



An
Bord
Pleanála

Inspector's Report PL06D.246737

Development	Retain second floor rear extension at 6 Goatstown Road, Dublin 14.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D16B/0117
Applicant	Jon and Emer Ross
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Appellant	Emer Ross
Observer	None
Date of Site Inspection	23 rd August 2016
Inspector	Mairead Kenny

1.0 **Site Location and Description**

The appeal relates to a semi-detached dwellinghouse located at Goatstown Road. The site context includes the commercial development nearby at the junction of Goatstown Road and Taney Road including the Goat public house. From the rear garden of the subject site a three storey commercial building located at Taney Road is visible. That commercial premises adjoins a petrol filling station. To the rear of the residential development at Goatstown Road is another residential street Taney Grove.

The site contains the semi-detached house at no. 6, which is connected to no. 4 Goatstown Road. At the front the parking area and drive-way are shared with another house no. 8. The building line of the semi-detached houses is staggered so that the (original) rear façade of the subject site is set back from that of no. 8. None of the houses in the immediate vicinity of the site have been substantially modified at roof level. The houses are finished with simple pitched gable roofs with brown roof tiles.

Photographs of the site and surrounding area which were taken by me at the time of my inspection are attached.

2.0 **Proposed Development**

Permission is sought for development described as follows:

- retention for an unauthorised second floor rear extension.

The application form details indicate that the existing buildings are 187 square metres in area and that the development would reduce this by 4 square metres.

3.0 Planning History

Planning Reg. Ref. D13B/0375 permission was granted for extensions and alterations to 6 Goatstown Road including a second floor rear dormer to light a proposed master bedroom and ensuite. The planner's report describes the dormer as sensitively designed, in accordance with the development plan policy and that it is subservient to the receiving roof. Front roof level velux windows were omitted by condition. Permission granted.

Planning Reg. Ref. D14A/0494 relates to retention to include omissions and changes including 'change in design to dormer window to rear'. This was assessed under section 16.3.4 of the 2010 development plan. Permission was granted for retention of certain alterations and refused for the change in design to the dormer window to the rear for reason of its design and scale, overly dominant visually obtrusive and discordant nature when viewed from adjoining properties. The planner referred to precedence case at 16 Goatstown Road D13B/0345 - permission refused for two reasons one of which related to the design and scale of the dormer extension which was deemed to be overly dominant and visually obtrusive when viewed from adjoining properties.

Under Planning Reg. Ref. D15B/0041 permission was granted for retention and modification of an unauthorised dormer extension at the site and other works. The planner's report notes that an objection was received from the owner / occupiers of 3 Taney Grove on the basis of proportion and character and overlooking. Policy context was the 2010 development plan. The alterations were described as a 'significant improvement on what was constructed' and the planner noted the 'reintroduction of a sloped roof'. Overlooking was not deemed to be an issue. By condition there was a requirement to undertake the modifications to the dormer extension within 24 months.

4.0 **Planning Authority Decision**

4.1. Planning and Technical Reports

Drainage Planning Section has no objection.

The report of the **Case Planner** refers – the 2016-2022 development plan in force. The applicant's cover letter describes errors made in the initial plans and describes advice received. The position of the Planning Authority has been consistent throughout previous applications. The relevant policy context is described. The constructed dormer feature is contrary to the requirements of the plan. It does not just form a dominant part of the roof Effectively there is no roof. It is not set back from the eave or gables and is visually extremely dominant. While views may be limited from the public road the untypical roof profile is clearly visible – in any case the issue is not visibility from the public road but consistency with the development plan requirements. The dormer is not in any way consistent with the development plan requirements.

4.2. Decision

The Planning Authority decided to refuse permission for the reason summarised below:

- by reason of its design and scale the second floor rear dormer structure is overly dominant, visually incongruous and materially contravenes the development plan requirements, is seriously injurious to the visual amenity of the area and would depreciate the value of property and set an undesirable precedent.

