



An
Bord
Pleanála

Inspector's Report 300253-17

Development First floor rear extension over existing ground floor rear extension plus roof alterations to provide hipped side dormer and rear flat roof dormer.

Location No.101, The Stiles Road, Clontarf, Dublin 3.

Planning Authority Dublin City

Planning Authority Reg. Ref. 3764/17

Applicant(s) Gary and Megan O'Connell

Type of Application Permission

Planning Authority Decision GRANT permission with 8no. conditions

Type of Appeal Third Party

Appellant(s) Brian & Irene Magee.

Observer(s) None

Date of Site Inspection 23/02/17

Inspector John Desmond

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1.0 Site Location and Description

- 1.1. The application site is located in Clontarf, within a mature suburban area c.3km northeast of the city centre. The area is characterised by semi-detached and detached suburban houses on substantial sites, dating probably from 1960's.
- 1.2. The application relates to a 2-storey semi-detached dwelling, within a row of similar properties extending along the length of The Stiles Road. The dwelling has as stated area of 241.8-sq.m GFA and the site area at 583-sq.m. The property, which extends c.68m front to rear, is oriented along a east-southeast to west-northwest axis (i.e. the front of the dwelling faces E-SE). The dwelling, evidently, has previously been extended to the rear (single-storey) and to the side (2-storey).

2.0 Proposed Development

- 2.1. It is proposed to construct extensions and alteration to the existing dwelling, with a stated additional floor area of 28.4-sq.m GFA, comprising as follows:
 - First floor extension to the rear.
 - Hipped-pitched roof dormer extension to the side.
 - Flat-roofed dormer extension to the rear.

3.0 Planning Authority Decision

3.1. Decision

To **GRANT** permission subject to 8no. conditions. Condition nos.2 and 3 are non-standard conditions.

Condition no.2 amends the development as following:

Rear dormer – width reduced from 3.5m to 3.0 and '*shall not merge with the proposed rear 1st floor extension*', opaque glazing required to 1.8m above FFL, to be

finished in dark colour to blend with existing roof (no white PVC), and not to accommodate solar panels.

First floor extension – south-facing opes to be obscure glazed, with top-hung opening, and northern roof overhang to be reduced '*as much as possible*'.

Condition no.3 omits side dormer.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officers report (23/10/17) is consistent with the decision of the Planning Authority and the conditions attaching thereto.

3.2.2. Other Technical Reports

Drainage division (11/10/17) – No objection subject to standard conditions.

3.3. Third Party Observations

Two letters of observation were submitted from Brian and Irene Magee of no.99 The Stiles Road (adjacent property to the north) and from Mairead O'Carroll and David Coldrick of no.103 The Stiles Road (adjacent property to south). The issues raised are repeated in the grounds of appeal and are summarised below. Additional point raised in objection but not on appeal include:

- Overlooking of no.103.
- Scale and proximity of rear dormer structure to no.103.

4.0 Planning History

On site:

PL29N.238627 / Reg.ref.4180/10: Permission **GRANTED** by the Board (12/07/11) for demolition of garage and return and for the erection of single-storey extension to the rear and two-storey extension to the side. The Board reduced the size of the side and rear extensions by condition (no.3), including requiring the rear extension to be setback 1m from the northern boundary for reason of '*visual and residential amenity*'.

Other sites in vicinity:

Reg.ref.2584/10: Permission **GRANTED** by the Planning Authority (30/06/10 Final Grant) for a box rear dormer and a side pitched roof dormer at no.112, The Stiles Road.

PL29N.234906 / Reg.ref.3399/09: Permission **REFUSED** by the Board (29/01/10) to construct a flat roofed dormer window to rear and a pitched roof dormer window and removal of chimney to side of house, attic conversion and all associated works at no.112, The Stiles Road, on grounds of visual impact.

Reg.ref.3845/08 – Permission **GRANTED** by the Planning Authority (28/08/08 Final Grant) for the retention of sunroom to the ground floor and bedroom extension to the first floor at the rear incorporating velux type sky light to the rear south facing roof and retention of existing canopy roofs at ground floor level to the front and rear elevations (34-sq.m GFA) at no.97, The Stiles Road.

Reg.ref.1324/06 - Permission **GRANTED** by the Planning Authority (03/05/06 Final Grant) to erect 2no. dormer extensions, one at side and one at rear to form attic room with en-suite including velux rooflight to front of roof, at 87, The Stiles Road.

