 Auburn Street) with independent access from Western Way via an existing pedestrian gate in the existing stone wall.

4.3.2. **2059/19:** On 10th April 2019, permission was granted for retention of an existing attic conversion including four roof lights, and for a revised rear boundary layout separating 1 Western Way from 27 Fontenoy Street, subject to a condition that the attic space was to be used only for storage.

4.3.3. **WEB1811/21:** On 21st February 2022, permission was granted for a single-storey extension to side of 1 Western Way, following a reduction in the height of the roof above the proposed extension and a change in the roof profile from pitched to hipped. A condition was attached stating that none of the rooms at attic level were to be used as habitable accommodation, including sleeping accommodation.

5.0 Policy Context

5.1. Development Plan

5.1.1. Map E of the Dublin City Development Plan 2022-2028 indicates that the application site is within Primary Land Use Category Z2, Residential Neighbourhoods (Conservation Areas) where the zoning objective is to protect and/or improve the amenities of residential conservation areas. Section 14.7.2 of the Plan states that the overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.

5.1.2. Policy BHA2 of the Plan is that development will conserve and enhance Protected Structures and their curtilage and will:

(a) Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011), published by the Department of Culture, Heritage and the Gaeltacht.

(b) Protect structures included on the RPS [Record of Protected Structures] from any works that would negatively impact their special character and appearance.

(c) Ensure that works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation.

(d) Ensure that any development, modification, alteration, or extension affecting a Protected Structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.

5.1.3. Policy BHA9 is to protect the special interest and character of all Dublin's Conservation Areas, [including those] identified under Z2 zoning objectives. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

5.1.4. Appendix 16 to the Plan refers in Section 3.1 to BRE 209 which, it says, is widely used to inform the methodologies applied for daylight and sunlight assessments. It gives clear guidance on how new developments will impact on existing developments in the surrounding area.

5.1.5. Section 1.1 of Appendix 18 acknowledges that residential extensions play an important role in promoting a compact city in line with the Plan's core strategy as well as providing for sustainable neighbourhoods and areas where a wide range of families can live. The design of residential extensions should have regard to the amenities of adjoining properties and, in particular, the need for light and privacy.

5.1.6. Section 1.2 of Appendix 18 states that 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. Section 1.3 states that ground-floor side extensions will be evaluated against proximity to boundaries, size, visual harmony and impacts on adjoining residential amenity.

5.1.7. Section 1.4 of Appendix 18 says extensions should not result in any significant loss of privacy to the residents of adjoining properties. Generally, windows overlooking adjoining properties (such as in a side wall) should be avoided. Where essential, the size of such windows should be kept as small as possible and consideration should be given to the use of high-level windows and/or the use of obscure glazing where the window serves a bathroom or landing. Bedrooms in general should not be lit by obscure glazed windows as a means to prevent undue overlooking.

5.1.8. Under the heading "Daylight and Sunlight", Section 1.6 of Appendix 18 recognises that in an urban context some degree of overshadowing is inevitable and unavoidable. It says consideration should be given to the proportion of extensions, height and design of roofs as well the position of windows including rooms they serve to adjacent or adjoining dwellings.

5.2. **Supplementary Development Contribution Scheme**

5.2.1. The application site lies within the area to which Dublin City Council's Luas Cross City (St. Stephens Green to Broombridge Line) Supplementary Development Contribution Scheme applies. Section 11 exempts domestic extensions from the requirement to pay development contributions under the Scheme.

5.3. **Ministerial Guidelines**

5.3.1. **"Sustainable Residential Development and Compact Settlements"**, published in 2024, constitute Ministerial Guidelines under Section 28 of the Planning and Development Act 2000.

5.3.2. Chapter 5 of the Guidelines sets out policy and guidance in relation to the design of housing and standards to be applied in support of greater innovation within the housing sector and to facilitate more compact forms of residential development. It is a specific planning policy requirement (SPPR 2) that proposals for new houses meet the following minimum private open space standards:

Three-bed house 40 square metres

For urban infill schemes on smaller sites (for example, sites of up to 0.25 hectares) the private open space standard may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and proximity to public open space.

