# Inspector's Report

# PL–501706-DF-26

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| **Development** | Construction of an extension with garage conversion, widening of entrance and all associated site works. |
| **Location** | 26 Roselawn Road, Blanchardstown, Dublin 15, D15 KDF3 |
| **Planning Authority** | Fingal County Council |
| **Planning Authority Reg. Ref.** | FW26A/0176E |
| **Applicant(s)** | Joey Murphy |
| **Type of Application** | Permission |
| **Planning Authority Decision** | Grant Permission |
| **Type of Appeal** | Third Party |
| **Appellant(s)** | Adrian Kearney |
| **Observer(s)** | None |

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| **Date of Site Inspection** | 3 September 2026 |
| **Inspector** | Paul Christy |

## Contents


1.0 Site Location and Description ..... 5

2.0 Proposed Development ..... 5

3.0 Planning Authority Decision ..... 5

3.1 Decision ..... 5

3.2. Planning Authority Reports ..... 5

3.3. Prescribed Bodies ..... 6

3.4. Third Party Observations ..... 6

4.0 Planning History ..... 6

4.1. Subject site ..... 6

5.0 Policy Context ..... 6

5.1. National Policy ..... 6

5.2. Development Plan: Fingal County Development Plan, 2023-2029 ..... 7

5.3. Natural Heritage Designations ..... 8

6.0 EIA Screening ..... 8

7.0 Water Framework Directive Screening ..... 8

8.0 The Appeal ..... 10

8.1. Grounds of Appeal ..... 10

8.2. Applicant's Response ..... 10

8.3. Planning Authority Response ..... 12

8.4. Further Responses ..... 13

9.0 Assessment ..... 14

9.1. Overview ..... 14

9.2. The Application of BRE 209 ..... 15

9.3. Potential Impacts of the Proposed Rear Extension on the Amenities of No.24 (the Appellant's property) ..... 17

Daylight Access ..... 17

Sunlight Access ..... 19

Rear Garden Amenity Sunlight ..... 22

9.4. Potential Impacts of the Proposed Rear Extension on the Amenities of No.28 28

9.5. Proposed Works to Front of Dwelling ..... 29

9.6. Other Issues ..... 29

9.7. Development Contributions ..... 30

10.0 AA Screening ..... 30

11.0 Recommendation, Reasons and Considerations ..... 31

**Appendix A** – Form 1: EIA Pre-Screening

## 1.0 Site Location and Description

1.1. The subject site is located in the suburban residential area of Blanchardstown, north Dublin. The area is characterised by a typical suburban layout largely comprised of semi-detached dwellings.

1.2. The subject property is a fairly typical two-storey, semi-detached, pitched roof dwelling with gardens to the front and rear. The property includes modest, single-storey projections to the front and rear elevations. The front projection extends across approximately two-thirds of the width of the dwelling and contains an entrance lobby and part of a garage. The rear projection similarly extends across approximately two-thirds of the rear elevation and includes kitchen space and a small boiler room.

## 2.0 Proposed Development

2.1. The proposed development comprises the following elements:

- Works to the front elevation: A new bay window generally at the position of the existing window on the front elevation; a new parapet flat roof over both the existing front projection and proposed bay window to replace the existing lean-to roof on the existing projection; and two new rooflights to the front roof.
- Works to the rear**:** A part two-storey and part single-storey extension.
- Conversion: Conversion of existing garage to provide for a home office and w.c. It is proposed that the garage will be blocked up and the garage door replace with a window similar to that proposed for the bay window.
- Access: Widening of existing vehicular access from 3.1m to 3.5m.

## 3.0 Planning Authority Decision

### 3.1 Decision

3.1.1. Grant permission, subject to standard conditions.

### 3.2. Planning Authority Reports

3.2.1. [Planning Report]: There is one report on file dated 18th June, 2026 and signed by a Senior Executive Planner, endorsed by an Administrative Officer, and signed off by a Senior Planner. In terms of the key issues raised in the Appeal, the Report includes, inter alia, the following elements of commentary of relevance to the key concerns expressed in the Appeal:

- Acknowledges a submission received concerning overshadowing, overbearing, loss of sunlight, and daylight impacts. Notes the extensions are separated from the shared boundary to the east by c.1.1m and that, having regard to their scale and design, the Authority is satisfied that the extensions will not result in adverse impacts.
- Acknowledges the submission received concerning overlooking and loss of privacy arising from the two proposed ground floor side elevation windows. Concludes that the existing c.1.6m high boundary does not provide sufficient means of privacy and therefore the proposed windows do not introduce a new impact but sit within an environment where privacy is already limited. Furthermore, these windows are considered secondary to the rear windows.

3.2.2. [Transportation Planning Section]: Standard report advising of no objection and recommending standard conditions, including that the proposed vehicular access shall not exceed the proposed 3.5m.

3.2.3. [Water Services Department]: No objections, subject to standard conditions.

### 3.3. Prescribed Bodies

3.3.1. None.

### 3.4. Third Party Observations

3.4.1. One submission received was received from Marston Planning Consultancy on behalf of the Appellant, Adrian Kearney. These issues are covered in the Appeal (please refer to Section 8.1 of this Report).

## 4.0 Planning History

### 4.1. Subject site

4.1.1. None.

## 5.0 Policy Context

### 5.1. National Policy

5.1.1. [Quality Housing for Sustainable Communities, 2007' (last updated in 2021) (Dept. of the Environment, Heritage and Local Government)]: States that: 'the area of a single bedroom should be at least 7.1m$^2$ and that of a double bedroom 11.4m$^2$.'

5.2. **Development Plan: Fingal County Development Plan, 2023-2029**

5.2.1. Zoning: The subject site is within an area zoned as 'RS Residential'. The relevant zoning objective is to: '*Provide for residential development and protect and improve residential amenity*.'

5.2.2. Chapter 3: 'Sustainable Placemaking and Quality Homes: Policy SPQHP41 and Objective SPQH045 similar support for residential extensions, subject to appropriate scale, and the protection of residential amenities and the environment.

5.2.3. Chapter 14: 'Development Management Standards': In Section 14.1: Introduction' it is stated that: '*Proposals must comply with the standards and criteria that apply to particular development types, be consistent with the objectives set out in the preceding chapters and be compliant with relevant legislative guidance*.' In this context, several provisions contained in Section 14.6, 'Design Criteria for Residential Development in Fingal' are relevant to the subject proposal as set out below.

5.2.4. Residential Extensions (General): Section 14.10.2 provides, inter alia, that: '*The need for housing to be adaptable to changing family circumstances is recognised and acknowledged and the Council will support applications to amend existing dwelling units to reconfigure and extend as the needs of the household change, subject to specific safeguards. In particular, the design and layout of residential extensions must have regard to and protect the amenities of adjoining properties, particularly in relation to sunlight, daylight and privacy*'.

5.2.5. Habitable Room Size: Section 14.8.1 'Floor Areas': '*The minimum size of habitable rooms for houses shall conform with dimensions as set out in Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities 2007 or the appropriate National Guidelines standards in operation at the date of lodging the application for planning permission*.'

5.2.6. Front Extensions: Section 14.10.2.1: '*Front extensions will be assessed in terms of their scale, design, and impact on visual and residential amenities. Significant breaks in the building line should be resisted unless the design can demonstrate to the Planning Authority that the proposal will not impact on the visual or residential amenities of directly adjoining dwellings. Sufficient depth to the forecourt is required to ensure off-street car parking is not impacted*.'

5.2.7. Ground Floor Extensions (Rear): Section 14.10.2.3: '*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 to serve the dwelling house. The proposed extension should match or complement the existing dwelling house*.'

