



Armstrong Planning

Rosskelton
3A Taney Park
Dundrum
Dublin 14

7th August 2026

The Secretary
An Comisiún Pleanála
64 Marlborough Street
Dublin 1

RE: THIRD PARTY APPEAL AGAINST DECISION BY DUN LAOGHAIRE-RATHDOWN COUNTY COUNCIL PLANNING TO GRANT PLANNING APPLICATION REG. REF. D26A/0383

Dear Sir / Madam,

We write on behalf of my clients, James Simpson and Kathryn Flinn of Rosskelton of 3A Taney Park, D14 KH42, to make this Appeal in relation to the above planning application (reg. Ref: D26A/0383) at 3 Taney Park, Dundrum, Dublin 14, D14HW08 (the application site) for development involving the construction of a 3-bedroom detached house. Our clients reside directly adjacent to the application site and stand to be significantly affected by the form and scale of the proposed development.

While we acknowledge that development of this site has been contemplated previously; and that the subject of this appeal (D26A/0383) - the most recent two storey design iteration was granted by Dun Laoghaire Rathdown County Council on 14th July 2026, we respectfully submit that the Council erred in their assessment.

The planning authority states within the planner's report that the proposed siting of the dwelling remains the same as that which was previously approved under application Reg. Ref. D15A/0301, however the proposal granted under D26A/0383 reflects the original 2015 siting and layout proposed, not the development which was actually granted following redesign, siting and layout amendments pursuant to further information request Item 3(i), which required the following:



'The applicant is requested to submit a revised proposal which addresses: i) The overbearing and overshadowing impact of the rear windows of no. 3A due to the height and proximity of the proposed dwelling to the shared northern boundary of the application site. It is noted that this proposed dwelling is 2.4 metres higher than the previously permitted dwelling on site.'

The applicant responded to Item 3 i) by increasing the northern boundary setback between the proposed dwelling and our client's property, Rosskelton, from 2m to 4.4m as a mitigation measure in response to these concerns regarding overbearing and overshadowing identified by Dun Laoghaire-Rathdown Council. The applicant also amended the design and location of first floor level windows along the eastern elevation to try to address overlooking concerns between the application site and our client's property.

Due to the west/east orientation of the proposed dwelling relative to the north/south orientation of habitable rooms within Rosskelton there is significant potential for direct overlooking of principal habitable rooms and private amenity areas, including the raised patio and adjoining garden spaces at Rosskelton. Although the habitable room windows are not directly opposing each other, given the interface between differing orientations presented here, we respectfully contend that the proposal does not accord the 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities', SPPR 1 - Separation Distances, which requires the planning authority to ensure that 'When considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained.'

On this basis, we respectfully request that An Comisiún Pleanála uphold our appeal and either decide to refuse permission for development proposed under application Reg. Ref. D26A/0383 in its entirety; or require substantial revisions to address the concerns outlined herein.

In addition to the two key issues outlined above, there are two main reasons which form the basis of our objection:

1. The proposed development is non-compliant with the Dun Laoghaire Rathdown County Development Plan 2022 – 2028 residential development policy in terms of protecting and improving new and existing residential amenity; failing to meet qualitative and quantitative standards established in local and national planning guidance; and
2. The proposed development by virtue of its siting, layout, design, height and scale, in conjunction with limited separation distances, would result in overbearing, direct overlooking and overshadowing of Rosskelton, 3A Taney Park, D14 KH42.

Planning History

We acknowledge that the principle of development for an additional side garden/infill dwelling was previously established at this location since 2005.

