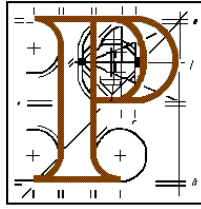


An Bord Pleanála



Inspector's Report

Appeal Reference No: 06D.245514

Development: Retention permission for an entire two storey extension with dormer roof, dormer roof window to front and two roof windows to rear, all as constructed to the rear of existing two storey dwelling and all associated siteworks at 51 St. Fintans Villas, Deansgrange, Co. Dublin. Planning permission for a two storey extension was previously granted under planning ref. D14B/0100.

Planning Application

Planning Authority: Dun Laoghaire Rathdown Co. Co.
Planning Authority Reg. Ref.: D15B/0261
Applicant: Brian and Helen McDonald
Planning Authority Decision: Split decision

Planning Appeal

Appellant(s): Brian and Helen McDonald
Type of Appeal: First Party
Observers: None
Date of Site Inspection: 10th December 2015

Inspector: Emer Doyle

1.0 SITE LOCATION AND DESCRIPTION

The appeal site is located at No. 51 St. Fintan's Villas, Deansgrange, Co. Dublin. The appeal property is a semi-detached two storey dwelling with a stated floor area of 185 square metres. The original house had an area of 83 square metres and the extension comprises of 102 square metres. The site has a stated area of 0.039 hectares. The area is characterized by a mix of two storey dwellings, many of which have been extended and modified.

A set of photographs of the site and its environs taken during the course of the site inspection is attached.

2.0 PROPOSED DEVELOPMENT

The development to be retained comprises of the following:

- Retention of entire two storey extension with dormer roof, dormer windows to front and two roof windows to rear.
- The total area of the extension is 102 square metres.

3.0 PLANNING HISTORY

PA D14A/0100/ PL06D.243451

Permission granted by Planning Authority to demolish a single story flat and pitched roof extension at the rear of an existing two storey dwelling and replace with a two storey pitched roof extension to the rear of the two storey dwelling, new roof windows and all associated site works.

The decision was appealed to the Board and the Board amended condition 2 as follows:

'The proposed first floor extension shall be recessed along the Eastern boundary with the adjacent property by a depth of 1.7 metres (North-South direction) for a width of 3 metres (East-West direction). Drawings showing this amendment, including revised roof proposals shall be submitted to and agreed in writing with, the planning authority prior to the commencement of work on site.

Reason: To protect residential amenity.

Enforcement- ENF 121/15

Warning letter issued with regard to construction of dormer window.

4.0 PLANNING AUTHORITY DECISION

4.1 TECHNICAL REPORTS

Planning Report

The planner's report considered that the retention of the two-storey extension to the rear, as constructed was acceptable. It considered that the dormer window was overbearing and visually obtrusive from the adjoining streetscape.

4.2 Planning Authority Decision

Dun Laoghaire Rathdown issued a split decision and issued a notification to grant permission for the retention of the extension and refuse permission for the retention of the dormer roof and dormer roof window.

Condition 3 required that the dormer roof and window to be retained shall be omitted from the development. Works to remove this structure shall be completed within 6 months of the date of the final grant of retention permission.

The reason for refusal in relation to the dormer roof and dormer roof window is as follows:

'The dormer roof and window to be retained, by reason of its design, scale, position and projection above the existing ridgeline, appears over dominant and visually obtrusive in the front and side roof slopes and, therefore, detracts significantly from the visual amenities of the existing streetscape. The dormer roof and window to be retained is out of character of the existing and adjoining dwellings and, if permitted its retention would create an undesirable precedent for similarly scaled developments in the vicinity. The development to be retained would, therefore, seriously injure the amenities or depreciate the value, of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.'

5.0 GROUNDS OF APPEAL

A first party appeal against the Council's decision was submitted on behalf of Brian and Helen McDonald. The grounds of appeal and main points raised in the submission can be summarised as follows:

- The refusal by the Planning Authority of the dormer roof will impact on the usability of this space which is essential to accommodate their expanding family.

- The applicants submitted a compliance drawing in relation to condition 2 of PL.06D.243451 which indicated the dormer roof and which was deemed acceptable by the Council.
- Letters of support are attached to the appeal from neighbouring houses.
- It is considered that the appearance of No. 62 St. Fintan's Villas is similar to the current appeal.
- The impact on the streetscape is minimal.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority Response

The Planning Authority response can be summarised as follows:

- Whilst it is noted that the dormer structure was indicated on a section drawing accompanying the compliance drawing submission for PL 06D.243451, this compliance condition related to the first floor extension only, and was assessed in respect to the first floor extension.
- The dormer window and roof appears visually dominant and overbearing when viewed from the adjoining streetscape.
- The development permitted at No. 62 St. Fintan's Villas is set back from the main roof of the dwelling with a part pitched/part sloped roof and as a result is not clearly visible from the streetscape, and was therefore deemed acceptable at this location.
- It should also be noted that an increase in the height of the rear extension, as constructed on site was deemed acceptable in the assessment of this application.

