



An  
Bord  
Pleanála

## Inspector's Report

**PL06D.248913**

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<b>Development</b>	Two storey extension, attic conversion, changes to rear, front and side elevations and all associated site works including widening of front driveway to existing house.
<b>Location</b>	34 Nugent Road, Churchtown, Dublin 14
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D17A/0255
<b>Applicant(s)</b>	Martin and Sandra Mulhall
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	To Grant Permission subject to conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Fionnuala Croke
<b>Observer(s)</b>	Eamonn Croke and Rita Walsh
<b>Date of Site Inspection</b>	24 <sup>th</sup> October 2017
<b>Inspector</b>	Erika Casey

## 1.0 Site Location and Description

- 1.1. The subject site is located on Nugent Road, Churchtown, Dublin 14 and has an area of 0.468 ha. It accommodates a single storey, hipped roof, semi-detached bungalow. There is a single storey garage attached to the western side of the dwelling. The area of the existing dwelling and garage is 93 sq. metres. The general pattern of development in the vicinity is similar in character and is suburban and low density.
- 1.2. The existing dwelling is served by a vehicular entrance and driveway from Nugent Road. There is a generous rear garden bound by a concrete block wall. The house is in need of modernisation.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a new two storey extension to the rear and side of the dwelling. It is proposed to convert the attic and construct 2 no. dormers and 1 no. roof light to the front. The roof profile will be altered as it is proposed to build over the existing garage. The side extension will result in the creation of a straight gable. The works will include elevational amendments to the front, rear and side. Associated works include the widening of the front vehicular entrance.
- 2.2. The proposed extension works have a total floor area of 153.8 sq. metres. At ground floor, an additional 43.4 sq. metres of accommodation will be provided. At first floor level, the area of the extension is 110.4 sq. metres of which 47 sq. metres relates to the footprint of the existing attic space.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1 To Grant Permission subject to conditions. Conditions of note include:

**Condition 3:** All external finishes to harmonise in colour and texture with the existing premises.

**Condition 6:** Glazing to the ground floor bathroom shall be manufactured opaque or frosted glass.

**Condition 8:** Footpath to be dished and strengthened at developer's own expense.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Report (26.6.2017)

- The impact of the two storey extension to the west is not considered an issue. While there is a greater impact on the eastern boundary, it is considered that the additional length and height are not excessive and a reasonable set back of 1.45 metres has been provided.
- It is considered that no overlooking will occur. Private open space to be retained to the rear of the dwelling is in excess of 200 sq. metres.
- It is not considered that the alteration of the roof profile or the side extension will result in a significant adverse impact on the streetscape or result in a visually incongruous feature.
- With regard to the proposed front dormer windows, there is a precedent of such at no. 13. Even if there was no precedent, the absence of a front dormer does not mean that there is a presumption against such a feature. It is not an Architectural Conservation Area. The dormers are modest in context and set back from the roof sides and eaves.

#### 3.2.2. Other Technical Reports

**Transportation Planning (03.05.2017):** No objection subject to conditions.

**Drainage (11.05.2017):** No objection subject to conditions.

### 3.3. Prescribed Bodies

- No reports received.

### 3.4. Third Party Observations

#### **Fionnuala Croke**

- Two storey extension will negatively affect the architectural integrity of the road as all existing houses are bungalows.
- Concerns regarding overlooking, overshadowing and impacts on the aesthetic quality of the adjoining dwelling.
- Impact on property values.
- Inaccuracies in architectural drawings.

## 4.0 Planning History

4.1 There has been no previous planning history on the subject site. Permission was granted in January 2017 on the adjacent site at no. 32 Nugent Road under Planning Authority Reference D16A/0827 for a development comprising a 40 sq. metre single storey extension, front bay window canopy extension, widening of vehicular entrance, conversion of attic to habitable area, alterations to internal layout and elevations and attic conversion to habitable area.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1 The operative Development Plan is the Dun Laoghaire County Development Plan 2016 – 2022.

5.1.2 The subject site is zoned A: *“To protect and/or improve residential amenity.”* The principle of a residential extension is acceptable under this zoning objective.

5.1.3 Section 8.2.3.4 of the Plan addresses additional accommodation in existing built up areas. This notes the following key points:

- In determining first floor extensions the Planning Authority will have regard to factors such as:
  - Overshadowing, overbearing and overlooking - along with proximity, height and length along mutual boundaries.
  - Remaining rear private open space, its orientation and usability.
  - Degree of set-back from mutual side boundaries.
- Side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation), and impacts on residential amenity.
- Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining.
- 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.

