

Crowhurst
75 Hyde Road,
Dalkey, Dublin,
A96 N1W0
01-Oct-2026

An Coimisiun Pleanála
64, Marlborough Street,
Dublin 1

Dear Sirs/Madam,

I wish to appeal to An Coimisiun Pleanála against the council decision to Grant Permission and Grant Retention for the Development D26A/0550/WEB.

I attached, for your perusal

- the receipt for the correct fee for the appeal
- the Receipt of Acknowledgement issues by the Planning Authority in respect of my submission/observation on the planning application.

In the Council's decision to grant, we acknowledge and welcome the Planner's Second Schedule, Condition 3 – No area of the Flat roof/green roof at first floor shall be used as an external amenity space, roof terrace or garden. Reason : In the interest of privacy and residential amenity.

However, in our review of the Case Planner's Report which supported the above application, we believe the report failed to adequately investigate and address our serious concerns listed in our letter of objection of 04-Aug-26. See extract below

The approved Roof Design on the ORIGINAL granted Planning Permission scope was based on the height, not exceeding the top of neighboring chimneys.

However, the later roof alterations and parapet wall now extend the Roof height significantly, covered by this Grant permission & grant retention.

We have several concerns (see below) about the impact of this elevation on the site boundary line affecting neighboring properties.

1. *We believe the Parapet wall constructed as unauthorized development, is now overpowering that elevation and reducing daylight into our front elevation. No daylight Assessment Review was ever undertaken in advance to determine its impact. We believe this study would prove conclusively the reduction of light into our property.*
2. *The increase in height to the parapet wall on the boundary line has now caused several issues to our chimney flow and operation, with both overdraft and downdraft occurring. There were no issues previously with the operation of our chimney.*
3. *The increase in height to the parapet wall on the Southeast elevation is now substantially taller than our home and is very close and adjacent to our roofline and alters the local wind patterns*

which creates a high-pressure downdraft that results in a stagnant air pocket and stops and prevents or toilet and air vents working correctly

4. *Finally, the significant alterations to the roof area on the front elevation, making the Roof apex's unsymmetrical and appearance out of line with neighboring properties.*

Our concerns remain that when the wind hits the newly elevated wall of the extension, it creates localized high pressure or swirling air currents directly over our chimney pot, effectively blanketing the top of the flue.

Because gas fires rely on a precise pressure differential (hot air rising into a lower-pressure area outside) to pull exhaust fumes away, this obstruction stalls the draw. **This is a very serious safety hazard** because a poor draw can force toxic combustion products, including **carbon monoxide**, back into our living room.

Under Irish Building Regulations, specifically Technical Guidance Document J (Heat Producing Appliance) there are strict statutory requirements regarding adjacent building and chimneys.

We believe this new extension to the Parapet wall and roof height breaches “**The 2.3 Metre Clearance Rule (UK/Ireland Building Regs)**”, explicitly state that if an adjoining building is constructed within **2300mm (2.3 metres)** of our existing chimney it compromises the “Right to a Draw”/Nuisance Law. Legally, **a neighbor cannot construct an extension that renders your existing heating appliance unsafe or unusable.**

In addition to the above items, we would also request the appeal to reexamine the following.

The following extracts are from pages 4 and 5 of the Planner's Report, it states,

Dormer extensions to roofs, i.e. to the front, side, and rear, will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties. The design, dimensions, and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations. Dormer extensions shall be set back from the eaves, gables and/or party boundaries. Dormer extensions should be set down from the existing ridge level so as to not read as a third

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storey extension at roof level to the rear.

The proposed quality of materials/finishes for dormer extensions will be considered carefully as this can greatly improve their appearance. The level and type of glazing within a dormer extension should have regard to existing window treatments and fenestration of the dwelling. However, regard should also be had to size of fenestration proposed at attic level relative to adjoining residential amenities.

Particular care will be taken in evaluating large, visually dominant dormer window structures, with a balance sought between quality residential amenity and the privacy of adjacent properties. Excessive overlooking of adjacent properties should be avoided.

Considering the Key consideration from the above guidelines

- Impact on existing character and form, and **Privacy of adjacent properties**
- Dormer extensions should be set down from the **existing ridge level so as not to read as a third storey extension at roof level to the rear**
- The level and type and **extent of glazing within the dormer extension affecting privacy of adjacent property**
- **Regard should be had to the size of fenestration proposed at attic level relative to adjoining residential amenities.**
- Particular care will be taken in evaluating large, visually dominant window structure, with a balance sought between quality residential amenity and the privacy of adjacent properties.
- Excessive overlooking of adjacent properties should be avoided

All the above items were highlighted and covered in our letter of observations and objections dated 04-Aug-26. We believe and maintain that this development fails to incorporate these design principles and guidelines

- the Dormer extension is not set down from the roof ridge level **and reads as a third storey extension at roof level to the rear.**
- The extent of glazing is excessive for a gym and leisure space affecting privacy of adjacent property. **The sizing of windows increased substantially to the rear**

elevation without any consideration in the Planner's report, which affects privacy of neighboring properties

- It is a visual dominant window structure.
- There is excessive overlooking in our adjacent property.

Finally, per our letter of observation and appeal, the Planner failed to address the inadequacy of the Site Notice. The works were described in the Site Notice as minor deviations which we believe was grossly misleading.

This inadequacy of the Site Notice may have misled the public and avoided further appeals and observations on this Planning application.

We would welcome a Site visit in the appeals process and are available to discuss any questions the appeals team may have.

Yours Faithfully,



Laurence and Breege Kennedy