



An
Bord
Pleanála

Inspector's Report PL29S.248600

Development Retain rear extensions, converted and extended attic area, widened pedestrian entrance to front, 1 no. roof-light provided in front of existing roof and associated alterations to rear.

Location 29 Walkinstown Drive, Dublin 12

Planning Authority Dublin City Council

Planning Authority Reg. Ref. 2463/17

Applicant(s) Dave McCabe

Type of Application Retention

Planning Authority Decision Grant with conditions.

Type of Appeal First Party

Appellant(s) Dave McCabe

Observer(s) None

Date of Site Inspection 22/08/17

Inspector John Desmond

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1.0 Site Location and Description

- 1.1. The application site is situated in southwest of Dublin City Council, close to the boundary with South Dublin County Council. The area is characterised by extensive terraces of suburban housing at relatively low density and the subject property is similar to those in the surrounding area.
- 1.2. The application relates to a mid-terrace dwelling of 147.7-sq.m stated area on a site of c.170-sq.m stated area. The dwellinghouse appears to currently provide rental accommodation.
- 1.3. The dwelling has been extended at ground (c.30.5-sq.m), first (c.21-sq.m) and at attic (box-dormer of c.25-sq.m) levels to the rear. The roof above first floor level is surrounded by a c.700mm high parapet and is accessible from the attic space through glazed double doors. There is an internal bedroom (no.2) at first floor level lit by only by horizontal roof-lights. A roof light has been inserted in the front roof slope.
- 1.4. The front garden is c.7.7m in depth and the majority of same is surfaced in concrete and would appear sufficient to accommodate 2no. off-street car parking spaces. The width of the entrance has been widened to 4.1m.
- 1.5. The rear garden contains a shed of less than 4-sq.m.

2.0 Proposed Development

- 2.1. It is proposed to **RETAIN** the following development:
 - 30.5-sq.m ground floor extension to rear
 - 21-sq.m first floor extension to rear with 5.8m parapet height
 - 25-sq.m attic extension and conversion with 7.49m finished height
 - Widening of front entrance to provide vehicular access and off-street parking for 1no. vehicle
 - Roof-light to front roof slope
 - Associated drainage alterations in rear garden

3.0 Planning Authority Decision

3.1. Decision

GRANT permission subject to 11 no. conditions. The following non-standard conditions were attached amending the development proposed to be retained, to be carried out within 2 years of the date of permission:

No.3 – reduced width of attic dormer, reduced dimension of rear dormer window, required 0.5m set back from eaves and reinstatement of relevant sections of roof, the omission of front attic roof-light, in addition to prohibiting use of attic level as habitable space (condition is stated in full under S.6.1 Grounds of Appeal, below).

No.4 – reduced width of front entrance to 3m for a combined vehicle and pedestrian entrance with fixed gate piers and inward opening (no sliding) gates

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Council's Planning Officer (02/05/17) is consistent with the decision of the Planning Authority, including conditions attaching thereto. The Planning Officer notes that the attic dormer is not consistent with the guidelines under Appendix 17 (s.17.7) of the Development Plan in terms of width and setback from the eaves and roof ridge resulting in it not being visually subservient and thereby it was considered not acceptable in itself or by reason of the precedent it would set. Noting that the ceiling height does not comply with building regulations, he advised that it should only be used as non-habitable space. He recommended that the development be amended accordingly.

He noted the vehicular entrance did not comply with Council policy on provision of car parking and vehicular entrances as set out in leaflet 'Parking Cars in Front Gardens' and that none of the exceptional circumstances applied in this case and therefore it should be amended to meet the requirements.

3.2.2. Other Technical Reports

Drainage (11/04/17) – No objection subject to standard type conditions.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Planning History

Reg.ref.WEB1006/16: Permission **GRANTED** (15/04/16) by Dublin City Council for works consisting of a dormer extension to the rear roof-slope, internal alterations and all associated site-works, at no.31 Walkinstown Green, subject to 9no. conditions. Condition no.2 amended the development proposed for retention, reducing the width of attic dormer to 3.25m, requiring 0.5m set back from eaves and reinstating relevant sections of roof; reducing the dimension of rear dormer window (1m high X 1.3m wide) and prohibiting attic space for use as habitable space.

