



An  
Bord  
Pleanála

## Inspector's Report ABP-302426-18

### Development

Existing hipped roofline altered to provide for attic conversion to include a dormer window and roof light to rear roof; associated internal modifications & site work.

### Location

9, Moy Glas Avenue, Lucan, Co.  
Dublin

### Planning Authority

South Dublin County Council

### Planning Authority Reg. Ref.

SD18B/0110

### Applicant(s)

Sean Manning

### Type of Application

Permission.

### Planning Authority Decision

Grant Permission

### Type of Appeal

Third Party

### Appellant(s)

Terence and Elisa Hynes

### Observer(s)

None

### Date of Site Inspection

9<sup>th</sup> October, 2018

### Inspector

Stephen Kay

## 1.0 Site Location and Description

- 1.1. The appeal site is located in the Moy Glare area of Lucan to the west of the R136 Ballyowen Road. The site is occupied by a two storey semi-detached dwelling dating from the early 1990s. The Moy Glare estate in the vicinity of the appeal site comprises similar form of two storey semi-detached dwellings.
- 1.2. The existing dwelling on site has a hipped roof and the building line is such that the front and rear building lines are located c.2.0 – 2.5 metres further east (away from the road) than the adjoining pair of semi detached houses to the north.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the conversion of the existing attic space and the alteration of the existing roof with the building up of the side gable to create a half hipped roof and the addition of a dormer window to the rear. The size of the proposed rear dormer is c. 3.2 metres in width and 1.6 metres in height.
- 2.2. The stated floor area of the dwelling on the appeal site in its existing form is 100 sq. metres and that of the proposed extension 26.75 sq. metres. The proposed additional 26.75 sq. metres are stated to be used for storage use and do not meet the minimum headroom requirements set out in the Building Control regulations.
- 2.3. The stated area of the appeal site is 0.0215 ha.

## 3.0 Planning Authority Decision

### 3.1. Decision

#### 3.1.1. Further Information

Prior to issuing a decision the Planning Authority requested further information on the following issue:

That the Planning Authority has serious concerns regarding the proposed development in particular the proposed alteration to the roof profile that would give rise to visual imbalance with the adjoining semi-detached dwelling. Requested revised proposals that retain the fully hipped roof with a modest side dormer and a reduction in the bulk of the rear dormer.

In response to this request for further information the applicant submitted revised proposals that incorporated separate side and rear dormers with the size of the rear dormer reduced such that it is set down approximately 100mm from the ridgeline of the roof and that the bottom of the structure is 3 tile courses from the eaves level. A side dormer is also proposed to accommodate the access to the new roof level accommodation and this dormer is proposed to be of a significant scale and at 2.73 metres in width, approximately 250mm wider than the rear facing dormer. A window of approximately 1 metre in width is proposed to this side dormer.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The initial report of the Planning Officer states that an attic conversion is acceptable in principle but the report raises concerns regarding the visual appearance of the proposed alterations to the roof profile and the potential for visual imbalance. Revisions are recommended. Following the submission of further information the proposal is considered to be acceptable and such as would not injure the amenities of the area or property in the vicinity.

## **3.3. Third Party Observations**

An observation from the adjoining property owner at No.7 was received and the following issues raised in this submission:

- That the change to the roof profile would impact negatively on the light to the rear garden of No.7.

- That the proposal would result in a visual imbalance to the pair of semi-detached dwellings, (Nos. 7 and 9).

## 4.0 Planning History

There is no reference to any planning history on the appeal file.

The covering letter submitted by the applicant notes two permissions granted by the Planning Authority for development of a very similar form to that initially proposed on the appeal site. These permissions were Refs. SD15/0120 and SD15/0121 at Nos 10 and 11 Elm View Lucan, which are located c.200 metres to the west of the appeal site in a similar development of two storey semi-detached dwellings to the west of the Griffeen Road.

## 5.0 Policy Context

### 5.1. Development Plan

The site is located on lands that are zoned RES under the provisions of the South Dublin County Development Plan, 2016-2022. The stated objective for this zone is '*to protect and / or improve Residential Amenity*'. An extension to an existing dwelling is permissible in principle on lands that are zoned objective RES.

Section 2.4.1 of the Plan relates to extensions and Policy H18 states that:

*It is the policy of the council to support the extension of existing dwellings subject to the protection of residential and visual amenities.*

Section 11.3.3 of the plan states that proposals for extensions should comply with the requirements of the *South Dublin County Council House Extension Guide (2010)* or any superseding standards. This document sets out elements of good design for different development types including attic conversions and dormer windows (pg.20-21).

## 5.2. Natural Heritage Designations

The site is not located in or close to any designated European sites.

