



An
Coimisiún
Pleanála

Inspector's Report PL-501615-DR-26

Development	Retention of patio area, boundary fence and extension.
Location	11, Sweetmount Park, Dundrum, Dublin 14, D14HF77
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D25B/0528/WEB
Applicant(s)	Huiqing Fang
Type of Application	Retention
Planning Authority Decision	Grant Retention
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Úna Lawlor and Peadar Ó Ceannabháin
Observer(s)	None
Date of Site Inspection	21 st September 2026
Inspector	Bernadette Quinn

1.0 Site Location and Description

- 1.1. The appeal site, with a stated area of 0.001ha, contains a two storey semi detached dwelling located on the northern side of Sweetmount Park approximately 400m southwest of Dundrum village. There is a garden and vehicular parking to the front. There is a rear garden with a depth of approximately 26m and which slopes from south down to north, sloping downwards away from the rear elevation of the dwelling. There is a single storey rear extension measuring 13.23 sq.m. The neighbouring gardens at No. 10 and 12 slope in a similar manner. Rear boundary treatments comprise a brick wall to the east separating the rear garden from the property at No. 10 Sweetmount Park and a timber effect panel and concrete post fence to the west separating the appeal site from No. 12 Sweetmount Park.

2.0 Proposed Development

- 2.1. Permission is sought for the following:
- Retention of a patio area to the rear of the property, including alteration to the ground level exceeding 1 metre in height;
 - Retention of a boundary fence within the rear garden measuring between 2.1m and 2.4m in height;
 - Retention of an extension to the rear of the property.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. By order dated 03rd June 2026 the Planning Authority (PA) issued notification of a decision to grant permission subject to 4 conditions.

3.2. Conditions

- 3.2.1. Condition 4: The disposal of surface water shall be in accordance with the requirements of the Planning Authority as follows: (a) The applicant shall implement a SuDS measure, appropriate to the scale of the proposed development, to infiltrate or reuse the resulting surface water runoff within the property curtilage in accordance

with Section 10.2.2.6 Policy Objective EI6: Sustainable Drainage Systems of the County Development Plan 2022-2028. This can be a soakaway, if permitted by the ground conditions, a rain garden, raised rainwater planter, rainwater harvesting system, water butt(s), permeable paving designed with an allowance for roof discharge (e.g. difuser box) etc.(b) Any changes to parking and hardstanding areas shall be constructed in accordance with the recommendations of the Greater Dublin Strategic Drainage Study for sustainable urban drainage systems (SuDS) i.e. permeable surfacing, and in accordance with Section 12.4.8.3 Driveways/Hardstanding Areas of the County Development Plan 2022-2028. Appropriate measures shall be included to prevent runoff from driveways entering onto the public realm as required. Where unbound material is proposed for driveway, parking or hardstanding areas, it shall be contained in such a way to ensure that it does not transfer on to the public road or footpath on road safety grounds.'

REASON: In the interest of public health.

3.3. Planning Authority Reports

3.3.1. Planning Reports

- A live enforcement file is open in relation to the site.
- The rear garden slopes away from the main dwelling.
- Further information is required in relation to compliance with Section 12.4.8.3 of the Development Plan relating to hard standing areas, correct labelling of drawings, and additional drawings clearly indicating neighbouring properties.
- There is an established pattern of similar rear extensions in the area and no negative visual or residential amenity effects are noted. The extension does not result in any undue overlooking, overshadowing or overbearing of neighbouring properties.
- The proposal accords with section 12.3.7.1 of the Development Plan relating to extensions.
- In relation to concerns regarding building over a sewage pipes, the applicant will be required to accord with Uisce Eireanns requirements and any

alterations to drainage systems within the site are a matter for compliance with the Building Regulations.

- Further information is required to demonstrate separate foul and surface water drainage networks and confirmation that foul water is not entering the surface water system.

Following receipt of further information, the Planning Officers report dated xx can be summarised as follows:

- The boundary treatment would not be expected to give rise to undue overbearance.
- No undue overlooking, overshadowing or overbearing impacts would arise for No's 10 or 12.
- The PA concurs with the Drainage Planning report which raises no objections.
- A grant of permission is recommended.

3.3.2. Other Technical Reports

Drainage Planning: Following a request for further information, no objection subject to conditions relating to surface water drainage.

3.4. Prescribed Bodies

None received.

3.5. Third Party Observations

Three submissions received are summarised in PA Planning Officer's report.

