



An
Bord
Pleanála

Inspector's Report ABP-302136-18

Development	New dormer window to rear of already converted attic.
Location	83 South Avenue, Mount Merrion, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18B/0206
Applicant(s)	Tim and Elaine Leahy
Type of Application	Permission
Planning Authority Decision	To Grant Permission
Type of Appeal	Third Party
Appellant(s)	Gerard Kelly and Others Joe and Cliona Farrell
Observer(s)	No observers
Date of Site Inspection	12.10.2018
Inspector	Erika Casey

1.0 Site Location and Description

- 1.1. The subject site with an area of 0.0418ha is located in a mature residential area and accommodates a semi-detached two storey dwelling with a floor area of 183 sq. metres. The existing house is served by a front and rear garden with off street parking. The dwelling has previously been extended to the side. The general character of the area is suburban with dwellings of similar style and design. Dwellings located to the rear of the site on Trees Avenue are located at a lower ground level than those on South Avenue.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a new dormer window to the rear of the dwelling to serve an existing converted attic and a new roof light to the front for the purposes of fire escape. The dormer extension measures 5.18m in length and includes a window with the dimensions of 1.293m x 1.637m.

3.0 Planning Authority Decision

3.1. Decision

- 3.3.1 To Grant Permission subject to conditions. Conditions of note include:

Condition 3: The proposed dormer extension shall serve the attic room only and shall be reduced in size to a maximum width of 2.9 metres.

Reason: In the interest of the visual and residential amenity of the area.

Condition 4: The proposed dormer extension shall be reduced in size to a maximum width of 1.5m wide and shall have a cill height no less than 1.1m from the attic floor level.

Reason: In the interest of the residential amenity of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report (26.06.2018)

- It is considered that the proposed dormer extension would appear overbearing and would be out of character with the roof profiles in the area.
- It is considered that a reduced scale dormer which would serve the attic room only and not the bathroom extension would not be overbearing and would be in keeping with the scale and character of the dwelling.
- The proposed window will be approximately 19m from the rear garden boundary and approximately 30m to the rear elevation of the nearest house on Trees Avenue. It is considered that one, reduced size window in this location will not cause significant additional overlooking of the adjoining properties. The proposed roof lights to the front and rear are acceptable.

3.2.2. Other Technical Reports

Drainage Planning (07.06.2018): No objection.

3.3. Prescribed Bodies

- No submissions.

3.4. Third Party Observations

3.4.1 There were a number of third party observations on the application. Issues raised overlap and can be summarised as follows:

- The development is overbearing and would cause overlooking and loss of privacy to properties on Trees Avenue. This is compounded by the significant level difference between dwellings on Trees Avenue and South Avenue. It would result in the devaluation of property in the vicinity.
- The development would present as a three storey structure to the rear, is out of scale, character and proportion with adjacent properties and is visually dominant. It would set an undesirable precedent.

- The development is contrary to the condition attached to Planning Application Reference D05B/0076.
- Refers to a previous precedent under D08A/11370 where the Planning Authority refused permission for a similar development on the basis of its overbearing effect.
- Consider that the dormer structure should be located to the front of the property. If permitted to the rear, any east facing windows should be non openable and fitted with obscure glazing.

4.0 Planning History

Planning Authority Reference D05B/0076

4.1 Permission granted in March 2005 for the demolition of the existing garage and the construction of a two storey extension to the side and a single storey extension to the rear, conversion of attic to store with dormer roof to the rear and 2 no. roof lights to the front. 2 no. bay windows with canopy over at front.

4.2 Condition 6 is of note and stated:

“The dormer structure with 3 dormer windows on the rear elevation shall be omitted and replaced where necessary with a maximum of 2 rooflights which shall be located whereby the cill is at a maximum height of 1.7 metres above the upper finished floor level.

Reason: To prevent overlooking of the private open space of the properties to the east in the interest of residential amenity.”

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 of the Plan addresses additional accommodation in existing built up areas. This notes the following key points:

- 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 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.
- Criteria to consider where roof alterations are proposed include 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.