5.2.8. First Floor Extensions (Rear): Section 14.10.2.4: '...*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.'*

5.2.9. Daylight and Sunlight: Section 14.6.6.1: Contains general commentary including the following statements – '*High levels of daylight and sunlight are essential to provide appropriate levels of residential amenity for residents...'*

5.2.10. Overlooking/Overbearance: Section 14.6.6.5: '*Development proposals must assess levels of overbearance and potential to cause significant levels of overlooking to neighbouring properties... Mitigation measures to ameliorate overbearance should be considered and may include alterations to the bulk and massing of the proposed scheme relative to neighbouring property. Overlooking may also be addressed by appropriate design-led solutions including the sensitive placement of fenestration and balcony treatments*.'

5.2.11. Open Space: Objective DMSO27 in Section 14.8.3 'Private Open Space' identifies a requirement of a minimum of 75m$^2$ of private open space located to the rear of the front building line of the house for houses with 4 or more bedrooms.

### 5.3. Natural Heritage Designations

5.3.1. The site is located c.10km to the west of the South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code 004024), and North Dublin Bay Proposed Natural Heritage Area (Site Code 000206); c.7.8km to the east of the Rye Water Valley/Carton Special Area of Conservation (Site Code 001398), and Rye Water Valley/Carton Proposed Natural Heritage Area; and c.52m to the north of the Royal Canal Proposed Natural Heritage Area (Site Code 002103).

## 6.0 EIA 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 Act). 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 Water Framework Directive Screening

7.1. The subject site is located c.60m to the north of the Royal Canal Main Line (Liffey and Dublin Bay) River Waterbody (IE_09_AWB_RCMLE). The site is also located over the Dublin Ground Waterbody (IE_EA_G_008).

7.2. The proposed development comprises generally modest works consisting of extensions to the front and rear of an existing semi-detached dwelling in an urban residential area, together with additional ancillary elements including change of use of the existing garage for a home office and w.c., insertion of two rooflights, and minor widening of the existing vehicular access to the property.

7.3. No water deterioration concerns were raised in the planning appeal.

7.4. I have assessed the proposed construction of extensions with garage conversion, widening of entrance and all associated site works, 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.

7.5. The reason for this conclusion is as follows [insert as relevant]:

- Whilst there is a potential hydrogeological pathway between the site and the Dublin ground waterbody as a result of soil exposure during groundworks, given the small-scale of the proposed development and the assimilative capacity of the waterbody, which will dilute any potential effects, it can be concluded that there is no conceivable risk to this waterbody either qualitatively or quantitatively.
- Whilst the nearest surface waterbody, the Royal Canal Main Line river waterbody, is located c.60m to the south of the subject site, there is no known hydrological connection between the two. Furthermore, it is proposed to dispose of effluent via an existing connection to the public sewer system, and dispose of surface water via an on-site soakpit. The Local Authority Drainage Department has not expressed any concerns.

7.6. Conclusion: I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 8.0 The Appeal

### 8.1. Grounds of Appeal

8.1.1. One appeal was submitted on behalf of Mr. Adrian Kearney who resides at No.24 Roselawn Road. No.24 is located immediately to the east of, and is detached from, the subject property. No.24 is semi-detached with No.22. The Appeal is comprised of a cover letter prepared by 'Marston Planning Consultancy' and a 'Daylight and Sunlight Analysis Report' prepared by 'Solearth Design Analysis' ('the Appellant's First Report'). The Appeal focuses on the proposed rear extension and its impacts on the residential amenities of the Appellant's property. The detailed grounds of appeal can be summarised as follows:

- The negative impact of the proposed rear extension on the Appellant's residential amenity arising from:

  ~ overshadowing of his north-facing rear garden when measured against the standards contained in BRE 209 for daylight access (of rear conservatory), sunlight access (of rear conservatory) and rear garden amenity sunlight;

  ~ overbearance arising from the scale of the proposed two-storey and ground floor extension, its proximity to the party boundary and length relative to that of the Appellant's rear garden; and

  ~ overlooking arising from two proposed ground floor windows on the side elevation facing the Appellant's property.

- Unacceptable Precedent: There are no examples that would support the granting of permission.

### 8.2. Applicant's Response

8.2.1. A response to the Appeal was received from 'DL Planning' on behalf of the Applicant. It includes:

- a detailed cover letter prepared by DL Planning;
- an Appendix to the letter containing details of 'relevant planning precedents within the surrounding area'; and
- a separate report entitled 'Overshadowing Assessment' ('the Applicant's Report') prepared by DL Planning.

8.2.2. The Cover Letter notes that the Applicant and his family are seeking to adapt the existing dwelling to establish a suitable family home at this location to provide suitable accommodation to manage a severe family medical issue. It also refers to the application site previously containing trees and dense vegetation and that their

removal has '*noticeably increased the level of sunlight reaching the rear gardens and rear facades of the application site and adjoining properties*'. The Cover Letter then addresses four Grounds of Appeal in detail (Sections 2.1 to 2.4). In addition, Section 2.5 addresses issues around the 'Reliability and Weight of Appeal Document' under two subheadings: 'Inconsistencies Identified in Report' (Subsection 2.5.1) and 'Alleged Shortcomings of FCC's Assessment' (Subsection 2.5.2).

8.2.3. The 'Overshadowing Assessment' contains computer-generated Overshadowing Assessments for both the pre and post-development scenarios of both Nos.24 and 28 Roselawn Road. Appendices are included in the Assessment for overshadowing assessments for both annually (Appendix 1) and hourly for March 21st (Appendix 2).

8.2.4. Subsection 2.1, Overshadowing, Daylight and Sunlight: This Subsection both contains references to the accompanying Applicant's Report, and challenges the findings of the Appellant's Report in respect of the Appellant's conservatory and rear garden respectively.

8.2.5. [Conservatory]: The Applicant's Report identifies that additional shadow affecting the Appellant's conservatory would: arise principally during the late afternoon and evening in Spring and Autumn months; and, having regard to the extensive unaffected glazing and established baseline conditions, would not materially diminish the daylight, sunlight or continued enjoyment of the conservatory/living space.

8.2.6. [Rear Private Amenity Space]: The Applicant's Report demonstrates that the proposed development would result in some additional overshadowing. However, the impact would be confined principally to the late afternoon period during Spring and Autumn; and the additional shadow would affect between 5% and 22% of the overall garden in Spring and Autumn.

8.2.7. The challenges to the Appellant's Report focus on the absence of contextual assessment and comparison with baseline conditions. This is contrary, it is stated, to the BRE Guidelines.

8.2.8. Subsection 2.2, Overlooking & Loss Of Privacy: The Report identifies various factors to counter the Appellant's concerns around the two proposed ground floor windows on the eastern elevation including, inter alia:

- the separation distance and existing solid party boundary wall ensures that the windows do not provide an unrestricted or elevated outlook over No.24;
- they are secondary to the rear-facing glazing (on the northern elevation);
- having regard to the height of the existing wall, and the height of the average person, the existing wall does not provide complete visual separation between standing adults in the rear gardens; the appropriate consideration is whether the development would result in a material additional loss of privacy when compared with established conditions;

8.2.9. Subsection 2.3, Scale, Massing and Alleged Overbearing Impact: The Applicant both states that these grounds of Appeal are subjective and not supported by any evidence base in terms of the County Development Plan, and subsequently identifies the relevant policies and objectives contained in the Development Plan (ie. those policies and objectives set out at Section 5.2 of this Report) and how the development is consistent with this framework.

8.2.10. The Applicant also states that the development has been '*carefully designed to respect established residential amenities and avoid an overbearing impact on adjacent properties*'. Eight such design measures are then discussed including, for example:

- The hipped roof being set below the existing ridge line, '*ensuring that it remains subordinate to the main dwelling*'; and
- The hipped roof sloping down towards the side boundaries, reducing the perceived height and mass when viewed from adjacent properties.

8.2.11. Subsection 2.4, Inconsistent with Established Character of the Area Thereby Creating An Unacceptable Precedent: The Appeal sets out how the various elements of the proposed design provide for compatibility with the character of the area. Also refers to Appendix 1 attached to the Response. Contained in this Appendix is a review of numerous permitted ground and first floor rear extensions, including examples on Roselawn Road '*with greater first floor projections and smaller setbacks from shared boundaries than those proposed for the subject application*'. Refers, in particular, to a development at 29 St. Brigid's Park c.170m north of the subject site and granted permission by the Local Authority in April 2009 (L.A. Ref. F08B/0723).

8.2.12. Subsection 2.5.1 Inconsistencies Identified in the (Appellant's First Report): Identifies, inter alia, inconsistencies in the assessment of windows, and the omission of windows from the assessment. Concludes that the conclusions and assessments contained in the Appellant's Report '*should not be accepted without careful scrutiny*'.

8.2.13. Subsection 2.5.2 Alleged Shortcomings of the Local Authority's Assessment: Refers to '*a clear inconsistency in the Appeal's criticism*' of the Local Authority's and refutes these suggestions. Issues addressed include the alleged failure of the Authority to assess the potential impact on residential amenity; and that the Authority did not carry out a site inspection.

## 8.3. Planning Authority Response

8.3.1. The Planning Authority's response was received on 10th August, 2026. The response can be summarised as follows:

- The submitted Appellant's Report is noted. A degree of impact on the adjacent daylight/sunlight currently enjoyed by the neighbouring property is anticipated. However, '*the impact is not considered to be significantly adverse or seriously injurious and appropriate*', having regard to the Residential zoning objective and the built-up nature of the area.

8.4. **Further Responses**

8.4.1. In accordance with Section 131 of the Planning and Development Act, 2000 (As Amended), on 10th August, 2026 the Commission invited the Appellant and the Local Authority to make submissions or observations in relation to the Applicant's response to the Appeal.

8.4.2. [The Local Authority:] The Local Authority responded generally as per its initial response to the Appeal (refer Section 8.3), save for an additional reference to the Applicant's family medical issue as outlined in the Applicant's response to the Appeal and as referenced at para. 8.2.2 above. The Authority states that: '*The Planning Authority would give the medical need of the development appropriate consideration*'.

8.4.3. [Appellant's Response]: Marston Planning Consultancy submitted a response on behalf of the Appellant. The following key points are included:

- Challenges the '*unsubstantiated claim*' that the purpose of the extension is to adapt the dwelling for a family medical condition on the basis that the proposed design and layout do not in any way indicate that its nature and extent is to enable the claimed adaptation;
- Criticises use of overshadowing diagram study stating that the method '*is now considered illustrative rather than objective and is only used to supplement the quantitative method set out in BRE 209 using specialist software, and state that the details of the model, and the qualifications of the assessor are not specified further undermining the case for the study'*.
- No basis for the Applicant's claim that the removal of trees may be factored into the assessment on basis of commentary in Section 3.3.9 of BRE 209 that normally trees and shrubs need not be included for various reason to do with impossibility to predict shape and that often dappled light (through) vegetation) can be pleasant.
- Re daylight access, repeat opinion that as the VSC is already below the recommended minimum for conservatory windows C1 and C2, that any further reduction is even more impactful. *Also state 'any reading of BRE 209 stipulates that each window be assessed and its impacts considered against the threshold and target in the Standard'*.

- Re sunlight access, note that the impact as set out in Appeal is not contested by the Applicant. Despite the Applicant recognising that window C1, C2 and C3 are already below the 25% APSH annual threshold prior to development, they fail to undertake further assessment contrary to BRE 209's multi-step methodology. Again, any further reduction is even more critical.
- Re rear private amenity space, the Applicant provides no numerical data to negate the Appellant's findings.
- Re overlooking, the windows of concern are in one instance referred to by the Applicant as secondary windows, and then it is referenced that their reduction would have an unacceptable impact on the level of natural light into the proposed extension. Appellants have not provided any legal consent to the suggested increase in the height of the boundary wall. If the Commission is minded to grant permission, request that the cills of both windows facing the Appellant be increased to 1.7m
- Re scale and massing and overbearing impacts, it is the length of the proposed extension relative to the Appellant's rear garden length, and its proximity to it combined with the negative impacts in terms of daylight, sunlight and overshadowing of the rear garden space that are the grounds for overturning the decision of the Council. The proposed extension at over 8m in length will extend for c.80-85% of the length of the Appellant's rear garden, which when considered in relation to the knock-on impacts in terms of overshadowing leads to an unacceptable impact on residential amenity.
- Re inconsistency with the established character of the area thereby creating an unacceptable precedent, the Appellant considers various cases and notes significant differences in circumstances with consistent themes being more beneficial orientation and larger gardens of neighbouring dwellings.

## 9.0 Assessment

### 9.1. Overview

9.1.1. Having examined the application details, and all other documentation on file including the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local policies and guidance, I consider that the substantive issues in this appeal to be assessed are focused on the following issues arising from the potential impacts of the proposed rear extension on the adjacent properties:

- The application of BRE 209;

- The potential impacts of the proposed rear extension on the amenities of No.24 (the Appellant's property); and
- The potential impacts of the proposed rear extension on the amenities of No.28.

9.1.2. The assessment must have regard to the overall urban residential context of the development where any development is likely to have some impact. The issue is the acceptability of that impact.

## 9.2. The Application of BRE 209

9.2.1. I would firstly note that the use of BRE 209 is supported in Government guidance documents including, for example the 'Sustainable and Compact Settlements, Guidelines for Planning Authorities, 2024 (Section 5.3.7 refers).

9.2.2. Flexibility v 'Strict Application': The Applicant and the Appellant stress the importance of different parts of BRE 209. In his response to the Appeal, the Applicant:

- Refers to Appendix H of BRE 209 noting that it expressly states that the significance of an impact depends on a combination of factors rather than the application of a single numerical threshold. Relevant considerations include the number of windows affected, the extent of any departure from the guideline, the availability of other sources of daylight or sunlight, and the particular requirements of the affected space; and
- States that the Guidelines expressly state that almost all new development will create some additional shadow and that a degree of overshadowing is to be expected, particularly within established urban and suburban areas.

9.2.3. In the Appellant's response to the above-noted comments in the Applicant's submission, the attached Solearth report disputes this approach. Comments include:

- '*this is incorrect and that the proper assessment approach is against the exact and precise numerical units, metric, and targets set out in the BRE 209 sections 2.2 (Daylight), 2.3 (Sunlight), and 3.3 (Amenity Sunlight)*'; and
- '*BRE 209 is designed to provide quantitative analysis of the effects of a development but the 1st Party's response does not contain any quantitative results but only subjective commentary on an unspecified shadow plot. It does acknowledge throughout their response the adverse effects in Spring/Autumn but does not provide quantitative results to negate any of our findings*'.