- The level and type of glazing within a dormer structure should have regard to existing window treatments and fenestration of the dwelling. Particular care will be taken in evaluating large, visually dominant dormer window structures, with a balance sought between quality residential amenity and the privacy of adjacent properties.
- Criteria to consider where roof alterations are proposed include 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.

## 5.2. **Natural Heritage Designations**

- None applicable.

## 6.0 **The Appeal**

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

- It is contended that there are a number of errors in the architectural drawings submitted with the application. It is unclear as to what the final intention of the application is.
- The front dormer windows are out of character with the existing streetscape. Nugent Road comprises mainly of 1940's bungalows and has retained its architectural integrity and character. The proposed dormers will irrevocably alter the special character of the streetscape. The dormer structures are visually dominant.
- The proposed dormer windows will result in excessive overlooking of bungalows opposite. There is no precedent for front elevation dormers.
- The proposed development will result in the effective demolition of the existing bungalow and the construction of a new two storey house. It is inappropriate that front elevation is rendered as the existing houses are pebble dashed.

## 6.2. Applicant Response

- Clarification is provided in relation to the bay windows in the development. The existing bay window to the east is to be retained and a new bay window is proposed at the west end of the front elevation to match existing. The roof profile over the bay windows will not change with the exception of the addition of a small canopy.
- The Council designates areas as ACAs and identifies sensitive areas. Nugent Road has no such designation. To enable the development of a family home, it is necessary to use the attic space to create habitable bedrooms. To comply with relevant building and fire regulations, dormer windows are required to achieve the necessary ceiling heights. Whilst two front dormer windows are a first on Nugent Road, there are other examples of side and single dormer windows in the vicinity. The development has been designed taking into account similar patterns of development on neighbouring streets.
- Council guidance refers to a minimum of 22 metres separation between the rear of dwellings. Overlooking is not an issue between the fronts of houses facing each other. The distance between house facades to the front is 26 metres, in excess of the Council's guidelines.
- Substantial work is proposed to the dwelling which has been addressed in detail in the application documentation. It is the intention to upgrade the house to PassivHaus standard.
- The finishes of the proposed development will harmonise with the existing dwelling.

## 6.3. Planning Authority Response

- 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.

## 6.4. Observations

Eamonn Croke and Rita Walsh

- The Planning Authority Planner's Report cites a precedent at no. 13 Nugent Road. There is no record of planning permission for this existing dormer window. The precedent cited is therefore unsubstantiated.
- There are three connected road of bungalows in the vicinity of the site. There is no single front dormer breaking the roofscape on any of these roads.

## 6.5. Further Responses

### **Fionnuala Croke (03.10.2017)**

- The precedent referred to by Dun Laoghaire Rathdown County Council refers to an unauthorised development. There is no precedent of front dormer windows on Nugent Road.

### **Dun Laoghare Rathdown County Council (06.10.2017)**

- No further comment.

### **Applicant – Studio D Architects on behalf of Martin and Sandra Mulhall (05.10.201)**

- It is possible that the front dormer to no. 13 Nugent Road was constructed pre 63 or without the benefit of planning permission post 1964. There is no record of planning enforcement proceedings. As the dormer has been there for more than 7 years, it gains an exemption from enforcement action. It therefore does form a precedent.
- Photographic evidence presented of other extensions that include dormers and alterations to the roof profile including no. 5 and 10 Nugent Road and no. 11 and 16 Whitehall Road. Permission has recently been granted for alterations to the roof profile at no. 22 Whitehall Road.

## 7.0 Assessment

7.1.1 The main issues are those raised in the grounds of appeal and observation and it is considered that no other substantive issues arise. Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Procedural
- Design

- Overlooking and impact on residential amenity.
- Appropriate Assessment

## 7.2 Procedural

7.2.1 It is stated by the appellant that there are a number of inaccuracies in the architectural drawings. It is noted that no issues of validation were raised by the Planning Authority. Further clarification of the location and design of the existing and proposed bay windows has been provided by the applicant in their appeal response. I am satisfied that based on the drawings submitted, that the nature and extent of the development has been adequately detailed and no third party rights have been prejudiced in this regard.