However, it is important to highlight the following key matters for your consideration:

- Planning permissions were granted in 2005 and 2010 (D05A/0689 and D10A/0454, respectively) for a 3-bedroom, single storey (bungalow) dwelling, with a minimum 2m setback from the shared northern boundary.
- The single storey height was considered to be the most appropriate design response given the orientation of the proposed development, which is orientated west/east (i.e. perpendicular to the existing north/south orientated property Rosskelton at 3A Taney Park). This site responsive design mitigated against overlooking, overshadowing and overbearing impacts for both the proposed dwelling and the existing dwelling at no. 3A Taney Park.
- Subsequently, planning permission was applied for in 2015 for a two-storey dwelling. We wish to note that the site notice for this proposal was only erected along the bottom of the private access to 3 Taney Park and therefore my client was unaware of the development proposed until after the 5-week submission period had lapsed. Should my client have been aware they would have made a submission on the same grounds as outlined herein.
- In any event, planning permission was granted in 2015 (Reg. Ref. D15A/0301) which proposed a two-storey dwelling (c.2.4m higher than previously permitted), with an associated increase in scale and massing.
- **The current proposal reflects the first iteration of the 2015 proposed development – not the final approved design and layout.**
- As outlined above, it was acknowledged within Dun Laoghaire-Rathdown Council's 'Planners report' dated 29th June 2015 that, given the proposed siting, design, layout and massing – the proposed development would result in an overbearing and overshadowing impact upon the rear windows and private open space of 3A Taney Park. As such, a request for further information was issued, requiring the applicant to submit a revised proposal which addresses these non-compliant design matters.
- In response, the Granted proposal increased the setback from 2m to 4.4m from the shared northern boundary, as well as changes to first floor level bedroom windows.

Furthermore, it is noted that an overshadowing study was not undertaken as part of the 2015 or the 2026 assessment and we respectfully contend that the Council's assessment fails to fully consider the adverse overshadowing impacts upon the habitable rooms along the southern aspect of our client's home, Rosskelton.

Zoning

Pursuant to the Dun Laoghaire Rathdown County Council Development Plan 2022-2028, the application site at Taney Park is subject to zoning objective 'A' –



‘To provide residential development and improve residential amenity while protecting the existing residential amenities.’

We respectfully submit that the development being proposed in this case neither protects nor improves the established residential amenities of the area generally and specifically impacts on the residential amenity currently afforded to Rosskelton, 3A Taney Park and neighbouring properties.

Pursuant to Section 12.3.1.1 ‘Design Criteria’ of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 a core aim of land-use planning is to ensure that new residential developments offer a high quality living environment for all residents, both in terms of the standard of individual dwelling units and in terms of the overall layout and impact upon adjoining properties.

Applications for new residential development therefore must be fully assessed in the context of existing levels of privacy and amenity and in particular the relationship of buildings to one another, including consideration of overlooking, overbearing and compliance with sunlight/daylight standards.

Since the grant of previous permissions relating to the adjoining site, Rosskelton has undergone a substantial planning-approved refurbishment and reconfiguration.

As part of these works, the principal living accommodation of the dwelling was reorganised and reoriented towards the eastern side of the property adjoining the application site. A substantial raised patio and outdoor amenity terrace were also created and integrated directly with the principal living accommodation.

The raised patio now functions as the principal outdoor living and recreation space associated with the dwelling and is regularly used for dining, entertaining and family activities.

Consequently, the relationship between the proposed dwelling and Rosskelton is materially different from that which existed when previous permissions relating to the adjoining site were considered. The current proposal therefore cannot be assessed solely by reference to earlier permissions and must instead be assessed against the existing residential amenity enjoyed by neighbouring occupiers.

In accordance with Section 12.3.7.5 ‘Corner/Side Garden Sites’ of the DLR County Development Plan 2022-2028 side garden site development, which provide an additional dwelling in existing built-up areas, shall be designed with appropriate consideration to the size, design, layout and relationship with existing dwelling(s) and immediately adjacent properties. A key parameter for consideration is the impact on the amenities of neighbouring residents.

We respectfully submit that the development, as currently proposed, will bring all of the everyday noises associated with an active family home right up to the private open space



boundary of our client's home, Rosskelton, 3A Taney Park constituting an unacceptable diminution of the level of residential amenity currently afforded to our property.