5.2. Natural Heritage Designations

5.2.1 The nearest Natura 2000 site is the South Dublin Bay and River Tolka Estuary SPA and the South Dublin Bay SAC located c. 2.5km to the north east of the site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 2 no. third party appeals have been lodged by **Joe and Cliona Farrell**, 12 Trees Avenue, Mount Merrion and **Gerard Kelly and Others**, 16 Trees Avenue, Mount Merrion. Issues raised overlap and can be summarised as follows:

- It is considered that notwithstanding the conditions imposed by the Planning Authority, the development is out of character with the size and scale of adjacent houses, would result in overlooking, impinge upon privacy and

residential amenity and would result in the devaluation of property in the vicinity.

- State that under Planning Authority Reference D05B/007, the dormer extension was omitted by way of condition on the basis of overlooking and impacts to residential amenity. It was also a requirement of this previous permission that rooflights would have a minimum cill height of 1.7 metres above the finished floor level in the attic.
- Also note that permission was refused under Planning Authority Reference D08A/0792 for a similar development at an adjacent dwelling (no. 87) due to its overbearing impact. Under a subsequent application – Planning Authority Reference D08A/1137, permission was granted for a development that omitted the dormer structure but with a specific condition attached to omit the lower rooflight windows.
- Having regard to the planning history of the site and that in the vicinity, there is no rationale or justification for granting the proposed development.
- Note that the rear gardens of properties along Trees Avenue are relatively short and are at a significant level difference to the houses on South Avenue. Consider that these factors exacerbate potential overlooking from the proposed development and will result in a significant loss of privacy.
- Request that permission for the dormer extension and windows be refused and that all east facing rooflights and/or windows in the attic be a minimum of 1.7 metres above the finished floor level.
- Consider the development is contrary to the County Development Plan and section 8.2.3.4 (1) which states that the privacy of adjacent properties must be considered when assessing dormer extensions to roofs.

6.2. Applicant Response

- The current proposal has been designed to address the issues raised in respect of the application granted in 2005. In this regard, the dormer structure has been reduced in size. Under Planning Authority Reference D05B/0076 the dormer structure measured 6.4m in width and contained 3 windows. The

proposed structure measures 5.1 m in width. This has been further reduced by way of condition to 2.9 metres and accommodates a single window 1.5 m in width. The applicant has not appealed these conditions. This will ensure a dormer structure greatly reduced in size, that is not visually intrusive and does not provide opportunities for excessive overlooking of adjacent properties. Furthermore, the dormer will serve bedroom accommodation.

- Notes that the subject site has a separation distance of 29 to 33 metres from the house directly opposite at no. 12 Trees Avenue between first floor windows. With the addition of a dormer window at attic level, the set back distance would be somewhat greater. In this form of development, all rear gardens are overlooked already by first floor bedroom windows. The separation distance is greater than 22 metres. The increase in overlooking will be negligible. The Planning Authority Planner's Report notes that any potential overlooking is not deemed to be excessive or unacceptable.
- Consider that the proposal as reduced by way of condition, will not alter the rear elevation or the character of the house appreciably.

6.3. Planning Authority Response

- It was considered that as proposed, the dormer extension would appear overbearing and would be out of character with the roof profiles in the area. However, it was considered that a reduced scale dormer extension which would serve the attic room only and not the bathroom extension would not be overbearing and would be in keeping with the scale and character of the dwelling.
- It was recognised that the properties on Trees Avenue are at a considerable lower ground level than the application site. While it was considered that the proposed window is excessive in size and has a low cill height, it was considered that one, reduced size window in this location will not cause additional overlooking of the adjoining properties. Conditions no.s 3 and 4 reduce the extent of the dormer extension.

6.4. **Observations**

- No observations.

7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of the appeals and it is considered that no other substantive issues arise. Appropriate Assessment and EIA screening also needs to be addressed. The issues can be dealt with under the following headings:

- Impact on Residential Amenity.
- Appropriate Assessment.
- EIA Screening.

7.2. **Impact on Residential Amenity**

7.2.1 The proposed development comprises the construction of a new dormer window to serve an existing converted attic. Permission was previously granted for the conversion of the attic under D05B/0076. A condition was imposed under this permission requiring the omission of the dormer window and its replacement with 2 rooflights. It was also a requirement that the cill of the roof lights be a minimum height of 1.7 metres above the finished floor level.