5.3.3. The supporting text of SPPR 2 says that private open space must form part of the curtilage of the house and be designed to provide a high standard of external amenity space in one or more usable areas.

5.3.4. The **Architectural Heritage Protection Guidelines for Planning Authorities** were published in 2011. Chapter 6 deals with development control. Section 6.7.2 advises that a properly detailed planning application should obviate the need for the attachment of extensive planning conditions to a permission. However, where required, conditions could be attached with regard to … e) site supervision and project management by personnel suitably qualified in conservation during the progress of the works. Chapter 7 sets out conservation principles. Section 7.5.2 advises that in order to ensure that the works are competently and correctly completed, continued expert involvement may be necessary in the management and site supervision of the project, using experienced and skilled workers with proper and adequate supervision.

5.4. **Guidance on Site Layout Planning for Daylight and Sunlight**

5.4.1. The Third Edition of the Building Research Establishment good practice guide "Site Layout Planning for Daylight and Sunlight" (BRE 209) was published in 2022. Chapter 2 considers light from the sky (daylight), while Chapter 3 considers sunlight.

5.4.2. Section 2.2.2 of BRE 209 states that the guidelines are intended for use for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms. Section 2.2.6 says any reduction in the total amount of skylight can be calculated by finding the VSC at the centre of each main window. In the case of a floor-to-ceiling window such as a patio door, a point 1.6 metres above ground on the centre line of the window may be used. The reference point is in the external plane of the window wall.

5.4.3. Section 2.2.7 advises that if the VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. This value typically supplies enough daylight to a standard room when combined with a window of normal dimensions, with glass area around 10% or more of the floor area. If the VSC, with the new development in place, is both less than 27% and less than 0.80 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area lit by the window is likely to appear gloomier and electric lighting will be needed more of the time.

5.4.4. Section 3.2.4 states that to calculate the loss of sunlight over the year, a different metric, APSH, is used. This means the total number of hours in the year that the sun is expected to shine on unobstructed ground, allowing for average levels of cloudiness for the location. The sunlight reaching a window is quantified as a percentage of this unobstructed annual total. Section 3.2.6 advises that if a room can receive more than one quarter of APSH, including at least 5% of APSH in the winter months between 21st September and 21st March, then it should still receive enough sunlight. Also, if the overall annual loss of APSH is 4% or less, the loss of sunlight is small.

5.4.5. Section 3.3.17 states that, to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21st March. If as a result of new development an existing garden or amenity area does not meet the above and the area that can receive two hours of sun on 21st March is less than 0.80 times its former value, then the loss of sunlight is likely to be noticeable. If

a detailed calculation cannot be carried out, it is recommended that the centre of the area should receive at least two hours of sunlight on 21st March.

5.5. Natural Heritage Designations

5.5.1. The application site is not in any Natura 2000 site of European nature conservation importance. The nearest Natura 2000 sites are:

- South Dublin Bay and River Tolka Estuary Special Protection Area for birds (SPA), about 2.8 kilometres to the east;
- North Bull Island SPA, about 6 kilometres to the east;
- South Dublin Bay Special Area of Conservation (SAC), about 2.8 kilometres to the east, designated for mudflats and sandflats, annual vegetation of drift lines, annuals colonising sand and mud and embryonic shifing dunes; and
- North Dublin Bay SAC, about 6 kilometres to the east, designated for tidal mudflats and sandflats, annual vegetation of drift lines, annuals colonising sand and mud, salt meadows, shifting and fixed dunes, dune slacks and petalwort.

5.5.2. There are no National Heritage Areas (NHAs) in Dublin City. Proposed NHAs are identified in Table 10 and Figure 4 of the Natura Impact Report for the Development Plan. The closest of those pNHAS to the application site are North Dublin Bay, South Dublin Bay, Dolphins Dublin Docks, Grand Canal and Royal Canal.