## 7.3 Design

7.3.1 The principle concern raised by the appellant relates to the provision of 2 new dormer windows to be located on the front elevation. It is considered that these are incongruous with the existing streetscape and will irrevocably alter the special character of the road.

7.3.2 Nugent Road is characterised by similar style bungalows constructed in the mid twentieth century. Whilst the existing dwellings are attractive and create a unified streetscape, it is not considered that the area has any particularly sensitive architectural character or identity. As noted by the Planning Authority, the area is not designated an Architectural Conservation Area and has not been identified as an area with any particular significant architectural attributes or sensitivity.

7.3.3 The proposed development will provide 2 no. new dormer windows on the front elevation. These are necessary to provide habitable accommodation within the attic space and create a modern family home. This is considered reasonable. It is acknowledged that there are no other examples of a double dormer in the existing roofscape of the street. As noted by the Planning Authority, however, the general absence of front dormers does not mean that there is a presumption against such features.

7.3.4 There are a number of examples where single and side dormers have been developed in the vicinity or where the roof profile of the existing bungalow has been amended. The Dun Laoghaire Rathdown County Plan sets out specific guidance



regarding the design of dormer windows. It is considered that in this instance, the design has been well considered. The dormers are modest in scale and set below the existing roof ridge with materials and finishes that will match existing. I am satisfied that the design and principle of the two dormer windows is acceptable in this instance and they will not have a detrimental or adverse impact on the character of the existing streetscape.

7.3.5 In terms of alterations to the roof profile, it is proposed to extend the existing roof over the side garage to provide habitable accommodation at first floor level. There has also been a proposal to extend the roof and amend its profile at the adjacent dwelling at no. 32. Having regard to the guidance set out in the Development Plan, it is considered that the alterations to the roof profile are appropriate, are not unduly prominent and will not result in visual disharmony with adjacent structures.

7.3.6 The appellant has also raised concerns regarding the extent of demolition works and the proposed finishes and materials to the dwelling. Whilst it is acknowledged that the proposed extension is extensive and is likely to result in substantial alterations to the original fabric of the house, it is considered that this is detailed fully in the application documentation and is necessary to facilitate the modernisation of the dwelling. In terms of finishes and materials, it is considered that this can be addressed by way of appropriate condition.

### **Overlooking and Impact on Residential Amenity**

7.3.7 The appellant objects to the development on the basis that it will cause overlooking, particularly from the front dormer windows. It is noted that the proposed dormers will serve bedroom accommodation. They are separated from the houses on the opposite side of Nugent Road by a vehicular road and a distance of over 26 metres. In this context, it is not considered that any undue overlooking will occur.

7.3.8 To the rear and side, a large two storey extension is proposed. To the west, this is set back from the boundary by 1.125 metres. The building line of the extension is generally in line with that permitted at no. 32 under Planning Authority Reference D16A/0827. On the east side, the set back is 1.450 metres. A large rear garden with an area of over 200 sq. metres is retained. The positioning of fenestration has been considered and there is only one roof light window proposed above ground floor level in the eastern elevation. The overall height of the extension is c. 6 metres. Having

regard to the height and scale of the extension, its set back from adjoining dwellings and the extent of rear garden amenity space enjoyed by these properties, it is not considered that the development will give rise to undue overlooking or overshadowing to adjacent properties.

## **7.5 Appropriate Assessment**

7.5.1 Having regard to the nature and scale of the proposed development, an extension to an existing dwelling within an established urban area, and its distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

8.1 It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

## **9.0 Reasons and Considerations**

9.1. Having regard to the provisions of the current Dun Laoghaire Rathdown County Development Plan 2016-2022, the location of the site in an established residential area and its zoning for residential purposes and to the nature, form, scale and design of the proposed development, 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. The proposed development 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. The external finishes of the proposed extension, including roof tiles/slates, shall be the same as those of the existing dwelling in respect of colour and texture.

**Reason:** In the interest of visual amenity.

3. Water supply and drainage arrangements, including the attenuation and 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.

4. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, 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 adjoining property in the vicinity.

5. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

**Reason:** In the interest of visual amenity.

6. The footpath in front of the proposed new vehicular entrance shall be dished at the road junction in accordance with the requirements of the planning authority and at the Applicant's own expense.

**Reason:** In the interest of pedestrian safety.

7. 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, as amended. 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

**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.

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**Erika Casey**

**Senior Planning Inspector**

**26<sup>th</sup> October 2017**