Reg.ref.3623/06: Permission **GRANTED** by the Planning Authority (21/09/06 Final Grant) for erection of 2 no. dormer extensions, one at side and one at rear, to form attic room with en-suite including velux rooflight to front of roof at no.85, The Stiles Road.

5.0 Policy Context

5.1. Development Plan

Dublin City Development Plan 2016-2022

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

Section 16.2 Design principles and standards

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 and River Tolka Estuary SPA 004024 (c.0.5km south).

North Dublin Bay SAC 000206 (c.2.1km east).

North Bull Island SPA 004006 (c.2.1km to east).

6.0 The Appeal

6.1. Grounds of Appeal

The main grounds of the third-party appeal by Brian and Irene Magee of no.99 The Stiles Road, the adjacent property to the north, may be summarised as follows:

- (i) Invalid permission –
 - Planners report was completed a week (On 01/11/17) after date of decision (25/10/17) and therefore the decision is invalid and the Board does not have jurisdiction.
 - Planner's report failed to take account of detailed objections; failed to address invalidity argument; relied on BRE guidance that did not carry into the new CDP 2016-2022; is based on defective contiguous rear elevations; failed to consider local planning precedent; and was not made after a site visit.
 - Application was invalid under A.26(4) for failure to comply with A.23(1)(d) of the Planning and Development Regulations, 2001, as the contiguous elevations fail to show south-facing kitchen window to no.99 and the site layout plan shows a misleading impression of distance from kitchen extension to no.99 (which is double that shown) to the proposed extension to no.101. This issue was raised by the Board's Inspector under previous appeal PL29N.238627.
- (ii) Contrary to CDP 2016-2022 section 16.2.1, 16.2.2, 16.10.12 and Appendix 17 (17.3, 17.6 and 17.6) and the site visit failed to appreciate the full impact of the proposed development.
 - Impact on privacy, outlook, daylight and sunlight.
 - Proposed development would be disproportionate to existing, would adjacent properties and result in severe loss of amenity (not only sunlight and daylight loss).
 - Overshadowing impact on patio, patio doors (which get sunlight from morning until sunset) and kitchen window for most of the day, exacerbated by pitched roof design.
 - No details provided on loss of daylight or sunlight.

- The Board setback the ground floor extension from the party boundary under PL29N.238627 due to overshadowing of no.99.
- First floor extension will visually dominate and destroy the amenity value of the patio to no.99, with large blank wall.
- The house, patio and garden space was adapted to make it wheelchair accessible in 2011 (reg.ref.3653/11 refers) to accommodate Brian Magee after suffering a stroke.
- The total additional floor area of extensions to the original house should be considered.
- Does not harmonise with the existing house and adjoining buildings.
- No consideration of impact on no.99 in the application.
- It is ultra vires of the Planning Authority to consider the BRE guidelines as they have been omitted from the Development Plan.
- Disputes that any of the six cases cited as precedent are appropriate to the proposed development, and most were decided under the previous CDP, and planning permissions are not precedents but considered on their own merits.
- The Board refused permission for a side dormer under PL29N.234906 *'notwithstanding the precedent for similar developments in the area'*.
- Permission should be refused.

6.2. Applicant Response

None.

6.3. Planning Authority Response

None.

6.4. Observations

None.

7.0 Assessment

The main issues arising in this case may be addressed under the following headings

- 7.1 Policy / principle
- 7.2 Visual impact / character
- 7.3 Impact on neighbouring 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. The principle of the proposed development is generally acceptable.

7.2. Visual impact on character of area

- 7.2.1. Apart from the proposed dormer on the side roof slope, the proposed development would not be readily visible from the public street and would have minimal impact on the character of the area. I consider the visual impact of the proposed side dormer to be acceptable, particularly given the proposed external finishes indicated on the plans (drawing no.17.98.PL06). There is ample precedent for such structures along The Stiles Road, including at nos.85 and 87, permitted by the Planning Authority in 2006 (see planning history above), but I also note the Board has refused permission

for such a structure, at no.112 Stiles Road in 2010 (PL29N.234906), on visual grounds. I do not consider it necessary to omit the side dormer, as required by condition no.3 of the decision.

