



An
Bord
Pleanála

Inspector's Report ABP-301539-18

Development	Retention of a dormer extension to rear.
Location	48, Beech Hill Avenue, Donnybrook, Dublin 4
Planning Authority	Dublin City Council Sth
Planning Authority Reg. Ref.	2272/18
Applicant(s)	Rose Sweeney
Type of Application	Permission
Planning Authority Decision	Dublin City Council
Type of Appeal	Third Party V Grant
Appellant(s)	Bridget Sweeney
Observer(s)	None
Date of Site Inspection	11 th July 2018
Inspector	Ronan O'Connor

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1.0 Site Location and Description

1.1. The site is a mid-terrace property with a single storey rear extension to the rear and a dormer window at roof level. The dormer window is the subject of this appeal. The appeal site backs onto a sloped area planted with trees, and beyond this is open space associated with Donnybrook Court to the west. Further to west of Donnybrook Court are houses on Beaver Row.

2.0 Proposed Development

2.1. Retention of dormer extension to the rear.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Grant permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the planning officer reflects the decision of the planning authority.

Points of note are as follows:

- Dormer is small in size.
- Works considered reasonable.
- Recommendation to grant permission.

3.2.2. Other Technical Reports

Drainage – No objection.

3.3. Prescribed Bodies

None.

3.4. **Third Party Observations**

- 3.4.1. One observation was received. The issues raised are covered in the grounds of appeal.

4.0 **Planning History**

- 4.1.1. 3602/15 – Grant – House.

5.0 **Policy Context**

5.1. **Development Plan**

The site is located in an area that is zoned Objective Z1 (To protect, provide and improve residential amenities). Under the provisions of the Dublin City Development Plan 2016-2022. Under this land use zoning objective, residential development is a permissible use.

Relevant sections of the Development Plan include:

- Paragraph 16.10.12 of the Plan relates to extensions to residential properties.
- Appendix 17 of the Plan provides guidance on residential extensions. Section 17.11 gives guidance on roof extensions.

5.2. **Natural Heritage Designations**

None.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The Third Party grounds of appeal are as follows:

- Unauthorised development and use of retention – dormer is larger than granted/extensions to rear do not comply with permission.
- Garden seems smaller than was indicated in the plans.

- Concerned that the three bedroomed dwelling is in fact bigger than 3 beds.
- Overlooking/Loss of Privacy – Dormer overlooks property at 18 Beaver Row. Retention of a second dormer would further compromise privacy.
- Loss of outlook and loss of daylight and sunlight as a result of the two-two storey buildings/overshadowing.
- Removal of trees and stability of embankment caused by works.
- If decision is not overturned request that the dormer windows be relocated so they face sideways and not overlook property/replacement of trees/boundary wall to be built higher.

6.2. Applicant Response

The First Party Response to the Third Party Appeal is as follows:

- Subject matter of the appeal does not appear to relate to the subject application.
- House was constructed in 1950's and is not a new build.
- 18 Beaver Row does not adjoin 48 Beech Hill Avenue as stated.
- Subject dormer window is over 23m away from the boundary of 18 Beaver Row – is 51m away from the rear elevation of 18 Beaver Row.
- Cannot result in overshadowing due to ridge line and distance.
- Permission was granted for a dormer window on the adjoining house – 3602/15 – recent precedent for this development.
- Dormer has no impact on stability of embankment – this is owned by a third party.

6.3. Planning Authority Response

6.3.1. None.

6.4. Observations

6.4.1. None.

6.5. Further Responses

6.5.1. None.

7.0 Assessment

7.1.1. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. The main planning issues in the assessment of the proposed development are as follows:

- Principle of Development
- Residential Amenity
- Design
- Other Issues
- Appropriate Assessment

7.2. Principle of Development

7.2.1. The site is zoned 'Z1' under the Dublin City Development Plan, 2016-2022. The stated objective for 'Z1' zoned land is "to protect, provide and improve residential amenities'. The principle of residential development is generally acceptable on 'Z1' zoned land, subject to safeguards.

7.3. Residential Amenity

7.3.1. The appellant at No, 18 Beaver Row has raised the issue of residential amenity, including loss of privacy, loss of outlook, loss of daylight and sunlight and overshadowing. I note that some of the comments in the Third Party Appeal submission relate to the existing house itself and other extensions to the rear. As this appeal relates solely to the dormer extension, I can only comment on the impact of same.

7.3.2. In relation to privacy, there is a significant distance between the dormer window and the rear windows of. 18 Beaver Row (approximately 50m). There is also trees of a significant size between the appeal site and the appellant's property, which limits

inter-visibility between the appeal site and the appellant's property. As such, no material overlooking of the appellant's property results from this dormer window.

- 7.3.3. There is no loss of outlook, loss of daylight and sunlight, or overshadowing resulting from the dormer window, given its location on the roof, its limited scale and the distance to the appellant's property. There is no material impact on the amenity of any other neighbouring property.

7.4. Design

- 7.4.1. The dormer is small in scale and is set in from the ridge line and from the eaves. As such it is in line with guidance as set out in Appendix 17 of the City Development Plan. I note there is a dormer of a similar scale on the adjoining building. The overall appearance of the dormer is acceptable. The location of the dormer to the rear roof slope means the visual impact of same is limited.

7.5. Other Issues

- 7.5.1. The appellant has raised the issue of inconsistencies in the drawings. My observations on site were that the size of the dormer is as per the drawings. However the window type differs from that shown. It is my view that this is not material to the appearance, or the acceptability of the dormer, having regard to design, as the deviation from the drawings is relatively minor.
- 7.5.2. The appellant has raised the issue of loss of trees and structural stability. This is unrelated to the dormer that is the subject of this appeal and I cannot comment on same.
- 7.5.3. I also note that the appellant has raised issues related to enforcement. It is of note that the Board does not have a role in Enforcement and in this respect regard is had to Section 10.1 of the Development Management Guidelines 2007 which provides: Enforcement of planning control is the responsibility of the planning authority and this is the case, of course, whether the planning decision, including conditions, was made by the planning authority or the Board.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the development proposed for retention, a dormer extension to an existing property, within a serviced area and separation 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 the conservation objectives of any European site.

8.0 Recommendation

8.1. Grant permission for retention.

9.0 Reasons and Considerations

Having regard to the design and appearance of the dormer extension, and the pattern of development in the vicinity, it is considered that, subject to compliance with conditions below, the development proposed for retention would not seriously injure the visual amenities of the area or residential amenities of property in the vicinity. The development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area

10.0 Conditions

1. The development shall be retained 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.

Reason: In the interests of clarity.

2. Water supply and drainage arrangements, including 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

Ronan O'Connor
Planning Inspector

12th July 2018