The Secretary
An Coimisiún Pleanála
64 Marlborough Street
Dublin 1

Siroos Sofizadeh
396 Nutgrove Avenue
Churchtown
Dublin 14
D14 E163

9 November 2026

THIRD-PARTY APPEAL AGAINST GRANT OF PLANNING PERMISSION

Planning reference: D26A/0636/WEB
Applicant: Fearghal Kelleher
Development: Three-bedroom, two-storey dwelling, associated site works and new vehicular entrance
Site: 398 Nutgrove Avenue, Rathfarnham, Dublin 14, D14 TP82
Council decision: Grant of permission dated 20 October 2026

Dear Sir/Madam,

I respectfully wish to appeal the decision of Dún Laoghaire-Rathdown County Council to grant permission for the above development. I am an adjoining resident at 396 Nutgrove Avenue. This is our family home, where we have lived for more than 25 years. We have put down roots here and have always valued the privacy, daylight and peaceful enjoyment of our home and garden. I ask the Commission to consider carefully the effect this proposal would have on our home and on the established residential environment.

I understand the importance of appropriate housing development. My objection is not to development in principle, but to the particular impact of this proposal on our established home and residential amenity. The concerns below bring together the issues raised in my appeal and the additional points concerning the design, site constraints and assessments submitted with the application.

1. Site-specific design, corner/side garden guidance and planning assessment

This is, in my view, a poor-quality and generic house design for a sensitive corner/side garden site in an established residential area. Section 12.3.7.5 of the County Development Plan, concerning Corner/Side Garden Sites, provides guidance on size, design, layout and the relationship with the existing dwelling and immediately adjoining properties. Such a site calls for a carefully considered design that responds specifically to its location and neighbouring homes.

I am concerned that the proposal does not demonstrate that level of site-specific design or adequate consideration of its relationship with the existing house and adjoining properties. The Council should have assessed the proposal carefully against this guidance. If permitted in its current form, the development risks amounting to disorderly development and setting an undesirable precedent for other established residential areas.

2. Loss of privacy and overlooking from bedroom windows

My concern is particularly about the first-floor rear bedroom window of the proposed house and the potential for occupants to look directly or obliquely into the private rear garden and outdoor living areas of No. 396. The proposed window is approximately 3 metres from the rear boundary of the garden at No. 396. Although the window is shown at an angle on the drawings, I am concerned that this arrangement would not prevent a person inside the bedroom from seeing into our garden.

The Council's Condition 3 requires obscure glazing only for the first-floor bathroom window on the rear elevation. That condition does not resolve the separate concern about overlooking from the bedroom window. Bathroom windows are not the issue I am raising.

Previous proposals for this site also included rear first-floor bedroom and bathroom windows in a similar position. The current proposal again raises the same fundamental concern. I ask the Commission to examine the position, height, orientation and sightlines of the bedroom window, and to consider whether it would cause unacceptable overlooking and loss of privacy. If permission were otherwise contemplated, any design changes or restrictions required to protect our garden would need to be clear and enforceable.

3. Loss of daylight and sunlight; absence of assessment

The proposed two-storey building would be close to our property, with the development approximately 3 metres from the rear boundary of No. 396. Its height, bulk and position raise serious concerns that it would obstruct daylight and sunlight reaching our rear garden and cause significant overshadowing. Our garden is an important part of our home and family life. A substantial reduction in natural light would make it less pleasant and less usable, particularly during the years when we hope to enjoy it in our retirement.

I understand that no Daylight, Sunlight and Overshadowing Assessment was provided with the planning application. In the absence of such an assessment, the effect on No. 396 has not, in my view, been adequately demonstrated. I am particularly concerned that the rear garden could experience very substantial loss of sunlight and prolonged overshadowing. I ask the Commission not to assume that acceptable daylight and sunlight conditions will be maintained without proper evidence, and to consider whether the application should have included a detailed assessment of the impact on the rear gardens of Nos. 396 and 398.

4. Overbearing impact, scale, ridge height and established character

The addition of a two-storey detached dwelling immediately beside our home would change the outlook and feeling of our garden. In combination with the existing buildings and trees around the site, the proposed house risks making our garden feel enclosed and overlooked. The combined effects of its scale, height, massing and proximity—not simply the presence of another house—are what concern us.

The site is at the end of a line of terraced houses along Nutgrove Avenue, extending from No. 398 towards No. 440. Previous applications, including D26A/0030/WEB and PL06D.322914, proposed detached houses with ridge heights higher than the existing terrace, allowing additional accommodation at roof level, including a third-floor bedroom. I am concerned that the current detached-house design could similarly be constructed with a ridge height materially higher than the adjoining terrace, or could facilitate additional accommodation at roof level. A higher ridge and inappropriate roof form would be visually intrusive and could damage the established character and amenity of the area.

I ask the Commission to examine the proposed ridge height, roof form and overall scale in relation to the existing terrace and neighbouring homes. The proposal should be assessed under the County Development Plan guidance for corner/side garden sites, including Section 12.3.7.5. I am concerned that it does not sufficiently respond to the site and risks overdevelopment or an undesirable precedent.

