



An  
Bord  
Pleanála

## Inspector's Report PL 06D.248820

---

<b>Development</b>	Increase width of vehicular entrance, construction of extension and conversion of attic space for use as study/ play room
<b>Location</b>	No. 89 Whitebarn Road, Churchtown, Dublin 14.
<b>Planning Authority</b>	Dún Laoghaire-Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D17A/0356
<b>Applicant(s)</b>	Alan Curran & Judith Archbold
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Alan Curran & Judith Archbold
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	21 <sup>st</sup> September, 2017
<b>Inspector</b>	Kevin Moore

## 1.0 Site Location and Description

1.1. No. 89 Whitebarn Road, Churchtown, Dublin 14 is a semi-detached, two-storey three-bedroom house with a single-storey garage attached to the side. The house has a hipped roof. It is a residential property with curtilage to the front providing a small garden area and driveway and with a deep garden to the rear. The site's front boundary comprises a concrete block wall. The houses along the west side of Whitebarn Road comprise two-storey, semi-detached units primarily. Several have been extended, with varying roof types arising.

## 2.0 Proposed Development

2.1. The proposed development would comprise:

- increasing the width of the existing vehicular access at No. 89 Whitebarn Road from 2.4m to 3.5m,
- removal of an existing single-storey extension to the rear of the house and the construction of a single-storey extension to the side and rear to provide kitchen, dining and utility rooms, and
- the conversion of the attic of the two storey house to accommodate a study/play room and wc, incorporating a dormer window to the rear and a gable wall build up to the existing side hip roof.

## 3.0 Planning Authority Decision

### 3.1. Decision

On 8<sup>th</sup> June, 2017, Dún Laoghaire-Rathdown County Council decided to grant permission for the development subject to 10 conditions. Condition 2 of the decision was as follows:

"2. *Prior to the commencement of works on the site, revised drawings, both floor plans and elevations shall be submitted for the written agreement of the Planning Authority which clearly show the proposed side dormer structure reduced in width to a maximum 3m, omitting the en suite window and replacing it with a velux roof light, and ensuring that the dormer structure*

*remains set down from the ridgeline, and maintains the eaves of the existing dwelling.*

*REASON: In the interest of visual amenity.”*

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planner noted development plan provisions and departmental reports received. The widening of the existing entrance, proposed demolition of the rear extension and the proposed single-storey rear extension were considered acceptable. The proposed rear dormer was considered dominant on the roof plane and changes were recommended to reduce it to a maximum width of 3 metres, with the window changed to a roof light. It was acknowledged that there were examples of changes in roof profile in the immediate area. The proposal was considered not to seriously injure the amenities of adjacent properties. A grant of permission subject to conditions was recommended.

#### **3.2.2. Other Technical Reports**

The Transportation Planning Engineer had no objection to the proposal subject to conditions.

The Drainage Engineer set out the surface water drainage requirements to be met.

### **4.0 Planning History**

I have no record of any previous planning application or appeal relating to the site.

### **5.0 Policy Context**

#### **5.1. Dún Laoghaire-Rathdown Development Plan 2016-2022**

##### Zoning

The site is zoned ‘A’ with the objective “To protect and/or improve residential amenity.”

## Extensions to Dwellings

Plan provisions include:

Roof alterations/expansions to main roof profiles - changing the hip-end roof of a semi-detached house to a gable/'A' frame end or 'half-hip' will be assessed against a number of criteria including:

- Careful consideration and special regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures.
- Existing roof variations on the streetscape.
- Distance/contrast/visibility of proposed roof end.
- Harmony with the rest of the structure, adjacent structures and prominence.

Dormer extensions to roofs will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties. The design, dimensions and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations. Dormer extensions shall be set back from the eaves, gables and/or party boundaries.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The appeal relates to the attachment of Condition 2 in the planning authority's decision that reduces the width of the attic rear dormer to 3 metres. The grounds of appeal may be synthesised as follows:

- Due consideration was not given by the planning authority to Development Plan provisions relating to dormer extensions.
- The proposal complies in respect of its scale relative to the overall size of the garden.
- It is positioned approximately 1.5m from the boundary with No. 91 and does not affect the privacy of this property. It is 4.8m from the boundary with No. 87 and yet a reduction on this side is imposed. The bathroom window would be opaque and, thus, there would be no privacy concerns.

- There will be no area left with reasonable headroom for a bathroom facility.
- No objections were raised by neighbours with regard to the proposals.
- There is precedence on the road and local area with regard to attic rear dormers of the same scale. Examples are provided.

## 6.2. Planning Authority Response

The planning authority considered the grounds of appeal do not raise any matter which would justify a change of attitude to the proposed development.

## 7.0 Assessment

7.1 I am satisfied, having examined the details of the application and having visited the site, that the determination of the application by the Board, as if it had been made to it in the first instance, would not be warranted. Accordingly, I consider that it is appropriate to use the provisions of section 139 of the Local Government (Planning and Development) Act, 2000, as amended, and to consider the issues arising out of the disputed condition only.

7.2 The necessity for the attachment of Condition No. 2 with the planning authority's decision is not warranted. The proposed rear dormer attic has no impact on the public realm and no impact on adjoining residential amenities. Furthermore, it is not in conflict with Development Plan provisions as they relate to extensions to dwellings. The roof change is acceptable under the Plan and, indeed, there are several established precedents in the area as demonstrated by the appellants. The dormer attic itself would have no impact on the privacy of adjacent residents and the design, dimensions and bulk of the provision has no planning or environmental concerns by way of any adverse impacts. There is no planning gain to be made from tinkering with the design proposed by the applicant.

7.3 I note that the reason given for the attachment of condition no. 2 is "*In the interest of residential amenity*". There is no justification for this reason as the proposed dormer attic would have no effect on established residential amenity and, indeed, the

planning authority has not in any way demonstrated how the proposed dormer attic would so do.

7.4 Condition 2 of the planning authority's decision is wholly unnecessary and should be omitted.

## 8.0 Recommendation

Having regard to the nature of condition number 2 the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE the said condition and the reason therefor.

## 9.0 Reasons and Considerations

Having regard to the limited nature and extent of the proposed rear dormer attic, the lack of visibility from the public realm and the lack of any significant effects on the amenities of adjoining residential properties arising, it is considered that condition 2 is unnecessary.

---

Kevin Moore  
Senior Planning Inspector

21<sup>st</sup> September 2017