

The Secretary,
An Coimisiún Pleanála,
64 Marlborough Street,
Dublin 1,
D01 V902



Planning Appeal: Dún Laoghaire-Rathdown County Council

Date: Monday, 14th September 2026

RE: FIRST PARTY PLANNING APPEAL SEEKING THE REMOVAL OF CONDITION 2 FROM DÚN LAOGHAIRE-RATHDOWN COUNTY COUNCIL'S DECISION TO GRANT PLANNING PERMISSION, REF. D26B/0374/WEB, COMPRISING; THE CONVERSION OF THE ATTIC TO HABITABLE SPACE; HIP TO GABLE END ROOF EXTENSION; DORMER WINDOW TO SIDE AND ASSOCIATED SITE WORKS AT

33 SPRINGHILL PARK, DEANSGRANGE, BLACKROCK, CO. DUBLIN, A94 XK68

PLANNING APPLICATION REF.: D26B/0374/WEB

DECISION DATE: 20TH AUGUST 2026

1.0 INTRODUCTION

Dear Sir / Madam,

On behalf of our clients, Emma Percival and Richard Sykes (the applicants), in association with Laura Begley Architecture, we wish to submit this First Party Appeal to An Coimisiún Pleanála (ACP) against the inclusion of Condition 2 in Dún Laoghaire-Rathdown County Council's (DLRCC's) Decision to Grant planning permission for the above mentioned development at 33 Springhill Park, Deansgrange, Blackrock, Co. Dublin.

Condition 2 requires the proposed western dormer window to be replaced with a high-level window with a minimum cill height of 1.8m, in the interest of residential amenity. This appeal seeks the removal of Condition 2 on the basis that the restriction is unnecessary and disproportionate.

Section 4.1 of this letter sets out DLRCC's justification for the inclusion of Condition 2. Section 4.2 provides a detailed response to those concerns, which are not considered to have given sufficient regard to the established site context. The proposed first floor dormer window would be set c.6.76 m from the shared boundary, along which mature trees and vegetation provide established screening that will be retained. While the subject window may result in a minor increase in overlooking, any such impact would be limited and entirely consistent with the established suburban context, where a reasonable degree of mutual overlooking between adjoining rear gardens is to be expected.

The subject window is modest in scale. Requiring it to be replaced with a high-level window with a minimum cill height of 1.8 m would materially diminish outlook, natural light and the residential amenity of the permitted bedroom, without securing any significant improvement for the adjoining property.

In addition to the above, Section 5 of this letter assesses the proposed development against relevant national planning guidance and reviews recent ACP appeals involving first-floor bedroom or dormer windows positioned closer to an adjoining boundary than the c.6.76m setback proposed under the subject application. These decisions show that the acceptability of a window overlooking private amenity space is not determined by a fixed window-to-boundary distance. Instead, it depends on the circumstances of each case, including the window's orientation and sightline, existing screening and the character of the surrounding suburban area.

2.0 SITE LOCATION

The appeal site is located at No. 33 Springhill Park, Deansgrange, Blackrock, Co. Dublin. The site is c.0.07Ha at the end of a residential cul-de-sac, accommodating an existing single-storey detached bungalow with a hipped roof profile. The dwelling is set back from the public road, with off-street parking and pedestrian access to the front and its principal private amenity space to the side and rear, see Figure 1.



Figure 1: Site Location (Appeal Site Outlined Red) [source: Google Maps]

The site is bounded by No. 31 Springhill Park to the west, No. 34 Springhill Park to the east and Deansgrange Cemetery to the rear. As shown in Figure 1, the western, southern and eastern boundaries comprise mature trees and hedges. This mature boundary planting forms a natural buffer between the properties and provides substantial screening between the subject dwelling and neighbouring private amenity spaces.

3.0 PROPOSED DEVELOPMENT

Planning permission was granted for the conversion of the existing attic space to provide additional habitable accommodation, together with a hip-to-gable roof extension to the rear, a dormer window on the side (western) elevation, rooflights, internal modifications and all associated fenestration, site and service works to facilitate the development.



