



An
Bord
Pleanála

Inspector's Report ABP-300858-18

Development	Permission for the construction of a first floor plus attic level extension.
Location	2 Ballintyre Walk, Ballintyre Hall, Dublin 16
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17B/0520
Applicant(s)	Brian and Leah Hogan
Type of Application	Permission
Planning Authority Decision	Grant permission subject to conditions.
Type of Appeal	Third Party
Appellant(s)	John and Hazel McCarthy
Observer(s)	None.
Date of Site Inspection	17 th April 2018
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The subject site has an area of 0.040885 hectares. It is located at the end of a cul de sac at Ballintyre Walk, off Ballinteer Avenue, Dublin 16.
- 1.2. No. 2 Ballinteer Walk is a semi-detached two storey dwelling with single storey elements to the side and rear.

2.0 Proposed Development

- 2.1. Permission is sought for the following:
 - Construction of first floor extension comprising of a bedroom and bathroom
 - Construction of attic room
 - Velux windows to the front and rear of dwelling
 - Dormer type roof windows to the front and rear elevations
 - The total area of the first floor and attic extensions is c. 40.5 square metres. The extensions are proposed over an existing single storey element to the side of the dwelling.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority granted permission subject to two standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report notes the following key points:

- No issues of overlooking from rear velux windows as these windows do not relate to habitable rooms.

- Rear dormers are acceptable given that the level of the subject site is significantly below the level of houses to the rear at Ballintyre Downs.
- Proposed dormer is very similar to that granted at 5 Ballintyre Walk.
- Proposed first floor window similar to that granted at 5 Ballintyre Walk.

3.2.2. Other Technical Reports

3.2.3. None.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

D07A/0403 - 5 Ballintyre Walk: Permission granted for dormer window on front elevation, dormer window on rear elevation and 3 No. windows to side elevation of existing dwelling. Permission extended for this application in 2017 on the basis that there were no significant changes in development objectives or policies. This extension was under construction on the day of the site inspection.

D17B/0524- 6 Ballintyre Walk: Permission granted for single storey extension to the rear of existing 2 storey dwelling including internal alterations and conversion of existing attic to use as a habitable space, permission is also sought for 1 No. dormer to the front elevation, 1 No. dormer and 2 No. velux units to the rear and all associated site works.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative development plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The subject site is zoned Objective A: 'To protect and/or improve residential amenity.'
- 5.1.2. Section 8.2.3.4 (i) relates to extensions to dwellings including roof alterations.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

The main grounds of appeal can be summarised as follows:

- Concern regarding overlooking.
- Height of 2.29m insufficient for habitable attic room.
- Overbearing impact of proposed development.
- Contextual section attached to appeal demonstrating the relationship of the proposed development to No. 41 Ballintyre Downs.

6.2. Applicant Response

This can be summarised as follows:

- The attic spaces proposed as habitable rooms as shown on the plans will have a ceiling height of 2.4m or greater to an area of the bedroom in order to achieve compliance with Diagram 3 of T.G.D. Part F in compliance with the Building Regulations.

- The proposed extension will sit on top of the existing single story element to the side of the house and will be subservient to it.
- There is a 13m set back from the existing fence which is in excess of the 22m separation distance between first floor level windows.
- Similar dormer windows have been granted planning permission to No. 5 Ballintyre Walk, to No. 37 Ballintyre Walk and to No. 6 Ballintyre Walk.

6.3. **Planning Authority Response**

- The Planning Authority consider that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.4. **Observations**

- None.

7.0 **Assessment**

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

- Visual Impact
- Impact on Residential Amenity
- Appropriate Assessment

7.2. **Visual Impact**

7.2.1. The subject development comprises of a first and second floor extension over an existing single storey element to the side of an existing house. Dormer and velux windows are also proposed together with internal alterations.

- 7.2.2. The appeal considers that the proposed development, by nature of its massing will be overbearing.
- 7.2.3. The Planning Authority in their assessment considered that the proposed dormer window is very similar to that granted at No. 5 Ballintyre Walk and that it is modest in scale and acceptable having regard to the established precedent nearby.
- 7.2.4. I concur with the views of the planning authority in relation to the front dormer window. I also note that a similar window was also granted at No. 6 Ballintyre Walk which is currently under construction.
- 7.2.5. I do not consider that the proposed extension will be overly dominant or overbearing. I note that No.2 is located at the end of a cul de sac and the existing single storey element is set back from the existing dwelling. It is proposed to retain the existing set back. I also note from the contextual section attached to the appeal that No. 2 Ballintyre Walk is significantly lower than No. 41 Ballintyre Walk and in my view, this would reduce the impact of the development when viewed from No. 41.
- 7.2.6. Having regard to the precedent already set in the area, I am satisfied that the proposed dormer design to the front of the dwelling would be acceptable. I am also satisfied that the proposed extension and alterations would harmonise with the design character of the existing property and integrate into the streetscape.

7.3. Impact on Residential Amenity

- 7.3.1. The main concern raised in the appeal regarding impact on residential amenity relates to overlooking. It is considered that the proposed development will diminish the enjoyment and privacy currently enjoyed by the appellants within their property.
- 7.3.2. As pointed out previously, the contextual section demonstrates that No. 2 Ballintyre Walk is significantly lower than No. 41 Ballintyre Downs. To the rear of the dwelling at first floor level of the proposed extension, two new windows are proposed- one serving a bathroom with frosted glass, and the other serving a hall with a window seat. At roof level, a dormer window is proposed together with two velux windows.
- 7.3.3. The development is proposed on top of an existing single storey element which is set back from the main part of the house and the distance between opposing windows is greater than 22m. I would have some concern that there would be perceived overlooking from the window seat in the hall at first floor level. In this regard, should

the Board be minded to grant permission I consider that a condition requiring obscure glazing in this would be warranted. Other than the first floor window with a window seat, having regard to the separation distance between the proposed dwelling and existing properties, it is considered that no significant overlooking will occur.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the proposed development, extensions and alterations to an existing house within an established urban area, and the distance 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.

8.0 Recommendation

- 8.1. It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the current Dun Laoghaire Rathdown Development Plan 2016-2022, the pattern of development in the area and to the nature, form, scale and design of the proposed development, 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. The proposed development would 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 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 window serving the hall at first floor level shall be glazed with obscure glazing.

Reason: To prevent overlooking of the residential property to the south of the site.

3. 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.

4. 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.

Emer Doyle
Planning Inspector

27th April 2018