



An
Bord
Pleanála

Inspector's Report ABP-300702-18

Development	Attic conversion with dormer to side and rear and rooflights to front
Location	13 The Rise, Boden Park, Rathfarnham, Dublin 16
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD17B/0328
Applicant(s)	Brendan & Ciara Whooley
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Brendan & Ciara Whooley
Date of Site Inspection	19 th April 2018
Inspector	Colin McBride

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1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.2 hectares, is located in the housing development of Boden Park, which is located on the northern side of the Scholarstown Road in South County Dublin. The appeal site is occupied by a two-storey semi-detached dwelling. The adjoining dwelling to the north east (no. 15) makes up the pair of semi-detached dwellings the site is part of. To the south west is no. 11. Similar dwellings (The Drive) back onto the site.

2.0 Proposed Development

2.1. Permission is sought for an attic conversion with dormer window to the side and rear and roof lights to the front. The proposal entails the provision of a new bedroom at second floor level with an ensuite bathroom.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on one reason...

1. The proposed side dormer development, by reason of its scale, nature, location and appearance would be out of character with the existing dwelling on site and adjoining residential development, would be aesthetically unsatisfactory and would be visually obtrusive on the streetscape. As such the proposed development would seriously injure the amenities of property in the vicinity and would depreciate the value of property in the vicinity. The proposed development would, therefore, materially contravene the South Dublin County Development Plan 2016-2022 as it would be contrary to the zoning objective of the area, which is 'RES' to protect and/or improve residential amenity and would be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

- Planning report (14/11/17): Further information required including a revised proposal in relation to the side dormer window (reduced scale and proportions) and correction of inconsistent drawings.
- Planning report (13/12/17): Design of side dormer considered to be unacceptable and revised proposals submitted by way further information also not acceptable. Refusal was recommended subject to the reason outlined above.

3.3. **Prescribed Bodies**

None received.

3.4. **Third Party Observations**

None received.

4.0 **Planning History**

SD14B/0002: Permission granted for a single-storey porch extension to the front.

SD11B/0239: Permission granted for a single-storey extension to the front.

5.0 **Policy Context**

5.1. **Development Plan**

- 5.1.1 The relevant development plan is the South Dublin County Development Plan 2016-2022. The site is zoned 'RES' with a stated objective 'to protect and/or improve Residential Amenity'.

5.1.2 Policy for extensions is under Section 11.3.3(i) with it noted that “the design of residential extensions should accord with the South Dublin County Council House Extension Guide (2010) or any superseding standards”.

5.2. **Natural Heritage Designations**

5.2.1 None in the vicinity.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

A first party appeal has been lodged by Brendan & Ciara Whooley, 13 The Rise, Boden Park, Rathfarnham, Dublin 16.

- The appellants identify a number examples in which similar dormer extensions have been granted on existing dwellings in the area (four examples given and associated reference numbers). The appellants note that the proposal cannot be out of character with existing dwellings or streetscape given the existing similar development in the area.

6.2. **Planning Authority Response**

Response by South Dublin County Council.

- The Planning Authority confirm their decision and note that the issues raised in the appeal have been addressed in the planning report.

7.0 **Assessment**

7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Design, scale, visual and residential amenity

Appropriate Assessment screening

Material Contravention

7.2. Design, scale, visual and residential amenity:

7.2.1 The proposal is for an attic conversion including the provision of a dormer window on the side and rear roof profile and 2 no. roof lights on the front roof plane. The proposal provides for a new staircase to access the attic level and a new bedroom and ensuite bathroom. The proposed dormer window to the rear is satisfactory in design and scale. It is subordinate to the scale of the roof profile and below ridge height and above eaves level as well as the fact the window is orientated to the rear. In addition it would not be visible from the public areas around the dwelling. This aspect of the proposal would be satisfactory in regards to the visual amenities of the area and residential amenities of adjoining properties.

7.2.2 The proposal also provides for 2 no. roof lights in the front roof plane. Such are small in size relative to the scale of the roof profile and have a negligible impact in regards to visual impact.

7.2.1 The aspect of the proposal that is the reason for refusal is the dormer window on the side roof plane. This allows for head height for the new staircase and the ensuite bathroom. The applicant did revise the design in response to further information (inaccuracies in original drawings submitted) request and concerns regarding the design of this dormer window. The changes did not entail any change to the extent of the side dormer window, with the changes confined to reducing the rear dormer in depth as well as reducing the depth of the bedroom proposed at second floor level. The proposal was refused on basis of impact on visual amenity, with it determined to be obtrusive and contrary to Development Plan policy. The appellants has noted that there are precedents for similar roof extensions and have listed 4 cases including their reference numbers. The nearest to the site is no. 22 The Rise which is located on the opposite side of the road was granted in 2013 under ref no. SD13B/0273.

7.2.3 The overall visual impact of the proposed dormer extension to the side would not be overly significant. Despite being visible the extension is consistent with the ridge height of the existing dwelling and is setback from the gable. I would consider that the proposed extension is not the most elegant solution in terms of extending the roof profile, but would not have as pronounced a visual impact as the Planning Authority's assessment and reason for refusal outlines. There are precedents in the area for similar development and include a grant of permission in 2013 (outlined earlier), which was after the implementation of the South Dublin County Council House Extension Guide (2010). Having regard to such, I am satisfied that the overall design and scale of the extension as proposed (revised drawings) would be satisfactory in regards to its impact on the visual amenities of the area). I would also note that the design and scale of the extension would have no adverse impact on the residential amenities of adjoining properties.

7.3 Appropriate assessment screening:

7.3.1 Having regard to the nature and scale of the proposed development and its proximity 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.

7.4 Material Contravention:

7.4.1 The proposal is for an extension of an existing dwelling in an area zoned for residential use. As noted in the first section of the assessment, the design and scale of the extension is satisfactory in the context of the visual amenities of the area and the amenities of adjoining properties. The reason for refusal notes that the proposal would be a material contravention of the zoning objective, RES, which has a stated objective 'to protect and/or improve Residential Amenity'. Having assessed this proposal, I would consider that it would not constitute material contravention of the zoning objective.

7.4.2 I would note the provisions of Section 37 (2) (b) of the Planning and Development Act 2000 (as amended). This requires that in the event a Planning Authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission where (i) the proposed development is of strategic or national importance, (ii) there are conflicting objectives in the development plan or the objectives stated insofar as the proposed development is concerned, or (iii) permission for the proposed development is to be granted having regard to Regional or Ministerial guidelines, or (iv) permission for the proposed development should be granted having regard to the pattern of development, and permission granted, in the area since the making of the development plan.

8.0 Recommendation

8.1. I recommend a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the current Development Plan for the area, and having regard to the pattern of existing development in the area and the design and scale of the proposed extension, 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 or of property in the vicinity, and would comply with the provisions of the Development Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

10.1.

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 27th 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 external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

Colin McBride
Planning Inspector

20th April 2018