PL29S.247330 / Reg.ref.3297/16: Permission **GRANTED** by the Board (10/01/17) for two-storey extension with reduced floor area to rear of dwelling, new dormer structure conversion of attic subject to 5no. conditions. Condition no.5 amended the dormer including a lowering of the apex by 200mm and reducing the width to 3m and omitting the roof light from the front roof slope.

5.0 Policy Context

5.1. Development Plan

Zoning objective Z1 *to protect, provide and improve residential amenities.*

Section 16.10.12 Extensions and Alterations to Dwellings: *Applications for planning permission to extend dwellings will only be granted where the planning authority is satisfied that the proposal will: Not have an adverse impact on the scale and character of the dwelling; Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.*

Appendix 17 Guidance for Residential Extensions: S.17.3 Residential Amenity Issues; S.17.4 Privacy: *Extensions should not result in any significant loss of privacy*

to the residents of adjoining properties. Generally, windows overlooking adjoining properties (such as in a side wall) should be avoided. Where essential, the size of such windows should be kept as small as possible and consideration should be given to the use of high-level windows and/or the use of obscure glazing where the window serves a bathroom or landing. Balconies will only be allowed where they are well screened and do not adversely overlook adjoining properties. The use of the roofs of flat roof extensions as balconies can often lead to problems of overlooking.

S.17.11 Roof Extensions: When extending in the roof, the following principles should be observed:

- The design of the dormer should reflect the character of the area, the surrounding buildings and the age and appearance of the existing building*
- Dormer windows should be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible*
- Any new window should relate to the shape, size, position and design of the existing doors and windows on the lower floors*
- Roof materials should be covered in materials that match or complement the main building*
- Dormer windows should be set back from the eaves level to minimise their visual impact and reduce the potential for overlooking of adjoining properties.*

5.2. Natural Heritage Designations

South Dublin Bay SAC Site Code 000210 c.5.6km to the east.

South Dublin Bay and River Tolka Estuary SPA Site Code 004024 c.8.6km to the east.

6.0 The Appeal

6.1. Grounds of Appeal

This First Party appeal concerns the requirements of points a), b), c), d) and e) of condition three of the permission which states:

The development hereby approved shall incorporate the following amendments:

- a) The dormer box projection the subject of this retention, shall be reduced in width to a maximum of 3.25 metres.*
- b) Where the dormer box extension has been reduced as indicated above, the roof of the house shall be re-instated using tiles of similar colour to the existing tiles.*
- c) The window in the dormer box (rear facing) shall be reduced to a maximum of 1 metres (height) x 1.3 metres (width).*
- d) The dormer box shall be set a minimum of 0.5 metres back from the eaves.*
- e) The attic conversion shall not be used for habitable purposes.*
- f) The Velux window on the front plane of the roof of the house shall be omitted.*
- g) Internal modifications to reflect the above.*
- h) The above works shall be carried out within 2 years from the date of this permission.*
- i) The applicant shall submit revised drawings and photographs indicating compliance with the above following completion of modifications.*

Reason: In the interests of protecting the residential amenity of neighbours.

The main grounds of appeal may be summarised as follows:

- The reduction in dormer width (from 5.087m internal width) will require major reconfiguration of roof space and reengineering of same.
- It will necessitate access via scaffolding over existing ridge as it is a terraced dwelling resulting in disproportional building cost to achieve limited additional space.
- It will necessitate relocation of attic stairs further into bedroom 1 rendering it unsuitable for bedroom use, reducing the house from four to three bedrooms.
- The applicant is willing to remove the roof-light from the front roof slope.
- There have been no objections from neighbours either side.

6.2. Planning Authority Response

None.

6.3. Observations

None.

6.4. Further Responses

None.