5. Previous planning history and neighbouring amenity

I respectfully draw attention to the previous appeal concerning this site, reference ACP-322914-25. In that case, the Inspector considered the impact on 396 Nutgrove Avenue and identified concerns about overlooking, loss of privacy and an overbearing impact. I recognise that the present application is different in scale and design. However, I ask the Commission to consider the previous findings carefully and to be satisfied, on the evidence for this application, that the concerns affecting our property have genuinely been resolved.

The planning history also includes application D26A/0030/WEB, which was refused for a three-storey detached house, and appeal reference PL06D.322914, which concerned two three-bedroom, two-storey houses. I ask that the relevant decisions and reports be considered when assessing whether the current proposal has adequately addressed the site constraints and effects on neighbouring properties.

6. Private open space and layout

The submitted plans appear to show approximately 35 square metres of private open space for the proposed house, rather than the 60 square metres referred to in the planning material as the applicable standard. I ask the Commission to verify the applicable standard and assess whether the proposal provides adequate, usable private open space.

The private open space appears to be divided into two separate and unconnected areas: a triangular area of approximately 20 square metres at the rear and an area of approximately 15 square metres to the side. The rear area appears to provide only about half of the 40 square metres referred to in the appeal material as the relevant rear private open space requirement. Their limited size, shape and separation raise concerns about whether they would provide satisfactory amenity for the occupants over the long term. A house intended to serve residents for many years should have private open space that is adequate in both size and usable shape.

7. Parking provision and existing parking pressure

The application appears to show one parking space for each of the existing and proposed three-bedroom houses. The site is identified as being in Zone 2, and Table 12.5 of the County Development Plan sets out the relevant parking standards. I understand that the standard for a three-bedroom house in this zone is two spaces. I ask the Commission to verify whether the proposed provision complies with the applicable standard, including whether the existing house at No. 398 has adequate space to park two cars safely.

Parking in this part of Nutgrove Avenue is already difficult. The terraced houses along this section of the road were built without on-site parking spaces, and vehicles often park on both sides, leaving limited room for other traffic to pass. The additional dwelling could add to the existing pressure and inconvenience for residents.

8. Traffic management, access, turning movements and pedestrian safety

The proposed vehicular access appears to be approximately 5 metres from the turning circle at the junction of Nutgrove Avenue and the cul-de-sac. I am concerned that this may be too close to the turning area and could create conflict between vehicles entering or leaving the property and vehicles using the junction. The location should be assessed in terms of visibility, turning movements, manoeuvring and road safety.

I understand that no Traffic Turning Circles Assessment was included with the application. I ask the Commission to consider whether an appropriate assessment was required to demonstrate that vehicles can enter, leave and manoeuvre safely without creating hazards or obstruction.

Nutgrove Avenue is a route between Churchtown and Rathfarnham and carries substantial traffic. Residents sometimes have to reverse from properties onto Nutgrove Avenue, and children play in the area, particularly at weekends. The additional access and vehicle movements could worsen existing safety concerns. I ask the Commission to consider the actual on-street conditions and pedestrian safety, rather than assessing the proposed entrance in isolation.

9. Flood risk and missing supporting assessment

I also understand that no Flood Risk Assessment was included with the planning application. I ask the Commission to consider whether a flood risk assessment was necessary for this site and, if so, whether the absence of that assessment means that the application has not adequately demonstrated that the proposed development is appropriate and safe in this respect.

10. Side gable wall and boundary treatment

The proposed detached two-storey house appears to have a blank side gable wall facing Nutgrove Avenue. I ask the Commission to assess this design against the Development Plan guidance concerning side gable walls facing corners on estate roads and to consider its effect on the streetscape and established character of the area.

The application does not appear to specify clearly the proposed boundary treatment around the site and between the existing and proposed dwellings. I ask that suitable boundary treatments be identified and that existing boundary treatments be retained or reinstated where possible.

11. Impact on our family home, retirement and property value

After more than 25 years in this family home, we had hoped to enjoy our retirement with a reasonable degree of peace, privacy and natural light in our garden. The prospect of being overlooked and having daylight reduced, with a larger building close beside us, would have a lasting effect on our enjoyment of the home in which we have invested so much of our lives.

We are also seriously concerned that these impacts could adversely affect the market value and future saleability of our property. We appreciate that property value is not, by itself, the test for deciding a planning appeal; we raise it as a further consequence of the potential loss of privacy, light, outlook and residential amenity.

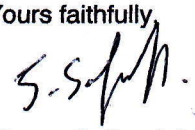
Request to the Commission

I fully understand that appropriate housing development is important. However, development should not come at the expense of the reasonable privacy, daylight, safety and residential amenity of established neighbouring homes. We are not asking for special treatment; we are asking that the effect on our family home be properly recognised and given careful weight.

For all of the reasons set out above, I sincerely ask An Coimisiún Pleanála to allow this appeal, overturn the Council's decision and refuse permission for the proposed dwelling at 398 Nutgrove Avenue. I would be extremely grateful if the Commission could prevent a development in this form from being built immediately beside our home, where it could seriously diminish the privacy, light and enjoyment of our family garden.

Thank you for taking the time to consider my concerns and the impact this development may have on our home and our lives.

Yours faithfully,



Siroos Sofizadeh
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