Height, Massing and Visual Impact

The proposed dwelling occupies a highly constrained infill site immediately adjacent to our clients' property.

Although described as a two-storey dwelling, the proposed roof form concentrates the highest and most visually dominant element of the structure along the boundary adjoining Rosskelton. The roof design and orientation result in a substantial built mass being presented directly towards our principal living accommodation, patio and garden areas.

We are concerned that insufficient consideration has been given to alternative design solutions that would reduce the impact on neighbouring properties. In particular, the roof form could be reoriented so that the highest elements are directed towards the applicant's existing dwelling rather than towards adjoining residential amenity areas.

The proposed dwelling will replace what is currently an open side garden and will introduce a significant visual barrier immediately adjacent to our property. The resulting development will appear dominant and overbearing when viewed from our living room and south facing bedroom, as well as to the private rear garden patio and will materially diminish the residential amenity currently enjoyed by the occupants of Rosskelton.

Overlooking and Loss of Privacy

In accordance with the 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities', and in particular SPPR 1 - Separation Distances, the planning authority shall ensure that 'When considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained.'

Furthermore SPPR states that 'In all cases, the obligation will be on the project proposer to demonstrate to the satisfaction of the planning authority or An Bord Pleanála that 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.'

The proposed dwelling contains a number of first-floor windows together with a substantial glazed stairwell feature.

Due to the west/east orientation of the proposed dwelling relative to the north/south orientation of habitable rooms within Rosskelton, there is significant potential for direct overlooking of principal habitable rooms and private amenity areas, including the raised patio and adjoining garden spaces.

The raised patio was specifically designed and approved as part of the recent refurbishment works and now operates as an extension of the internal living



accommodation. Unlike a conventional rear garden, this area functions as an outdoor room and is therefore particularly sensitive to overlooking and loss of privacy.

Concerns are raised that occupants of the proposed dwelling will have direct views into the patio area, garden and adjoining habitable room windows of Rosskelton, significantly reducing the privacy and enjoyment currently associated with these spaces.

As noted, the planning authority previously determined that the siting and design of the 2015 permission (D15A/0301) were not appropriate and required specific privacy-related conditions, including an increased setback in the dwelling to 4.4m from the shared boundary, the omission of a first-floor bedroom window and the requirement for obscured glazing to protect neighbouring residential amenity. These earlier conditions demonstrate that overlooking and privacy concerns have long been recognised as a material planning issue on this site.

We respectfully submit that application Reg. Reg D26A/0383 has failed to adequately demonstrate that similar privacy impacts will not arise.

Overshadowing and Loss of Residential Amenity

The application contains no daylight assessment, sunlight study, shadow analysis or residential amenity impact assessment. The proposed roof mass and building height have the potential to significantly reduce sunlight available to our client's private open space (patio and outdoor amenity areas) and adjoining habitable rooms. Given the height of the proposed dwelling and proximity of the development to the common boundary we respectfully submit that these impacts have failed to be adequately assessed.

Impact on Existing Solar Infrastructure

As part of the recent refurbishment of Rosskelton, solar photovoltaic panels were installed on the roof of the dwelling in support of national and local objectives relating to sustainability, renewable energy and climate action.

The application contains no assessment of the impact of the proposed development on solar access to these panels. Given the height, massing and proximity of the proposed dwelling to Rosskelton, there is a reasonable concern that the proposal may adversely affect the performance of the existing solar installation through shading and reduced solar access.

Capacity of Taney Park to Accommodate Further Intensification

Taney Park is a narrow residential cul-de-sac with a carriageway width of approximately 3.0–3.3 metres and footpaths ranging from approximately 675mm to 1 metre in width along parts of the road frontage.

Over the last decade there has been substantial residential intensification in the wider Taney Park and Rosemount area through the construction, approval and ongoing development of numerous additional dwellings. Taney Park also functions as a major



pedestrian route linking the surrounding residential areas with the LUAS Green Line, nearby schools and local amenities. The route is heavily used by residents, schoolchildren and commuters throughout the day.

