



An
Bord
Pleanála

Inspector's Report ABP 302715-18

Development

Extension and Alterations to Existing Dwelling comprising a first-floor extension over the existing single storey annex to the rear and a revised and increase size of the existing attach space with an increased dormer in the rear roof annex at rear and increased attic space and dormer window size at the rear.

Location

13 Orchard Close, Donabate, Co. Louth.

Planning Authority

Fingal County Council.

P. A. Reg. Ref.

F18B/0200

Applicant

N and L O'Conchubhair.

Type of Application

Permission

Decision

Refuse Permission

Type of Appeal

First Party x Refusal

Appellant

N and L O'Conchubhair.

Date of Inspection

17th November, 2018

Inspector

Jane Dennehy

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision.....	4
3.1. Decision	4
3.2. Planning Authority Reports	4
4.0 Planning History.....	4
5.0 Policy Context.....	5
5.1. Development Plan.....	5
6.0 The Appeal	5
6.2. Planning Authority Response.....	7
7.0 Assessment.....	7
8.0 Recommendation.....	10
9.0 Reasons and Considerations.....	10

1.0 Site Location and Description

- 1.1. The site which has a stated area of 200 square metres is that of semi-detached dormer dwelling house with a total stated floor area of 108 square metres inclusive of a ground floor rear extension annex. The house which has front and rear gardens is located midway along Orchard Close, a row of circa fifteen dwellings which are identical in house type within a residential estate off Beaverstown Road to the north of Donabate village. This row of houses overlook an access road and an area of public open space to the front. The rear boundary of the row of houses adjoins Benson Crescent, a block of duplex units with shared surface parking on the north side and publicly accessible communal open space to the east side.
- 1.2. Orchard Close is elevated above the prevailing ground level to the south on approach. The rear of the row is prominent in views on approach along the internal access road, public space and Benson Crescent to the south. A wall at a minimum height of two metres is located along the entirety of the rear garden boundaries. The rear slopes of the houses have roof lights except for the appeal site dwelling in which there is a box dormer window and the attic has been converted to a bedroom.

2.0 Proposed Development

- 2.1.1. The application lodged with the planning authority indicates proposals for
- (a) replacement of the existing dormer window with a larger, box dormer window in the roof slope at ridge height. The dimensions are 3627 mm x 1825 mm x 2400 mm. The replacement of the existing dormer with the proposed dormer would facilitate enlargement of the existing attic level bedroom and,
 - (b) a first-floor rear, pitched roof extension to an existing bedroom providing for additional depth of 4636 at a width of 3220 mm at the rear. (The existing bedroom to be extended is 3000 x 3000 mm.)

3.0 Planning Authority Decision

3.1. Decision

By order dated, 11th September, 2018, the planning authority decided to refuse permission on the basis of the two reasons reproduced below:

1. *“The proposed rear dormer structure fails to comply with Objective DMS41 of the Fingal Development Plan, 2017-2023. The dormer structure, by virtue of its design, size scale and bulk would have a negative impact on the visual amenity of the area, would be visually obtrusive and seriously injure the amenities of properties in the area.”*
2. *The” proposed rear extension by reason of its design and fenestration treatment is out of character with the area and would seriously injure the amenities of property in the vicinity.”*

3.2. Planning Authority Reports

- 3.2.1. The planning officer considers the dormer structure visually dominant and obtrusive with reference to the scale bulk and size and position at ridge height, in conflict with Development Plan Objective DM41 of the CDP and, seriously injurious to the visual amenities of the area.
- 3.2.2. The planning officer considers the rear elevation window in the proposed extension excessive in size and out character with existing fenestration in the area but it is also stated that a more sympathetic design for a first floor extension may be acceptable.
- 3.2.3. There are no objections in the technical reports.

4.0 Planning History

- 4.1. According to the planning officer report, Permission was granted for the existing attic conversion and dormer extension under P. A. F04B/0082.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Fingal Development Plan, 2017-2023 according to which the site location is within an area subject to the zoning objective RS: *“To provide for residential development and protect and improve residential amenity.”*

According to Objective DMS41:

“The need for people to extend and renovate their dwellings is recognised and acknowledged. Extensions will be considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area. First floor extensions will be considered on their own merits.....The planning authority must be satisfied that there will be no significant negative impacts on surrounding residential or visual amenities.”

5.2. According to Objective DMS46:

“Dormer extensions will only be considered where there is no negative impact on the existing character and form, and the privacy of adjacent properties. Dormer extensions shall not form a dominant part of a roof. Consideration maybe given to dormer extensions proposed up to the ridge level of a house and shall not be higher than the existing ridge height of the house.”

6.0 The Appeal

6.1.1. An appeal was received from Hogan Architects on behalf of the applicant on 8th October, 2018 which includes a proposed amendment comprising substitution of a flat roof at a maximum height of 55 metres for the proposed apex roof. It is also stated that the size of the dormer window can be reduced if deemed necessary.