9.2.4. Comment: Appendix H of BRE 209 contains 10 pointers (H1 to H10) as to how the metrics in the Guidelines should be applied. H4 is the most instructive for the consideration of the aforementioned contrasting views of the Applicant and the

Appellant, in my opinion. H4 states that: '*The assessment of impact will depend on a combination of factors, and there is no simple rule of thumb that can be applied.'*

9.2.5. The Appellant's contention that '*the proper assessment approach is against the exact and precise numerical units, metric, and targets set out in the BRE 209'* appears to me to be akin to a strict application (or rule of thumb) and not in keeping with Appendix H. Rather, I would agree with the Applicants that a certain degree of flexibility is supported.

9.2.6. Approach Followed In Respective Documents: In the 'Daylight and Sunlight Impact Report' prepared by 'Solearth Design Analysis' submitted with the Appeal, the Authors state that the assessment follows the methodology, procedures and recommendations of BRE 209 (2022).

9.2.7. An 'Overshadowing Assessment' prepared by 'DL Planning' was submitted with the Applicant's response to the Appeal. Appendix 1 of the Report includes a series of computer-generated 3D images of the subject property and adjacent properties comparing the existing situation with that if the development were to proceed for four times throughout the day on the dates of the Spring Equinox, Summer Solstice, Autumn Equinox and Winter Solstice. The Authors of that Report state that the model presented in Appendix 1 was prepared using Google SketchUp and that the assessment was prepared having regard to the relevant principles and objectives contained within BRE 209;

9.2.8. In the Appellant's Response to the Applicant's Response, their consultants Solearth challenge the Applicant's response by stating that the Applicant unhelpfully groups all impact categories under the heading 'Overshadowing' and in conflict with BRE 209 approaches discussion of all impact categories (daylight access, sunlight access and amenity sunlight) using an overshadowing diagram (shadow plan) methodology.

9.2.9. Comment: It is the case that BRE 209 generally advocates for separate numerical calculations for the three separate areas of study as alluded to by the Appellant. That is not to say that the Overshadowing Assessment included with the Applicant's response to the Appeal is not of some value. I therefore refer to both documents in the following sections, as appropriate, whilst noting that the use of numerical data is more consistent with BRE 209.

9.3. **Potential Impacts of the Proposed Rear Extension on the Amenities of No.24 (the Appellant's property)**

**Daylight Access**

9.3.1. BRE 209 Tests: As referenced in the Appellant's First Report, the tests for daylight access are set out in para. 2.2.7 of BRE 209. This para. uses a metric referred to as 'Vertical Sky Component' (VSC) and states the following:

- '*If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building*'; and
- '*Any reduction below this level should be kept to a minimum. 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*'.

9.3.2. Appellant's Data: The Appellant's First Report includes the results of tests on 23 windows/conservatory window panels on the rear elevation of the Appellant's property. The tests on the 2 upper floor bedroom windows, the upper floor bathroom window and the downstairs kitchen window and glass door all meet the BRE 209 criteria. It is assumed that the remaining 18 are in respect of the total of 23 window panels of the conservatory although only 15 of these are identifiable from the illustrative diagrams included in p.9 of the Report. In any event, it is recorded in the table that 2 of the tested conservatory window panels failed the test and these are identifiable from the aforementioned diagram.

9.3.3. The 2 windows that failed to meet the test are what I would describe as two vertical window panels of a glazed conservatory. The panels are on the western side of the conservatory and thus face the proposed rear extension. The relevant metrics provided in the Report are as follows:

- For panel C1 (ie. that nearest the main dwelling), the VSC is lowered from 20.03 to 15.45. This represents a reduction of 23%.
- For panel C2 (ie. that immediately adjacent to C1), the VSC is lowered from 22.81 to 17.99. This represents a reduction of 21%.

9.3.4. Applicant's Data: Appendix 1 of the Applicant's Overshadowing Assessment contains an Annual Overshadowing Assessment, and an analysis of the findings of the Assessment is provided. With regard to the conservatory/living room, it is stated that: '*there is a limited increase in shadow identified across part of the conservatory during the late afternoon and evening periods. This is most apparent during Spring and Autumn months, when the solar arc is lower, occurring briefly as the sun is setting. As the impact is confined to part of the conservatory, the remainder of its extensive glazing would remain unaffected and continue to receive direct sunlight.*

*Accordingly, the impact would not materially diminish residential amenity or the use and enjoyment of this space*'.

9.3.5. Respective Analyses of Impacts: The respective analyses of these metrics by the Applicant and the Appellant are summarised in the table below.

| Appeal | Applicant's Response to Appeal | Appellant's Response to Applicant's Response |
|---|---|---|
| The VSC will be below the threshold of 27% for both windows;<br>The reductions will be to '*unacceptable levels*';<br>Whilst it can be argued that these reductions are '*mitigated by the conservatory nature of the room in which they (the windows) are located, it will undoubtedly have a further negative impact on the internal habitable space off this conservatory*'. | Existing VSC values (20.03% and 22.81%) are already below the recommended threshold. The proposed development would reduce the values only slightly (to 15.45% and 17.99%). The resulting ratio of 0.77 and 0.79 of their current values '*are only marginally below*' the BRE guideline value of 0.80.<br>The reductions: '*fall within the 'minor loss' category established in Section 6.1 of the* (Applicant's First Report), *and ... none of the assessed receptors within the Report fall within their own 'substantial/significant' or even its 'moderate' daylight-loss categories*'. | The Applicant's argument that because the windows are already below the recommended thresholds, then '*any further reductions are of less or no consequence*' is an incorrect interpretation of matters. '*Strongly argue*' that as the VSCs are already below the recommended minimum, that any further reduction is even more impactful. Any reduction below the threshold of 27% VSC must be avoided and if a reduction is 20% or more (0.8 of former value) then the impact is deemed noticeable. |

9.3.6. The 2 panels are already below the recommended VSC 27% level (20.03% and 22.81% respectively), and the VSC ratio of change will be slightly less (0.77 and 0.79 respectively) than the recommended maximum of 0.80. However, these two panels are part of a much larger fully glazed conservatory comprised of c.91 vertical panels and 14 roof panels. In the context of the flexibility of interpretation as discussed at Section 9.2 above, H6 of Appendix H of BRE 209 further states that factors tending towards a minor adverse impact include, inter alia:

- '*Only a small number of windows ... are affected*; and

[1] The conservatory is immediately adjacent to the eastern party boundary and it would appear that the eastern side of the conservatory is formed of non-transparent materials.

- *The loss of light is only marginally outside the guidelines*'.

9.3.7. It is the case that most of the panels of the conservatory will not be affected. It is also the case that the remaining daylight access for the 2 affected panels as a proportion of the existing light is only slightly below the recommended standard (0.77 and 0.79 v 0.80). Accordingly, and on balance, I would conclude that the reduction in daylight access is not so significant as to warrant a refusal on this basis.

9.3.8. I note the references of both the Applicant and the Appellant to tree removal. Para. 3.3.9 of BRE 209 does state that: '*The question of whether trees or fences should be included in the calculation depends upon the type of shade they produce. Normally trees and shrubs need not be included, partly because their shapes are almost impossible to predict, and partly because the dappled shade of a tree is more pleasant than the deep shadow of a building (this applies especially to deciduous trees*). On this basis, it would seem appropriate to give little or no weight to the Applicant's claims in relation to the improvement in the base level light provided as a result of the recent tree/shrubbery removal.

**Sunlight Access**

9.3.9. BRE 209 Tests: As referenced in the Appellant's First Report, the tests for sunlight access are set out in paras. 3.2.6 and 3.2.7 of BRE 209. These paras. state the following:

- 3.26: '*If a room can receive more than one quarter of annual probable sunlight hours (APSH), including at least 5% of APSH in the winter months between 21 September and 21 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'*.;
- 3.27: '*Any reduction in sunlight access below these levels should be kept to a minimum. If the available sunlight hours are both less than the amount above and less than 0.80 times their former value, either over the whole year or just in the winter months (21 September to 21 March), and the overall annual loss is greater than 4% of APSH, then the occupants of the existing building will notice the loss of sunlight; the room may appear colder and less cheerful and pleasant*'.

9.3.10. Appellant's Data: In the Appellant's First Report, two sets of data are provided for nine 'windows'. Seven are identifiable from the illustrative diagrams included in p.9 of the Report and I would advise again that the seven items are more reasonably described as 'conservatory window panels', as opposed to 'windows', in my opinion. The first set of data is for Annual Probable Sunlight Hours (APSH) (refer table at p.13 of the Report). Within the aforementioned table, it is concluded that six of the

nine tested windows meet the BRE criteria and three fail to meet the criteria. The basic data for the three failures (C1, C2 and C3) is reproduced in the table below (second and third rows). C4, whilst not categorised by the Appellant as a failure, is included as it is raised in the subsequent analysis of the data.

9.3.11. The second data set is for Winter Probable Sunlight Hours (WPSH) (refer also table at p.13 of the Report). Within the table, it is concluded that seven of the nine tested windows meet the BRE criteria and two fail to meet the criteria. The data for the two failures (C3 and C4) is also reproduced in the table below (second last, and last rows).

| | **C1** | **C2** | **C3** | **C4** |
|---|---|---|---|---|
| **APSH Target** | More than one quarter (25%) of annual probable sunlight hours | | | |
| **APSH before (%)** | 11.19 | 14.14 | 19.50 | 27.97 |
| **APSH after (%)** | 3.11 | 7.38 | 11.58 | 22.69 |
| **Maximum Net Annual Reductions** | 4% or less annual loss of APSH | | | |
| **Net Annual Reductions** | 8.08 | 6.76 | 7.92 | 5.28 |
| **WPSH Target** | At least 5% of APSH in the winter months | | | |
| **WPSH before (%)** | | | 0.08 | 0.08 |
| **WPSH after (%)** | | | 0.00 | 0.00 |

9.3.12. Applicant's Data: The Applicant's data as summarised at para. 9.3.4 for daylight access applies equally here to sunlight access.

9.3.13. Para. 3.2.6 of BRE 209 sets out the scenarios where a room '*should still receive enough sunlight*' after a development. Firstly, '*If a room can receive more than one quarter of annual probable sunlight hours (APSH), including at least 5% of APSH in the winter months between 21 September and 21 March, then it should still receive enough sunlight*'.

9.3.14. As set out in the table above, window panels C1, C2 and C3 currently are already significantly below the 'over 25% APSH threshold'. The shortfalls will be reduced further as a consequence of the development. The Applicant acknowledges these impacts but also states that the panels are not serving four different rooms. The Appellants state that any further reduction of annual sunlight levels '*is even more critical*' because they are already below the target level. Furthermore, the net annual reductions for all four panels are significantly larger than the standard of 4% maximum net annual reduction (refer rows 5 and 6 of table above).

9.3.15. The table also shows that panels C3 and C4 are already significantly below the WPSH threshold and will be reduced further to zero. The Applicants argue that while the 100% reduction is mathematically correct, 0.08% represents a near zero

baseline and expressing the change solely as a 100% loss materially exaggerates its actual significance. The Appellant stresses that this metric is but one of three and thus was not the sole reason for making its noticeable impacts conclusion.

9.3.16. It is undoubtedly the case that panels C1, C2, C3 (annual sunlight access), and C3 and C4 (winter sunlight access) will be negatively impacted by the proposed development. However, as with daylight access, it is appropriate to consider these impacts in context. As noted by the Applicant, the four affected panels are not serving different rooms. They form part of a 23-glazed panel conservatory and most of these panels, including all of the 14 roof panels and 5 of the 9 vertical panels, will not be affected. Having regard also to the already poor performance of the affected panels, I would conclude on balance that the reduction in sunlight access is not so significant as to warrant a refusal on this basis.

9.3.17. I also note that para. 3.2.7 sets out two further test scenarios where '*occupants of the existing building will notice the loss of sunlight, the room may appear colder and less cheerful and pleasant*'. Each scenario contains three metrics. The first two are as per the preceding paragraphs. The third refers to the amount of post-development sunlight hours as a proportion of their former value (target of 0.80 or more). In the first scenario, annual sunlight hours are assessed. This data for the affected conservatory panels C1, C2, C3 and C4 is summarised in the table below.

| | **C1** | **C2** | **C3** | **C4** |
|---|---|---|---|---|
| **Amount of annual post-development sunlight hours as a proportion of pre-development hours (target of 0.80)** | 0.27 | 0.52 | 0.59 | 0.81 |

9.3.18. The second scenario in para. 3.2.7 is as per the first scenario except that annual post-development sunlight hours is replaced by winter sunlight hours. This data is summarised in the table below.

| | **C3** | **C4** |
|---|---|---|
| **Amount of winter post-development sunlight hours as a proportion of pre-development hours (target of 0.80)** | 0.00 | 0.00 |

9.3.19. I would acknowledge that most of the results in the two tables immediately above are below the referenced 0.80 thresholds contained in BRE 209. However, the issues as already set out at para. 9.3.16 apply equally here, in my opinion. The context of the winter disimprovement must also be acknowledged, in my opinion, given that the current performance rating of 0.08 is so low as to be almost negligible to begin with. For these reasons, I would again conclude that the failure of these conservatory

panels to meet these BRE standards is not so significant as to warrant a refusal on this basis.

**Rear Garden Amenity Sunlight**

9.3.20. The test for Rear Garden Amenity Sunlight for both the subject and neighbouring properties is set out in para. 3.3.7 of BRE 209. Para. 3.3.7 states: '*As a check, it is recommended that at least half of the amenity areas ... should receive at least two hours of sunlight on 21 March*'.

9.3.21. BRE para. 3.3.11 is also important as it states: '*If an existing garden or outdoor space is already heavily obstructed then any further loss of sunlight should be kept to a minimum. In this poorly sunlit case, if as a result of new development the area that can receive two hours of direct sunlight on 21 March is reduced to less than 0.80 times its former size, then this further loss of sunlight is significant*.'

9.3.22. Appellant's Data: In the Appellant's First Report, the following data is provided:

- The patio/garden area of 60.47m$^2$ adjacent to No.24's kitchen dining and living/sunroom spaces has its area that received 2 hours of sunlight on March and September 21$^{st}$ reduced from 22.20m$^2$ to 12.14m$^2$, a reduction of 45%

9.3.23. In the associated commentary it is stated that the reduction '*greatly exceeds the noticeability threshold of 20% reduction in area receiving 2 hours sunlight and is categorised as a significant or substantial loss*'.

9.3.24. Applicant's Data: Appendix 2 of the Applicant's 'Overshadowing Assessment' provides a detailed hourly assessment of any potential additional overshadowing impacts arising for Spring (and Autumn) months when, it is stated, the impacts are greatest.

9.3.25. Associated commentary in the aforementioned Section 4.1.1 includes the following:

- The higher relative percentages at 4pm and 5pm reflect the progressively smaller area receiving sunlight under existing conditions as the sun sets. At 5pm, for example, only 10.76m2 of the garden receives sunlight under existing conditions. By 6pm, the garden is already overshadowed by the existing terraced dwellings at Saint Brigid's Court (to the north/north-west), with no additional shadow attributable from the proposal.
- The Assessment does not support the Appellant's claim that the proposed development would remove almost all sunlight from the rear private amenity space.
- The identified impacts are localised and confined principally to a limited late-afternoon period during Spring and Autumn months, with limited impacts during the summer and no additional impacts during the winter.

