



An
Bord
Pleanála

Inspector's Report ABP-302021-18

Development

The development consisted of alterations to a previously granted planning permission Ref. No. D16B/0112. The extent of the alterations is as follows: an increase in the size of the new rear dormer, a decrease in the height of the new roof to the front, the resizing of the proposed window to the side, an additional window to the side and the resizing of the new ground floor window to the front. Furthermore, the proposed works of raising the existing roof, the demolition of the existing chimney to side and the installation of roof lights to the side were not carried out.

Location

Cnoc Bree, Hyde Road, Glenageary, Co. Dublin.

Planning Authority

Dún Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D18B/0185

Applicant(s)	Lisa and Neil McKenna
Type of Application	Permission for retention
Planning Authority Decision	Split Decision
Type of Appeal	First Party v. Decision
Appellant(s)	Lisa and Neil McKenna
Observer(s)	None.
Date of Site Inspection	30 th October, 2018
Inspector	Robert Speer

1.0 Site Location and Description

1.1. The proposed development site is located within an established residential area, approximately 540m northwest of Dalkey village centre, in the suburb of Glenageary / Dalkey, Co. Dublin, where it occupies a position along the northern side of Hyde Road. The surrounding area is predominantly characterised by a combination of detached and semi-detached two-storey housing of varying designs dating from the mid-late 20th Century, although there are a number of other housing styles within the wider area such as single storey bungalows further southeast along Hyde Road. The site itself has a stated site area of 0.0649 hectares, is rectangular in shape and is presently occupied by an asymmetrical, two-storey, detached dwelling house with a substantial single storey extension to the rear of same. It is bounded by comparable housing to the immediate northwest and southeast whilst the lands to the rear (northeast) of the property comprise a heavily planted / woodland area historically associated with the grounds of Castle Park School, Castle Park Road, Dalkey, Co. Dublin.

2.0 Proposed Development

2.1. The subject proposal involves the retention of a series of alterations to the development previously permitted under PA Ref. No. D16B/0112, including the following:

- An increase in the size of the new rear dormer.
- A decrease in the height of the new roof to the front.
- The resizing of the proposed window to the side.
- The insertion of an additional window to the side.
- The resizing of the new ground floor window to the front.

2.2. By way of further clarity, it has also been submitted that the following works were not undertaken pursuant to PA Ref. No. D16B/0112:

- The raising of the existing roof;
- The demolition of the existing chimney to the side; and
- The installation of roof lights to the side.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On 14th June, 2018 the Planning Authority issued a split decision in respect of the development proposed for retention as follows:

- To **GRANT** permission for the retention of *‘the development to be retained to the front, side and ground level to the rear’* subject to 1 No. condition which can be summarised as follows:

Condition No. 1 – Refers to the submitted plans and particulars.

- To **REFUSE** permission for the retention of *‘the enlarged dormer structure to be retained located on the rear roof slope’* for the following single reason:
 - Having regard to its size and location within the roof slope, extending beyond the existing ridgeline, it is considered that the dormer structure to be retained is excessive in scale and would set an undesirable precedent for future development within the area. It is considered that the dormer structure to be retained fails to accord with the provisions of Section 8.2.3.4(i) Extensions to Dwellings in the Dún Laoghaire-Rathdown County Development Plan, 2016-2022, and seriously injures the amenities, or depreciates the value, of property in the vicinity and is therefore considered to be contrary with the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

States that the revisions to the development previously permitted under PA Ref. No. D16B/0112, including the amended construction of the front and rear extensions and the associated alterations to the fenestration arrangements, accord with the provisions of the County Development Plan and will not unduly impact on the residential or visual amenities of the area, with the exception of the enlarged dormer structure proposed for retention.

With regard to the dormer construction within the rear elevation of the dwelling, it is stated that due to its size and visual dominance, with particular reference to its overall width and the fact that it projects above the existing roof ridge line, this element of the proposal does not accord with the requirements of Section 8.2.3.4 of the Development Plan, would be out of keeping with the existing roofscape, and would set an undesirable precedent for similar works which would be contrary to the proper planning and sustainable development of the area (*N.B.* The case planner does however acknowledge that the dormer feature is, in reality, only partially visible from the front of the property along Hyde Road).

