



An
Bord
Pleanála

Inspector's Report ABP-300713-18

Development	Conversion of attic space to non-habitable use, provision of a dormer window and the erection of a single storey extension to the rear.
Location	5 The Green, Newtown Hall, Maynooth, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	17/759
Applicant(s)	Stephen Reilly
Type of Application	Permission
Planning Authority Decision	Grant permission with conditions
Type of Appeal	First Party against condition
Appellant(s)	Stephen Reilly
Observer(s)	None
Date of Site Inspection	27 th March 2018
Inspector	Ciara Kellett

1.0 Site Location and Description

- 1.1. The appeal site is located in No.5 The Green, Newtown Hall, Maynooth, Co. Kildare. The housing development is located to the south-west of Maynooth town centre off the Rathcoffey Road (R408). The railway line runs to the north of the development and the university is located on the far side of the railway line.
- 1.2. Newtown Hall is one of a number of housing developments in this part of Maynooth, which includes Castledawson and Parson's Hall. Newtown Hall comprises a mix of terraced and semi-detached two storey dwellings.
- 1.3. The subject site is at the western end of a terrace of 5 dwellings and enjoys a south facing back garden. It overlooks a green area to the front. House no's. 1- 4 are its immediate neighbours to the east. A semi-detached pair of dwellings are its neighbours to the west. To the rear and south of the subject dwelling lies the housing development Castledawson. Castledawson is a development of detached dwellings. The rear gardens of no's. 75 and 76 Castledawson bound the appeal site to the south.
- 1.4. Appendix A includes maps and photos.

2.0 Proposed Development

- 2.1. It is proposed to convert the attic space to non-habitable space and incorporate a rear dormer window projecting from the roof ridgeline. In addition, it is proposed to construct a rear single storey extension and modify the existing dwelling internally at ground floor to provide more open plan living space.
- 2.2. The existing floor space of the dwelling is stated as being 93.6sq.m and the additional floor space is noted as being 47.89sq.m on the application form. A flat roof is proposed for the rear extension with a ceiling height of 2.6m and 3.2m including parapet. The extension extends to the limit of both party boundaries and is constructed on the common boundary wall to the east. Substantial glazing is proposed on the southern and setback western elevation.

- 2.3. The attic conversion includes a large dormer to the rear of the dwelling projecting from the roof ridgeline.
- 2.4. Following the request for Further Information, the dormer was reduced in scale to c.3.1m wide by c.1.8m high. Glazing is to be obscured and horizontal fins to eliminate overlooking are to be attached. The room was confirmed as being for non-habitable use and for storage purposes only.

3.0 **Planning Authority Decision**

3.1. **Decision**

The Planning Authority decided to grant permission subject to 14 Conditions. Conditions of note include Condition no.2(b) which is being appealed by the applicant. It states:

(b) The developer shall submit revised plans and elevations of the proposed development showing the proposed dormer window in the roof replaced with a flush roof light/window and an internal layout indicating that the attic space will be used for domestic storage space only and not for any other habitable use. These plans and elevations shall be submitted for the written consent of the Planning Authority prior to commencement of development.

Reason: *In the interest of fire safety and residential amenity.*

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The Planner's Report is the basis for the Planning Authority's decision. It includes:

- Considers that the ground floor extension will not result in excessive overshadowing onto the dwelling at no.6.
- Considers dormer window will result in a noticeable feature projecting from the roof which will differ considerably from the adjoining dwellings and surrounding properties.

- Considers this form unacceptable because of the negative impact on residential amenity of those dwellings at Castledawson, and the visual amenity of the area and the precedent it would set.
- Notes that none of the surrounding planning applications included for the provision of a dormer window similar to the current proposal. During consideration of Case File Reg. Ref. 10/520, the case officer requested a revised scheme due to the impact of overlooking. That upper level window was removed from the proposal.
- Considers the dormer window element should be refused planning permission.
- Notes that the Fire Department requested Further Information regarding the use of the converted attic space. Notes that the application states that it is not for habitable purposes but the drawing refers to a home office.
- Considers Further Information is required in relation to: 1) it is proposed to construct on the common boundary with no.4 which will likely result in rainwater goods overhanging onto adjoining property – applicant should submit a letter from the owner to indicate no objections or revise proposal; 2) impact of dormer on visual amenity – revise drawings/comment; 3) address concerns of Fire Service; and, 4) clarify boundary along western side.
- The applicant responded with a letter from the adjoining neighbour, as well as a drawing reducing the scale of the dormer. The response letter indicates that the existing bedrooms are particularly tight and that families need more space to accommodate extra storage. It is stated that a first floor extension was considered but the dormer would not have as negative an effect – a shadow analysis was carried out comparing a first floor extension and a dormer extension. Propose to add fixed horizontal louvres to dormer window. Confirm that the attic space does not meet Building Regulations height requirements at 2.3m in height, and as such will only be used for non-habitable use.
- Planner noted the neighbour's letter and the response regarding the dormer. However, considers that the proposed dormer will result in a prominent flat roofed box like feature, which would differ considerably from surrounding dwellings and considers this element should be refused.

