



An
Bord
Pleanála

Inspector's Report PL.08.248735

Development	Convert attic space in dwelling to living accommodation served by dormer window and two roof lights.
Location	No. 3 Barr Na Coille, The Wood, Dingle, Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	17/290
Applicant(s)	Liam Murphy
Type of Application	Permission
Planning Authority Decision	Split Decision
Type of Appeal	First Party
Appellant(s)	As above
Observer(s)	None
Date of Site Inspection	29 th August 2017
Inspector	Kenneth Moloney

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1.0 Site Location and Description

- 1.1. The subject site is located on the edge of the built up area of Dingle, Co. Kerry.
- 1.2. The existing house on the appeal site is located within an established suburban / holiday home type development and the site is elevated with views overlooking Dingle Bay.
- 1.3. The houses within this established development are all single storey in height.
- 1.4. The existing house on the appeal site has a generous front and rear garden.
- 1.5. The appeal property is finished in natural stone and many of the existing houses in the development are finished in a mix of plaster and natural stone.

2.0 Proposed Development

- 2.1. The proposed development involves the insertion of two roof lights to the front roof plain of an existing house. The proposal also includes the conversion of the existing attic space to a living room with the introduction of a dormer roof window to the rear roof plain.
- 2.2. The two proposed roof lights will provide light to the existing hallway.
- 2.3. The proposed living space in the attic will be used as a lounge.
- 2.4. The proposed dormer window is a box style dormer window and the proposal will alter the established rear roof profile.

3.0 Planning Authority Decision

- 3.1. Kerry County Council decided to issue a **split decision** granting planning permission for 2 no. roof lights, subject to conditions, and refusing permission to convert attic space in to living accommodation served by a dormer window.
- 3.2. The attic conversion and dormer window was refused permission for the following reasons;
 - a. It is considered that the proposed conversion of the attic space with associated dormer window would by reason of proximity to houses in the

vicinity, seriously injure the amenities and depreciate the value of property in the vicinity by reason of over-looking and interference with privacy. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

- b. It is considered that the proposed dormer window would not integrate satisfactorily with the existing dwelling house on site and would also be incompatible with the prevalent existing house style in the area. The proposed development would set an undesirable precedent for further similar type developments in the area. The proposal would therefore be contrary to the proper planning and sustainable development of the area.

3.3. Planning Authority Reports

3.3.1. The main issues raised in the planner's report are as follows;

- It is considered that the proposed development would be a significant departure from the remainder of the dwellings within the estate.
- It is contended that the proposed dormer would not integrate well with the dwelling house on the site.
- The proposed roof lights are considered acceptable.
- The existing dwelling is located on a more elevated site than the site situated to the immediate south.
- It is considered that the proposed dormer would result in overlooking of the garden space of the dwelling situated to the south of the proposal. It therefore would interfere with the established privacy of that dwelling.
- There is no likely significant effects to Natura 2000 sites.
- The proposal would not warrant an EIA.
- It is concluded that the dormer would have a negative impact and would interfere with the privacy of the adjoining property to the south.
- It is recommended to grant permission for the 2 no. roof lights but refuse permission of the proposed dormer window.

3.4. **Third Party Observations**

There is no third party submission.

4.0 **Planning History**

- L.A. Ref. 00/391 – Permission **granted** to erect dwelling house with public sewer connection.
- L.A. Ref. 98/2275 – Permission **granted** for the change of bungalow house type (a) to bungalow house type (b).
- L.A. Ref. 97/730 – Permission **granted** to erect 12 detached luxury single storey dwellings and associated site works.

5.0 **Policy Context**

5.1. **Local Area Plan**

The operational Development Plan is the Dingle Functional Area Local Area Plan, 2012 – 2018.

The site is zoned 'Exitsing Residential'.

The subject site is not located within a designated ACA nor is the subject property afforded protected structure status.

5.2. **Development Plan**

The operational development plan is the Kerry County Development Plan, 2015 – 2021.

There are designated protected views towards Dingle Harbour, but there are no protected views from the Harbour towards the aepal site.

6.0 The Appeal

The following is the summary of a first party appeal submitted applicant's agent.

- It is contended that the proposed development is modest.
- The proposal would not compromise the character of the area.
- The proposal will have no negative impact on the character of the area.
- The character of the area is mixed in terms of both design and size.
- The proposal would be consistent with the existing pattern of development in the local area.
- The proposed design is subordinate to the overall ridge height and the roof slope of the existing dwelling.
- The applicant would be satisfied to receive a condition modifying the proposed dormer to ensure a better incorporation to the existing roof space.
- The dormer surrounds is to be clad with slate to further integrate the dormer to the roof profile.
- The dormer will match the existing style and materials of the original house.
- It is contended that the proposed dormer window is sympathetic to the original architectural style and the proposed development is visually acceptable.
- The proposal will have no adverse impact on the established amenities of adjoining properties.
- There are no objections from adjoining property owners.
- The proposed dormer is to the rear of the house so that it is not visible from the public road.
- The applicants would be willing to locate the dormer to the front of the house should An Bord Pleanála consider it acceptable.
- It is submitted that the purpose of the proposal is to provide additional space for a growing family.

