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Bord  
Pleanála

## Inspector's Report ABP-301322-18.

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<b>Development</b>	Permission for the retention of alterations to dormer window and an additional 5.82sq.m of floor area to attic conversion in planning application SD15B/0065.
<b>Location</b>	82, Dodder Park Road, Rathfarnham, Dublin 14.
<b>Planning Authority</b>	South Dublin County Council.
<b>Planning Authority Reg. Ref.</b>	SD18B/0008.
<b>Applicant(s)</b>	Fiona & Alan Guest.
<b>Type of Application</b>	Retention.
<b>Planning Authority Decision</b>	Refuse.
<b>Type of Appeal</b>	First Party.
<b>Appellant(s)</b>	Fiona & Alan Guest.
<b>Observer(s)</b>	Catherine McCallig R. Miller
<b>Date of Site Inspection</b>	11 <sup>th</sup> July, 2018.
<b>Inspector</b>	A. Considine.

## **1.0 Site Location and Description**

- 1.1. The subject site is located to the south side of Dodder Park Road and is one of a semi-detached house. The wider area is a well-established sub-urban residential area and the subject site backs onto a heavily planted area of land. The site has a stated area of 0.0362 ha.

## **2.0 Proposed Development**

- 2.1. Retention is sought for the retention of alterations to dormer window and an additional 5.82sq.m of floor area to attic conversion in planning application SD15B/0065, all at 82, Dodder Park Road, Rathfarnham, Dublin 14.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority decided to refuse permission for the retention of the works for 2 reasons as follows:

1. The dormer structure to the rear to be retained, by reason of its height, depth and overall scale, in particular its location breaking the eaves level of the main roof effectively creates a third storey at the rear facing elevation, is out of keeping with the character of the existing dwelling and surrounding area and is visually dominant and obtrusive when viewed from the rear of neighbouring properties. The development to be retained does not comply with the South Dublin County Council Extension Design Guide and the policies of the South Dublin County Development Plan 2016-3022 with regard to residential extensions and the protection of residential and visual amenity. The development to be retained would, therefore, seriously injure the amenities of property in the vicinity and be contrary to the proper planning and sustainable development of the area.
2. The development to be retained would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The Planning report formed the basis for the Planning Authority's decision to refused permission. The report considered that the dormer window as constructed, obscures the main features of the roof, breaks the eaves line of the roof, appears overly dominant to the original roof, is visually obtrusive and gives the appearance of a third floor to the rear of the dwelling. The report concludes that the development does not integrate with the existing roof profile, is a visually incongruous feature and does not comply with the South Dublin County Council House Extension Design Guide and the policies of the County Development Plan.

### 3.2.2. Other Technical Reports:

None.

### 3.2.3. Third Party Submissions:

There are 2 third party submissions noted on the planning file. The issues raised are summarised as follows:

- Non-compliance with original planning permission
- Size, siting, design and bulk is significant and represents an overly dominant and disproportionate addition to the roof, alienating and dwarfing adjacent properties
- The development overlooks neighbouring properties in an intrusive manner
- The structure will reduce the value of homes in the vicinity.

Photographs are included with both objections.

## 4.0 Planning History

The following is the planning history relating to the subject site:

**PA ref SD15B/0065:** Permission granted for an extension (floor area 23m<sup>2</sup>) at first floor level to the side of existing dwelling and conversion of attic space to a bedroom including new dormer window to the rear and 'Velux' rooflights to the front and rear; new porch to the front.

## 5.0 Policy Context

### 5.1. Development Plan

The South Dublin County Council Development Plan, 2016-2022 is the relevant policy document pertaining to the subject site. The site is zoned 'R2' where it is the stated objective for this zoning to protect and / or improve residential amenity.

Chapter 2 of the County Development Plan deals with Housing, and section 2.4.1, with residential extensions. The following policies are considered relevant:

Policy H18 Residential Extensions: It is the policy of the Council to support the extension of existing dwellings subject to the protection of residential and visual amenities.

H18 Objective 2 states that it is the objective of the Council: 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).

### 5.2. South Dublin County Council House Extension Design Guide, 2010

5.2.1. These Guidelines were prepared to supplement policies and guidance in the County Development Plan and to provide advice on how to achieve a well designed extension. The guidelines are broken into three sections which deal with the approach to extending, elements of good extension design and dealing with planning permission and exempted developments. Section 4 deals with elements of good design while part IV includes for rear extensions and attic conversions and dormer windows (pages 19 and 20 refer).

5.2.2. The guidelines require:

- 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 over-dominant in appearance or give the appearance of a flat roof.
- Avoid the use of flat-roofed dormer window extensions on houses with hipped rooflines.

### 5.3. Natural Heritage Designations

The subject site is not located within, or adjacent to, any designated European Site. The South Dublin Bay SAC, Site Code 000210, and the South Dublin Bay and River Tolka Estuary SPA, Site Code 004024 are located approximately 6km to the east.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

This is a first party appeal against the decision of the Planning Authority to refuse permission for the retention of the amendments to the dormer window as requested. The grounds of appeal are summarised as follows:

- It is submitted that advice was given that the amendment to the dormer window would not require planning permission.
- Neither neighbours raised objections to the amended dormer window and the window has been in place for three years.

- There are similar developments in the vicinity of the site which set a precedent, examples provided. It is further submitted that there are examples of cited developments which are equally if not more visually dominant on neighbouring properties which should be considered in comparison to the development for retention.
- A three storey house has already been granted permission on Dodder Park Road and has set a precedent.
- The structure is not visible from the main road, is not overlooking properties to the rear and is an extension of a pre-approved planning application.
- The applicant engaged with DNG to provide expert opinion that the constructed development does not impact on the value of adjacent properties.
- The originally approved dormer would have equal impact on the privacy of neighbouring properties.

