



An
Bord
Pleanála

Inspector's Report ABP300764-18

Development	Attic Conversion with rear dormer construction, accommodating bedroom and bathroom to 2 storey semi-detached house.
Location	49 Claremont Road, Dublin 2.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	4178/17.
Applicants	Frank and Pindy O'Donnell.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	First Party -v- Condition.
Appellants	Frank and Pindy O'Donnell.
Observers	None.
Date of Site Inspection	3 rd May 2018
Inspector	Paul Caprani.

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1.0 Introduction

ABP300764-18 relates to a first party appeal against Condition No. 2 of Dublin City Council's notification to grant planning permission for an attic conversion with rear dormer construction incorporating a bedroom, a new bathroom at a semi-detached two-storey dwelling at Claremont Road, Dublin 2. Condition No. 2 requires that the bedroom window at attic level shall be permanently glazed with obscure glass to a height of 1.8 metres as measured from the internal finished floor level. It is requested that this aspect of Condition No. 2 be omitted from the Board's decision.

2.0 Site Location and Description

Claremont Road is located between the suburban areas of Ballsbridge and Sandymount approximately 3 kilometres south-east of Dublin City Centre. Claremont Road is an established inner suburban residential area comprising in the main of two-storey detached and semi-detached dwellings dating from the early 20th century. Some newer infill low density apartment type development has also taken place along the road. Claremont Road is exclusively suburban in nature. No. 49 is located midway along the southern side of Claremont Road to the immediate west of the junction between Claremont Road and Farney Park to the north. It comprises of a rectangular shaped site accommodating a two-storey semi-detached dwellinghouse. No. 47 Claremont Road is attached to the immediate east of the subject site. The total site occupies an area of 404 square metres. Currently the existing dwelling comprises of a living/dining/kitchen area together with hallway at ground floor level. A dining area and utility room are contained in a single-storey extension to the rear and side of the main dwelling also at ground floor level. At first floor level the dwelling accommodates three bedrooms and a bathroom. An unconverted attic space is located within the roof pitch.

3.0 Proposed Development

Under the current application and appeal, it is proposed to extend the staircase to the attic area and to provide a new bedroom (Bedroom No. 4) together with an en-suite bathroom and ancillary storage area with the space. It is also proposed to incorporate a new rear dormer to incorporate windows providing daylight to both the new bedroom and the en-suite bathroom. The dormer is to be located within the rear roof pitch facing southwards. The gross floor area of the attic conversion amounts to 28.5 square metres increasing the overall floor area of the dwelling from 126 square metres to 154.5 square metres. The height of the flat roofed dormer extension is to remain c.0.2 metres below the pitch of the roof. The external treatment of the proposed dormer is to comprise of blue/black slates.

4.0 Planning Authority Decision

Dublin City Council issued notification to grant planning permission for the proposed attic conversion subject to 6 conditions. Condition No. 2 required the following:

“The bathroom window at attic level shall be permanently glazed with obscure glass.
.The bedroom windows at attic level shall be permanently glazed with obscure glass to a height of 1.8 metres as measured from the internal finished floor level”.

Reason: In the interest of privacy and amenity.

4.1. Documentation Submitted

The planning application was submitted on 2nd November, 2017. It was accompanied by a completed planning application form, public notices, planning fee and drawings etc.

4.2. Planning Authority Assessment

- 4.2.1. A report from the Engineering Department Drainage Division stated that there is no objection to the proposed development subject to the applicant complying with the Greater Dublin Regional Code of Practice for Drainage Works.

4.2.2. The planner's report sets out the description of the proposal and while noting that the window would be large, it would still be subordinate to the main roof. It is further noted that No. 43 and No. 39 Claremont Road have constructed similar type dormer windows. The proposal is therefore considered to be acceptable. However, in order to reduce any overlooking, it is recommended that the bathroom window be fitted with opaque glazing and the glazing to the bedroom window be obscured to a height of 1.8 metres as taken from the internal finished floor level. It is therefore recommended that planning permission be granted subject to the incorporation of Condition No. 2 as set out above. Dublin City Council issued notification to grant planning permission on 15th December 2017.

5.0 Planning History

There appears to be no planning history associated with the appeal site.

6.0 Grounds of Appeal

6.1. The grounds of appeal specifically relate to Condition No. 2 and in particular the second sentence of the condition which requires the bedroom window shall be permanently glazed with obscure glass to a height of 1.8 metres as measured from the internal finished floor level. It is argued that this condition is unreasonable on the following grounds:

- A precedent has been set for a similar type attic dormer window at No. 43 Claremont Road, a house of similar design located on the same side of Claremont Road three doors away from the application site. Dublin City Council did not require any obscure glass in the dormer window.
- The application will not result in any material overlooking of property in the vicinity.
- There are no objections to the proposed development on file.
- The closest two properties are situated at a distance over 35 metres from the rear façade of the appellants' property and there are also mature trees around the boundaries of the respective sites to ensure that privacy is maintained.

- The purpose of the windows is to provide ventilation escape for fire rescue purposes and to comply with Part 3 of the Building Regulations and to afford views towards the sky and distant mountains. Any occasional view glimpsed by the applicants would be similar to that afforded by the existing first floor bedroom windows and as such the proposal does not represent any material loss of privacy for adjacent properties.

