



An  
Bord  
Pleanála

## Inspector's Report ABP-300698-18

### Development

Front porch and convert and extend the existing garage, extend the front dormer structure, extend the existing main tiled roof, construct new first floor extensions to the side and rear of the existing dwelling, block up existing window in gable wall, external finishes to match existing, internal alterations and associated site works.

### Location

1 Wainsfort Crescent, Terenure,  
Dublin 6W

### Planning Authority

South Dublin County Council

### Planning Authority Reg. Ref.

SD17B/0246

### Applicant(s)

Vincent Devaney & Nuala Ryan

### Type of Application

Permission

### Planning Authority Decision

Refuse Permission

### Type of Appeal

First Party

### Appellant(s)

Vincent Devaney & Nuala Ryan

### Observer(s)

Conor O'Connell & Mairead Hanrahan

**Date of Site Inspection**

27<sup>th</sup> March 2018.

**Inspector**

Ciara Kellett

## 1.0 Site Location and Description

- 1.1. The appeal site is located in No.1 Wainsfort Crescent, Terenure, Dublin 6w. Wainsfort Crescent is part of a well-established and mature residential area. It is located c.100m west of Wainsfort Road (R817) and c. 200m north of Templeville Road (R112).
- 1.2. Wainsfort Crescent runs roughly north to south and forms a T-junction with Wainsforth Avenue. The appeal site is located on the western side of Wainsforth Crescent and shares a side garden boundary with the observers to the appeal in no.20 Wainsfort Avenue.
- 1.3. Wainsfort Crescent comprises of semi-detached, single storey dwellings with dormer roofs. Some of the dormers along the road have been extended the full length of the roof while others, including the subject site, have more modest dormers that are positioned in the centre of the roof. The road itself is relatively narrow and has footpaths with grass margins on both sides. A number of the dwellings have garages or side extensions, as well as projecting porches.
- 1.4. No.1 Wainsfort Crescent has a side garage on its northern elevation, a front porch on its eastern elevation, and a rendered wall c.1.5m high. The dwelling has an existing two storey extension to the rear (western elevation). A hedgerow forms the front boundary. The front garden is fully hard surfaced. The rear garden walls of no's. 18, 20 and 22 Wainsfort Avenue bound the subject site to the north.
- 1.5. Appendix A includes maps and photos.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of a new front porch and to convert and extend the existing garage, extend the front dormer structure and the existing roof and to construct a new first floor extension to the side and rear of the dwelling, block up existing window in gable wall and associated works.
- 2.2. Following the request for Further Information, the development proposed was amended to omit the first floor extension to the side, which results in the dormer

structure being reduced. It is also proposed to setback the first floor extension to the rear to remain in line with the existing dwelling and existing extension.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority decided to refuse permission for two reasons:

- 1. The proposed first floor flat roof extension to the rear, by reason of its close proximity to the eastern side boundary for a length of approximately 7 metres from roof level, at a height of approximately 5.5 metres is considered excessive and is not considered acceptable due to negative impacts on adjoining property and the associated rear amenity space at No.3 Wainsfort Terrace. The proposed development would have an overbearing, visually obtrusive and overshadowing impact on the visual and residential amenity of the neighbouring property and associated rear amenity space at No.3 Wainsfort Terrace and would have a negative impact on the residential amenity of that property. Thus, the proposed development would seriously injure the amenity of property in the vicinity, would contravene Policy H18 – Residential extensions, Objective H18 Objective 1 relating to house extensions, would not accord with the South Dublin House Extension Guide referenced in the South Dublin County Council Development Plan 2016 – 2022 and would materially contravene the zoning objective for the area which seeks ‘to protect and/or improve residential amenity’ and would therefore contravene the South Dublin County Development Plan 2016 – 2022 and the proper planning and sustainable development of the area.*
- 2. The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively be harmful to the residential and visual amenities of the area and be contrary to the proper planning and sustainable development of the area.*

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

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

The Planner's Report forms the basis for the Planning Authority's decision. In includes:

- Site is located in an area zoned 'RES – To protect and/or improve residential amenity'. Alterations to an existing dwelling are considered acceptable subject to its design being in accordance with the relevant provisions of the Development Plan and the Design Guide.
- Proposed hip roof porch and converted and extended garage extend beyond the original building line by c.1.7m. Given that any potential impact would be to property to the north – no.3 (*sic*) – and the location of a rear garage and drive utilised by no.3 the potential impact is considered acceptable.
- Concerns in relation to visual impact of proposed dormer to the front. Acknowledge that there are examples of dormers in the area which span the entire width of roofs, but there is minimal planning history in relation to the examples and if they were granted permission, it was prior to the adoption of the South Dublin Guide for Extensions. It is reasonable to request Further Information to reduce the visual impact of the proposal and suggest that two separate symmetrical dormers are considered.
- First floor flat roof extension to the rear would have a height of c.5.4m and would be flush along both side boundaries and would have an overbearing and overshadowing impact on adjoining properties to the north and south. Reasonable to suggest this is revised to reduce bulk, scale and massing. Revised design should incorporate adequate separation distances, an appropriate reduction in length and an alternative roof profile.
- Drawings include various discrepancies in relation to the orientation of the site and length of adjoining gardens within no's. 18 and 20 Wainsfort Avenue.
- Requests Further Information relating to the design of the dormer, rear extension and discrepancies in the drawings.
- The applicant responded with amendments to the overall design including the omission of the first floor side extension and reduction in the scale of the dormer window.

- In response, Planner notes the dormer has not been altered from one full-length structure to two separate symmetrical structures, albeit the omission of the first floor side extension has reduced the overall width of front elevation and overall width of dormer.
- Acknowledge strong precedent for this design and style and consider this a suitable design solution and is in keeping with the character of the existing dwelling and surrounding area.
- Proposed omission of first floor extension to the side results in a separation distance of 2.5m to the northern side boundary, which significantly reduces impact on properties to the north.
- Rear first floor extension appears to have relocated a minimum distance off the eastern (*sic*) side boundary with no.3 Wainsfort Crescent. Separation distance is not considered significant and would not reduce the potential negative impact such as overshadowing and visual obtrusiveness on the adjoining property at No.3.
- The extension has not been reduced in length as per the Further Information request and would create a c.7m blank elevation at a height of 5.5m. This is not acceptable due to negative impacts by way of being visually overbearing, obtrusive and overshadowing.
- Proposal would seriously injure amenity of property in the vicinity, would contravene Policy H18 and would not accord with the South Dublin House Extension Guide and would materially contravene the zoning objective for the area.
- Recommends proposal is refused permission.

The decision was in accordance with the Planner's recommendation.

### 3.2.2. Other Technical Reports

- **Water Services Section:** No objections subject to conditions.

### 3.3. Prescribed Bodies

- **Irish Water:** No objections subject to conditions.

### 3.4. Third Party Observations

A submission was received from the observers to the appeal. In summary, it considers proposal would have an overbearing and overshadowing impact on no.20 Wainsfort Avenue and notes discrepancies in the drawings in relation to length of rear garden and position of north symbol on drawings.

### 4.0 Planning History

There have been numerous planning applications for various extensions to dwellings in the vicinity, including no. 18 Wainsfort Avenue (rear extension), no.20 Wainsfort Avenue (rear and side extension with dormer) and no.6 Wainsfort Crescent (across road from subject site) for two storey extension to the rear.

### 5.0 Policy Context

#### 5.1. Development Plan

- 5.1.1. Under the County Development Plan 2016 – 2022, the site is zoned '**RES: To protect and/or improve residential amenity**'.

Chapter 2 refers to housing and Chapter 11 refers to Implementation. The Council has also produced guidance in the form of 'House Extension Design Guide'.

- 5.1.2. Section 2.4.1 of Chapter 2 considers residential extensions.

**Policy H18 Objective 1** states: *To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).*

- 5.1.3. Section 11.3.3 considers Additional Accommodation. Section 11.3.3(i) states with respect to Extensions: *The design of residential extensions should accord with the South Dublin County Council House Extension Guide (2010) or any superseding standards.*

5.1.4. The House Extension Design Guide produced by the Council provides advice on different types of extensions. Chapter 4 is entitled *Elements of Good Extension Design*. Of relevance to the subject application is the advice provided for rear extensions and dormer windows. With respect to rear extensions, it states (inter alia):

- *Match or complement the style, materials and details of the main house unless there are good architectural reasons for doing otherwise.*
- *Match the shape and slope of the roof of the existing house, although flat roofed single storey extensions may be acceptable if not prominent from a nearby public road or area.*
- *Make sure enough rear garden is retained.*