Figure 2: Proposed Site Layout Plan

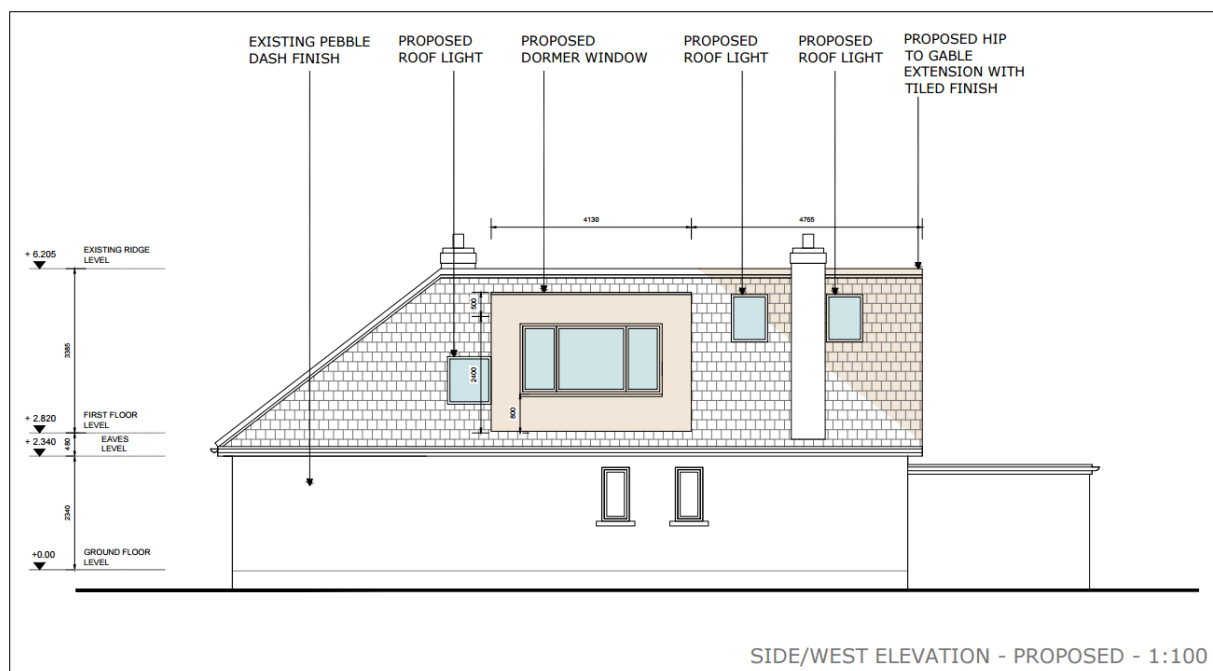


Figure 3: Proposed Western Elevation

4.0 GROUNDS OF APPEAL

As noted above, the subject Appeal seeks the removal of Condition 2 from the Council's Decision to Grant Planning Permission.

Condition 2 states;

"The window on the western elevation of the proposed dormer shall be replaced with a high-level window with a minimum window cill height of 1.8m from the attic / first floor finished floor level.

REASON: In the interest of residential amenity."

Before setting out the grounds for the removal of Condition 2, the following Section will first consider DLRCC's assessment of the proposed dormer window and the justification provided for the inclusion of Condition 2.

4.1 DLRCC's Justification for the Inclusion of Condition 2

The DLRCC Planner's Report provides an assessment of the residential amenity and overlooking arising from the proposed attic conversion and side dormer, having regard to their potential impact on the established residential amenities of adjoining properties.

The Planner's Report provides the following assessment of the proposed dormer window;

"The Planning Authority has some concerns in relation to overlooking arising from the west facing window of the proposed dormer."

The Planner's Report goes on to acknowledge that dormer windows are an established feature in the surrounding streetscape;

"It is noted by the Planning Authority that there is an existing window at a similar position and height on the eastern elevation of No. 31 Springhill Park, however, this serves a stairwell (non-habitable)."

The justification for the inclusion of Condition 2 is noted in the Report as follows;

"To avoid direct overlooking into the courtyard area to the side/rear of No. 31 Springhill Park it is recommended the west facing window is replaced with a high level window in the interest of residential amenity."

It is therefore noted that Condition 2 was imposed to restrict potential views towards the side/rear courtyard area of No. 31. It was not imposed in response to any identified issue involving overlooking between opposing habitable-room windows.

In this context, and for the reasons set out below, it is considered that the Council's assessment does not give sufficient weight to the site-specific relationship between the proposed window and No. 31 Springhill Park. The c.6.76m setback from the western boundary, the oblique relationship between the windows and the mature planting along the shared boundary will further limit any potential views. Taken together, these

features ensure that any potential overlooking would be limited in nature and would therefore not result in a material loss of privacy or adversely affect the established residential amenities of No. 31 Springhill Park.

4.2 Justification for the removal of Condition 2

The following section responds to DLRCC's concern that the proposed western dormer window could result in overlooking of the side/rear courtyard area of No. 31 Springhill Park. It focuses on the relevant site-specific factors, including the c.6.76m setback from the shared boundary, the oblique relationship between the windows, the retained mature boundary planting and the modest scale of the proposed window.

