



An
Coimisiún
Pleanála

Inspector's Report

PL-501860-DF-26

Development	Construction of rear first floor extension.
Location	43 Pecks Lane, Castleknock, Dublin 15, D15 XWF3
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW26A/0211E
Applicant(s)	John Bowe
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	James Conroy
Observer(s)	None
Date of Site Inspection	14 th September 2026
Inspector	Barry Diamond

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1.0 Site Location and Description

- 1.1. The application site is circa 0.025ha and comprises an existing two storey detached dwelling. The dwelling is finished in a mixture of brick and render finish, it has a gabled roof with a contoured concrete roof tile. The existing dwelling fronts onto the public road and there is a front amenity area which is mostly utilised for in-curtilage parking. The rear amenity area of the site contains a rear amenity area and a single storey rear annex which extends along the full width of the dwelling. The rear of the site is defined by a 1.6 metre high block wall to the northern and southern boundaries while the western boundary is defined by a 3 metre high block wall covered in climbing plants.
- 1.2. The application dwelling adjoins Nos. 41 and 45 Pecks Lane which are of a similar design, height and appearance. Although the application site comprises a detached dwelling there is a limited separation distance between the dwellings on either side. The site backs onto the rear garden of No. 10 Hadleigh Park which is a two storey detached dwelling of similar height and design to the application dwelling. The site is set within a residential area comprising a mixture of dwelling types.

2.0 Proposed Development

- 2.1. The proposed development seeks permission for the following elements:
 - (a) first floor extension to the rear of the existing dwelling;
 - (b) new first floor window to the side of the existing dwelling;
 - (c) conversion of existing lean-to-roof to the rear to create a flat roof with 2 no. new rooflights; and
 - (d) all associated site works.

3.0 Planning Authority Decision

3.1. Decision

On the 16th July 2026 the Planning Authority issued a decision to grant planning permission subject to conditions.

3.1.1. **Conditions**

3. This grant of permission relates solely to that detailed in the statutory public notices and does not refer to any other aspects of the development that may be shown in the lodged plans.

Reason: In the interest of clarity and to ensure that the development shall be in accordance with the permission, and that effective control be maintained.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The decision of the planner reflects the decision to grant planning permission. It includes the following points:

- The extension is set to the rear, below the main ridge, is subordinate to the dwelling and has a limited impact on the street scene;
- There is a 65sqm of usable rear garden space remaining;
- It is acknowledged that the site plan does not illustrate the first floor rear extensions to Nos 41 & 45;
- It is noted that these extensions benefit from roof light features and No. 45 has a first floor rear bedroom window. Given its east-west orientation there will be no adverse impact or loss of light or outlook;
- Third parties indicate that the rear building line and garden depth are not accurate, however, the Planning Authority are able to make a full assessment using the submitted drawings and aerial imagery;
- There is a 19 metre separation distance to No. 10 Hadleigh Park and there is already an opposing rearward bedroom window therefore the proposal does not introduce a new or unforeseen overlooking impact;
- Privacy is limited within the surrounding environment and any additional impact would be minor;
- Dominance, overlooking, overshadowing and overbearing impacts are not considered issues with all aspects of the development and is in accordance with Section 14.10.2.4, Policy SPQHP41 and Objective SPQHO45 of the FDP;

- The development does not intensify the existing access;
- The site notice was erected and displayed during the Planning Authority's inspection which occurred within the 5 week consultation period; and
- The proposal does not lead to any significant concerns in relation to Appropriate Assessment and Environmental Impact Assessment.

3.2.2. Other Technical Reports

- Water Services Section: no objection subject to conditions.