6.0 Environmental Impact Assessment Screening

6.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). 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**

7.1.1. The statements made on behalf of both appellant parties may be summarised as follows:

- The drawings presented to, and considered by, the planning authority were based on incorrect site dimensions. The distance from the [back wall of the lounge area] to the boundary wall of 22 Fontenoy Street is about 3.0 metres, not 4.465 metres. The distance from the utility room to the boundary wall of No. 21 is about 0.9 metres, not 2.0 metres. Such discrepancies materially affect the extent of private open space available to all affected neighbouring properties and the accuracy of all associated assessments.
- The applicant's daylight/sunlight report relies on incorrect architectural drawings and spatial models; as a result, it is unreliable and/or inaccurate. There is a lack of clear shadow diagrams or similar. The analysis is framed round BRE noticeability thresholds rather than an examination of the overall quality of amenity space.
- At the Dublin latitude, the sun height at noon on 21st March is approximately 36.7º. A structure 3.5 metres in height would cast a shadow of 4.5 metres. As the actual rear garden depth is approximately 3 metres, the entire rear yard would be in shadow at that time. The space would receive little or no direct sunlight on that date, contrary to guidance. This outcome is not adequately reflected in the applicant's analysis.
- Based on the corrected dimensions, the residual private open space on the site would be approximately 15 square metres (including narrow sections about 0.9 metres wide), enclosed and significantly overshadowed. In practice, it would not function as meaningful amenity space.
- A lower structure close to the front-end garden of 2 Western Way and the boundary wall would represent a more appropriate response within such a constrained context while providing the applicant with a more coherent and useable open space and reducing impacts on adjoining properties.

- The Council's Condition 5 requiring the proposed dormer windows to be obscurely glazed is welcomed. However, it does not eliminate potential overlooking above 1.8 metres. The use of attic accommodation should be restricted if appropriate.

7.2. Applicant's Response

7.2.1. None

7.3. Planning Authority Response

7.3.1. None

7.4. Observations

7.4.1. The Commission, being of the opinion that the proposed development may have an effect on a Protected Structure, requested the Department of Housing, Local Government and Heritage to make observations in relation to the appeal. No such observations were received within the specified period.

8.0 Assessment

8.1. Issues

8.1.1. Having inspected the site and considered in detail the documentation on file for this third-party appeal, it seems to me that the main planning issues are:

- the validity of the application;
- the effect of the development on the amenity of neighbouring properties;
- the adequacy of the private open space that would be left at the site; and
- the effect of the development on the adjacent Protected Structure.

8.2. Validity of the Application

8.2.1. The applicant is confirmed to have purchased the property on 25th March 2026, while the planning application was lodged on 5th February 2026. Written consent under Article 22(2)(g) of the Planning and Development Regulations 2001 is required for the

making of an application only and need not relate to the carrying out of the development. There was no objection from the then landowner to the application being lodged. The courts have been clear that the intent of Article 22(2)(g) is to guard against frivolous and vexatious applications by persons with no interest in the lands and, accordingly, with no prospect of being able to carry out the proposed development. It is generally accepted that third parties cannot use landowner consent requirements under Article 22(2)(g) as a proxy to challenge the validity of a planning application unless they themselves hold a direct legal interest or title in the land concerned.

8.2. In this case, there was no objection from the landowner at date of lodgement and I consider that it was reasonable for the planning authority to process the application rather than treating it as invalid.

8.3. **Amenity of Neighbouring Properties**

8.3.1. When I inspected the site, I found internal and external works taking place. The interior of the dwelling was being reconditioned. The Western Way boundary wall was protected on both sides by hoardings. For some purpose that was not obvious to me, bricks were piled up at the southern end of the site. The side garden had been dug up, pathways had been laid and what looked like a planter box had been installed along the western boundary. The ground works appeared to be consistent with the proposed layout of the flat-roofed side extension but no building had been erected.

8.3.2. A portable cabin was stationed to the west of the existing utility room. A fence about 2 metres in height was being put up on the inner side of the wall that separates the site from the rear of Fontenoy Street properties. I was unable to measure the precise distances from the existing lounge and utility room to that boundary due to the presence of the new fence. I confirmed, however, that the appellants' measurements are more accurate than those shown on the proposed ground floor plan.