7.0 Assessment

As this is an appeal against a condition the Board, the Board may, under the provisions of section 139 of the Planning and Development 2000, as amended, confine its deliberations to the condition concerned, or determine the case de novo. I would advise that the application be considered de novo. I consider the main issues arising under this appeal may be addressed under the following headings:

- 7.1 Policy / principle
- 7.2 Visual impact / impact on character
- 7.3 Impact on residential amenities
- 7.4 Other issues
- 7.5 Appropriate Assessment

7.1. Policy / principle

- 7.1.1. Residential development is permitted in principle on this site zone objective Z1 'to protect, provide and improve residential amenities'. Section 16.10.12 of the Development Plan provides that extensions and other alterations to dwellings are generally acceptable where they will not have an adverse impact on the scale and character of the dwelling and will not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight. In this regard, the provisions of Appendix 17 Guidance for Residential Extensions apply. S.17.11 of same advises that *inter alia*, the design of the dormer should

reflect the character of the surrounding buildings, should be visually subordinate and enable a large proportion of the original roof to remain visible and should be set back from the eaves to minimise the visual impact and potential for overlooking.

7.1.2. I could find no policy on vehicular entrance widths under the Development Plan other than within the curtilage of protected structures or where they may impact on trees. I note the reference in the Council Planner's report to Council policy on vehicular entrances in Council leaflet '*Parking Cars in Front Gardens*'. I could not locate a copy of same on the Council's website and it would not appear to be or to form part of a statutory plan.

7.2. Visual impact / impact on character

7.2.1. The proposed extensions are to the rear of the dwelling and are not visible from the street front to the north of the dwelling. Despite the scale of the development, the extensions are fleetingly visible between the ends of terraces to the south and west and the visual impact on the public area is very minor and does not impact on the character of the area.

7.2.2. The scale and design of the rear extensions at three levels, taken together, are very large. The combination of the first floor extension with parapet and the attic level extension which reads as an additional storey rather than a dormer, is excessive, out of character and contrary to the provisions of the Development Plan concerning same under section 16.10.12 and under section 17.11 Roof Extensions under Appendix 17. Condition no.3(a) limited dormer width to 3.5m, (b) requiring reinstatement of roof where dormer structure removed, (c) restricting window to 1m height X 1.3m width and (d) requiring 0.5m setback from the eaves, amending the attic level development may therefore be considered reasonable and proportional.

7.2.3. The limit on fenestration dimension are, in my view, excessive and it would be reasonable to allow one or two windows of not more than 1.1m height (to match that of the first floor windows), in lieu of the existing double doors and window.

7.2.4. The visual impact of the roof-light is negligible and would have no significant impact on the character of this suburban dwelling or the street character within which it is situated. I could find no relevant policy or guidance concerning roof lights on front roof slopes under the Development Plan or its appendices. Whilst the Board omitted

a roof light from the front roof slope within a similar development context under PL29S.247330, I see no reason in omitting the roof light as required under point (f) of condition no.3 notwithstanding the applicant's agreement to comply.

7.2.5. The visual impact of the widened entrance is moderate, but similar development is prolific on the subject street. Condition no.4 amending the entrance width to 3m as a combined pedestrian and vehicular entrance is not unreasonable and is not subject of the appeal.

7.3. Impact on residential amenities

7.3.1. Overbearing – The proposed rear extension, in particular the combination of the first floor extension with raised parapet and the attic level extension, is of very large scale relative to the size of this mid terrace dwellinghouse. There is no comparable development visible within the block or surrounding blocks. I consider the visual impact of the development to be excess on the surrounding residences, including those directly to the rear. Permitting of retention of the attic level rear extension would set an undesirable precedent for the surrounding area. A reduction in the c.700mm high parapet to the first floor rear extension would reduce the visual overbearing of the development, as viewed from neighbouring properties, and would ensure that the amended dormer structure is visible as a dormer structure.

7.3.2. Overlooking – The roof to the first floor level extension is directly accessible by glazed double doors from attic level and is surrounded by a relatively high parapet (c.700mm). Use of the said area as a roof terrace would result in excessive overlooking and invasion of privacy of the neighbouring properties. This is contrary to the provisions for extensions under section 16.10.12 of the Development Plan and section 17.4 of the Guidance for Residential Extensions, concerning privacy, and the retention of same would set an undesirable precedent. Omitting the access and reducing the parapet to the minimum necessary (c.150mm should be sufficient) in addition to prohibiting the use of the space as a roof terrace or accessible space would resolve this issue.