6.2. For the above reasons it is requested that Condition No. 2 be altered accordingly.

7.0 Appeal Responses

It appears that Dublin City Council have not submitted a response to the grounds of appeal.

8.0 Observation

There are no observations contained on file.

9.0 Development Plan Provision

- 9.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022. The subject site is zoned Z1 “to provide, provide and improve residential amenities”.
- 9.2. The development plan in Section 17.11 sets out the following guidance in relation to roof extensions.

It notes that the roofline of a building is one of its most dominant features and it is important that any proposal to change the shape, pitch, cladding or ornament of the roof is carefully considered. If not treated sympathetically, a dormer extension can cause problems for immediate neighbours and the way a street is viewed as a whole. 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.

- The dormer window 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 existing doors and windows on the lower floors. Roofs should be covered in materials that match or complement the main building.
- Dormer windows should be set back from the eaves level to minimise the visual impact and reduce the potential for overlooking of adjoining properties.

10.0 Planning Assessment

- 10.1. I have read the entire contents of the file, visited the site and its surrounding and have had particular regard to the arguments set out in the grounds of appeal in respect of Condition No. 2.
- 10.2. I have assessed the development proposal as a whole and I note that there is precedent for similar type developments on houses in the immediate vicinity. I further note that the proposal generally complies with the design requirements set out for roof extensions in the current city development plan and I am also cognisant of the fact that no objections have been lodged by any third parties either during the application or appeal before the Board. On foot of this I consider that the Board can restrict its deliberations to the issues raised in the grounds of appeal namely whether Condition No. 2 can be altered to omit the obscure glazing element in the rear dormer bedroom window.
- 10.3. The subject site is located in a relatively low density suburban area. Dwellings around the site incorporate generous sized gardens, particularly rear gardens. While the rear gardens associated with the subject site and the dwellings to the immediate east are more modest in size than many of the rear gardens in the wider area, they are nonetheless of sufficient length in my opinion to ensure that privacy can be maintained. The rear garden length in the case of No. 49 is 18.6 square metres.
- 10.4. The development plan requires that there should be adequate separation between opposing first floor windows. Traditionally a separation distance of about 22 metres was sought between the rear of two-storey dwellings. However, the current development plan suggests that this can be relaxed if it can be demonstrated that

the development is designed in such a way to ensure the amenities and privacy of adjacent occupiers. The nearest dwellinghouse to the south-east of the subject site is No. 45A Claremont Road. The separation distance is estimated to be c.40 metres. While the current application proposes to incorporate a second storey extension, I consider that the separation distance of 40 metres is more than adequate to ensure that privacy is maintained. The nearest dwelling to the south-west of the subject site is No. 9 Oaklands Drive. This dwelling is estimated to be c.43 metres from the subject site and again incorporates a sufficient separation distance to ensure that privacy is maintained.

- 10.5. As the appellant points out in the grounds of appeal, the gardens surrounding the subject site and including the subject site incorporate mature landscaping which will help screen and mitigate against any direct overlooking between opposing windows.
- 10.6. Furthermore, the development plan highlights the importance of natural lighting, ventilation and sunlight penetration particularly for habitable rooms. Section 16.10 which sets out standards for residential accommodation notes in respect of natural lighting that daylight animates the interior and makes a dwelling attractive and interesting as well as providing good light. Good daylight and sunlight contribute to making a building energy efficient in reducing the need for electric lighting and can also reduce heating requirements. The plan notes that living rooms and bedrooms shall not be lit solely by rooflights and all habitable rooms must be naturally ventilated and lit. Having regard to the above statements in the development plan, it would be appropriate in my view, that in a case where the proposed window does not give rise to any material impacts in terms of overlooking, opaque glass or obscure glazing should not be used or incorporated into the fenestration arrangements.
- 10.7. I further note that there are a number of incidents where similar type precedents have been permitted in houses in the vicinity. Specifically, I would refer to No. 43 and No. 39 Claremont Road both of which incorporate large dormer rear extensions with windows on the rear elevation. I note that these windows do not incorporate obscure glazing, notwithstanding the fact that both these dwellinghouses have shorter gardens than the subject site and both are closer proximity to No. 45A Claremont Road which is located directly to the south.

11.0 Conclusions and Recommendation

Arising from my assessment above, I consider Condition No. 2 should be altered as suggested in the grounds of appeal and that the requirement to incorporate obscure glazing in the dormer window serving the bedroom should be omitted.

12.0 Appropriate Assessment

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the 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.

13.0 Decision

Having regard to the nature of the condition the subject of the appeal, 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 based on the reasons and considerations set out below it directs that the said Council alter Condition No. 2 as follows:

14.0 Reasons and Considerations

Having regard to the existing pattern of development in the vicinity of the appeal site together with the limited scale of the proposed development and the separation distances between the subject site and adjoining dwellings together with the precedent on Claremont Road for similar sized dormer roof extensions, it is considered that the development as proposed in accordance with the plans and particulars lodged with the planning authority would be compatible and would not give rise to any material overlooking and would be in accordance with the proper planning and sustainable development of the area. It is therefore considered that Condition No. 2 should be amended as follows:

2. The bathroom window at attic level shall incorporate permanent obscure glass.

Reason: In the interest of privacy and amenity.

Paul Caprani,
Senior Planning Inspector.

2nd May 2018.