8.3.3. The applicant's daylight and sunlight report states that the design proposal assessed is that which was submitted in February 2026. It is likely therefore that it relies on the inaccurate building-to-boundary distances shown on the floor plans, in which case potential impacts on neighbouring properties would be greater than those assessed. It is not clear whether the report takes into account the reduction at further-information

stage in the height of the proposed flat-roofed extension from 3.5 to 3.2 metres, which would have the opposite effect of reducing potential impacts.

8.3.4. Notwithstanding these uncertainties, I accept the report's conclusions that no neighbour's windows would experience any noticeable reduction in daylight or sunlight, and that no outdoor amenity spaces would experience a noticeable reduction in sunlight, due to the proposed development. That is because the windows and spaces to the rear of the Fontenoy Street properties are already shaded by the existing 1.8-metre-high boundary wall which separates them from the application site, and the residents of 1 Western Way have acknowledged that the proposed extension would not directly affect light levels within their home.

8.3.5. While the proposed window on the northern elevation of the extended utility room would be no more than a metre from the boundary with 21 and 22 Fontenoy Street, I judge that overlooking would be restricted by the boundary wall and the new fence.

8.3.6. The existing bedrooms on the first floor of the applicant's dwelling are dim spaces lit only by roof windows. The introduction of dormer windows would significantly improve the amenity of these bedrooms. The section showing viewing cones submitted as further information indicates that views towards 1 Western Way would be impeded to some extent by the flat roof of the proposed extension. However, although the eastern façade of that property has no windows other than roof lights, there would still be potential for overlooking of the amenity space to the north of the dwelling.

8.3.7. It can be inferred from a combination of the proposed side elevation and the proposed section / viewing cones drawing that it is intended that the lower pane of glass in each dormer would have fixed obscure glazing. Although the Development Plan states that in general bedrooms should not be lit by obscurely glazed windows as a means to prevent undue overlooking, I consider that in this instance where distances to adjoining properties are particularly short, the planning authority's Condition 6 strikes a reasonable balance between the interests of the applicant and his neighbours.

8.3.8. I do not consider it necessary in the interest of aesthetics to restrict the height of the flat-roofed extension to 2.5 metres. The proposed ground floor plan and the proposed section with viewing cones show a separation distance of over 1.3 metres between the proposed extension and the boundary with 2 Western Way. Any permission granted on the basis of the submitted drawings would not authorise any oversailing or

overhanging beyond the applicant's boundary. Such encroachment, were it to occur, would be a private-law matter. Should permission be granted, it would be necessary in my opinion to attach conditions requiring the submission of a Construction Management Plan and more detailed proposals for the disposal of surface water from the site for the written agreement of the planning authority.

8.4. **Private Open Space**

8.4.1. The private open space standard of 40 square metres set out in SPPR 2 of the Ministerial Guidelines on Sustainable Residential Development and Compact Settlements applies to proposals for new three-bedroom houses. While the current proposal is for an extension to an existing dwelling, I consider that 40 square metres is nonetheless a useful benchmark against which to evaluate the applicant's proposals. The Guidelines allow for the private-open-space standard to be relaxed for urban infill sites on a case-by-case basis but require private open spaces to be designed to provide a high standard of external amenity in one or more usable areas.

8.4.2. The applicant claims that 96 square metres of garden space would be left after the proposed works. It is not entirely clear how that figure was arrived at. In my opinion, the triangular area between the northern elevation of the dwelling and the Western Way boundary wall is too narrow to provide usable amenity space and would have to accommodate a pathway from the pedestrian entrance to the front door. The area between the utility room and the Fontenoy Street boundary wall is also too narrow.

8.4.3. It seems to me that the proposed ground-floor plan indicates two main area with potential for amenity open space. The first area lies to the south of the proposed flat-roofed extension and to the west of the proposed ground-floor bedroom; based on the dimensions shown on the plan, it would be about 34 square metres in size. The second area lies to the north of the proposed flat-roofed extension and to the west of the extended utility room. That area, excluding the small shed in the north-western corner of the site, is about 15 square metres in size.

8.4.4. I agree with the planning authority and the appellants that the second area, adjacent to Fontenoy Street, would be significantly overshadowed by the proposed flat-roofed extension. However, I consider that the first area, next to Western Way, could become a useable and attractive private open space if suitably designed, laid out and planted.