3.3. Prescribed Bodies

- None

3.4 Third Party Observations

There were four representations made to the Planning Authority during the processing of the planning application which are attached to the file. I consider that some of the issues raised in their submissions to the Commission correlate with the issues raised, however, the additional issues raised in the observations to the Planning Authority are as follows:

- The Hadleigh Estate has predominantly single storey extensions and a consistent roof line and the extension at 17 Hadleigh Court does not appear to have planning permission;
- The rear of houses can be viewed from Pecks Lane Green;
- The proposed first floor extension would be out of character with the surrounding environment;
- The proposal will cause a loss of outlook;
- No shadow survey has been provided and the proposal breaches the 45 degree rule to the roof lights of No. 45 Pecks Lane;
- The proposal will result in a loss of light, overbearance and is visually discordant;
- The single storey extensions at Nos 41 & 45 Pecks Lane are not shown on the site plan;

- The site plan is not accurate, making the separation distance to No. 10 Hadleigh Park appear further away. The separation distance is 18.17 metres and not 19.32 metres as measured on the plans;
- The position of the 2 rooflights on No. 45 Pecks Lane are not accurately depicted;
- The site notice is dated the 26th May, however, it was not erected until the 30th May;
- There will be a limited area of open space, which for a four bedroom house should be 75sqm with only 55.9sqm remaining
- Policy SPPR 2 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities', Department of Housing, Local Government and Heritage, (2024) applies to new dwellings only;
- The proposal would constitute overdevelopment and would be contrary to the RS zoning objective;
- The proposal includes development along a boundary wall which is not consented too; and
- The proposal will set an undesirable precedent.

4.0 Planning History

Site

None

Setting raised as precedent

FW25A/0084E - Planning permission was granted in June 2025 for the construction of a one and two rear storey extension, alterations to the existing hip roof, and an attic conversion with dormer and ancillary works at 8 Phoenix Court, Castleknock, Dublin, D15 HC6T.

FW20B/0080 - Planning permission was granted in September 2020 for a two storey extension to rear of property at 25 Park Villas, Castleknock, Dublin 15.

5.0 Policy Context

5.1. Development Plan

The Fingal Development Plan 2023-2029 is the operational plan for the area. The appeal site is zoned 'RS,' Residential with the associated land use objective 'to provide for residential development and to protect and /or improve residential amenity.'

The following sections /policies / objectives are pertinent:

SPQHP41 seeks to support the extension of existing dwellings with extensions of appropriate scale and subject to the protection of residential and visual amenities.

SPQHO45 seeks to support dwelling extensions of appropriate scale and subject to the protection of residential and visual amenities.

Objective DMSO23 – Separation Distance: A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy.

Objective DMSO26 - Separation Distance between Side Walls of Units: Ensure a separation distance of at least 2.3 metres is provided between the side walls of detached, semi-detached and end of terrace units.

Objective DMSO27 – Minimum Private Open Space Provision: 4 bedroom houses or more to have a minimum of 75sqm of private open space located behind the front building line of the house.

Section 14.10.2 Residential Extensions: supports 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.

Section 14.10.2.4 First floor rear extensions will be considered on their merits, noting that they can have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:

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

5.2. **Relevant National or Regional Policy / Ministerial Guidelines**

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities', Department of Housing, Local Government and Heritage, (2024) (SRDCSGPA) to include:

- SPPR 1 - Separation Distances.
- SPPR 2 - Minimum Private Open Space Standards for Houses.

5.3. **Natural Heritage Designations**

The appeal site is not located on or within any designated Natura 2000 sites, with the nearest proposed designated site being the South Dublin Bay and River Tolka Estuary SPA (SPA: 004024) which are 8.88km to the east of the site and the South Dublin Bay SAC (SAC: 000210) which are 10.68km to the southeast of the site. The Liffey Valley (pNHA: 000128) which is c. 1.58km to the southwest of the site and the Royal Canal (pNHA: 002103) is located c. 0.57km to the northeast of the site.

6.0 **EIA Screening**

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

7.0 **The Appeal**

7.1. **Grounds of Appeal**

The appellants (No. 10 Hadleigh Park) grounds of appeal can be summarised as follows:

The proposed window in bedroom 3 will have a separation distance of 19 metres from an opposing bedroom in No. 10 Hadleigh Park which is less than the minimum 22 metres specified in the FDP. The window will completely overlook the rear garden (No. 10 Hadleigh Park) and a window should be installed in the roof instead.

7.2. Applicant Response

The applicant for planning permission states:

- The extension is modest and is designed to meet the changing needs of the residents;
- The separation distance of c.19 metres exceeds the 16 metre separation distance set out in SPPR 1 of the SRDCSGPA, (2024);
- The separation distance of 22 metres in the FDP has been superseded by the SRDCSGPA, (2024) after the publication of the FDP which was published in 2023;
- Policy Objective DMSO23 of the FDP states that the 22 metre separation distance shall “generally” be observed and does not establish an absolute refusal of permissions;
- Although the separation distance would be reduced from existing, it does not materially alter the established level of overlooking;
- Other permissions granted in the area are of a larger scale under planning approval Refs: FW25A/0084E and FW20/0080;
- There are first floor extensions at Nos. 61 & 60 Pecks Lane, Park Court Castleknock, 2 Hadleigh Close Castleknock and 19 Hadleigh Court although no corresponding planning applications could be identified;
- The mitigation to provide a rooflight would restrict daylight and outlook and is disproportionate; and
- The proposal is considered to comply with Section 14.10.2.4 of the FDP.

7.3. Planning Authority Response

While the proposal does include a new rearward bedroom, it does not introduce a new or unforeseen overlooking impact on 10 Hadleigh Park. While the third party appellant refers to a 22 metre separation distance as per Objective DMS023, however, Section 14.6.6.3 states that ‘...In certain instances, depending on orientation and location in built up areas, reduced separation distances may be acceptable.’ The Planning Authority also notes that SPPR 1 of the SRDCSGPA, (2024) set out that 16 metre separation distance is acceptable and therefore the proposed 19 metre separation is acceptable and sufficient to avoid overlooking concerns.

An Commission is requested to uphold the decision and a condition requiring a Section 48 development contribution is requested.

8.0 Assessment

8.1 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, 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 considered are as follows:

- Principle of Development
- Design
- Residential Amenity
- Other Matters

8.2 Principle of Development

- 8.2.1 The proposed development comprises a rear first floor extension to an existing dwelling and other minor works, which is located within zoning ‘RS,’ Residential, with the associated land use objective ‘to provide for residential development and to protect and /or improve residential amenity.’
- 8.2.2 I note that the Fingal Development Plan 2023-2029 (FDP) is supportive of residential extensions. In this regard Section 14.10.2 Residential Extensions supports applications to amend existing dwelling units to reconfigure and extend existing dwellings as the needs of the household change, subject to specific safeguards. I

consider that the principle of a residential extension is acceptable subject to issues of design, neighbour amenity and other relevant factors.

8.3 Design

- 8.3.1 The proposed development includes a rear extension at first floor level, in addition there are some internal alterations which includes a new bathroom and gable window on the northern first floor gable. I consider that the internal alterations and bathroom window on the gable are minor development and are acceptable.
- 8.3.2 The first floor rear extension is to be erected above an existing ground floor rear annex and will result in the creation of an additional bedroom and ensuite. The extension is to be finished in knapp plaster which harmonises with the external finish to the rear of the dwelling and the tiles are noted to match those of the existing dwelling. There are two window openings to the rear elevation of the proposed extension which are comparable to the window opens at the rear of the dwelling. The extension does not exceed the ridge height of the dwelling and I am of the opinion that it is subordinate to the existing dwelling. In addition, the proposed first floor extension is set off the shared boundary and extends off the existing rear ground floor annex.
- 8.3.3 During the course of the planning application, third party's raised concern that the level of rear amenity space for a four bedroom dwelling would not be sufficient. Section 14.10.2.4 of the FDP refers to the need to consider the level of remaining rear private open space and its usability.
- 8.3.4 I accept that the level of private open space (55sqm) falls below that normally expected for a new four bedroom house (DMSO27), however, I note that the Section 14.10.2.4 of the FDP supports applications to amend existing dwelling units to reconfigure and extend existing dwellings as the needs of the household change. I note that the extension does not lead to a loss of any of the existing rear private amenity space. In addition, the extension would not lead to any significant impairment of the amenity space which will remain usable and in my view is consistent with Section 14.10.2.4 of the FDP.
- 8.3.5 While it was raised by a third party during the course of the planning application that a first floor rear extension would be out of character with the area, I am of the opinion that there are limited viewpoints of the rear extension and a first floor extension onto

the existing two storey house would not have a demonstrable impact on the character of the area.