4.0 Planning History

No recent relevant planning history.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Dún Laoghaire Rathdown County Development Plan 2022-2028 (as varied) is the statutory development plan for the area. The site is zoned Objective 'A' residential with the objective to: 'provide residential development and improve residential amenity while protecting the existing residential amenities' under which residential development is listed within the 'Permitted in Principle' category of this zoning objective.
- 5.1.2. In Chapter 10, Section 10.2.2.6 Policy Objective EI6: Sustainable Drainage Systems It is a Policy Objective to ensure that all development proposals incorporate Sustainable Drainage Systems (SuDS).
- 5.1.3. Chapter 12 of the development plan deals with Development Management. Section 12.3.7.1 provides guidance with respect to rear extensions. Section 12.8.7 Private Amenity Space – Quality Standards includes Section 12.8.7.2 relating to boundaries and states 'boundary treatments located to the rear of dwellings should be capable of providing adequate privacy between properties'.

5.2. Natural Heritage Designations

- 5.2.1. South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and South Dublin Bay SAC (Site Code 000210) are located approx. 4.3km northeast of the appeal site.

5.3. EIA Screening

- 5.3.1. The proposed development is not a class of development set out in Schedule 5, Part 1 or Part 2 of the Planning and Development Regulation 2001, as amended, and therefore no preliminary examination is required. See Appendix 1.

6.0 The Appeal

6.1. Grounds of Appeal

One no. third party appeal has been received from Úna Lawlor and Peadar Ó Ceannabháin and can be summarised as follows:

- Additional information drawings do not accurately reflect the scale of the continuously sloping site, scale and overlooking by patio, sub standard finish of boundary and discharge of surface channel drain outfall into No. 12.

- Impact on boundary tree / landscaping die off due to works, outfall and excavations and interference with existing natural ground water flow.
- No evidence of compliance with Suds Section 10.2.2.6 and Policy Objective E16.
- The paved garden area and significant ground altering earthworks represent overdevelopment of the site.
- Boundary construction standards and run off and drain outfalls is a significant nuisance to No. 12.
- The development is not in accordance with the plans and particulars lodged with the application.
- Consultation/agreement between No. 12 and No. 11 in relation to building details and finishes in particular at boundary have not been carried out. The roof / party joint and drainage are unsatisfactory, and the boundary wall / side extension are badly finished which is not in accordance with agreements.
- Impacts on No. 11 in relation to overlooking, structural integrity of adjoining structure and unsatisfactory drainage.
- Main collector foul drain to rear is under the development and subject to surcharge.

6.2. Applicant Response

No response received.

6.3. Planning Authority Response

Response received states no new matters raised.

6.4. Observations

None received.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Residential Amenity Impacts
- Drainage
- Other Matters

7.2. Residential Amenity Impacts

7.2.1. The appeal raises concerns in relation to residential amenity impacts as a result of the proposed rear patio as a result of the scale and ground level increase resulting in overlooking and overdevelopment of the site. Concerns are also raised in relation to finishes to the extension and boundary walls.

7.2.2. Drawings submitted indicate that prior to construction of the patio the rear ground level adjoining the rear elevation was at a level of 57.800 with the ground level sloping down towards the rear. The patio for which retention permission is sought also has a level of 57.800 and an area of 57.2 sqm. with a grassed area measuring 29.6 sqm. The patio also incorporates steps down to a lower rear garden area to facilitate a drop in ground levels to a level of 56.100 resulting in a ground level difference of approx. 1.35m between the patio area and lower rear garden area. Having reviewed the existing elevation drawings submitted in response to the PA's further information request I note that the difference in ground level across the rear garden prior to completion of the works was approx. 1.2m. I also note that the rear ground levels of neighbouring properties at the rear elevations are indicated at a level of 57.200 at No. 10 and 57.800 at No. 12 with these gardens also sloping down towards the rear.

7.2.3. Having regard to the ground level of the patio to be retained which is approx. 0.6m higher than the neighbouring ground level at No. 10 and is similar to the ground level at No. 12, to the limited change in ground level above the previously existing level for which retention permission is sought, to the scale and domestic nature of the patio

and rear garden, and to the presence of a boundary wall/fence separating the appeal site from neighbouring properties, I do not consider the proposal will give rise to an unacceptable level of overlooking into neighbouring properties.

