

7 August 2026

The Secretary

An Coimisiún Pleanála

64 Marlborough Street

Dublin 1

By Online Appeals Platform (www.pleanala.ie) and by post

Re:	First Party Appeal Against Condition No. 2 of a Grant of Permission
Planning Authority:	Dún Laoghaire-Rathdown County Council
PA Register Reference:	D26B/0307/WEB
Order No. / Date of Order:	P/1442/26, dated 16 July 2026
Site Address:	15 The Maples, Dublin 14, D14 WD23
Appellant(s):	Kate O'Donohoe and Cillian McCarthy
Development:	A dormer window in the main roof to the rear of the property, the conversion of attic space into a bedroom and bathroom with gable window at attic level, the provision of two rooflights in the main roof to the front of the property, the construction of new stairs to the attic conversion, the construction of a ground floor box window to the front elevation and all associated site works.

Dear Sir / Madam,

On behalf of our clients, Ms. Kate O'Donohoe and Mr. Cillian McCarthy ("the Appellants"), and pursuant to section 37 of the Planning and Development Act 2000, as amended, we hereby lodge a first party appeal against Condition No. 2 only of the decision of Dún Laoghaire-Rathdown County Council to grant permission under the above Register Reference. The Appellants do not appeal any other aspect of the decision and accept Condition No. 1 and all further conditions, notes and reasons attached to the permission. As the appeal relates solely to the terms of a single condition, and does not otherwise dispute the principle of the development as assessed and approved by the Planning Authority, we respectfully request that the Commission deal with this appeal under section 139 of the Act, without the need for the application to be determined afresh.

The appeal fee of €220 (Fee Category A1 – first party appeal against conditions, non-retention, non-commercial, no EIAR/NIS) is enclosed.

1. The Condition Under Appeal

Condition No. 2 of the grant of permission states:

"The rear dormer window shall be constructed and finished such that it is set down a minimum of 200mm below the main roof ridge line."

Reason: "In the interest of proper planning and residential amenity."

2. Grounds of Appeal

Ground 1 – The condition is unreasonable and unsupported by the Development Plan

The relevant development management standard is section 12.3.7.1(iv) of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, which addresses alterations at roof/attic level. It states that dormer extensions “should be set down from the existing ridge level so as to not read as a third storey extension at roof level to the rear,” but it prescribes no minimum figure. The Planning Authority’s decision gives no reasoning, calculation or design analysis to explain why 200mm – as opposed to any lesser or greater figure – is required to meet this objective in the circumstances of this particular roof and dormer. In ACP-323470-25 (24 Ferncarrig Avenue, Sandyford, Dún Laoghaire-Rathdown), the Commission removed a similarly unreasoned, unquantified dormer condition (a required reduction in dormer width) on the basis that the Development Plan criteria contain no fixed metric and the Planning Authority’s report offered no analysis linking the specific figure imposed to any demonstrable impact on amenity. The same reasoning applies with equal force here.

Ground 2 – The condition would defeat the permitted habitable use

The Department of Housing, Local Government and Heritage’s Loft Conversion Guidelines (2022) reflect the settled position, consistent with Technical Guidance Document guidance on room design, that a converted attic room requires a clear head height of at least 2.4m over a meaningful proportion (approximately half) of its floor area in order to be treated as a habitable room. The design lodged with, and assessed by, the Planning Authority (Section A-A, Dwg. No. 26121-FHA-XX-XX-DR-A-3000) sets the dormer down only 50mm below the main roof ridgeline, as is now clearly dimensioned on the equivalent drawing enclosed with this appeal (Dwg. No. 26121-FHA-ACP-3000). At this 50mm set-down, the drawings show a maximum clear internal head height of 2,517mm at the flat-ceiling zone formed by the dormer – the only part of the room capable of achieving the 2.4m guideline height, the remainder of the room falling away under the sloped roof pitch – a margin of 117mm above the 2.4m threshold. Condition No. 2 requires this same zone to be dropped by a minimum of 200mm: four times the 50mm set-down actually applied for and assessed by the Planning Authority. A 200mm set-down would reduce the clear head height to approximately 2,317mm – 83mm below the guideline minimum for a habitable room. Read together with Note 4 of the Second Schedule to the decision (“any attic floorspace which does not comply with Building Regulations in relation to habitable standards shall not be used for human habitation”), Condition No. 2 would produce a bedroom and bathroom that could not lawfully be used for the very purpose for which permission was sought and granted. A condition that defeats the substance of the permission it is attached to cannot be regarded as proportionate or necessary.

Ground 3 – The condition is inconsistent with current national planning policy on dormer/ridge relationships

The Planning and Development (Exempted Development (Act of 2000)) Regulations 2026 (S.I. Nos. 338–344 of 2026), introduced under Circular PLR-02/2026 and in effect from 27 July 2026, created for the first time a national exempted development class for rear and side dormer roof extensions of up to 30 cubic metres, subject to conditions that include the dormer not exceeding the height of the existing roof ridge. These Regulations were signed on 16 July 2026 – the same date as the Order under appeal – and represent the current, considered view of the Minister that a rear dormer built up to (not below) the existing ridge height raises no planning concern warranting control at all. The Appellants are not relying on this threshold to seek a flush, full-ridge dormer; the design applied for and assessed by the Planning Authority already provides a visual set-down of 50mm. The point is one of proportion: national policy now treats a zero set-down as raising no planning concern, yet Condition No. 2 requires a set-down four times greater than what the Appellants themselves proposed, which cannot be justified as a minimum protection of amenity.

Ground 4 – Precedent

In ABP-321074-24 (4 Woodward Avenue, Dublin 18, also a Dún Laoghaire-Rathdown case), a comparable 0.2m ridge set-down condition was applied to front and rear dormers serving non-habitable attic storage. That case is readily distinguishable: it concerned a front dormer found, on its own facts, to be visually prominent in a sensitive streetscape, and the attic space in question was non-habitable, so the 2.4m head-height guideline was not engaged. The present appeal concerns a single rear dormer only, not visible from the public streetscape, serving a habitable bedroom and bathroom for which the 2.4m guideline is directly engaged and

would be breached if Condition No. 2 stands. The more relevant precedent is ACP-323470-25, discussed above, in which an unquantified dormer restriction was removed on appeal.

3. Relief Sought

The Appellants are not seeking to build the dormer flush with, or above, the main roof ridge, and are not seeking to alter the design as lodged with, and assessed by, the Planning Authority. The permitted drawings already show the dormer set down 50mm below the main roof ridgeline, as is now clearly dimensioned on the drawings marked "APPEAL" enclosed with this appeal.

The Appellants respectfully request that the Commission delete Condition No. 2 in its entirety, the permitted drawings already providing an appropriate visual set-down of 50mm below ridge level. In the alternative, the Appellants request that the Commission amend Condition No. 2 to require a set-down of no more than 50mm below the main roof ridgeline, consistent with the drawings lodged with, and assessed by, the Planning Authority.

Copies of the relevant elevation and section drawings are enclosed, marked "APPEAL" and dimensioned to show clearly the 50mm ridge set-down inherent in the permitted design. These are furnished solely to assist the Commission's consideration of this ground of appeal and do not represent any amendment to the development the subject of the permission: the design shown is identical in substance to that lodged with, and assessed by, the Planning Authority under Reg. Ref. D26B/0307/WEB.

We trust the foregoing sets out the full grounds of this appeal. Should the Commission require any further information, please do not hesitate to contact this office.

Please find enclosed the following:

- Appeal fee of €220
- Copy of the Notification of Decision to Grant Permission, dated 16 July 2026
- Dwg. No. 26121-FHA-ACP-4000 – Existing + Proposed Front + Rear Context Elevations, marked "APPEAL"
- Dwg. No. 26121-FHA-ACP-3000 – Existing + Proposed Section A-A, marked "APPEAL"
- Dwg. No. 26121-FHA-ACP-4001 – Existing + Proposed North Elevation, marked "APPEAL"

Yours faithfully,



Matthew Fagan

B Arch, MRIAI

For and on behalf of FHA Architecture & Design, Agents for the Appellants

Job Ref: 26121