Accordingly, the planning report recommends a split decision as per the foregoing conclusions.

3.2.2. Other Technical Reports:

Drainage Planning, Municipal Services: No objection, subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

4.1. On Site:

PA Ref. No. D16B/0112. Was granted on 23rd May, 2016 permitting Lisa & Neil McKenna permission for the reconstruction of the existing two storey garage and bedroom to the front, to create a full height two storey façade, with a new roof over the front and side and a new dormer roof light to the rear, all of which will contain new rooms at attic level together with a larger window to the stairs at the eastern side. The interior is to be remodelled at ground and first floor and the stairs will extend to the new attic level.

4.2. On Adjacent Sites:

PA Ref. No. D17A/0551 / ABP Ref. No. PL06D.249205. Was granted on appeal on 26th April, 2018 permitting Curve Devco Limited permission for a development comprising 50 number apartments consisting of five number one-bed, 30 number two-bed and 15 number three-bed apartments, each with balcony/terrace space; the apartments are arranged in a number of blocks within eight number buildings which are linked by seven number glazed atrium, each providing access to two apartments blocks; the blocks range in height from three-four storeys over a single basement level; 80 number car spaces are provided at basement level, four number drop-off car spaces at surface level and 60 number cycle spaces at basement and surface level (including a covered bike parking store catering for 10 number spaces at surface level); all associated site development works including site excavation works, landscaping, provision of open space, all boundary treatments, lighting, children's play area, a single storey garden pavilion (circa 92.3 square metres), ESB substation (circa 21.9 square metres); bin stores and plant at basement level and ancillary site attenuation (including green roofs to the apartment buildings); a new controlled pedestrian/cycle access gate is proposed connecting to Castle Close. Vehicular access serving the scheme is off the existing avenue also serving Castle Park School via the existing school entrance off Castle Park Road; the use of the existing gate to the school from Castlelands for emergency/fire tender access purposes, for pedestrian access and for temporary construction access; all on a site of circa 1.27 hectares within the grounds of the Castle Park School (house and entrance gateway both designated Protected Structures) on lands at Castle Park School, Castle Park Road, Dalkey, Co. Dublin.

5.0 **Policy Context**

5.1. **Development Plan**

5.1.1. **Dún Laoghaire Rathdown County Development Plan, 2016-2022:**

Land Use Zoning:

The proposed development site is located in an area zoned as 'A' with the stated land use zoning objective '*To protect and-or improve residential amenity*'.

Other Relevant Sections / Policies:

Chapter 8: Principles of Development:

Section 8.2: Development Management:

Section 8.2.3.4: Additional Accommodation in Existing Built-up Areas (i) Extensions to Dwellings:

First floor rear extensions will be considered on their merits, noting that they can often have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:

- Overshadowing, overbearing and overlooking - along with proximity, height and length along mutual boundaries.
- Remaining rear private open space, its orientation and usability.
- Degree of set-back from mutual side boundaries

Roof alterations/expansions to main roof profiles - changing the hip-end roof of a semi-detached house to a gable/'A' frame end or 'half-hip' for example – will be assessed against a number of criteria including:

- Careful consideration and special regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures.
- Existing roof variations on the streetscape.
- Distance/contrast/visibility of proposed roof end.
- Harmony with the rest of the structure, adjacent structures and prominence.

Dormer extensions to roofs will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties. The design, dimensions and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations. Dormer extensions shall be set back from the eaves, gables and/or party boundaries.

The proposed quality of materials/finishes for dormers will be considered carefully as this can greatly improve their appearance. The level and type of glazing within a dormer structure should have regard to existing window treatments and fenestration of the dwelling. Particular care will be taken in evaluating large, visually dominant dormer window structures, with a balance sought between quality residential amenity and the privacy of adjacent properties. Excessive overlooking of adjacent properties should be avoided unless support by the neighbours affected can be demonstrated.