And for Dormers, it states:

- *Locate dormer windows below the ridge of the roof, even if the roof has a shallow pitch.*
- *Locate dormer windows as far back as possible from the eaves line (at least three tile courses).*
- *Relate dormer windows to the windows and doors below in alignment, proportion and character.*
- *In the case of a dormer window extension to a hipped roof, ensure it sits below the ridgelines of the existing roof and matches the materials used in the main house.*
- *Do not obscure the main ridge and eaves features of the roof, particularly in the case of an extension to the side of a hipped roof.*
- *Avoid extending the full width of the roof or right up to the gable ends – two small dormers on the same elevation can often be a suitable alternative to one large dormer.*
- *Avoid dormer windows that are overdominant in appearance or give the appearance of a flat roof.*
- *Avoid the use of flat-roofed dormer window extensions on houses with hipped rooflines.*



## 5.2. Natural Heritage Designations

There are no designated European sites within the vicinity.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A First Party appeal against the Planning Authority's decision to refuse permission has been submitted. In summary, it states:

- Proposed design is acceptable for the area and does not have any adverse impact on adjoining residential amenity.
- The planning authority have exaggerated the visual impact.
- Proposal is in compliance with the Development Plan.
- Planning Authority acknowledge there is planning precedent for the type of development proposed.
- Suggest that the bedroom closest to the southern boundary at first floor could be slightly altered should the Board consider it necessary. The bedroom could be reduced in length to provide a step off the southern boundary.
- Refusal for all works is unfair – works at ground floor have no adverse impact on residential amenity and the impact of the first floor has been exaggerated. The assessment by the Planning Authority is incorrect. The extension protrudes only 4.4m beyond the original rear building line. The 'blank' elevation would be within the roof space and would not be viewed from the adjoining property. Consider there is no adverse overshadowing.
- Reference made to 6 recent examples, 8 College Crescent (SD16B/0395), 1 College Crescent (SD16B/0049), 30 College Crescent (SD15B/0236), 17 Wainsfort Crescent (SD15A/0201), 19 Wainsfort Crescent (SD14B/0239), 6 Wainsfort Crescent (SD09B/0134).
- Conclude that proposal does not excessively overshadow or overlook adjoining properties and consider design and scale visually acceptable.

## 6.2. Planning Authority Response

No response was received from the Planning Authority.

## 6.3. Observations

An observation was received from the occupants of No.20 Wainsfort Avenue. In summary, it states:

- Notes no.20 is located immediately adjacent to and to the north/west of the applicant site. Observers have lived there since 1998. The north facing elevation of No.1 Wainsfort Crescent is in full view from the rear of No.20. No.1 is on a slightly elevated site of c.0.6m above No.20.
- No.1 already has a very substantial ground and first floor extension built prior to 1998. It's existing ground floor extension runs along 50% of the rear boundary wall of No.20.
- Reviewed appeal letter and consider there are several inaccuracies.
- Applicant did not revise the proposal in accordance with the Planning Authority's request. Revised proposals did not comply and did not reduce the length of the proposed first floor.
- There is no precedence in the Wainsfort area for rear extensions of this size and it will have a substantial impact due to its excessive size, bulk, overshadowing, and will be visually obtrusive.
- It will be very visible and prominent from the junction of Wainsfort Avenue and Wainsfort Crescent.
- It is not in compliance with the Development Plan or the Extension Guidelines.
- Appeal letter suggested planning precedence is available in the area and highlighted six examples. Having reviewed the examples, it is clear that there is no precedence. None of the examples have similar orientation and they are not additional rear extension at first floor level onto an already extended property.
- No consultations were held with the Planning Authority or neighbours.

- Proposed first floor extension would overshadow and create oppressive or overbearing feeling on their property, especially their south facing family/dining/kitchen area and private patio.

## 7.0 **Assessment**

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Residential Amenities
- Material Contravention of the Development Plan
- Appropriate Assessment

### 7.1. **Residential Amenities**

- 7.1.1. I wish to draw the Board's attention to the fact that No.1 Wainsfort Crescent lies approximately to the north, north-west of No.3 Wainsfort Crescent. It shares its south, south-eastern boundary with No.3 Wainsfort Crescent. The orientation of the dwelling has been incorrectly referred to in some of the drawings and documents relating to the file. For ease of reading, I will refer to northern and southern boundaries.
- 7.1.2. The application was refused permission by the Planning Authority for two reasons. The first reason for refusal related to the impact on the amenities of No.3 Wainsfort Crescent (note No.3 Wainsfort Terrace is referred to in the reason, however, this is a clerical error as the Planner's Report refers to the correct address of No.3 Wainsfort Crescent). The second reason relates to the precedent it would set.
- 7.1.3. I intend to break the application down into its constituent parts, as I am of the opinion that there are three distinct elements: 1) The Dormer window to the front, 2) The ground floor side extension, including the garage and porch, and 3) The rear ground and first floor extension.
- 7.1.4. With respect to the front dormer window, I note that the Planning Authority accepted the amendments at Further Information stage, which resulted in the overall width of

the dormer being reduced from 9.75m to 6.8m in width. Having regard to the precedent for dormer's of this style in the vicinity it was considered in keeping with the area. I can confirm to the Board that numerous designs of dormers exist and many changes appear to have taken place over the years along Wainsfort Crescent and Wainsfort Avenue. I consider that the dormer window is acceptable in this instance. Having regard to the Planning Authority's reasons for refusal, which did not refer to the dormer, and having regard to the variety of designs in the area, I recommend that this element of the planning application be approved by the Board.

7.1.5. With respect to the side extension including the garage and porch, I note that the first floor side extension was omitted following the request for Further Information. I am satisfied that as a ground floor side extension and garage already exists there will be limited changes to amenities of the properties in the vicinity. Thus, I am satisfied that the proposed changes to the side at ground floor, whereby the garage is extended to the front and rear as well as the porch, are acceptable and recommend that the Board should grant this element of the Planning Application.

7.1.6. With respect to the extension to the rear, I note that a first floor flat roofed extension already exists which runs along the full width of the dwelling. It is proposed to extend this westward into the rear garden. There are no dimensions on the drawings to clearly indicate the exact length of the extension over and above what is already there. A dimension of 4.4m is referred to on some drawings – but this is from the roof profile. Using a scale ruler on Drawing No.07.17.03a submitted at Further Information stage, it would appear to be an extension of c. 2.8m over and above what exists. I do not consider this to be an excessive increase. I acknowledge that the southern side of the extension at first floor will appear as a blank wall to the occupants of No.3 Wainsfort Crescent, however, this is the case currently and an increase of 2.8m is not going to be a significant increase. Furthermore, the extension is flat roofed and not excessive at 5.3m in height. I note that there was no submission or objection from the neighbours in No.3 at any stage of the application process. The Further Information drawings appear to indicate a step back from the boundary with No.3 of c.500mm (Drawing 07.17.03.a). I recommend that a condition to step it back from the boundary with No.3 by 1m would reduce potential overbearing impact, should the Board consider granting permission.

- 7.1.7. With respect to amenities, I consider it is of importance that the correct orientation of the dwelling and extension is clearly understood. As noted above, there was confusion with respect to the drawings and the location of the north arrow. No.3 Wainsfort Crescent is to the south of the subject site. In terms of overshadowing, this proposal will not have an impact on No.3.
- 7.1.8. I note that the observers refer to incorrect dimensions on the drawings with respect to the distance illustrated from their dwelling. They state that the correct dimension from the shared boundary wall and their dwelling is 10.6m and not 12.4m as shown on the drawings. Having regard to the fact that the extension is now pulled back from the shared boundary wall by c.2.5m, is 5.3m in height and extending only 2.8m from the existing extension, I am satisfied that there will not be a seriously injurious impact on the amenities of No.20 Wainsfort Crescent, particularly with respect to overshadowing.
- 7.1.9. Currently a bedroom window exists in the gable wall of the dwelling overlooking the rear garden of No.18. The proposal includes blocking up this window and installing a high-level window further west to serve a new bathroom. A condition of planning can be attached to ensure that this is fitted with permanent obscure glazing to prevent any overlooking. There are no windows from habitable rooms on the side (northern boundary) overlooking the rear gardens of the neighbouring dwellings.
- 7.1.10. With respect to the observer's comments that the first floor extension will be visually obtrusive, I am satisfied that with the amended proposal following the request for Further Information, that this will not be the case. There will be c.13 m distance between the side of the extension and the rear wall of the observer's dwelling.
- 7.1.11. In conclusion, I am of the opinion that there will not be a seriously injurious impact on the residential or visual amenities of No.3 Wainsfort Crescent or the surrounding dwellings as a result of the subject proposal.
- 7.1.12. Reason no.2 for refusal stated that the proposal would set an undesirable precedent for similar developments. As previously stated, a wide variety of changes have already been made to the dormer windows in this area. This particular change to this dormer will not in and of itself set a precedent. The rear extension may be glimpsed at the junction of Wainsfort Crescent and Wainsfort Avenue, however, it will not create a defining view from this junction.

7.1.13. With respect to precedent, I have reviewed the planning applications referred to by the applicant. The applications were for a variety of changes, but all the dwellings are similar style to the subject dwelling, i.e. a semi-detached dormer dwelling. The applications included proposals for side and rear extensions as well as increasing the width of the dormer windows. The application at 30 College Crescent was for a two-storey rear extension similar to the subject proposal. The application at 17 Wainsfort Crescent was for subdivision of the site to permit a second dwelling on the site. I am satisfied that the subject proposal will not set a precedent – there have been many applications permitted for extensions and changes to the dormer windows including in no.6 Wainsfort Crescent across the road.

7.1.14. In conclusion, I am satisfied that the 3 elements of the proposal will not have a seriously negative impact on the residential and visual amenities of the adjoining dwellings or of dwellings in the vicinity. It is clear that precedent for changes to the dormer windows and rear extensions has already been set throughout the estate. I am satisfied that the increased size of the rear extension will not have an overbearing or unacceptable overshadowing impact on No.3 Wainsfort Crescent or surrounding dwellings.

## **7.2. Material Contravention of the Development Plan**

7.2.1. The Planning Authority considered that the proposal would materially contravene policy H18 Objective 1 and the land use zoning objectives for the area.

7.2.2. Policy H18 Objective 1 seeks *To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines)*. As noted above I am satisfied that the proposal will not have a seriously negative impact on the residential and visual amenities of surrounding property. Chapter 11 states that extensions should accord with the design guide.

7.2.3. The South Dublin County Council House Extension Guide provides advice on extensions to the rear and for dormer windows. With respect to rear extensions it notes that flat roofs may be acceptable if not prominent from a nearby public road or

area. I consider that the flat roof will not be very visible from the nearby public road – as noted above there may be glimpses available at the junction of the two roads but it is not a defining view.

- 7.2.4. With respect to dormer windows, the Planner noted that the Design Guide suggests two dormer windows may be more acceptable than one large window, and suggested this be considered at Further Information stage. However, with the omission of the first floor side extension, the width of the dormer was reduced and the Planner considered the proposal acceptable. I am satisfied that the revised proposal is acceptable and that two dormers would introduce a discordant element along this road.
- 7.2.5. The land use zoning objective for the area is ‘To protect and/or improve residential amenity’. I am satisfied that the subject proposal is not contrary to the zoning objectives. I am of the opinion that the proposal will not have a seriously negative impact on residential amenities.
- 7.2.6. Thus, I consider that the proposal is not a material contravention of the policies of the Plan. It will not seriously impact on the residential and visual amenities of the area, it is in compliance with the Design Guide, and furthermore it is not setting a precedent – there are many examples of changes to similar dwellings in the area.

### 7.3. **Appropriate Assessment**

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, 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 planning permission should be granted subject to conditions, for the reasons and considerations as set out below.

## 9.0 Reasons and Considerations

Having regard to the provisions of the South Dublin County Development Plan 2016-2022, and the nature, scale and orientation of the extension proposed, it is considered that subject to compliance with the conditions set out below, the proposed development would not materially contravene the development plan for the area, and would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, 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 as amended by the further plans and particulars submitted on the 22nd day of November 2017, 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 proposed development shall be amended as follows:
  - (a) The rear extension at first floor level shall be stepped back from the boundary with No.3 Wainsfort Crescent by 1 metre.
  - (b) The window on the northern elevation serving the new bathroom shall be glazed with obscure glass.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenity

3. Details of the materials, colours and textures of all the external finishes to



the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

4. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** To restrict the use of the extension in the interest of residential amenity.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

**Reason:** In the interest of the amenities of the area.

6. Water supply and drainage arrangements, including the 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.

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 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:** In order to safeguard the residential amenities of property in the vicinity.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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 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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Ciara Kellett  
Inspectorate

9<sup>th</sup> April 2018