6.1.2. It is submitted that:

- the concerns of the planning authority could have been addressed by a request for additional information or by condition.
- The planning authority gave undue emphasis to impact on adjoining properties but neighbours do not object to the proposed development.

6.1.3. With regard to Reason 1 of the decision to refuse permission it is submitted that:

- The location of the dormer at the rear of the property directly adjoins a builder's yard and back land open space so it is difficult to understand how visual amenity can be affected. According to the CDP, "Dormers 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 (whether for functional roof space or light access) shall generally not form a dominant part of a roof. Consideration may be given to dormer extensions proposed up to the ridge level of a house but in all cases no dormer extension shall be higher than the existing ridge height of the house".
- The application is solely for a marginal increase in size in that there is an existing authorised dormer. It provides just five square metres of additional floor area.

6.1.4. With regard to Reason 2 of the decision to refuse permission it is submitted that:

- The planning authority did not give due to consideration to its own development plan policy in which it is stated that extensions to dwellings with first floor extensions (*are*) considered on its merits noting that they can often have potential for negative impacts on the amenities of adjacent properties. It is stated in the CDP that the Planning Authority must be satisfied that there will be no significant negative impacts to surrounding residential or visual amenities and the following factors will be considered: Overshadowing, overhearing and overlooking, along with proximity, height and length along mutual boundaries Remaining rear private open space and its usability.

- There is an existing extension with an apex roof and the proposed extension is not significant in size and comprises a modest floor area of 11 square metres. The remaining private open space is substantial and is not affected. Most natural sunlight access is at the rear. No overlooking will occur. The substitution of a flat roof for the apex roof will address concerns about overbearing impact. The 5.5 metre height is at the upper level of the eaves.

In concluding remarks, it is submitted that the proposed development of additional accommodation at the existing property provided would enhance the quality of life of the applicant and that the applicant does not wish to move to a larger property.

6.2. Planning Authority Response

In a letter dated, 30th October, 2018 the planning authority reiterates the views and reasoning for refusal of permission arrived at in the planning officer assessment. It is pointed out that details of the proposed amendments within the appeal were not received by the planning authority.

7.0 Assessment

- 7.1. According to the planning authority both the proposed attic level dormer window extension and the proposed first floor extension are unacceptable. It is the applicant's case that both elements of the proposed development are fully acceptable, but it is requested that some design amendments be taken into consideration, should the original proposals be considered unacceptable.
- 7.2. It is noted that no drawings showing the amendments referred to in the appeal were included in the applicant's submission. Nevertheless, it has been possible, without drawings of amendment details to satisfactorily assess the original and amended proposals.
- 7.3. The proposed dormer extension is first considered below followed by the proposed first floor extension.

7.4. The proposed dormer extension

- 7.4.1. It is acknowledged that there is an existing dormer window on the rear slope of the house, which is relatively sympathetic in design, size and form, to the design characteristics of the houses on Orchard Close, particularly with regard to the apex roof, size and position well below the roof ridge, Nevertheless this dormer which is the only intervention above the eaves at the rear of the fifteen houses on Orchard Close does interrupt the continuity of the roof profile of the row of houses in views from the public realm from the south and west.
- 7.4.2. The existing dormer is the only feature that interrupts the continuity and homogeneity of the rear roof profiles of Orchard Close. The proposed replacement dormer is a significantly larger box dormer which is at ridge height and involves a considerable forward projection of the roof slope. Furthermore, the glazed area is also considerable. As a result, the dormer is excessive in proportion to the roof slope in width depth and height and would be a very dominant feature within the rear roof profile of the fifteen houses on Orchard Close in views from the public realm, namely public open space, the views on approach along the distributor road. roof slope and, from Benson's Crescent. It should be borne in mind that Orchard Close is elevated above the of the internal access road and public and communal spaces at Bensen's Crescent.
- 7.4.3. The rear of the house directly overlooks a farmyard complex towards the east and communal open space and the rear terraces and balconies of Benson Crescent towards the west. It is considered that the scale of the proposed dormer and the extent of glazing would be a significant feature which could give rise to overlooking and perceptions of overlooking of the balconies and communal space at Benson Crescent. There would be adverse impact on the residential amenities of the northern end units of Benson's Crescent but it would be relatively marginal.
- 7.4.4. In view of the foregoing, the planning authority's conclusion that the proposed dormer extension would adversely affect the visual and residential amenities of the area, having regard to Policy Objective DM 46 of the CDP is supported. Furthermore, it is considered that it would set undesirable precedent for similar development above eaves level in the rear roofs of the houses on Orchard Close.

7.5. The proposed first floor extension.

- 7.5.1. As the rear the roof slopes, eaves and part rear upper facades and the rear boundaries of the fifteen houses on Orchard Close are prominent in the views from the public realm to the south and south west there is limited scope for upper floor rear extension development to the rear.
- 7.5.2. Although the applicant is willing to amend the roof profile to a flat roof, as indicated in the appeal, it is considered that the original apex roof profile would be more acceptable. The original proposal for an apex roof is more compatible with the existing roof profile and more effective in ameliorating the visual impact of the 4625 mm long block form up to the eaves height. