

An Bord Pleanála



Inspector's Report

Appeal Reference No: 06D.247332

Development: Permission for alterations to existing semi-detached dwelling consisting of demolition of existing garage annex of 33m² and extensions at ground floor to front, side and rear and a new dormer level within existing roof line with three bedrooms with overall new extension of 123.8m², revised off-street parking access and all ancillary works.

Planning Application

Planning Authority: Dun Laoghaire Rathdown Co. Co.
Planning Authority Reg. Ref.: D16A/0512
Applicant: Oliver Crampton
Planning Authority Decision: Grant permission

Planning Appeal

Appellant(s): Kevin Cullen
Type of Appeal: Third Party
Observers: None
Date of Site Inspection: 12th December 2016

Inspector: Emer Doyle

1.0 SITE LOCATION AND DESCRIPTION

The appeal site is located at No. 18 Highfield Park, Dundrum, Co. Dublin. The site is within an established residential area and has a stated area of 0.038 hectares.

The existing dwelling on the site is a semi-detached bungalow with a stated floor area of c. 120 square metres. There is no parking within the grounds of the site but parking for one car is available in a garage which opens directly onto the public road and is attached to the side of the dwelling. There is a pedestrian access to the dwelling.

Highfield Park is a mature residential area with a wide variety of housing including some infill sites and a development of terraced 2/3 storey housing on the opposite side of the road adjacent to the appellant's dwelling at No. 16 Highfield Park.

2.0 PROPOSED DEVELOPMENT

The proposed development comprises of the following:

- Demolition of existing garage and shed to the side of the dwelling and construction of dining, living room and porch at ground floor level (Additional area of 46m².)
- Development of new attic floor comprising of 3 No. bedrooms and a bathroom (Total Attic Floor Area 77.6m².)
- Relocation of existing pedestrian entrance and construction of new vehicular entrance.

3.0 PLANNING HISTORY

PA 16A/0231

Permission refused for similar application for one reason only as follows:

It is considered that the proposed rear dormer windows by virtue of their close proximity to the common boundary would result in excessive overlooking of the adjoining property's (No. 20) amenity space. The proposed development would therefore seriously injure the amenities of properties in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

I note that there is no difference in the floor area between the current application and the history file. Essentially the main difference with the current application is the direction that the dormer windows serving bedrooms 1 and 3 face. I note also that the window of bedroom 4 on the ground floor faces away from No. 20 and into a patio area on the site and the access to the site is reduced to 3.5m in accordance with the requirements of the Development Plan.

4.0 PLANNING AUTHORITY DECISION

4.1 TECHNICAL REPORTS

Planning Report

The planner's report noted that 2 No. submissions had been received. It was considered that the revised design addressed the previous reason for refusal on the site and that the proposed development would not significantly detract from the established character and built form at this location.

Drainage Planning

No objection subject to conditions.

4.2 Planning Authority Decision

Dun Laoghaire Rathdown issued a notification of decision to grant permission subject to 7 No. standard conditions.

5.0 GROUNDS OF APPEAL

A third party appeal against the Council's decision was submitted by Kevin Cullen. The grounds of appeal and main points raised in the submission can be summarised as follows:

- The design of the dormers is contrary to the Development Plan policy.
- Concern regarding overlooking of his property and in particular his back garden.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority Response

The Planning Authority response can be summarised as follows:

- The Board is referred to the previous planner's report.
- It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.2 First Party Response

The First Party response can be summarised as follows:

- The design of the dormers has been approved by the Council and it has been determined that the design meets Development Plan requirements.
- The dormers are below the ridge line of the existing dwelling and the material used is one of the most widely used materials in Dublin.
- There is no overlooking from the dormer window having regard to the public road in between and the distance of 18m from the appellant's boundary.

6.3 Observations

None.

7.0 POLICY CONTEXT

The Dun Laoghaire Rathdown Development Plan 2016 - 2022 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 8.2.3.4 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 Residential Amenity
3. Visual Impact
4. 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 Residential Amenity

The main issue raised in the appeal relates to potential for overlooking from the dormer windows overlooking the appellant's property and his rear garden in particular.

Having regard to the layout and design of the proposed extension, there is only one dormer window which could give rise to the potential for overlooking which is the proposed dormer window for Bedroom No. 3. This window is located approximately 7m from the eastern site boundary and faces directly onto the public road. The appellant's property is on the opposite side of the road at this location. Having regard to the design of the proposed extension, the distance between the properties, and the public road between both properties, I do not consider that there would be significant overlooking from the proposed dormer windows. As such I am satisfied that the proposed dormer windows would not unduly impact on the residential amenities of nearby properties.

Visual Impact

The main concern raised in relation to the visual impact relates to the design of the dormer windows. The appeal states the following:

'The proposed dormers – in the form of box like projections are completely at odds with the scale, proportion, character and architectural style of the roofspace of the existing dwelling and the adjoining and neighbouring dwellings.'

This is an established mature residential area with a wide variety of house types and designs in the vicinity. The site is a corner site which is quite prominent and visible from the public realm. The requirements set out in Section 8.2.3.4 are that dormer extensions should use high quality finishes and shall be set back from the eaves, gables and/or party walls. The design, dimensions and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be overriding considerations.

I consider that the scale and proportions of the proposed dormers are appropriate to the house design. The zinc finish proposed is of a high quality and the dormers are located appropriately in the roof space and

are not visually dominant or overbearing. I note that a similar design has been carried out at a similar house type at No. 50 which in my view is very attractive and in keeping with the visual amenities of the area.

Having regard to my site inspection and the pattern of existing development in the area, I consider that the design proposed is appropriate to the context of the site and will not have a detrimental visual impact at this location.

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 proposed 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 2016- 2022, to the pattern of existing development in the area and to the design and scale of the proposed extensions, it is considered that, subject to compliance with the conditions set out below, the proposed development 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 proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed 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. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development

and the development shall be carried out and completed out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The width of the proposed widened vehicular entrance shall be a maximum of 3.5 metres.

Reason: In the interests of the proper planning and sustainable development of the area.

3. Prior to commencement of development, details and samples of all proposed external finishes shall be submitted to, and agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

4. 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.

5. Site development and building works shall be carried out only between 0800 hours and 1900 hours from Mondays to Fridays inclusive, between 0800 hours and 1400 hours on Saturdays and not at all on Sundays, Bank or Public Holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

6. 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 prior to the commencement of development 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
14th December 2016