As set out below, these factors limit any potential views and ensure that the development would not cause a material loss of privacy or harm to the established residential amenities of No. 31 Springhill Park.

4.2.1 Separation from the Shared Boundary

The Proposed Site Plan, prepared by Laura Begley Architecture (see Figure 2), shows the proposed dormer window set c.6.76m from the shared boundary with No. 31 Springhill Park. Within the established suburban setting of the site, this represents a meaningful separation between the proposed window and the adjoining boundary wall.

Springhill Park is a largely built-up residential area where upper-floor windows and adjoining rear gardens naturally give rise to a degree of mutual overlooking, which is expected for residential developments in built up areas. The relevant consideration is therefore whether the proposed window would result in substantial or undue overlooking, rather than whether all potential views across the boundary can be avoided.

As detailed in Section 5, first-floor bedroom windows with separation distances shorter than c.6.76m have been considered acceptable in other urban and suburban locations. While it is noted that shorter separation distances have been achieved, the examples identified in Table 1, demonstrate that separation distances should not be assessed in isolation and that regard must also be given to the orientation of the windows, the available sightlines, established screening and the surrounding residential context.

4.2.2 Retained Mature Boundary Screening

The shared western boundary contains mature trees, hedging and other established vegetation. This planting will be retained as part of the proposed development.

As shown in Figure 4, the potential view from the proposed dormer window towards the side and rear courtyard area of No. 31 passes through the existing boundary planting. In particular, Figure 5 shows a substantial mature tree positioned directly within this potential sightline. The tree canopy and surrounding vegetation provide natural screening and filter and limit potential views from the proposed window to the adjoining private amenity space.



Figure 4: Area of Potential Overlooking, Highlighted Yellow



Figure 5: Existing Mature Tree, Highlighted Red, Providing Natural Screening



Figure 6: Existing Side Elevation

It is noted that the subject Appeal does not rely on the established boundary planting as the sole means of protecting privacy. However, when considered alongside the c.6.76m boundary setback, the retained vegetation further limits the potential for overlooking.

As such, any views towards No. 31 would be restricted and indirect and would not result in a material loss of privacy.

4.2.3 Relationship Between First Floor Dormer Windows

The proposed dormer window is not positioned directly opposite any existing bedroom window. While No. 31 Springhill Park has a similar dormer window on its eastern roof slope, the DLRCC Planner's Report confirms that this window serves an internal landing and stairwell rather than a bedroom, living room or other habitable space.

It is further noted that nos. 31 and 33 Springhill Park are arranged at an angle within the cul-de-sac. This results in an oblique relationship between the windows rather than a direct face-to-face alignment. The separation distance provided between these windows is c.12.42m.

Taken together, the oblique alignment, the c.12.42m separation and the non-habitable use of the window at No. 31 significantly reduce any potential for overlooking. Any views between the properties would be indirect and towards a circulation space, rather than any principal living area.

4.2.4 Modest Scale of the Window

As shown in Figure 3, the proposed window is modestly proportioned within the western dormer and represents a standard bedroom window. The glazing is contained within a

defined frame and surrounding dormer wall and does not extend to the full height or width of the dormer. It would therefore not create a broad or panoramic outlook across the adjoining property, only limited indirect views, as shown in Figures 4 and 5.

The proposed dormer is positioned within the western roof slope, below the main ridge and set back from the eaves. The limited glazed area, together with the window framing and dormer reveals, restricts the available field of view.

It is noted that DLRCC did not raise any issues regarding the scale, position and projection of the dormer, which were all considered to be acceptable.

4.2.5 Expected Degree of Mutual Overlooking in a Suburban Setting

Springhill Park is an established suburban residential area comprising detached and semi-detached houses with adjoining rear gardens. Within this type of suburban setting, first-floor bedroom windows, including windows within dormer extensions, commonly provide some views over neighbouring gardens. A reasonable degree of mutual overlooking is therefore an expected feature of the established residential environment.

The relevant consideration is not whether every potential view across a shared boundary can be removed, but whether the proposed window would result in overlooking that materially exceeds what would normally be expected from a first-floor bedroom window in a suburban area.

5.0 PLANNING POLICY CONSIDERATIONS

There is no national planning policy guidance prescribing a minimum separation distance between first-floor bedroom windows and opposing areas of neighbouring private open space.