- Planner recommends a split decision, refusing the dormer. However, this is amended to include a condition that the dormer be revised to a flat rooflight.

3.2.2. Other Technical Reports

- **Water Service:** No objection subject to conditions.
- **Area Engineer:** No objection subject to conditions
- **Fire Services:** Following response to Further Information, no objections
- **Environment Section:** No objection subject to conditions.

3.3. Prescribed Bodies

None on file

3.4. Third Party Observations

None on file

4.0 Planning History

There is no planning history for the site itself.

In the vicinity, there have been a number of planning applications for extensions:

- **Reg. Ref. 16/508:** Permission was granted in September 2016 at No.1 The Avenue, Newtown Hall for the construction of a two storey rear and side extension including rooflights. The two storey extension height was 6.235m against the existing dwelling roof height of 8.9m. The dwelling is on a corner site across the road from the subject application.
- **Reg. Ref. 10/520:** Permission was granted in October 2010 for a two storey extension to the rear and side as well as two new velux rooflights for attic storage. This dwelling is at the opposite end of the subject terrace of dwellings at No.1 The Green, Newtown Hall.
- **Reg. Ref. 07/491:** Permission was granted in July 2007 for a two storey extension to the rear at 74 Castledawson – dwelling to the south-west of the subject site. Application included rooflights in the attic.

5.0 Policy Context

5.1. Kildare County Development Plan 2017 - 2023

5.1.1. Chapter 4 refers to housing and Chapter 17 refers to Development Management Standards.

5.1.2. Section 4.11 of Chapter 4 refers to Residential Development in Established Urban Areas - infill, backland, subdivision of sites and corner sites. With respect to extensions to dwellings in urban areas, it notes, *“Domestic extensions are an effective way for homeowners to adapt to changing household needs without having to move house. The design, scale and layout should have regard to the amenities of adjoining properties, particularly as regards overshadowing and privacy”*.

5.1.3. Section 17.4.8 refers to Extensions to Dwellings. It states

Primarily, the design and layout of extensions should have regard to the character of the existing dwelling, the nature of the surrounding area and the amenities of adjoining properties, particularly as regards sunlight, daylight and privacy.

5.1.4. The following basic principles shall be applied (summarised)

The extension should be sensitive to the existing dwelling not adversely distort the scale or mass of the structure or adjoining properties complement the area have regard to adjoining properties..... a flexible approach will be taken to the assessment of alternative design concepts and contemporary designs will be encouraged... In rural areas have regard to Chapter 16 Rural Design Guide.... not provide for new overlooking of the private area of an adjacent residence In an existing developed area. not significantly increase overlooking possibilities..... not overshadow adjacent dwellings to the degree that there is a significant decrease in daylight or sunlight entering into the house..... The physical extensions to the floor area of a dwelling should not erode its other amenities. In all cases a minimum private rear garden area must be retained.

5.2. Natural Heritage Designations

The Rye Water Valley Carton SAC (Site Code 001398) is located c.2km to the north-east of the site.

6.0 The Appeal

6.1. Grounds of Appeal

A First Party appeal against Condition 2(B) has been submitted by the applicant. In summary, it states:

- Plans were discussed with neighbours to identify any issues. Neighbours reacted positively, and this is confirmed by the fact that there were no third party submissions.
- Further Information submission clearly indicates the difference between a first floor extension and the attic conversion.
- Dormer provides a reasonably sized, accessible, safe storage area while having a very limited impact on the visual amenity of the area.
- Bedrooms are below minimum standards and the creation of a dormer to facilitate readily accessible storage will relieve some pressure on the bedroom spaces.
- Dormer is much less visible than the first floor extensions built by opposing properties in Castledawson.
- Dormer proposal is a contemporary and non-intrusive proposal in contrast to the chaotic storage space of attics in the 70's/80's/90's where adults leave the attics with bumps and bruises due to lack of light, space and safe access.
- Request Board to review the information and compare the dormer proposal to the first floor extension which has been erected to the rear of no.74 Castledawson.