The cumulative effect of successive infill developments has materially increased traffic movements along a road that was not originally designed to accommodate such levels of activity. While a single dwelling may appear modest in isolation, the Planning Authority must consider the cumulative impact of continued residential intensification on pedestrian safety, traffic movement and residential amenity.

The proposed development would result in a further intensification of vehicular use along a road of substandard width and limited pedestrian provision and would therefore contribute to an existing traffic and safety concern within the area.

Conclusion

We wish to put on record that we are more than happy to facilitate a site visit by An Comisiún Pleanála's inspector should they wish to see how the proposed development would significantly impact private amenity to the rear of our property.

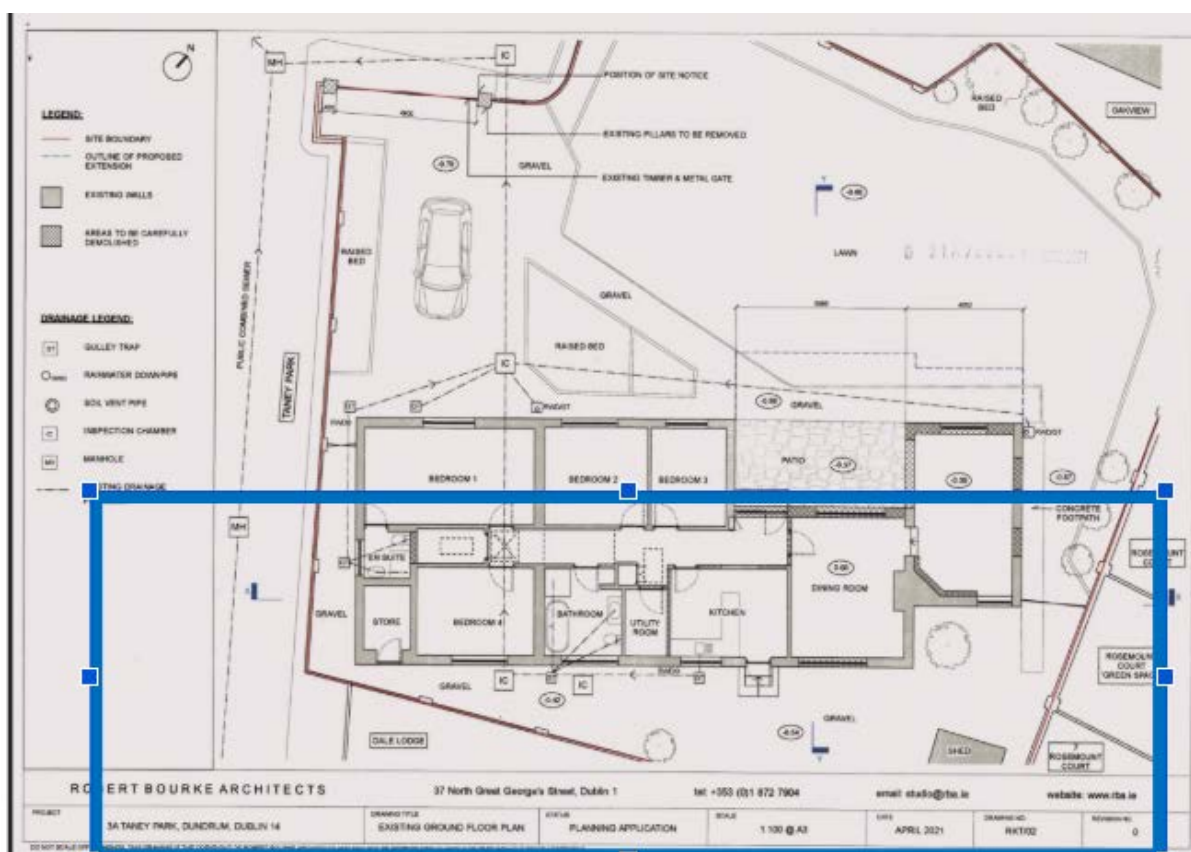
The respectfully request that the proposal be assessed in the context of the 2025 development **as granted post further information redesign and siting request**. Significant changes have occurred at Rosskelton since previous permissions relating to the adjoining site were granted, including the creation of a raised patio and outdoor living area and the reorientation of the principal living accommodation towards the application site.