6.1. Planning Authority Response

None

6.2. Observations

None

7.0 Assessment

I would consider that the following are the main issues of consideration in this case;

- Principle of Development
- Impact on Residential Amenities
- Design

7.1. Principle of Development

The proposed development involves the provision of 2 no. roof lights to the front roof plain of the existing dwelling and the insertion of dormer window onto the rear roof plain.

The purpose of the proposed 2 no. rooflights is to provide additional light to the established hallway, which has a vaulted ceiling. In principle the provision of 2 no. roof lights to the front roof plain is acceptable.

The purpose of the proposed dormer window is to provide additional living space within the attic of the house. The submitted floor plans indicate that the attic space will be used for a lounge.

The existing house is a four bedroom detached house and although sizable in terms of floor space the principle of additional living space in the attic area is acceptable having regard to the residential zoning objective of the appeal site.

7.2. Impact on Residential Amenities

The front of the existing house overlooks an established green space which serves as an amenity to the established housing estate. The proposed roof lights which are situated to the front of the existing house, will serve a vaulted ceiling, will have no impact on established residential amenities.

Kerry County Council in refusing permission for this dormer window have outlined concerns in relation overlooking issues towards the immediate property to the south. The appellant, in his submission, states that the proposal will have no adverse impacts on residential amenities and also submits that there is no objection to the proposal from neighbouring residents.

I would acknowledge on the basis of a visual observation of the local area that the appeal property is situated on a higher elevation than that of the immediate residential property to the south. The proposed dormer window would introduce a first floor elevation to an existing single storey house which would look directly towards the established residential property to the south.

The rear elevation of the existing house on the appeal site is set back approximately 12 metres from the established rear boundary of the appeal site. The orientation of the neighbouring property to the south differs to the appeal property as the front elevation faces eastwards. Therefore the proposed dormer window would, should it be permitted, look towards the side of the established property to the south. The side of the existing property to the south is finished in loose stones and is used as a driveway. The northern elevation of the neighbouring single storey property has several windows facing towards the appeal property. These windows generally serve bedrooms.

I would consider, given the established context as outlined above, that the proposed dormer window would be imposing and would indeed introduce overlooking and perceived overlooking of established residential amenities. Furthermore the proposal would, in my view, introduce an undesirable precedent within this established housing estate. I therefore would conclude that the proposed dormer would be injurious to established residential amenities in terms of overlooking.

The appellant, in his submission, requests the Board to consider relocating the proposed dormer window to the front roof plain should the Board be concerned with its location on the rear roof plain. The appeal submission states that the applicant would be amenable to a condition in this regard. However in my view this would be inconsistent with the Development Management Guidelines¹ which recommends under paragraph 7.7 that a condition that radically alters the nature of the development to which the application relates will usually be unacceptable. Therefore I would not recommend such a condition to the Board.

7.3. Design

Kerry County Council's second refusal reason relates to the design of the proposed dormer window. I would accept that issues in relation to the design of the proposed velux roof windows are acceptable.

I noted from my visual observation of the local area that there are no established dormer windows within this existing housing estate. I would also note from the relevant Local Area Plan² that there is no guidance in relation to domestic extensions. Furthermore the appeal property is located outside the designated Architectural Conservation Area for Dingle.

¹ Development Management Guidelines for Planning Authorities, June 2007

² Dingle Functional Area Local Area Plan, 2012 – 2018

Having reviewed the submissions on the file it is my view that the design is not so much the issue as it is proposed to clad the dormer extension with slate and this would integrate the extension with the existing house. However I would consider that the scale of the proposed dormer extension is excessive and this is evident from the submitted side elevations. I would consider that the scale of the proposed dormer extension would be out of character with the established pattern of development and therefore would set an undesirable precedent for other such development. I would therefore concur with the Local Authority's second reason for refusal.

8.0 Recommendation

8.1. I have read the submissions on the file, visited the site, had due regard to the Local Area Plan and the County Development Plan, and all other matters arising. I recommend a split decision in this case, (a) permitting the 2 no. velux roof windows, and (b) refusing permission for the dormer window.

9.0 (a) Reasons and Considerations

Having regard to the zoning objective of the appeal site in the Dingle Functional Local Area Plan, 2012 – 2018, and the extent of the proposed development, it is considered that subject to compliance with conditions set out below, the proposed 2 no. velux roof windows would not seriously injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area

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. 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 in accordance with the agreed

particulars.

Reason: In the interest of clarity.

2. Prior to commencement of development, details of the materials, colours and textures of all the external finishes shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development and the visual amenities of the area.

11.0 (b) Reasons and Considerations

1. The proposed dormer window would be orientated directly towards an established residential property to the south of the appeal site which would seriously injure the residential amenities of the neighbouring property to the south in terms of overlooking and perceived overlooking. The proposed dormer window would seriously injure the residential amenity of the area and would, therefore be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed dormer extension by reason of its scale, would have an overbearing impact, would be visually obtrusive, and would be inconsistent with the character of the area. As such the development would be out of character with, and fail to respect the established pattern of development in the vicinity, and would set an undesirable precedent for similar type of development in the area and would be contrary to the proper planning and sustainable development of the area.

Kenneth Moloney
Planning Inspector

15th September 2017