7.3. Impact on neighbouring amenities

- 7.3.1. Overbearing / visual intrusion – The proposed first floor rear extension, at over 5m in depth and over 7m to ridge height, would be a significant structure with potential to visually intrude on neighbouring residential properties. However, within the site context and the low-density nature of the area, with substantial dwellings on expansive sites, I do not consider the visual impact to seriously injure neighbouring residential amenities.
- 7.3.2. The design and scale of the proposed side and rear dormer structures accord with the guidance for such development set out under S.17.11 Roof Extensions, in Appendix 17 of the Development Plan. I do not consider the proposed dormers to be likely to have seriously injure the visual amenities of the area, given the design and material finishes proposed – drawing no.17.98.PI.06 indicates that the hipped-roof side dormer is to be match the existing roof, with dark colour finish to sides and rainwater downpipes located to the rear; the finishes to the rear dormer are indicated as weathered zinc so as to blend with the existing roof, with fascia/soffits and rainwater goods in black to blend with existing roof. In this regard I consider condition no.2(a)(i) (limiting rear dormer width to 3.0m), no.2(a)(iii) (concerning design and finishes of the rear dormer), and condition no.3 (omitting the side dormer) attached to the Council's decision, to be unwarranted.
- 7.3.3. I see no reason to prohibit the erection of solar panels through the attaching of condition no.2(a)(iv). None are proposed as part of the development and, given that structure and its suburban context are not particularly architecturally sensitive, in view of Ireland's obligations and commitments concerning GHG reduction and renewable energy targets there is no justification for removing the exempted development rights (where applicable) concerning same.
- 7.3.4. Overlooking / loss of privacy – The Planning Authority has addressed the potential for overlooking of neighbouring property, no.103 to the south, by requiring (under condition 2(b)) the south-facing first floor windows to be glazed with obscure glazing

and to be top-hung only. I consider this sufficient to mitigate potential overlooking to a reasonable level and, in the event that the Board decides to grant permission I would advise that a similar condition be attached.

- 7.3.5. I see no reason to require the proposed glazing to the rear attic dormer to be obscure glazing to 1.8m above finished attic floor level as required by condition no.2(a)(ii). The reason given – ‘in the interest of orderly development and visual amenity’ – is not relevant to the required alteration. It would seem from the Planner’s Report that the said condition was attached on the basis that the attic room was not a habitable room and that the glazing would therefore reduce overlooking. The said dormer would increase potential overlooking of neighbouring properties to a very marginal degree and, even then the potential overlooking would be of private open space rather than internal residential space. The condition is therefore unnecessary and unreasonable and would reduce the amenity value and use of the attic space.
- 7.3.6. Overshadowing / loss of sunlight and daylight – The proposed first floor rear extension is located south-southwest of the neighbouring property to the north, no.99. The extension is indicated as extending c.5.8m to the rear, within 1.2m from the party boundary with no.99 (note the boundary wall is indicated as within the boundary to no.101). The proposed rear extension will increase the level of overshadowing to the rear of the said neighbouring property to a significant degree, particularly between September to March. The impact will be on the ground fenestration at the rear (west and south facing) of the dwelling, and on the adjacent patio area. This impact is one of the main grounds of appeal of the third-party appellants.
- 7.3.7. The appellant submits that the Board required the existing permitted single-storey rear extension to be setback 1m from the boundary to the north due to overshadowing of no.99. The reason for the said setback is stated as for ‘*visual and residential amenity*’ and not explicitly for reason of overshadowing.
- 7.3.8. Notwithstanding that the increase in overshadowing of the rear of no.99 will be significant, I do not regard it as unduly excessive or unacceptable within the site context and the size of the amenity space associated with the neighbouring dwelling.

7.4. **Other issues**

- 7.4.1. I note the appellant's submission regarding validity (or not as is argued by the third party) of the application. The question of validity of an applicant is a matter for the Planning Authority, not the Board.

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 nature, scale and design of the proposed development, it is considered that proposed development would not seriously injure the amenities of property in the vicinity, would be consistent with the zoning objective pertaining to the site, Z1 '*to protect, provide and improve residential amenities*', and would be in accordance with the proper planning and sustainable development of the area, subject to compliance with conditions set out below.

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 south facing windows to the proposed first floor extension shall be glazed permanently with obscure glazing only and the openings shall be top hung only.

Reason: To protect the amenities of the neighbouring property to the south.

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. 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: To safeguard the residential amenities of property in the vicinity and provide for construction operations during the hours provided for under the Dublin City Development Plan 2016-2022.

5. 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.

6. Site development and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and, should cleaning works need to be carried out on the adjoining public road arising from the carrying out of the

development, the said cleaning works shall be at the expense of the developer.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

John Desmond
Senior Planning Inspector

1st March 2018