## 6.0 The Appeal

### 6.1. Third Party Grounds of Appeal

The following is a summary of the main issues

- That works on the proposed extension commenced on 21<sup>st</sup> August, 2018 before a final grant of permission was issued.
- That the relative location of Nos. 7 and 9 are such that the buildings are staggered and the dormer construction on the side of No.9 already was having a significant impact on light to the rear garden of No.7.
- That the development will have a significant impact on the availability of sunlight to the back garden of No.7 in the evening period. The rear dormer will also have an impact on light.
- That the natural light into the bathroom and landing windows of No.7 has been dramatically reduced. Artificial lighting is now required.
- That the proposed development will result in a significant loss of privacy and the side dormer will look directly into the bathroom of No.7. There is a potentially openable section in this side dormer.
- It is noted that the objection submitted to the Planning Authority was not recorded at the time that the decision to request further information was made. There was no opportunity to comment further on the revised plans submitted by way of further information which have not addressed the issues of light and have resulted in new problems relating to privacy.
- That the addition of the side dormer still results in a very significant alteration to the roof profile of the houses and the skyline when viewed from the rear garden of No.7.

- It is understood that the additional accommodation is to be used as a bedroom but it is noted that the application states that it is for storage use. There does not appear to be justification for two dormers and the resulting impacts if the proposed use is only storage.

## 6.2. Applicant Response

The following is a summary of the main issues raised in the first party response to the grounds of appeal:

- That the proposed design was re arranged to meet the requirements of the planning authority in their request for further information.
- That the commencement of works was an error by the applicant and not a blatant disregard for the planning acts. The form of the roof has been returned to its original state.
- That the proposed development as approved by the council does not significantly change the shading of the neighbouring property at No.7.
- That the proposed dormers are set down from the ridge and are at least three tile courses up from the eaves.
- That there is precedent in the general area for attic conversions and changes in roof profile with Dutch hip type roof alterations. The permitted development is conservative in the context of these decisions. These permitted developments include Refs. SD15B/0120, SD17B/0261 and SDB/0319.
- That the proposal has been significantly altered in accordance with the request of the planning authority and to meet the concerns of the third party. It would appear from the appeal that the appellants finds any form of proposed development unacceptable.
- A sun study is submitted that indicates that the impact on the property at No.7 is minimal with no impact at midday, minimal impact at 16.00 hrs and no impact at 19.00 hrs in mid-summer.

- With regard to privacy the side dormer window is to be fitted with obscure glazing.
- That the first party has a need for additional space and wishes to proceed with the development.

### 6.3. Planning Authority Response

The Planning Authority responded to state that the issues raised in the appeal have been covered in the report of the Planning Officer.

### 6.4. Further Responses

The first party response to the grounds of appeal were circulated to the Planning Authority and the third party appellant for comment. A response was received from the appellants and the main points raised in this submission are as follows:

- That the changes made to the design following the request for further information did not address the concerns regarding overlooking, overshadowing and privacy.
- That contrary to the statement of the first party the extension and dormers do significantly alter the shading of the adjoining property. The impact on the garden and the bathroom and landing areas was clearly evident during the period that the side dormer was in position over the summer. An additional 30% of the garden was in shade during the late afternoon / early evening relative to before.
- There is no clarity regarding the opening of the side dormer and this will have a significant impact on privacy given the proximity to the bathroom window.
- That the precedent attic conversion cases cited by the first party are different to the subject case in terms of the separation between the houses and the fact that the gardens are south or west facing.

- Not clear why the opening windows are necessary given that the accommodation is stated to be for storage purposes.

## 7.0 Assessment

7.1. The following are considered to be the main issues in the assessment of the subject appeal:

- Principle of Development
- Design and Visual Impact
- Impact on residential Amenity
- Other Issues

### 7.2. Principle of Development

- 7.2.1. The appeal site is located on lands that are zoned Objective RES under the provisions of the *South Dublin County Development Plan, 2016-2022*. The stated objective for this zone is *'to protect and / or improve Residential Amenity'* and an extension to an existing dwelling is permissible in principle on lands that are zoned objective RES.
- 7.2.2. Section 2.4.1 of the Plan relates to extensions and Policy H18 states that *'It is the policy of the council to support the extension of existing dwellings subject to the protection of residential and visual amenities'*. The proposed extension would therefore be consistent in principle with the land use zoning objective and with Policy H18.
- 7.2.3. I note the precedent cases cited by the first party in the appeal response and the siting of these developments is similar in context to the appeal site. These precedent cases do however relate to a Dutch or half hipped design as initially submitted in this case to the Planning Authority. I also note and agree with the comments of the third party regarding the south and west facing orientation of the rear gardens in these properties. In many ways I would consider this design approach (use of a Dutch Gable) to be preferable in visual terms to the use of side



dormers, however in the circumstances of the current appeal where there is a variety in building line and concern regarding the impact on daylight and sunlight, and where the submissions on file relate specifically to the design incorporating a side dormer, it is proposed to proceed with the assessment on the basis of this design approach.