The closest relevant provision is SPPR 1 of the *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities* (2024), which establishes a minimum separation distance of 16 m between opposing windows serving habitable rooms at the rear or side of dwellings above ground-floor level. However, this is a window-to-window standard and does not establish a minimum distance between a window and an area of private amenity space.

In this context, Table 1 presents a review of recent residential appeals in the DLRCC and wider Dublin area to establish how the potential overlooking from a proposed first floor bedroom to an adjoining area of private amenity spaces has been assessed in comparable suburban contexts.

ABP Reference & Decision Date	Development Address	Development Description	Distance to Opposing Boundary & Context
ABP-320017-24 , Granted Permission October 2024	Kilfenora, 3 Killiney Road, Dalkey, DLR	Master-bedroom suite above existing dwelling	Planning permission was granted including 2 no. dormer windows, c. 2.6m from the side boundary and c. 3.1m from the rear boundary.
ABP-318877-24 , Granted Permission June 2024	56 Faussagh Road, Cabra, Dublin 7	First-floor rear/side extension	Planning permission was granted for a first-floor bedroom window c. 6m from the boundary of an adjoining property.
ABP-321331-24 , Granted Permission March 2025	Rowan Lodge, Ardeevin Road, Dalkey	Two-storey side extension	A first-floor bedroom window was granted permission c. 6.3m from the rear boundary of a neighbouring property.
ABP-313079-22 , Granted Permission July 2023	The Laurels, Torquay Road, Foxrock, DLR	Extension and attic/dormer accommodation	Rear dormer windows were granted permission c. 6m from the side boundary. The view towards the adjoining rear garden were described as incidental.
ACP-500856 , Granted Permission June 2026	2 Curzon Street, Dublin 8	Two-storey rear return including first-floor bedroom	Planning permission was granted for a first-floor bedroom window c. 6m from the rear boundary of an adjoining property.
ABP-308710-20 , Granted Permission March 2021	7 Rathdown Crescent, Terenure, Dublin 6W	Rear attic dormer and first-floor extension	Planning permission was granted for a rear dormer c. 5m from the rear boundary of an adjoining property.
ABP-310957-21 , Granted Permission August 2022	Rear of 52 Leinster Road, Rathmines, Dublin 6	Two/three-storey mews dwelling	Planning permission was granted for a first-floor bedroom window c. 5.5m from the rear boundary of an adjoining property.

Table 1: Planning Precedents

The cases identified above establish a number of residential developments in similar low- to medium-density areas in DLRCC (and Dublin City Council) where first-floor and/or dormer windows were permitted at distances principally between c.2.6 m and c.6.3 m from an opposing private open space, without giving rise to an unacceptable impact on residential amenity.

In each case, the separation distance was less than the c.6.76 m provided in the development subject of this Appeal.

6.0 CONCLUSION

For the reasons set out in this Appeal, it is respectfully submitted that Condition 2 is unnecessary and disproportionate and should be removed.

DLRCC's justification for imposing this condition relates solely to potential overlooking of the side/rear courtyard area of No. 31 Springhill Park. The proposed dormer window is set c.6.76m from the shared boundary, is not directly opposite a habitable-room window and has an oblique relationship with No. 31. In addition, the mature trees, hedging and vegetation along the shared boundary will be retained, providing further screening.

In the context of the site's established suburban setting, a degree of mutual overlooking is to be expected. Having regard to the site-specific circumstances, any views towards No. 31 would be limited and indirect and would not result in a material loss of privacy or harm to the established residential amenities of the adjoining property.

As detailed in Section 4, requiring the window to be replaced with a high-level opening would unnecessarily reduce the outlook, natural light and ventilation available to the permitted bedroom, without providing any proportionate or necessary improvement to the privacy of No. 31 Springhill Park.

As set out in Section 5, there is no national planning policy standard prescribing a minimum distance between a first-floor bedroom window and a neighbouring private amenity space. The review of recent ACP decisions, set out in Table 1, identifies several dormer and first-floor bedroom windows that were permitted at shorter distances from adjoining private amenity spaces. In the development subject of this Appeal, the c.6.76m setback provides a meaningful separation when considered alongside the additional factors identified above.

In light of the above, it is respectfully submitted that Condition 2 represents an overly prescriptive and unjustified restriction on an otherwise acceptable development. Its removal would not give rise to any significant adverse impact on established residential amenities and would be consistent with the established suburban character and residential pattern of Springhill Park. Accordingly, An Coimisiún Pleanála is respectfully requested to remove Condition 2.

We trust An Coimisiún Pleanála will give full consideration to this submission. If you require any further information, please do not hesitate to contact us.

Yours sincerely,

David Lee

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David Lee Planning