5.0 **Grounds of Appeal / Observations**

5.1. Grounds of Appeal

The appeal lodged by the owner/occupier includes the following points:

- the house was previously derelict and the works undertaken were all carried out in good faith and on the basis of professional advice
- as there are similar dormer structures in the area and in the wider area we accepted the advice
- we disagree that the dormer by reason of its scale and design is overly dominant and visually incongruous at this location, which is dominated by a much taller larger structure that dominates the surrounding properties
- there is limited visibility and minimal visual impact from the public road and from the rear of neighbouring houses
- the dormer can only be seen for a short length along Goatstown Road and not at all from any other street
- the visual impact of the slightly wider as constructed dormer is almost the same as that previously permitted having regard to the limited visibility and screening by large trees
- no complaints have been made and no submission on any of the applications which indicates that concerns do not arise
- there are many three storey residential developments in the immediate area and permission was granted for a similar extension at 219 Rochestown Avenue under D05B/0311
- permission should be granted.

5.2. Observations

None.

6.0 Responses

6.1. Planning Authority

The response of the Planning Authority may be summarised as follows:

- background noted but does not justify a permission for retention of a feature that is entirely contrary to the development plan
- overly dominant and visually incongruous – comparison with other development at different locations is unreasonable
- differs materially and significantly from permitted both of which were consistent with development plan at time
- contravenes development plan and would set extremely undesirable precedent.

7.0 **Policy Context**

The policy set out in section 8.2.3.4(i) of the DLRCDP 2016-2022 refers.

8.0 **Assessment**

The development comprising an application to retain the development under taken as constructed is deemed by the Planning Authority to contravene materially the policies of the development plan.

The appellant has referenced three storey development in the area and in the immediate vicinity of the site and there is a commercial three-storey structure nearby which is clearly visible from the rear gardens. I accept that the three storey nature of the development is not a departure from the established form in the wider area and would not be deemed to be incongruous in this respect.

Notwithstanding the above I submit that the primary focus of the Planning Authority in determining this application was on compliance with the development plan. I will first consider the development in this regard.

The recently adopted development plan builds on the previous plan and pursues a similar approach in the matter of considering applications for dormers and for alterations at roof level. The specific policy reference to dormers is that they will be considered with regard to impacts on existing character and form and the privacy of adjacent properties.

I consider that the constructed roof level extension comprises a third floor at a two-storey property and in an area where roof profiles are largely in their original forms. I consider that the development in this regard is completely at odds with the existing character and form.

Further there is a specific requirement in the development plan that 'dormer extensions shall be set back from the eaves, gables and / or party boundaries'. None of this is achieved in the current proposal. In this regard the development plan is materially contravened in my opinion. This aspect of the design also sets the development apart from that which was recently permitted at this site.

Regarding the impact on residential amenities I consider it relevant to expand on a point made in the application cover letter. It appears to be correct that there was no objection to the original application or complaints about the completed development. I would however draw the attention of the Board to the planners report under Planning Reg. Ref. D15B/0041 which indicates that an objection to that application was received. No objections were received in relation to the current application. I note and agree with the Planning Authority that overlooking is not a material issue in view of the very long rear garden.

I share the conclusion of the Planning Authority that the development materially contravenes the adopted development plan policy and would be considered to constitute an overly dominant and structure. I consider that the proposal is poorly

designed, is visually obtrusive and would set an undesirable precedent. The bulk of the second floor level is a marked contrast to the existing roof profile of adjacent houses. While it is not highly visible from the public realm it is not in harmony with the existing structure or adjacent structures.

I do not consider that the circumstances arise for the Board to grant permission for this development having regard to section 37(2)(b) of the Act. In particular there are no conflicting or unclear objectives in the development plan. I consider that the stated policy for dormer extensions is relevant.

9.0 Recommendation

I recommend that permission be refused for the reason and considerations below.

REASONS AND CONSIDERATIONS

It is required under section 8.2.3.4(i) of the Dun Laoghaire Rathdown County Development Plan 2016-2022 that applications for dormer extensions will be considered with regard to impact on existing character and form, taking into consideration the design dimensions and bulk relative to the overall size of the dwelling and that dormer extensions shall be set back from the eaves, gables and / or party walls.

It is considered that the proposed dormer extension, by reason of its detailed design and scale, materially contravenes the development plan policy and would be out of character with the area and seriously injure the visual amenities and depreciate the value of adjoining properties by reason of visual obtrusion. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Mairead Kenny
Senior Planning Inspector

29th August 2016