More innovative design responses will be encouraged, particularly within sites where there may be difficulty adhering to the above guidance and where objectives of habitability and energy conservation are at stake.

5.2. Natural Heritage Designations

5.2.1. The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- The Dalkey Islands Special Protection Area (Site Code: 004172), approximately 1.2km east-southeast of the site.
- The Rockabill to Dalkey Island Special Area of Conservation (Site Code: 003000), approximately 1.4km east of the site.
- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 2.9km northwest of the site.
- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 3.0km northwest of the site.

N.B. This list is not intended to be exhaustive as there are a number of other Natura 2000 sites in excess of the aforementioned distances yet within a 15km radius of the application site.

6.0 The Appeal

6.1. Grounds of Appeal

- By way of background, the Board is advised that the applicants were previously granted permission under PA Ref. No. D16B/0112 for the

reconstruction of the existing two-storey garage and bedroom to the front of the property to create a full height two-storey façade, with a new roof over the front and side and a new dormer rooflight to the rear, all of which would contain new rooms at attic level together with a larger window to the stairs on the eastern elevation. However, during the course of the construction works, a number of changes were made to the approved design and thus the subject application has been lodged to regularise same.

- The purpose of the rear dormer structure proposed for retention is to provide access to the bedroom at second floor level. Without the extent and height of this dormer there would be insufficient height to access the bedroom.
- The enlarged rear dormer window complies with the provisions of Section 8.2.3.4 of the Development Plan in that it has no impact on the character or form of the dwelling, particularly considering the existing multitude of roof pitches. It contains a single small window finished in obscure glazing and will not impact on the privacy of neighbouring properties by way of overlooking. It is also set back from the eaves, gable ends and adjoining party boundaries in accordance with Section 8.2.3.4 of the Plan.
- The material used to clad the structure is a fibre panel. Its bright colour provides a contrast with the dark roof and gives it a lighter appearance.
- Whilst there is a small window within the dormer extension, it has been glazed in obscure glass and does not give rise to any overlooking of adjacent properties.
- The location and orientation of the dormer extension ensures that there will be no overshadowing of any adjoining properties.
- Although the dormer windows will be visible from the rear of adjoining properties, it is not considered to be visually obtrusive. Indeed, none of the neighbours objected to its inclusion or to the planning application for the retention of same.
- The dormer window is not visible from the northern side of Hyde Road and whilst glimpses of the construction are available from along the southern side of that roadway, the hipped roof to the front of Cnoc Bree and the roof profile

of the adjoining houses all serve to largely disguise the dormer extension to such an extent that its visual impact is deemed to be negligible to minor (please refer to the accompanying photographs).

- Given that there is no impact on the residential amenity of neighbouring properties or the wider area, it follows that there can be no impact on the value of property in the vicinity.
- It is not accepted that the creation of an undesirable precedent is, in itself, a valid reason for refusal. A central tenant of the planning system is that every planning application should be determined on its own merits having regard to the individual circumstances of the application. In this respect it is submitted that the subject proposal complies with the requirements of the Development Plan and will not have a detrimental impact on amenity.
- The dormer window plays a vital role in accessing the bedroom at second floor level and therefore serves to improve the quality of the dwelling.
- Notwithstanding the foregoing, the applicants are willing to accept a condition that would involve the raising of the ridge height of the dwelling in order to disguise the dormer to the rear (Please refer to the accompanying drawings which show the ridge height raised by 660mm in order to ensure that the dormer will not be visible from the front of the property).

6.2. **Planning Authority Response**

- States 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.

6.3. **Observations**

None.

6.4. **Further Responses**

None.