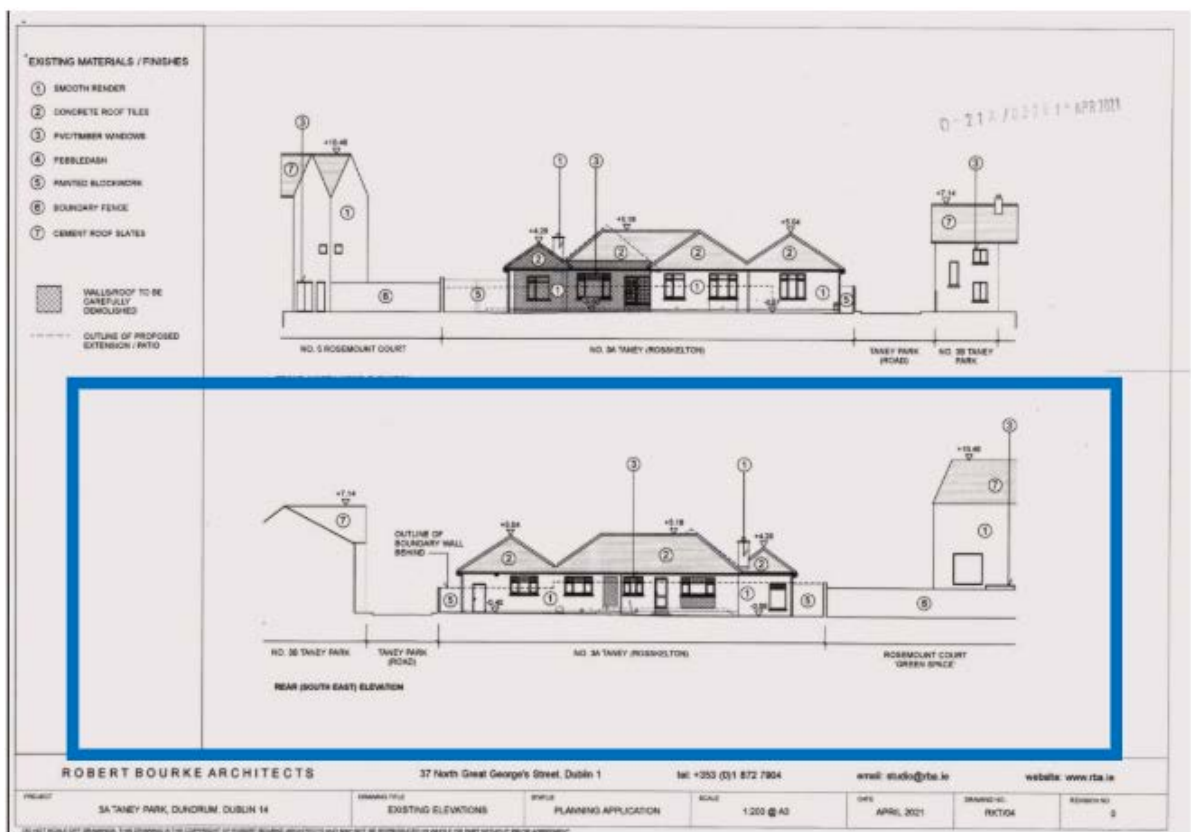
We respectfully contend the proposed development fails to comply with the residential zoning objective 'To provide residential development and improve residential amenity while protecting the existing residential amenities' and does not comply with Dun Laoghaire Rathdown County Development Plan Policy 12.3.1.1 'Design Criteria' and Policy 12.3.7.5 'Corner/Side Garden Sites' as the current design would significantly adversely affect the residential amenity of Rosskelton by reason of its height, massing, visual dominance, overlooking, loss of privacy, potential overshadowing and potential impact on existing solar infrastructure.

Furthermore, the proposal contributes to the continuing cumulative intensification of development along Taney Park without adequately addressing the resulting impacts on residential amenity, pedestrian safety and traffic movement.

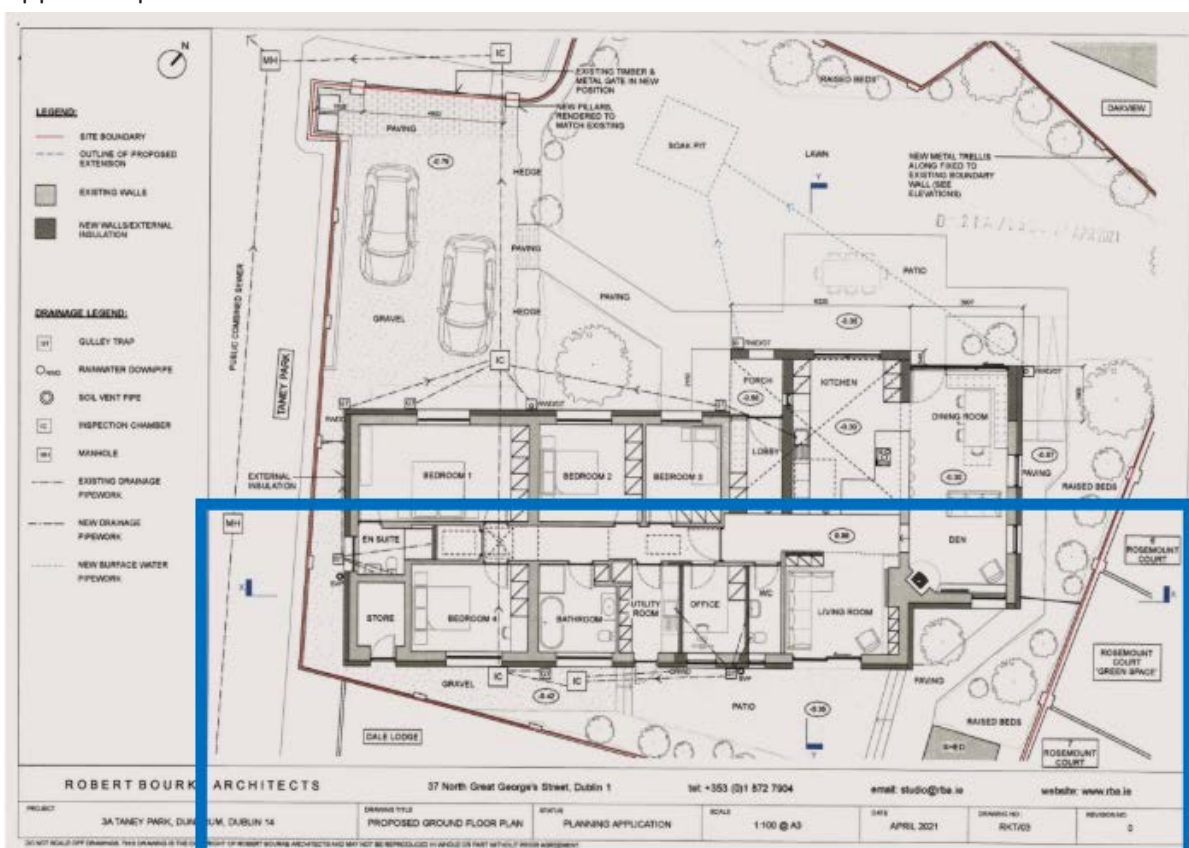
For the reasons outlined above, we respectfully request that An Comisiún Pleanála refuse permission for the proposed development or require substantial amendments to address the identified concerns.

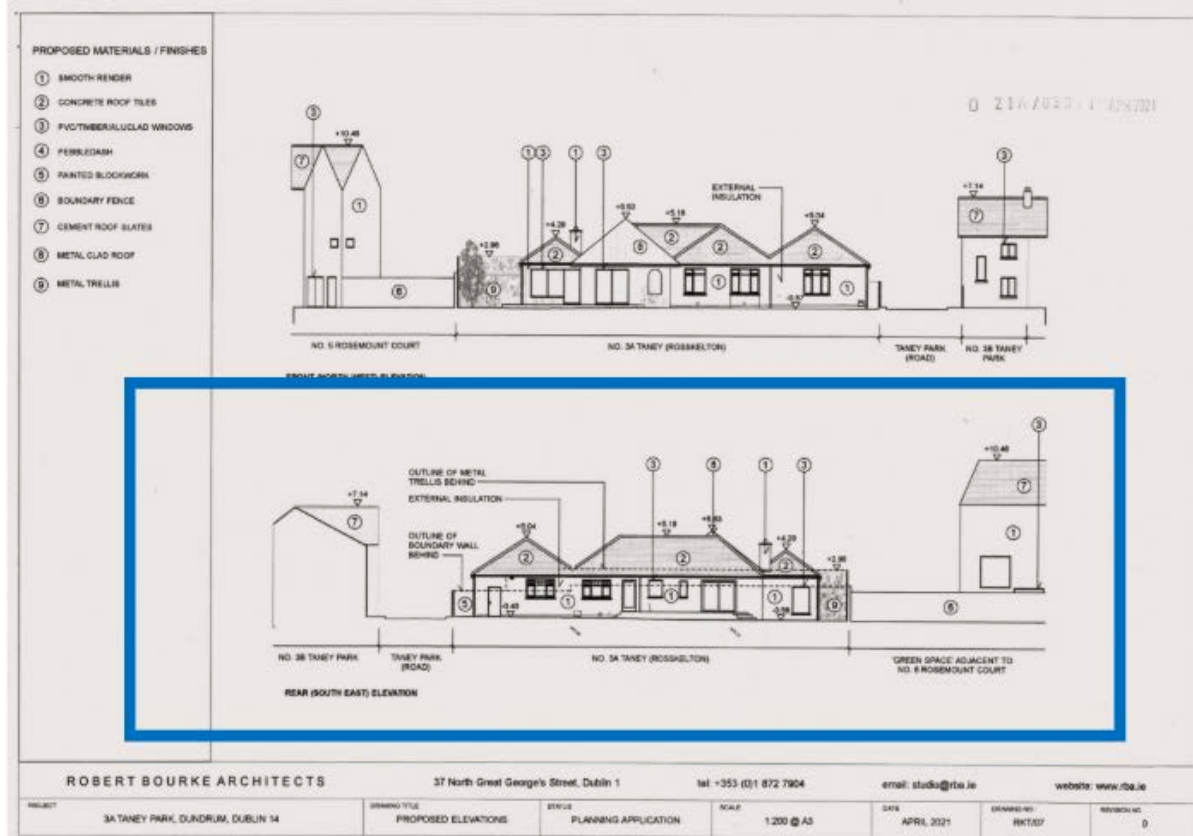
Appendix A: DLRDCC (D21A/0306) approved plans showing the reconfiguration of Rosskelton and creation of raised patio living area
Before renovation:





Approved plans:





Appendix B: Photographs of Patio Area





Appendix C: Photographs of the photovoltaic solar panel installation.





Prepared by,

A handwritten signature in black ink that reads "David Armstrong".

DAVID ARMSTRONG BA MRUP MIPI MRTPI

For and on behalf of Armstrong Planning Ltd
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