6.2. Planning Authority Response

The Planning Authority responded stating that they have no further comments.

7.0 Assessment

The first party has appealed Condition No.2 (b) only. Having regard to the land use zoning in this location, and the fact that there were no third party submissions at Planning Authority stage, or third party appeals against the decision of the Planning Authority to grant permission, I am satisfied that the consideration of the proposed development 'de novo' by An Bord Pleanála would not be warranted in this case. Accordingly, I recommend the Board should use its discretionary powers under Section 139 of the Planning and Development Act 2000 (as amended), and issue the Planning Authority directions to retain, remove or amend the Condition No.2 (b).

If the Board decide to consider the development 'de novo', the Board should note that development has commenced on the ground floor extension.

The issue of Appropriate Assessment also needs to be addressed.

7.1. Condition No.2 (b)

- 7.1.1. Condition No.2(b) requires the replacement of a dormer window at attic level to the rear of the dwelling, with a flush rooflight. From the outset, the Planning Authority expressed concerns with the proposed dormer window. The Planner considered that the dormer would result in a noticeable feature projecting from the roof of the existing dwelling which would differ considerably from the adjoining dwelling. Following the Further Information request, the applicant reduced the scale of the dormer and proposed fixed horizontal fins on the glazing to prevent overlooking.
- 7.1.2. The applicant considers that the extra storage space provided by the attic and dormer will be of great assistance for family living as he considers that two of the three bedrooms are below minimum standards. The two smaller bedrooms are 10.04sq.m and 7.44sq.m in area respectively. I note that '*Quality Housing for Sustainable Communities*' published by the Department of Environment, Heritage and Local Government 2007, advises that the area of a single bedroom should be at least 7.1sq.m and that of a double bedroom at least 11.4sq.m. Thus, while the

smaller bedroom complies, the second bedroom does not comply with minimum standards.

- 7.1.3. The attic room proposed is quite substantial in area. While I accept that the dormer window will provide space that is easier to use, I have concerns with the scale of the dormer and its location on a dwelling that is part of a terrace of dwellings.
- 7.1.4. Having regard to the scale proposed, and as noted by the Planning Authority, it would result in a prominent flat roofed box like feature, which would differ considerably from surrounding dwellings. I note that the surrounding dwellings incorporate flush rooflights – the dwelling to the west and to the south have attic rooflights. Furthermore having regard to the planning history of the area, I note that rooflights only were included to provide for natural light in the attic of the dwelling at the opposite end of the terrace, No.1 The Green.
- 7.1.5. Having visited the site, I consider that the proposal for a dormer of this scale would have an overbearing effect on the adjoining terraced dwellings.
- 7.1.6. The applicant has confirmed that the attic space is for storage purposes only and as such, I am of the opinion that a rooflight is more in keeping with the surrounding developments.
- 7.1.7. I note that the applicant has stated that horizontal fins will be included to prevent overlooking; however, I am of the opinion that this proposal will introduce the potential for overlooking where none exists currently. Section 17.4.8 of the Development Plan refers to Extensions to Dwellings. It states that an extension shall not provide for new overlooking of the private area of an adjacent residence, or in an existing developed area shall not significantly increase overlooking possibilities. I am of the opinion that the subject proposal does provide for possibilities of new overlooking of other dwellings along the terrace, as well as immediate neighbours to the south, east and west.
- 7.1.8. With respect to overshadowing, the applicant advised that the alternative of a first floor extension was considered and provides shadow diagrams of a first floor extension versus the dormer. The option of a first floor extension is not before the Board, however, I am satisfied having regard to the orientation of the dwelling that a dormer would not contribute significantly to overshadowing of the adjoining dwelling.

7.1.9. In conclusion, I am of the view that the large scale dormer proposed would create an overbearing impact on the visual amenities of the adjacent terraced dwellings and would create possibilities for overlooking where none exists presently.

7.2. **Appropriate Assessment**

7.2.1. 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**

8.1. Having regard to the nature of the condition the subject of the appeal and based on the reasons and considerations set out below, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 as amended, to RETAIN condition number 2(b).

9.0 **Reasons and Considerations**

Having regard to the scale of dormer window proposed, the planning history and pattern of development in the area, it is considered that the proposed development would be an inappropriate form of development and would be out of character at this location. The proposed dormer window would, therefore, seriously injure the visual and residential amenities of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

Ciara Kellett
Inspectorate

10th April 2018