7.2.2 Under the current proposal, the applicant has proposed a revised dormer structure. The design and scale of the dormer is modified from that previously proposed in 2005. The overall width of the dormer has been reduced and it accommodates one large window as opposed to three. Concerns regarding the design of the dormer were raised by the Planning Authority and specific conditions have been attached to the permission significantly reducing the scale of the dormer structure and the extent of glazing within.

7.2.3 Notwithstanding the modifications to the development imposed by way of condition, the appellants have significant concerns that the development will have adverse impacts on their residential amenity particularly in terms of overlooking, loss of privacy and devaluation of property. Reference is made to the planning history of the site and it is considered that the development is not justified in the context of a

previous refusal on an adjacent site at no. 87 (D08A/0792) and the terms of condition 6 imposed under D5B/0076 requiring the omission of the dormer window.

7.2.4 I have reviewed the drawings submitted under the previous application pertaining to the site (D05B/0076) and note that the current application proposes a substantially modified design reducing the overall scale of the development. Notwithstanding this, I would concur with the view of the Planning Authority that the scale of the development as proposed is excessive and in this context, the conditions imposed by the Planning Authority to reduce the overall width of the dormer to 2.9 metres and the reduction in the dormer window to 1.5 metres in width are reasonable. I have also reviewed the development refused under D08A/0792. I however, consider this a significantly different proposal to that currently proposed and in this context, not a relevant precedent.

7.2.5 Having regard to the conditions imposed by the Planning Authority, I consider that the dormer is appropriate and compliant with the guidance set out in the current Development Plan regarding such structures. It would not be visually obtrusive nor incongruous with the existing pattern of development in the vicinity. The cill height of 1.1 metres is in my view appropriate and affords a degree of amenity to the proposed bedroom accommodation served by the dormer, whilst protecting the amenities of adjacent properties.

7.2.6 In relation to potential overlooking, I note that there is an extensive distance between the proposed dormer window and properties to the rear. There is also mature vegetation and trees along the rear boundary. As highlighted by the appellants in figure 3 of their appeal response, the rear garden of no. 83 is 16.5 metres in length, whereas, the rear garden of no. 12 (the nearest house to the rear) varies from 13 metres to 18.5 metres. The dormer is, therefore, set back between 29 and 35 metres from this dwelling, well in excess of the normal standard of 22 metres for rear opposing windows. I note that there is a level difference between the dwellings on Trees Road and those on South Avenue. However, I am satisfied having regard to the reduced scale of the dormer and associated glazing (to be addressed by condition), and the considerable set back distance that no adverse overlooking will occur. In this regard, I do not consider that there will be any loss of privacy or devaluation of properties in the vicinity. Furthermore, I note that the

dormer window will serve bedroom accommodation which will further minimise potential opportunities for overlooking.

7.2.7 In conclusion, I am satisfied that the development will have no adverse impacts in terms of overlooking, will not be overbearing and thus will not negatively impact on the residential amenities of property in the vicinity.

7.3 Appropriate Assessment

7.3.1 Having regard to the nature and scale of the proposed development, a dormer window to an existing attic 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.

7.4 EIA Screening

7.4.1 Having regard to nature of the development comprising a dormer window to an existing attic and the urban location of the site there is no real likelihood of significant effects on the environment arising from the proposed development. 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. 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 County Development Plan 2016-2022, to 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 external finishes of the dormer, shall be similar to those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

3. The proposed dormer extension shall serve the attic room only and shall be reduced in size to a maximum width of 2.9 metres.

Reason: In the interest of the visual and residential amenity of the area.

4. The proposed dormer extension shall be reduced in size to a maximum width of 1.5m wide and shall have a sill height no less than 1.1m from the attic floor level.

Reason: In the interest of the residential amenity of the area.

5. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, between 0800 to 1400 hours on Saturdays and not at all on Sundays and Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of adjoining property in the vicinity.

Erika Casey
Senior Planning Inspector

15th October 2018