- 8.3.6 I consider that the design, height and external appearance of the extension and the level of rear amenity space to be acceptable.

8.4 Residential Amenity

- 8.4.1 During the course of the planning application third party's raised a concern that the proposed development would overshadow the adjoining dwelling at No. 45 Pecks Lane which has a rear single storey annex. The proposed extension protrudes 3 metres from the rear building line of the application dwelling which does not exceed the distance of the rear annex to No. 45 which is set to the north. The proposed extension will have some overshadowing impacts on the roof lights to the annex for part of the day, however, I note that the rear annex is also served by other rear facing openings which would allow light to penetrate the rooms. The dwelling at No. 41 Pecks Lane would not be affected by overshadowing due to its siting to the south of the proposed rear annex and its set back off the shared boundary.
- 8.4.2 While overlooking of the rear garden areas to Nos 41 & 45 Pecks Lane would occur, this is already the case from the existing first floor bedroom windows. In addition, some overlooking of rear garden areas is to be expected within the urban context. I note that there are no windows in either the northern or southern gable of the proposed extension and therefore I am of the view that there would be no significant increase in overlooking of these properties as a result of the proposed development.
- 8.4.3 The core objection to the appeal is the level of overlooking which would occur to the first floor windows of No. 10 Hadleigh Park which directly oppose the proposed first floor extension. There is some dispute between the parties on the separation distance between the properties, which varies between 18.17 metres and 19.3 metres. I am of the view that 18.17 metres is the more accurate measurement based on the dimensions of the extension and the rear building line.
- 8.4.4 While the proposed development falls below the minimum separation of 22 metres for first floor opposing windows as per Objective DMS023 of the FDP the separation distance does exceed the minimum of 16 metres stipulated in Policy SPPR 1 of the SRDCSGPA, (2024). It is however a requirement of Policy SPPR 1 to determine applications on a case-by-case basis with the test being that the residents will enjoy a high standard of amenity and that the proposed development will not have a

significant negative impact on the amenity of occupiers of existing residential properties. In addition, Section 14.8.2 of the FDP states that in certain instances, depending on orientation and location in built up areas, reduced separation distances may be acceptable on a case-by-case basis and should not be seen as setting a precedent for future development.

8.4.5 The proposed first floor extension contains an ensuite window and a bedroom window. Any potential overlooking from the proposed en-suite window facing No. 10 Hadleigh Park can be fully mitigated by installing obscure or opaque glazing which can be secured through imposing a condition. Additionally, views from the new bedroom window will be partially screened by an existing tree situated on the boundary between No. 10 and No. 12 Hadleigh Park. In my opinion, the level of overlooking remains acceptable, as the proposal replaces an existing bedroom window that already overlooks No. 10 and other nearby rear gardens, a layout typical of this urban setting. While the separation distance to No. 10 Hadleigh Park will be reduced, the overall impact on residential amenity will not in my view be significantly adverse.

8.4.6 I consider that the proposal would not have a significant adverse impact on the residential amenity of neighbouring residents and is acceptable.

8.5 Other Matters

8.5.1 A third party, during the processing of the planning application referred to a regulatory breach by the applicant for not erecting the site notice at the correct time during the processing of the planning application. The Planning Authority considered the issue and noted that the site notice was inspected and considered it to be valid. I have not been provided with any evidence to indicate that the regulations were not complied with and I am not aware of any legal challenge to the decision of the Planning Authority and therefore it is presumptively valid. It is not the role of the Commission to adjudicate over how the planning application was processed by the Planning Authority, rather its role, in the case of this appeal is based on the merits of the decision.