- The proposed overshadowing impacts are therefore considered acceptable and consistent with those ordinarily associated with residential extensions in established suburban areas.

9.3.26. BRE 209 includes two metrics for the assessment of impacts on the main back garden of a house as set out as set out at paras. 9.3.20 and 9.3.21 above. The first metric states that, as a check, it is recommended that at least half (of the garden) should receive at least two hours of sunlight on 21 March. This metric is directly addressed in the data submitted by the Appellant. The figures provided are that the entire patio/garden area is 60.47m$^2$ and that the extent of the garden that will receive 2 hours of sunlight on March (and September) 21$^{st}$ is:

- 22.20m$^2$ (or 36.71% of the garden area) currently; and
- 12.14m$^2$ (or 20.07%) post-development.

9.3.27. It can be seen that the performance of the garden is already below the BRE recommendation of at least 50%, and that it will be further reduced post-development.

9.3.28. The preceding paragraphs establish that the garden is already performing below the 50% threshold. The second BRE test potentially applies in such cases and states: '*If an existing garden or outdoor space is already heavily obstructed then any further loss of sunlight should be kept to a minimum. In this poorly sunlit case, if as a result of new development the area that can receive two hours of direct sunlight on 21 March is reduced to less than 0.80 times its former size, then this further loss of sunlight is significant*.'

9.3.29. Given the extent of the shortfall of the existing performance of the garden (36.71%) from the recommended level (at least 50%), it is reasonable to conclude, in my opinion, that this equates to the existing garden currently being '*heavily obstructed*'. Applying the BRE metric in this case, 0.8 times the former size (of area receiving 2 hours of sunlight) would equate to 17.76m$^2$, whereas the projected area is 12.14m$^2$.

9.3.30. The Applicant challenges the Appellant's approach from two perspectives. Firstly, reference is made to the annual overshadowing assessment attached as Appendix 1 to the Applicant's Report. At Section 4.1.1 of the Report it is concluded that it demonstrates: '*that the proposal would result in limited additional overshadowing of this space, principally arising during the late afternoon in spring and autumn months. The summer impact is noted as negligible due to the higher solar arc. While the existing winter assessment shows that the garden is already substantially overshadowed under existing conditions, with the proposed development not resulting in any material additional impacts*'.

9.3.31. The Applicant's second challenge is based on an hourly assessment for March 21$^{st}$ as contained in Appendix 2 of the Applicant's Report. The assessment at Section

4.1.1 of the Report states that the assessment: '*confirms that additional overshadowing impacts arising from the proposed development, during Spring and Autumn months, are confined to late afternoons only, between c.2pm and c.5pm'*. The identified impacts are then summarised in a table and the table is reproduced below.

| Time | Additional shadow as a proportion of the total garden | Reduction relative to the area receiving sunlight at that time |
|---|---|---|
| 2pm | c.5% | 14.1% |
| 3pm | c.10% | 28.4% |
| 4pm | c.22% | 64.0% |
| 5pm | c.12% | 68.8% |
| 6pm | No additional impact | No additional impact |

9.3.32. It is then noted in the Report that: '*the higher relative percentages at 4pm and 5pm reflect the progressively smaller area receiving sunlight under existing conditions as the sun sets*'.

9.3.33. The requirements of the first part of BRE 209 are clear in that the matter to be considered is the proportion of the garden that receives at least two hours of sunlight on 21st March. The data provided in the Appellant's First Report directly correlates with this requirement, whereas the assessments contained in the Applicant's Report address variations of the requirement. Thus Appendix 1 of the Applicant's Report provides information on an annual basis. The assessment contained in Appendix 2 of the Applicant's Report does focus on 21st March. However, whereas BRE 209 requires an assessment of the net proportion of the overall garden that will receive two hours or more of sunlight post-development, the Applicant's Report provides data only on the additional shadow as a proportion of the overall garden, and on the reduction relative to the area receiving sunlight at that time.

9.3.34. Having regard to the aforementioned, the Appellant's data is the most relevant for informing assessment of the development against BRE 209 recommendations, in my opinion. An assessment against the first BRE recommendation that at least 50% of a garden should receive at least two hours of sunlight on 21 March is open to some interpretation in this case on the basis that the garden is already well below this figure ie. 36.71%. Assessment against the second metric is relevant and more straightforward, in my opinion. BRE 209 states that: '*if as a result of new development the area that can receive two hours of direct sunlight on 21 March is reduced to less than 0.80 times its former size, then this further loss of sunlight is significant'* (my emphasis). In this case, 0.8 times the former size equals 17.76m$^2$ and the ratio post-development (12.14/22.2) will be 0.54.

9.3.35. Finally on this matter, I would also refer to the shadow diagrams for 4pm and 5pm on 21st March in the Applicant's Report. In these diagrams, it can be seen that the development will result in a noticeable increase in shadowing directly in front of the Appellant's sunroom at 4pm and, to a lesser extent, 5pm.

9.3.36. Having regard to the above, I would conclude that the proposed development is significantly at odds with this particular recommendation contained in BRE 209. The reasonableness or acceptability, or otherwise of the impact on the rear garden amenity sunlight must be assessed as part of the consideration of the cumulative impact of the development, in my opinion, and I address these matters in the section headed 'Cumulative Impact' below.

**Overlooking**

9.3.37. Concerns are raised in the Appeal in relation to potential overlooking arising from two windows on the eastern side of the ground floor facing the Appellants. The plans show the windows serving a dining area. The cill of the first window is 0.45m above the finished ground level, 0.775m wide x 1.65m tall and is positioned immediately adjacent to the rear of the main module of the existing dwelling. The cill of the second window is a further 2.25m from the first window, is also 0.45m from the finished ground level, and is 1m wide x 1.65m tall. The submitted plans show the ground floor level of the extension as being +0.3m relative to the ground level.

9.3.38. The Appellants state that while ground floor windows would not usually result in overlooking, the proposed finished floor level of +0.3m above ground level would result in the top of the party boundary wall being only 1.3m above the finished floor level of the proposed extension. This would result in a person of average height being able to overlook the 'fence' from the two windows. The Appellant suggests that overlooking could be at least partly mitigated by replacing the proposed with high level windows with cills '*at least 1.7m above the finished floor level of the extension*'.

9.3.39. In response, a number of points are made in the Applicant's Report:

- The separation distances (c.1.1m and c.0.9m) from the boundary wall, together with the existing solid boundary treatment, do not provide an unrestricted or elevated outlook, and potential for overlooking is minimal;
- The windows are secondary-aspect openings. The principal outlook is provided through the rear glazing.
- Shared boundary walls in the rear gardens in the area are c.1.6m high. At this height, the eye level of a person c.1.7m (5 ft 7 in) would generally be at or above the top of the wall. The existing boundary treatment does not therefore provide complete visual separation between standing adults in the adjoining rear gardens. This is relevant because the appropriate consideration is

whether the proposed development would result in a material additional loss of privacy when compared with established conditions.

- Condition 6(a) of Class 1, Part 1, Schedule 2 of the Planning and Development Regulations, 2001 (As Amended) permits ground-level windows within an otherwise exempt rear extension where they are located not less than 1m from the boundary they face. '*At c.1.1m from the shared boundary ... the 2 windows ... would satisfy this requirement*'.

9.3.40. Two further comments in the Applicant's Report refer to possible mitigation measures. Firstly, it is noted that consideration was given to providing high level windows as per the Appellant's suggestion. However, the north-facing orientation of the rear facade means that it receives relatively limited direct sunlight. The proposed side-facing windows therefore provide an important additional source of natural light to the internal accommodation, '*particularly the playroom, which has no alternative glazing*'. Replacing the proposed openings 'with substantially smaller, high-level windows would reduce the natural light and outlook available to these spaces, without providing any additional material privacy benefit. It is then suggested that the Applicant is agreeable to a condition to raise the boundary treatment along the section opposite the proposed windows to c.1.8m to provide additional screening.

9.3.41. In my opinion, there are three key considerations in the assessment of these concerns re overlooking: (i.) whether the proposed would result in a material additional loss of privacy, as referred to by the Applicant; (ii.) the context of the overall glazing proposed; and (iii.) the potential for reasonable mitigation measures, should considerations under (i.) and (ii.) determine that they are warranted.

9.3.42. With regard to Point (i.), I note that the Applicant's response does not include any reference to the point made by the Appellant regarding the proposed floor level being +0.3m above existing ground level, and that this is significant in terms of the potential overlooking facilitated from the two windows. This factor outweighs the mitigation points made by the Applicant as noted at the bullets in para. 9.3.39 above, in my opinion.

9.3.43. In terms of context, in addition to the two windows on the eastern elevation, much more substantive glazing is also proposed for the northern and western elevations and a flat rooflight measuring 2.4m x 0.675m is proposed in close proximity to the larger of the two windows raised in the Appeal. It is also worth noting the Applicant's comments in respect of the two windows in question as being '*secondary windows*'.

9.3.44. Having regard to all of the above, and to the Applicant's concerns around the mitigation proposed by the Appellant, and vice versa, it would be appropriate to require by condition that the two windows are formed of opaque glazing or similar should a positive decision be forthcoming, in my opinion.

**Overbearance**

9.3.45. In the Appellant's First Report it is stated that the height of the proposed extension, due to its length and position so close to the boundary wall, will have an unacceptable overbearing impact. In the Appellant's Second Report, similar comments are made and reference is also made to the combined effect of the aforementioned with the '*negative impacts in terms of daylight, sunlight and overshadowing of the rear garden space'*. The proposed extension at over 8m in length will extend for c.80-85% of the length of the Appellant's rear garden, which when considered in relation to the knock-on impacts in terms of overshadowing leads to an unacceptable impact on residential amenity.

9.3.46. The Applicant notes compliance with various policies of the Development Plan and also references various detailed design elements that will '*respect established residential amenities and avoid an overbearing impact*'. These include:

- The length of the two-storey element: modest in the context of previously granted extensions in the area;
- The hipped roof is set down below the existing ridge line and slopes down towards the side boundaries reducing the perceived height and mass;
- The ground floor element is relatively modest in height; and
- The setback from the boundary will ensure that no part of the extension would be constructed directly along the boundary, thereby further reducing any perceived overbearing impact.

9.3.47. The relevant Development Plan policy framework raises overbearance as an issue but provides little in the way of guidance other than stating that it should be 'considered' (First Floor Extensions (Rear) Section 14.10.2.4), and 'assessed' (Overlooking/Overbearance: Section 14.6.6.5).

9.3.48. The proposed two-storey element extends for c.3m from the rear elevation of the main dwelling. The proposed eaves height is c.5.175m from the ground finished level and c.5.475m from the ground level. A hipped roof is then proposed with the ridge level set slightly below that of the existing dwelling. In terms of the proposed setback from the party boundary, there are slightly conflicting details provided on the submitted plans. The Site Layout Plan indicates a setback of 0.9m from the proposed two-storey element (and 1.1m from the ground floor only element), with the extension being in line with the side elevation of the main dwelling, whereas the 'Existing & Proposed Ground Floor Plans' drawing indicates a setback of 1.125m with the extension shown slightly stepped in from the main dwelling.

9.3.49. In my opinion, the combined effects of the aforementioned depth, eaves and ridge heights of the proposed two-storey extension, together with the minimal distance to the party boundary will result in a degree of overbearance on the amenities of the

Appellant's property. These general concerns are highlighted by the projection of the proposed beyond the nearest upper floor bedroom window of No.24, and the relatively short distance between the two (c.3.69m at it nearest point). The impact of this overbearance must be assessed as part of the consideration of the cumulative impact of the development, in my opinion, and I address these matters in the section headed 'Cumulative Impact' below.

9.3.50. In terms of the ground floor only part of the extension, the height of the main flat roof is proposed at 2.75m above ground floor level and 3.05m above ground level. A 0.3m high parapet is also proposed along the northern edge of the roof. The full 8.15m length of the overall extension equates to 78.5% of the length of the Appellant's garden. Again, this will result in a degree of overbearance that must be assessed as part of the consideration of the cumulative impact of the development, in my opinion.

9.3.51. Finally in relation to this aspect of the Appeal, I note the references of both the Appellant and the Applicant to case history in the area. The contrasting interpretations of either party of such cases, and of the case at No.29 St. Brigid's Park in particular, illustrate the difficulty in extracting any strong pattern of consistency of decision-making from such decisions and that would inform the assessment of the subject case. Rather, I would simply note that whilst two-storey and single-storey rear extensions have been permitted in the wider area, the circumstances of the subject case must be the primary consideration, in my opinion.

**Cumulative Impact**

9.3.52. In the preceding sections, I have concluded that the impacts on daylight access and sunlight access are not so significant as to warrant refusal, and that concerns around overlooking could be addressed by condition. However, I also conclude that the impact on rear garden amenity sunlight is significantly outwith the standards contained in BRE 209, and that there will be a degree of overbearance from both the proposed two-storey element and the single-storey element. In my opinion, the cumulative impact of these three elements will combine to have an unacceptably detrimental impact on the amenities of the Appellant's property, notwithstanding its suburban location

## 9.4. Potential Impacts of the Proposed Rear Extension on the Amenities of No.28

9.4.1. The potential impacts for No.28 are somewhat different to those for No.24. Firstly, No.28 is to the west of the subject property and thus overshadowing issues will generally not arise. This conclusion is consistent with the information contained in

the Applicant's Overshadowing Assessment. Secondly, the extension extends only 4.35m along the party boundary (3m for two-storey and a further 1.35m for ground floor only). The remaining ground floor only extension is then stepped back 3.05m from the party boundary.

9.4.2. An issue that does arise, however, is that of overbearance of the proposed two-storey element. The two-storey element, with the same eaves height as the eastern side ie. 5.175m from ground floor level/5.475m from ground level, and also extending for 3m from the main dwelling, is stepped in only a matter of centimetres from the party boundary. This would mean that the nearest part of the extension would be c.0.85m from the first floor bedroom window and c.1.04m from the ground floor kitchen/dining room of No.28. In my opinion, this would have an unacceptable overbearing impact on the amenities of No.28, notwithstanding the suburban context of the area. Having regard to the acceptability of the proposed ground floor element on this side, my concerns in relation to the upper floor could possibly be addressed by means of a setting it back further from the party boundary. Any such assessments would require the benefit of revised plans, in my opinion.

### 9.5. **Proposed Works to Front of Dwelling**

9.5.1. Works to the front elevation: These proposed works include: a new bay window to that part of the front elevation that is not incorporated into the existing front single-storey projection; a new parapet flat roof over both the existing front projection and proposed bay window to replace the existing lean-to roof on the existing projection; and two new rooflights to the front roof.

9.5.2. Conversion of Existing Garage: It is proposed to convert the existing garage already incorporated into the main dwelling structure to provide for a home office and w.c.

9.5.3. At Section 3 of the Appellant's cover letter, it is stated that the aforementioned works *'will change the character of the house*'. I do not agree with this conclusion. The works are modest in scale, in my opinion, and I have no objections.

9.5.4. Vehicular Access: Finally, it is proposed to widen the existing vehicular access from 3.1m to 3.5m. The Local Authority's Transportation Planning Section Standard report advised of no objection and recommended standard conditions, including that the proposed vehicular access shall not exceed the proposed 3.5m. I note also that the immediately adjacent access to the east has already been extended, and I have no objections to this proposal.

### 9.6. **Other Issues**

9.6.1. Bedroom Sizes: Double Bedrooms 1 (c.15m$^2$+) and 2 (c.13m$^2$+) exceed the 'Quality Housing for Sustainable Communities, 2007' standard for double bedrooms of

11.4m$^2$, while the only proposed single bedroom, Bedroom 4 (c.7.7m$^2$) exceeds the standard of 7.1m$^2$. Double Bedroom 3 (3.995m$^2$ x 2.56m$^2$) may marginally fall below the standard. However, the margin is so small as to be insignificant, in my opinion, particularly as the overall proposal will result in an overall uplift in the standard of bedroom accommodation being provided when compared to the four bedrooms in the existing dwelling.

9.7. **Development Contributions**

9.7.1. The Fingal Development Contribution Scheme, 2026-2030 provides that residential developments are subject to the payment of contributions under the Scheme, but also includes an exemption for the first 40m$^2$ of extension developments submitted before the 27$^{th}$ July, 2026. The area of the proposed development is 56m$^2$ and thus, should a positive decision for a floor area of over 40m$^2$ be forthcoming, it would be appropriate to include a condition requiring the payment of a contribution in accordance with the Scheme.

## 10.0 AA Screening

10.1. I have considered the proposed works at 26 Roselawn Road, Blanchardstown, Dublin in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located over 10km to the west of the South Dublin Bay and River Tolka Estuary Special Protection Area, and c.7.8km to the east of the Rye Water Valley/Carton Special Area of Conservation (Site Code 001398. The proposed development comprises generally modest works consisting of extensions to the front and rear of an existing semi-detached dwelling in an urban residential area, together with additional ancillary elements including change of use of the existing garage for a home office and w.c., insertion of two rooflights, and minor widening of the existing vehicular access to the property. No nature conservation concerns were raised in the planning appeal.

10.2. 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 European Site. The reasons for this conclusion are as follows:

• the nature of the works: small scale works to an existing dwelling with existing connection to the public sewer; and

• the distance of the site from the nearest European site and the absence of any connections between the two.

10.3. I conclude that on the basis of objective information, 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.

## 11.0 Recommendation, Reasons and Considerations

11.1. **I recommend:**

**(a) The GRANT of permission for the proposed: new bay window to the front elevation; new parapet flat roof over both the existing front projection and proposed bay window to replace the existing lean-to roof on the existing projection; two new rooflights to the front roof; conversion of the existing garage to provide for a home office and w.c; and widened vehicular access based on the reasons and considerations marked (1) under and subject to the conditions set out below.**

**(b) The REFUSAL of Permission for the proposed part two-storey and part single-storey rear extension for the reasons and considerations market (2) under.**

**Reasons and Considerations (1)**

Having regard to the location of the site; and to the design and scale of the proposed development, it is considered that, subject to compliance with conditions below, the proposed development would not be injurious to the general amenity and architectural quality of the area, and would not seriously injure the visual or residential amenities of property in the vicinity, and would not give rise to a traffic or pedestrian hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

| | |
|---|---|
| 1. | The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.<br><br>**Reason:** In the interest of clarity. |
| 2. | a. The proposed widening of the existing vehicular access shall not exceed a 3.5m.<br><br>b. No objects, structures, landscaping or planting shall be placed or installed within the visibility splays (as defined by DMURS and as per the submitted Site Plan) exceeding a height of 900mm which would interfere |

| | |
|---|---|
| | or obstruct (or obstruct over time) the required visibility splays.<br><br>c. Any works to the public road carriageway and public footpath to facilitate the development and any repairs to the public road carriageway necessary as a result of the development shall be at the expense of the developer and completed to Fingal County Councils' standards for taking-in-charge and to the satisfaction of the Council.<br><br>d. No gate shall open across a public footpath/roadway.<br><br>e. All underground or overhead services and poles shall be relocated, as may be necessary, to a suitable location at the Developer's own expense and according to the requirements of the relevant utility service provider/service owner/statutory undertaker.<br><br>f. All necessary measures shall be taken by the applicant/developer to prevent the spillage or deposit of any materials including clay, rubble or other debris on adjoining roads during the course of development. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the applicant/developers own expense.<br><br>g. The applicant/developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road arising from the construction work associated with the proposed development and shall either make good any damage to the satisfaction of the Council or pay the Council the cost of making good any such damage upon issue of such a requirement by the Council.<br><br>**Reason:** In the interests of traffic safety and to cater for orderly development. |
| 3. | All stormwater shall be disposed of to soakpits or drains within the site and shall not discharge onto the public road surface.<br><br>**Reason:** To prevent flooding. |
| 4. | Site development and building works shall be carried out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.<br><br>**Reason:** To safeguard the residential amenities of property in the vicinity. |

**Reasons and Considerations (2)**

1. The Zoning Objective for the 'RS Residential' zoning, in which zoning the site is located, Policy SPQHP41 (Residential Extensions), Objective SPQHO45 (Domestic Extensions), Section 14.10.2 (Residential Extensions (General)), Section 14.10.2.3 (Ground Floor Extensions (Rear)), and Section 14.10.2.4 (First Floor Extensions (Rear)) of the Fingal County Development Plan, 2023-2029 support the addition of residential rear extensions in general, and two-storey and ground floor rear extensions in particular, subject to, inter alia, the protection of the residential amenities of adjoining properties. It is considered that the proposed development will have an undue impact on adjoining residential amenities by reason of overshadowing of the rear amenity space of No. 24 to the east and, due to overbearing impacts arising from the scale and proximity of the development to the adjoining residential properties, including its length as a proportion of the length of the party boundary with No.24. Accordingly, to permit the proposed development would be contrary to the aforementioned provisions of the Fingal County Development Plan 2023-2029 and would thereby be contrary to the proper planning and sustainable development of the area.

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.

P.Christy

Paul Christy
Planning Inspector

26th September 2026

## Appendix A: Form 1 EIA Pre-Screening

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| **Case Reference** | **PL-501706-DF-26** |
| **Proposed Development Summary** | Construction of an extension with garage conversion, widening of entrance and all associated site works. |
| **Development Address** | 26 Roselawn Road, Blanchardstown, Dublin 15 |
| **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?**<br><br>(For the purposes of the Directive, "Project" means:<br><br>- The execution of construction works or of other installations or schemes,<br><br>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources) | ✓ Yes, it is a 'Project'. Proceed to Q2.<br><br>☐ No, No further action required. |
| **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.**<br><br>**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?** | |

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| ✓ 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.<br><br>**No Screening required.** | |
| ☐ Yes, the proposed development is of a Class and meets/exceeds the threshold.<br><br>**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.<br><br>**Preliminary examination required. (Form 2)**<br><br>**OR**<br><br>**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)?** | |
| **No ✓** | **Pre-screening determination conclusion remains as above (Q1 to Q3)** |

**Inspector: Paul Christy Date: 26th September, 2026**

P.Christy