6.2 Observations

None.

7.0 POLICY CONTEXT

The Dun Laoghaire Rathdown Development Plan 2010 - 2016 is the operative County Development Plan for the area.

Zoning

The site is located within an area zoned as Objective A 'To protect or improve residential amenity.'

Section 16.3.4 of the Development Plan refers to residential extensions.

ASSESSMENT

Having examined the file and having visited the site I consider that the main issues in this case relate to:

1. Principle of Proposed Development
2. Impact on Visual Amenity
3. Appropriate Assessment

PRINCIPLE OF PROPOSED DEVELOPMENT

The subject site is located within lands zoned 'Objective A' of the operative County Development Plan, which seeks to protect and/or improve residential amenity and where residential development is permitted in principle subject to compliance with the relevant policies, standards and requirements set out in the plan. Accordingly the principle of an extension is acceptable at this location.

Impact on Visual Amenity

Permission was granted by the Planning Authority for an extension at this location under PA D14B/0100. The Board dealt with an appeal under PL 06D.243451 under Section 139 of the Planning and Development Act and amended condition 2 as follows:

'The proposed first floor extension shall be recessed along the Eastern boundary with the adjacent property by a depth of 1.7 metres (North-South direction) for a width of 3 metres (East-West direction).

The Board considered that the extension as proposed could have an overbearing and overshadowing impact on the property to the East and that it therefore required modification in order to protect residential amenity.

This retention application indicates a number of alterations including the following:

1. Dormer roof extension, attic floor, dormer window to the front and two velux windows to the rear.
2. Increase in length of two storey extension from 6.7 metres to 6.81 metres.
3. Recess of two storey element by 3.29 metres rather than the 3 metres stated in condition No. 2 as amended in the decision of An Bord Pleanála.
4. Increase in height of two storey extension from 7.23 metres to 8.15 metres.
5. Alterations to side and rear elevations.

I consider that the alterations relating to the revisions to the elevations, the increase in length of the two storey extension and the increase in the separation distance to the property to the east at first floor level are minor and acceptable.

The main area of concern relates to the visual impact of the dormer roof and window and the Planning Authority refused this element for reasons relating to visual dominance and overbearing impact.

The overall height of the property is higher than the existing ridge height, however it is separated from the main roof, located to the rear, and not clearly visible and therefore does not unduly impact on the visual amenity of the streetscape in my view.

The policy in relation to dormer extensions to roofs is set out in Section 16.3.4 of the Development Plan as follows: *'dormer extensions to roofs will be considered with regards to impacts on existing character and form, and privacy of adjoining dwellings. The design, dimensions and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be overriding considerations. Dormer extensions - whether a functional roof space or light access - shall generally not form a dominant part of the roof and shall normally be positioned away from all edges of the parent roof. Particular care will be taken in evaluating large dormer window structures - due to potential excessive overlooking of adjacent properties and the possibility of visual dominance when viewed from the surroundings.'*

Whilst the dormer roof is large in width and extends approximately 772mm above the height of the roof of the older part of the dwelling to the front, I do not consider that it is visually dominant when viewed from the streetscape directly to the front of the dwelling. I consider that it is most prominent in a local context when approaching the site from the west. I do not consider that the impact is overbearing. Furthermore I am satisfied that the scale, form, and design of the dormer roof does not overwhelm or dominate the original form or appearance of the existing dwelling and that the extension does not have a significant negative impact on the established character or visual amenities of the area. The view from the dormer window to the front looks out onto the existing roof and as such the development does not overlook adjacent properties.

On the site inspection, I noted that there is a huge variety in the types of extensions that have been granted in this estate to date. The appeal refers to No. 62 St. Fintan's Villas and photographs of same are attached to my report, the appeal, and with the application documentation originally submitted with the application. In my view, the impact of the both of the extensions at the current appeal and No. 62 St. Fintan's Villas is similar and I do not consider that the extensions in either case are overbearing, visually dominant, or out of character with existing houses in the area.

This is mature residential area and many of the existing houses have been extended and altered over time. In my view, the dormer extension will

satisfactorily integrate into the existing streetscape. Having regard to varied nature of existing and permitted development in the area and the layout and orientation of the proposed development, I am of the view that the proposed extension would not unduly impact upon the residential amenity of the neighbouring properties and would satisfactorily integrate into the existing streetscape.

Appropriate Assessment

Having regard to the nature and scale of the development and proximity to the nearest Natura 2000 site, I am satisfied that the proposed development either individually or in combination with other plans and projects would not be likely to have a significant effect on any designated Natura 2000 site and should not be subject to appropriate assessment.

RECOMMENDATION

Based on the above assessment, I recommend that permission be granted for the existing development for the reasons and considerations set out below:

REASONS AND CONSIDERATIONS

Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2010-2016, to the pattern of existing development in the area and to the design and scale of the existing extension, it is considered that, subject to compliance with the conditions set out below, the proposed development to be retained would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic safety and convenience. The development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be retained in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

3. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid within three months of this decision or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Emer Doyle
Inspector

21st December 2015.