While the proposed development would deprive the dwelling of a significant part of its garden, I consider that there would still be sufficient space within this inner-city site to provide private amenity space to a high standard. Should permission be granted, it would be necessary in my view to require the developer to submit a landscaping plan for the entire site.

8.5 Effect on Protected Structure

8.5.1. It is stated in the application that no new works are proposed to the Protected Structure wall along Western Way. However, it seems to me that in accordance with Policy BHA2 of the Development Plan, it is essential to protect the structure from any action that would, by accident or inadvertence, have a negative impact on its special character and appearance. It seems to me that to this end any permission granted on appeal should repeat the planning authority's Condition 6.

9.0 Appropriate Assessment Screening

9.1. Having considered the nature, location and modest scale of the proposed development, the nature of the receiving environment as a built-up urban area, the nature of the foreseeable emissions therefrom, the availability of public piped services to accommodate the foul effluent arising therefrom, the distance from the nearest European site and the absence any known hydrological link between the application site and any European site, I am content on the basis of objective information that the development is not likely to have a significant effect on any European site, either alone or in combination with other plans or projects. I therefore conclude that the carrying out of an appropriate assessment under Section 177V of the Planning and Development Act 2000 is not required.

10.0 Water Framework Directive

10.1. The application site is located 900 metres from the Royal Canal and 1.1 kilometres from the River Liffey. The proposed development comprises a ground-floor extension to the side and rear of a house. 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 (WFD) which seek to protect and, where necessary, restore surface and 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.

10.3. The reasons for this conclusion are the nature and small scale of the works, the distances from the nearest water bodies and the lack of hydrological connections.

10.4. I conclude 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 to the Commission that planning permission be granted, subject to the conditions set out below.

12.0 **Reasons and Considerations**

12.1 Having regard to the Dublin City Development Plan 2022-2028, and in particular the Z2 zoning objective, Policy BHA9 and Appendix 18, to Specific Planning Policy Requirement 2 of the Ministerial Guidelines on Sustainable Residential Development and Compact Settlements, and to the good practice guide “Site Layout Planning for Daylight and Sunlight”, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the adjacent Protected Structure, would not seriously injure the amenity of neighbouring properties, would provide adequate private open space for the occupants of the extended dwelling and would accord with 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, as amended by the further plans and particulars submitted on 1st May 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 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.	Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works. Prior to the commencement of development, the developer shall submit detailed proposals for the disposal of surface water from the site for the written agreement of the planning authority. **Reason:** To prevent flooding and in the interest of sustainable drainage.
3.	Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. **Reason:** In the interest of visual amenity.
4.	The dormer windows shall be permanently finished with obscure glazing to a minimum of 1.8 metres above floor level. Additional roof lights may be added to the dormer rooftops if required and shall be kept as flush as possible to the roof. **Reason:** To protect the residential amenities of neighbouring properties
5.	The flat roof of the ground floor extension shall not be used as a balcony or terrace. **Reason:** To protect the residential amenities of neighbouring properties.

6.	A comprehensive scheme of landscaping shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development and shall be carried out within the first planting season following substantial completion of external construction works. **Reason:** In the interest of residential and visual amenity.
7.	Prior to the commencement of works, the developer shall submit to and agree in writing with the planning authority a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/ demolition waste. **Reason:** In the interest of public safety and amenity.
8.	The works hereby permitted shall be carried out under the professional supervision on site of an architect or a person with specialised conservation expertise, in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities and best conservation practice. **Reason:** To ensure that the integrity of the boundary wall on Western Way, a Protected Structure, is maintained.

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.

Trevor A Rue

TREVOR A RUE
Planning Inspector
15th October 2026

Appendix A: Form 1 – EIA Pre-Screening

Case Reference	*PL-501598-DN-26*
Proposed Development Summary	*Ground-floor extension to the side and rear of a house*
Development Address	*2 Western Way, Phibsborough, Dublin 7*
	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.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☑ *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.
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
No ☑	Pre-screening determination conclusion remains as above (Q1 to Q3).

Inspector: Trevor A Rue _____ **Date:** 15th October 2026

TREVOR A RUE