7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- Overall design and layout
- Impact on residential amenity
- Appropriate assessment
- Environmental impact assessment (screening)

These are assessed as follows:

7.2. **Overall Design and Layout:**

- 7.2.1. From a review of the available information, it is apparent that the key issue in the assessment of the subject proposal concerns the specific design and visual impact of the box dormer window proposed for retention to the rear of the property and the determination by the Planning Authority that said construction fails to comply with the provisions of Section 8.2.3.4: *'Additional Accommodation in Existing Built-up Areas (i) Extensions to Dwellings'* of the Dún Laoghaire Rathdown County Development Plan, 2016-2022. In this respect it is of relevance to note that whilst the remodelling / extension of the existing dwelling house previously approved under PA Ref. No. D16B/0112 included for the installation of a dormer window within the rear roof pitch of the property, it is clear that the box dormer window as constructed is considerably larger than that originally permitted by reference to its overall size and width and that the new construction projects above the existing ridge line (*N.B.* Although the roof of the dwelling house was to have been raised pursuant to PA Ref. No. D16B/0112, these works were not carried out). Notably, the height of the dormer window would seem to derive from the need to provide access to a second floor bedroom despite the submitted drawings detailing a landing / storage area (*N.B.* The dormer window as originally approved was to have served an upper floor bathroom).
- 7.2.2. In its assessment of the subject proposal, the Planning Authority has concluded that the dormer window proposed for retention is visually prominent by reason of its overall size, scale and bulky appearance, is out of keeping with the surrounding

roofscape, and will set an undesirable precedent for future development in the area. In this regard, it has been determined that the dormer window in question does not accord with the provisions of Section 8.2.3.4(i) of the Development Plan wherein it is stated that dormer extensions will be assessed having regard to the impact on the character and form of the existing building whilst the design, dimensions and bulk of any such proposal relative to the overall size of the dwelling will be overriding considerations. However, it should also be noted that the report of the case planner has acknowledged that the dormer window in question is only visible in part to the front of the property from along Hyde Road.

7.2.3. Having conducted a site inspection, whilst I would accept the need to ensure the appropriate control / regulation of dormer extensions etc. through adherence to specified design criteria, it is my opinion that Section 8.2.3.4(i) of the Development Plan provides for some degree of flexibility in the application of same. In this respect I would advise the Board that I am satisfied that the dormer window in question is not overtly visible from vantage points along Hyde Road and that the visual impact attributable to the extremely limited views of same from within the surrounding public domain will be particularly low, if not negligible. Furthermore, although the dormer window is noticeably larger than that previously approved on site, it will not impinge on the residential amenity or privacy of neighbouring properties by reason of its orientation and the use of obscure glazing. It should also be noted that whilst Section 8.2.3.4(i) of the Plan requires dormer extensions to be set back from the eaves, gables and / or party boundaries, it would not appear to expressly prohibit such construction from exceeding the roof ridge line. In any event, although the dormer window projects above the lower ridge line of the dwelling house (which runs parallel to Hyde Road), it does not exceed the uppermost roof ridge line.

7.2.4. Therefore, on balance, it is my opinion that the dormer window in question is not unduly visually prominent and does not detract from the wider streetscape / roofscape. However, in the event the Board does not agree with the foregoing, consideration should be given to the proposal submitted with the grounds of appeal whereby the roof of the existing dwelling house could be raised to provide screening of the upper limit of the dormer window when viewed from Hyde Road.

7.3. **Impact on Residential Amenity:**

- 7.3.1. Having regard to the site context, its location within a built-up urban area, the surrounding pattern of development, and the nature, scale and design of the development proposed for retention, including the use of obscure glazing within the dormer window, I am satisfied that the subject proposal will not give rise to any significant impact on the residential amenity of neighbouring property, such as by way of overlooking, overshadowing, or an overbearing appearance / influence, nor will it result in the devaluation of same.

7.4. **Appropriate Assessment:**

- 7.4.1. Having regard to the nature and scale of the development proposed for retention, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the development to be retained would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site

7.5. **Environmental Impact Assessment (Screening):**

- 7.5.1. Having regard to the nature and scale of the development proposed for retention, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the development to be retained. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be amended in this instance and that permission for retention be granted for the entirety of the development for the reasons and considerations set out below:

9.0 Reasons and Considerations

- 9.1. Having regard to the nature, scale and design of the alterations to be retained, and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The development proposed to be retained 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.

Reason: In the interest of clarity.

Robert Speer
Planning Inspector

1st November, 2018