- 7.2.4. Retention permission is also sought for a rear extension with a floor area of 13.23 sq.m. and a flat roof with a ridge height of 3.3m. I note the PA raised no concerns in relation to the extension.
- 7.2.5. Having regard to the scale of the proposed single storey extension and its location adjoining the rear elevation I am satisfied that the rear extension will not give rise to unacceptable impacts on neighbouring properties in terms of visual or residential amenities. The extension has been finished in painted render which I consider acceptable.
- 7.2.6. A fence to be retained is located along the rear western site boundary separating the appeal site from No. 12. The fence is a timber effect fence with concrete posts and has a height of between 2.1m and 2.4m with the fence height increasing towards the north where ground levels are lower. There is an existing block wall along the rear eastern boundary separating the appeal site from No. 10.
- 7.2.7. Having regard to the design and height of the fence and the changing ground levels in the site and neighbouring site, I consider the fence for which retention permission is sought is acceptable for the site and will not give rise to unacceptable visual amenity impacts. I consider the material finishes which comprise a timber effect material and concrete posts are acceptable.
- 7.2.8. Having regard to the overall scale and nature of development proposed, I do not share the appellants concerns that the development results in overdevelopment.

7.3. Drainage

- 7.3.1. Concerns are raised in the appeal in relation to SUDS. I note that the PA requested further information in relation to surface water drainage requiring the applicant to demonstrate compliance with Section 10.2.2.6 Policy Objective EI6 of the CDP relating to infiltration of surface water within the site. The response to further information indicates separate foul and rain water pipes, however no specific details relating to SuDS are outlined. Following receipt of further information the Drainage Division raised no concerns subject to a condition relating to surface water drainage.

- 7.3.2. I note that Policy Objective EI6 states that it is a Policy Objective to ensure that all development proposals incorporate Sustainable Drainage Systems (SuDS). If the Commission decides to grant permission I consider this matter can be addressed by the inclusion of a condition requiring compliance with the PA requirements in this regard.
- 7.3.3. The appeal raises concerns that a main collector foul drain is located under the development and that this is subject to surcharge. I note that the drawings do not indicate a drain located under the development and I also note that the PA report raises no concerns in this regard and states that the applicant will be required to comply with the requirements of Uisce Eireann. Having regard to the foregoing I consider the proposal is acceptable in this regard.
- 7.3.4. In relation to concerns relating to impacts on ground water flow, I note no evidence has been submitted to support these concerns. Having regard to the nature and scale of the works for which retention permission is sought I do not have concerns in relation to potential impacts on groundwater flows.

7.4. Other Matters

- 7.4.1. Concerns are raised in the appeal that agreements with neighbouring residents have not been carried out and that the development is not in accordance with drawings submitted. As outlined in my assessment above, having inspected the drawings and carried out a site inspection I am satisfied that the proposal is acceptable and I note that any matters arising as a result of non-compliance with the drawings submitted are a matter for the PA Enforcement Section.
- 7.4.2. I note the concerns raised in relation to impacts on neighbouring landscaping and the structural integrity of the neighbouring property due to the works. I note that the application seeks retention permission for works which are contained within the appeal site boundary and I consider impacts on neighbouring landscaping and structural issues are a civil issue between the parties concerned and are not a matter for consideration in the appeal.

8.0 AA Screening

- 8.1. Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive.

I have considered case PL-501615-DR-26 in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The proposed development is located within a residential area and comprises an extension to an existing dwelling, patio and boundary treatment and all associated site works. The closest European Sites are South Dublin Bay SAC (Site Code 000210) and South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), both located approx. 4.3km northeast of the proposed development.

Having considered the nature, scale and location of the proposed development to be retained 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:

- Small scale and domestic nature of the development
- The location of the development in a serviced urban area, distance from European Sites and urban nature of intervening habitats, absence of ecological pathways to any European Site.
- Having regard to the screening determination of the PA.

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 (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Water Framework Directive

- 9.1. 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. 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. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

10.0 Recommendation

10.1. I recommend that permission be granted to retain the development subject to conditions.

11.0 Reasons and Considerations

Having regard to the provisions of the Dun Laoghaire Rathdown County Development Plan 2022-2028 as varied, including the Residential land use zoning of the site, to the established residential use on the site and the pattern of development in the area, and to the scale, form and design of the development proposed to be retained, it is considered that, subject to the conditions set out below, the development to be retained would be in keeping with the established pattern of development at this location and would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable with regard to surface water drainage. The development to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by Further information received by the planning authority on the 08th 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. Drainage arrangements and the disposal of surface water shall comply with the requirements of the planning authority for such works and services. Within three months of the date of permission the developer shall submit details for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

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.”

Bernadette Quinn
Senior Planning Inspector

29th September 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501615-DR-26
Proposed Development Summary	Retention of patio area, boundary fence and extension.
Development Address	11, Sweetmount Park, Dundrum, Dublin 14, D14HF77
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ No, it is not a Class specified in Part 1. Proceed to Q3	

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