There are a number of enclosures with the appeal and the appellant requested an oral hearing.

## **6.2. Planning Authority Response**

The Planning Authority has not responded to this appeal.

## **6.3. Observations**

There are two observations noted in relation to this appeal. The submissions restate the objections raised during the Planning Authority's assessment of the proposed development.

## 7.0 Assessment

7.1. Having regard to the nature of this appeal, and having undertaken a site visit, as well as considering the information submitted, and proposed development, I suggest that it is appropriate to assess the proposed development under the following headings:

- The principle of the development and compliance with policy
- Other Issues
- Appropriate Assessment

### 7.2. Principle of the development and compliance with policy

7.2.1. At the outset, I would note that planning permission was granted to the applicant / appellant for the construction of a dormer window in the roof to the rear of the house under previous decision, PA ref SD15B/0065 refers. The window as constructed does not relate to that permission and therefore the conditions of that permission have not been complied with.

7.2.2. The subject site is located within a well established suburban residential area in an area zoned 'R2' in the South Dublin County Council Development Plan, 2016-2022. It is the stated objective for this zoning to protect and / or improve residential amenity. It is also the stated policy of the Council, Policy H18 and H18 Objective 2 refers, to support the extension of existing dwellings, subject to the protection of residential and visual amenities. I am generally satisfied that the proposed residential extension is acceptable in principle.

7.2.3. The South Dublin County Council House Extension Design Guidelines were produced in 2010 and seek to provide advice on how to achieve good design in terms of extensions. Section 4 of these guidelines deals with elements of good design while part IV includes rear extensions and attic conversions, including dormer windows. The third party observers have raised concerns and would not agree that bad advice should allow the retention of the dormer window. It is submitted that the window as constructed is obtrusive and has resulted in overlooking, impacting on the existing residential amenity of adjacent properties. The Board will note that on the date of my site inspection, I tried to access all three properties, but to no avail.

Photographs of the rear window which clearly shows the as constructed attic conversion have been submitted.

7.2.4. In terms of compliance with the requirements of the Development Plan and Design Guidelines, the Board will note the following:

- Locate dormer windows below the ridge of the roof, even if the roof has a shallow pitch.

The flat roofed extension lies just below the ridge of the roof.

- Locate dormer windows as far back as possible from the eaves line (at least three tile courses).

There is no set-back from the eaves line, as originally proposed. The as constructed structure continues up from the rear wall of the house and has been constructed contrary to both the permitted development and the requirements of the County Development Plan.

- Relate dormer windows to the windows and doors below in alignment, proportion and character.

Having regard to the above, I would not consider that the as constructed window unit is substantially larger than the existing windows and do not relate in terms of alignment, proportion or 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.

The flat roof sits below the ridge line of the existing 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.

The dormer window does not obscure the main ridge but has obscured the eaves feather of the existing 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.

The Board will note that the dormer window has been constructed right up to the boundary with the adjacent semi-detached house.



- Avoid dormer windows that are over-dominant in appearance or give the appearance of a flat roof.

The dormer window as constructed represents a dominant structure and has been constructed with a flat roof.

- Avoid the use of flat-roofed dormer window extensions on houses with hipped rooflines.

The dormer window represents a dominant structure and has a flat roof.

7.2.5. Having regard to the above, I am not satisfied that the proposed development is acceptable or in compliance with the requirements of the South Dublin County Council Development Plan or the House Extension Design Guidelines. I consider that as constructed, the dormer window represents a visually dominant and obtrusive feature when viewed from the adjacent properties. I also consider that the development has resulted in significant overlooking of both adjacent properties and has seriously injured the existing residential amenities of these properties, contrary to Policy H18 Objective 2 of the Plan. Notwithstanding the submission of the appellant identifying similar type developments in the area, the development, if permitted, would set an undesirable precedent for similar type developments in this suburban residential area.

### 7.3. Other Issues

7.3.1. The Board will note that the appellant has submitted an example of other permitted dormers in the vicinity of the subject site in an effort to support their application. I have looked at all of the cited examples and have provided information in relation to the majority of them in the appendix to this report. While I would accept that large dormers have been permitted in the wider area, I would not consider it appropriate to grant permission for the retention of the subject window given the current policy requirements. I would also note that there were differences in the context of the windows permitted, and perhaps in some cases, conditions of permissions have not been complied with. This however is a matter for the Planning Authority. The window the subject of this retention application does not comply with the policy objectives of the current County Development Plan pertaining to the site.

#### 7.4. **Appropriate Assessment:**

Given the location of the subject site within an established and mature residential area, together with the nature of the proposed development, I am satisfied that there is no potential for impact on any Natura 2000 site, warranting AA.

#### 8.0 **Recommendation**

I recommend that permission be refused for the following stated reason.

#### 9.0 **Reasons and Considerations**

1. The dormer structure to be retained, by reason of its height and scale, in particular its location breaking the eaves line of the main roof, is out of character with the existing dwelling and adjacent properties, and is visually dominant and obtrusive when viewed from the rear of neighbouring properties. The development to be retained does not comply with the South Dublin County Council Extension Design Guide and the policies of the South Dublin County Development Plan 2016-3022, Policy H18 Objective 2 refers, with regard to residential extensions and the protection of residential and visual amenity. The development to be retained would, therefore, seriously injure the amenities of property in the vicinity by reason of overlooking and visual impact, and be contrary to the proper planning and sustainable development of the area.
2. The development to be retained would set an undesirable precedent for similar type developments, contrary to the provisions of the County Development Plan, and would negatively impact on the existing residential amenities of the area. The development would therefore, be contrary to the proper planning and sustainable development of the area.

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A. Considine  
Planning Inspector  
29<sup>th</sup> July, 2018