7.3.3. Overshadowing – The rear extensions would not result in an unacceptable level of overshadowing of neighbouring residential properties.

7.4. Other issues

- 7.4.1. I note the practical construction and cost issues raised by the appellant against the modifications required by condition no.3, however the Council's policies and design guidance on such development are unambiguous, reasonable and publicly accessible.
- 7.4.2. I note the applicant's submission that the required amendments may necessitate relocation of attic stairs, affecting the use of bedroom no.1 such that it would not be suitable for use as a bedroom. Although it was evident from the site inspection that the attic level is set out for use as a bedroom, the space does not appear to comply with Building Regulation minimum standards for habitable space in terms of ceiling height. It would also seem likely that the existing staircase to attic level is non-compliant with Building Regulations, being without a landing external to the doorway (the attic level plan does not accurately represent the situation). Access to a non-habitable attic space is not a critical issue in the context. I do not consider it necessary to attach condition no.3(e) prohibiting use of the space for habitable purposes as the space is not proposed as habitable space and would not appear to comply with Building Regulations concerning same.
- 7.4.3. The first floor rear extension has resulted in 1no. internal bedroom at first floor level being lit solely by roof lights, contrary to the Development Plan's Residential Quality Standards (Houses) under s.16.10.2 (Aspect, Natural Light and Ventilation). This is undesirable.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the relatively small scale nature of the proposed development located within the existing built up area, it is not considered that the proposed development would be likely to have a significant effect, directly or indirectly, individually or in combination with other plans or projects on any European site. I consider no Appropriate Assessment issues to arise.

8.0 Recommendation

- 8.1. I recommend that permission be **GRANTED** subject to the conditions set out under section 10.0

9.0 Reasons and Considerations

Having regard to the land use zoning objective for the site, Z1 *to protect, provide and improve residential amenities*, to the provisions and guidelines pertaining to such development under the Dublin City Development Plan 2016-2022, it is considered that the proposed development would not seriously injure the amenities of property in the vicinity and would not be contrary to the proper planning and sustainable development of the area subject to compliance with the conditions under section 10.0.

10.0 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.

Reason: In the interest of clarity.

2. The development shall be amended as follows:
 - (a) the width of the dormer box extension at roof level shall be reduced to a maximum of 3.25 metre;
 - (b) the rear face of the dormer box extension shall be setback at least 0.5m from the original line of the eaves to the rear;
 - (c) the original roof structure, inclusive of eaves, shall be reinstated in full outside the envelope of the reduced box dormer, to be finished in roof tile matching the colour, shape and texture of the existing roof tiles;
 - (d) the setback rear face of the dormer box extension shall contain one or two window openings, neither of which shall exceed 1.1m in height, and shall not contain any door opening(s);
 - (e) the height of the parapet to the first floor rear extension shall be reduced to the minimum practical, being no more than 150mm above finished roof level to the first floor rear extension unless otherwise agreed in writing with the Planning Authority;
 - (f) within 2 years of the date of this decision the developer shall have

submitted proof of the completion of all of the amendments required on foot of this condition;

Reason: In the interest of the visual amenities of the area and of the proper planning and sustainable development of the area.

3. The development shall be amended as follows:

(a) The front entrance shall be reduced in width to a maximum of 3m to serve as a combined vehicle and pedestrian entrance between fixed gate piers;

(b) any entrance gates erected to the combined vehicular and pedestrian entrance shall be inwards opening only.

(c) within 2 years of the date of this decision the developer shall have submitted proof of the completion of all of the amendments required on foot of this condition

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 the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.

Deviation from these times will 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. During construction and demolition phase the development shall comply with British Standard 5228 'Noise Control on Construction and Open Sites Part 1, Code of Practice for Basic Information and Procedures for Noise Control'.

Reason: In the interest of residential amenity.

7. The developer shall pay to the planning authority a financial contribution of €4,449.60 (four thousand, four hundred and forty-nine euro and sixty cents) 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, as amended. The contribution shall be paid prior to 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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

John Desmond
Senior Planning Inspector

28 August 2017