



An  
Bord  
Pleanála

## Inspector's Report PL.06D.249094

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<b>Development</b>	A dormer window in the existing pitched roof to the west elevation of an existing house.
<b>Location</b>	69a Broadford Avenue, Ballinteer, Dublin 16.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council.
<b>Planning Authority Reg. Ref.</b>	D17B/0268.
<b>Applicants</b>	Robbie Malone.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	First Party v. Condition No. 5(i).
<b>Appellant</b>	Robbie Malone.
<b>Observers</b>	None.
<b>Date of Site Inspection</b>	8 <sup>th</sup> November 2017.
<b>Inspector</b>	Dáire McDevitt.

## **1.0 Site Location and Description**

- 1.1. The application site, with a stated area of c. 217 sq.m, is located along the northern side of Broadford Avenue which is access off Broadford Road to the northwest of Ballinteer Shopping Centre. The overall area is predominantly characterised by two storey semi-detached houses.
- 1.2 No. 69a is a contemporary style two storey detached house, built in the original side garden of No. 69 Broadford Avenue, a two storey semi-detached house to the east. No. 69a occupies a corner site bounded by Broadford Avenue and Broadford Close with access off Broadford Avenue.
- 1.3 Maps, photographs and aerial images in file pouch.

## **2.0 Proposed Development**

- 2.1. Permission is being sought for a dormer structure, 4.6 in width and 1.4 metres in height which would project 1.6 metres out from the roof.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission granted subject to 5 conditions. These included condition No. 5:  
*Prior to the commencement of development, the applicant shall submit revised (to scale) plans demonstrating the following:*

- i. The proposed dormer extension shall be set down 0.5m from the ridge height and reduced in width to 3.6 metres.*
- ii. In respect of minor discrepancies on the plans, the applicant is requested to submit revised plans with the correct labelling (Drawing number A105).*

*Reason: In the interest of orderly development.*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports (24<sup>th</sup> July 2017).**

This forms the basis of the Planning Authority's decision and the main points referred to relate to design and residential amenity.

The main issues highlighted are summarised as follows:

- The proposed development would match the ridge height of the existing dwelling and its width, height and projection would be visually obtrusive.
- The proposal would not comply with section 8.2.3.4 (i) of the Development Plan which seeks to resist the provision of dominant dormer elements.
- The Area Planner concluded that, as the proposed dormer would serve a store room and not a bedroom, it was considered reasonable to attached a condition to reduce its overall size and scale.

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

**Drainage Section.** No objection.

## **3.3. Prescribed Bodies**

None.

## **3.4. Third Party Observations**

None.

## 4.0 Planning History

**Planning Authority Reference No. D98A/0690** refers to the 1998 grant of permission for No. 69a Broadford Avenue to the side of No. 69.

### **Extension and alterations to No.69a Broadford Avenue:**

**Planning Authority Reference No. D10B/0125** refers to a 2010 grant for the construction of a two storey extension to the side and rear along with alterations to the existing house.

**Planning Authority Reference No. S07B/0240** refers to a 2007 grant of retention permission for alterations to first floor extension from that granted under Planning Authority Reference No. D06B/0018.

**Planning Authority Reference No. B06B/0018** refers to a 2006 grant of permission for first floor extension to dwelling.

## 5.0 Policy Context

### 5.1. Dun Laoghaire-Rathdown County Development Plan 2016-2022.

**Land Use Zoning Objective 'A'** *To protect or improve residential amenity.*

**Section 8.2.3.4 (i)** refers to Extensions to Dwellings. It sets out that 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. 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.

The applicant in the appeal has referred to **Section 8.2.3.4 (v)**. This refers to proposal for new residential units on Corner/Side Garden Sites.

## **5.2. Natural Heritage Designations**

None.

## **6.0 The Appeal**

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

The grounds of appeal in relation to condition No. 5(i) can be summarised as follows:

- The design complies with the criteria as set out in section 8.2.3.4 of the Dun Laoghaire Rathdown County Development Plan 2016-2022. The Area Planner had no regard to the polices in relation to the treatment of corner site/side gardens which refers to the use of first floor/apex windows on gables close to boundaries overlooking roads and open spaces for visual amenity and passive surveillance.
- The proposed window, serving storage space and facing onto a public road, has been carefully designed to enhance this corner site.
- The submission includes details and images for Planning Authority Reference No. D06A/1130, No. 94 Ludford Drive, Ballinteer. This refers to a new house where the dormer window in the roof is elongated and extends to just 15mm below ridge height. While located to the rear of the house, the applicant is of the view that it should be considered a viable precedent.
- The requirement of condition No. 5 (i) is not feasible. Reducing the height within the dormer area to 1.5 metres makes the project unviable due to the reduction in internal headspace available.

## **6.2. Planning Authority Response**

The Board is referred to the original Planner's Report on file as no new matters were raised in the appeal.

## **6.3. Observations**

None

## **7.0 Assessment**

Having regard to the nature and scale of the development and the specific issue arising, that being a first party appeal against condition number 5(i) of the Planning Authority decision, I am of the opinion that the determination of the application as if it had been made to the Board in the first instance is not warranted. In that regard I note the provisions of section 139 of the Planning & Development Act 2000 (as amended). This assessment will therefore be confined to the specific appeal of Condition number 5 (i) of the Planning Authority decision. The issue of appropriate assessment screening also needs to be addressed.

The issues can be dealt with under the following headings:

- Design.
- Appropriate Assessment.

### **7.1 Design**

7.1.1 The applicant has referred to Section 8.2.3.4 (v) in the appeal which relates to proposals for new residential units on Corner/Side Garden Sites and that the provision of a dormer facing onto the road would enhance how No. 69a addresses the road. I am satisfied that Section 8.2.3.4 (i) of the County Development Plan, which refers to the criteria set out for dormer domestic extensions and windows, applies in this instance as the proposal is for

alterations to an existing dwelling. The Planner's report raised concerns that the proposed dormer window would match the overall height of the existing dwelling, would be extensive in width (4.6 metres) and would be considered visually obtrusive and as such would not comply with section 8.2.3.4 (i) of the County Development Plan.

7.1.2 The proposed dormer structure, 4.6 metres wide and 1.4 metres in height, projecting 1.6 metres from the roof would replace an existing roof light on the western roof slope. The applicant has highlighted that the requirement of condition No. 5 (i) is not feasible as the resulting reduction in the height within the dormer area to 1.5 metres makes the project unviable due to the resulting internal headspace. In my view, the overall scale and bulk of the alterations proposed to the roof profile would not be considered overbearing. The height, width and projection of the dormer element integrates with the contemporary style of the existing dwelling and is not considered to be visually obtrusive. The provision of a dormer on the western roof slope enhances this elevation when viewed from Broadford Close. Issues relating to overlooking and overshadowing do not arise. I am satisfied that the proposal complies with Section 8.2.3.4 (i) of the County Development Plan and condition No. 5 (i) is not required to safeguard visual and residential amenities.

## **7.2 Appropriate Assessment**

7.2.1 Having regard to the nature of the proposed development and the location of the site in a fully serviced built up suburban area, 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**

I recommend that the Board consider the appeal in the context of section 139 of the Planning & Development Act 2000 (as amended). I further recommend that the Board direct the planning authority to remove Condition No. 5(i).

## **9.0 Reasons and Considerations**

It is considered that the proposed first floor dormer window would not adversely impact on the visual and residential amenities of the area, would not set an undesirable precedent and would be in accordance with the proper planning and sustainable development of the area.

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Dáire McDevitt  
Planning Inspector

14<sup>th</sup> November 2017