- 7.2.4. It is noted that the proposed design is such that the floor to ceiling heights in the attic would not meet the minimum requirements set out in the Building Control Regulations for habitable accommodation and Condition No.3 attached to the decision of the Planning Authority decision specifies that the space shall be used solely as non-habitable storage. It is however evident from the first party appeal response that the additional accommodation is required for family accommodation and that it is intended that it would be used as such.

### **7.3. Design and Visual Impact**

- 7.3.1. Section 11.3.3 of the plan states that proposals for extensions should comply with the requirements of the South Dublin County Council House Extension Guide (2010) or any superseding standards. This document sets out elements of good design for different development types including attic conversions and dormer windows (pg.20-21). The design guide states that dormer windows should sit below the ridgeline, be set well above the eaves line and should match or complement the materials of the main house. A number of examples are provided. Design and visual impact is addressed in the section below, however the proposed design is in my opinion generally consistent with the principles set out in the design guidance.

### **7.4. Impact on Residential Amenity**

- 7.4.1. With regard to residential amenity and overlooking, the proposed side dormer is to serve the stairs accessing the attic accommodation and is not located within the attic room itself. The submitted drawings are such that it is not clear what level this window would be above the stairs at this point. It would however appear likely that the level of the stairs and side dormer window would be such that limited views out would be available and that any such views would not be downwards towards the adjoining property at No.7. In any event, as highlighted by the first party, the proposed window to the side dormer is conditioned to be fitted with obscure glazing

that would restrict views towards the appellant's property. I would also note the fact that the drawings do not indicate that this window is proposed to be openable and, given that it does not serve a habitable room, it would appear to me to be acceptable that this window would be fixed sash. In the event of a grant of permission it is recommended that the window in the side dormer would be conditioned to be fitted with obscure glazing and to be fixed sash and that subject to these requirements that this aspect of the development would not have an unacceptable negative impact on residential amenity.

- 7.4.2. The scale of the proposed side and rear dormers are significant and would have some impact on the aspect when viewed from the rear garden of the appellant's property at No.7. This impact would not however in my opinion be excessively negative or such as would have a significant negative impact on residential amenity by virtue of overbearing visual impact.
- 7.4.3. The rear dormer extension is proposed to be located such that it would be c.11.5 metres from the rear site boundary with the rear garden of the dwelling located to the east and at right angles to the appeal site. The proposed rear dormer would not directly overlook the living accommodation in this dwelling and, having regard to the separation distances, it is not considered that the proposed development would have a negative impact on the residential amenity of adjoining property to the east by virtue of overlooking or visual intrusion.
- 7.4.4. In terms of impacts on light to the garden and upper floor of No.7 Moy Glas Avenue, the proximity of the dormer to the windows in the side gable and the height of the side dormer structure would likely result in some loss of daylight and sunlight during the middle part of the day and particularly during the summer months when the sun is high. The impact of the development on light to the rear garden of No.7 is indicated in the shadow diagrams presented by the first party in their response to the appeal and by the photographs submitted by the third party from the time that the initial works on the side dormer were in place. From the available information it would appear likely that the side dormer would result in a loss of sunlight to the rear garden of No.7 during a period in the late afternoon and early evening during the summer months. Overall therefore the proposed development would be likely to have some negative impact on No.7 in terms of loss of daylight and sunlight. I do

not however consider that this loss of light is excessive or such that would warrant refusal of permission for the extension of the adjoining dwelling.

## **7.5. Other Issues**

- 7.5.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.
- 7.5.2. Given that it does not comprise habitable accommodation no condition requiring a financial contribution has been attached to the Notification of Decision Issues by the Planning Authority.

## **8.0 Recommendation**

- 8.1. Having regard to the above, it is recommended that permission be granted based on the following reasons and considerations and subject to the attached conditions.

## **9.0 Reasons and Considerations**

Having regard to the residential zoning objective for the area and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, or the visual or residential amenities of the area. The proposed development would, therefore, 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 as amended by the further plans and particulars submitted on the 11 day of June 2018 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 proposed extension including roof tiles/slates shall be the same as those of the existing dwelling in respect of colour and texture.

**Reason:** In the interest of visual amenity.

3. The dormer window on the north facing side elevation shall be fixed sash and shall be glazed and thereafter permanently maintained with obscure glass.

**Reason:** To prevent overlooking of adjoining residential property.

4. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** To restrict the use of the extension in the interest of residential amenity.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority and where appropriate Irish Water for such works and services.

**Reason:** In the interest of public health.

6. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0900 to 1300 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 property in the vicinity.

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**Stephen Kay**

Inspectorate