8.5.2 I am of the view that all the information which was subject to the decision of the Planning Authority is now in the public domain and all parties have had an opportunity to provide comment upon that information for the purposes of this appeal. No new information has been submitted during the appeal which would

require any new consultation or notification. I therefore do not consider that any prejudice has been caused to any party during the appeal.

8.5.3 An issue was raised by third parties with the discrepancy in the plans and I note that the site plan shows the rear building line of the dwelling being recessed behind the building line of the adjoining dwellings which is not the case on the ground and was not helpful to the assessment. Having carried out a site inspection and noted the dimensions of the proposed extension I am satisfied that any discrepancy in the plans has not been fatal to my ability to make an assessment of the proposed development.

9.0 AA Screening

9.1 I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located at 43 Pecks Lane, Castleknock, Dublin 15, D15 XWF3 no relevant designated sites are close by.

9.2 The proposed development comprises the construction of a first floor rear extension. No nature conservation concerns were raised in the planning appeal. 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.

9.3 The reason for this conclusion is as follows:

- Small scale and nature of the development; and
- Distance from nearest European site and lack of connections; and
- The screening determination of the Planning Authority.

9.4 I conclude that 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.

10.0 Water Framework Directive

- 10.1 The subject site is located at 43 Pecks Lane, Castleknock, Dublin 15, D15 XWF3 which is 594 metres south of the nearest water body.
- 10.2 The proposed development comprises the construction of a first floor rear extension. No water deterioration concerns were raised in the planning appeal.
- 10.3 I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:
- Nature of works e.g. small scale and nature of the development ; and
 - Distance from nearest water bodies and/or lack of hydrological connections.
- 10.4 I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

That planning permission be granted for the reasons and considerations set out below and subject to the conditions set out below.

12.0 Reasons and Considerations

Having regard to the design, appearance of the proposed extension, I am of the view that, subject to compliance with conditions below, the development proposed would

not seriously injure the visual amenities of the area or residential amenities of any property in the vicinity and would not adversely impact on the character of the area. The proposed development, therefore, would be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the Planning Authority on the 26th day of 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.	The existing dwelling and extension shall be used as a single dwelling unit apart from such use as may be exempted development for the purposes of the Planning and Development Regulations. Reason: In the interests of clarity and to ensure the proper and sustainable development of the area.
3.	This grant of permission relates solely to that detailed in the statutory public notices and does not refer to any other aspects of the development that may be shown in the lodged plans. Reason: In the interest of clarity and to ensure that the development shall be in accordance with the permission, and that effective control be maintained.
4.	All glazing on the bathroom and ensuite windows will be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable. Reason: In the interest of residential amenity.
5.	The disposal of surface water shall comply with the requirements of the

	planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the Planning Authority. Reason: To prevent flooding and in the interests of sustainable drainage.
6.	Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority. Reason: In order to safeguard the residential amenities of property in the vicinity.
7.	a) All necessary measures shall be taken by the applicant to prevent any spillage or deposition of clay, dust, rubble or other debris, whether arising from vehicle wheels or otherwise, on the adjoining and/or adjacent public road and footpath network during the course of the construction works. b) Any damage to roads, footpaths or other public property caused by the development shall be made good to the satisfaction of the District Engineer. Reason: In the interest of traffic safety and proper control of development.

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, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Barry Diamond
Planning Inspector

22nd September 2026

Appendix 1 - Form 1 EIA Pre-Screening

Case Reference	PL-501860-DF-26
Proposed Development Summary	Construction of a first floor rear extension.
Development Address	43 Pecks Lane, Castleknock, Dublin 15, D15 XWF3
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, No further action required.
2. Is the proposed development of a CLASS specified in 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.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under	

Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	

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

Inspector: _____

Date: _____

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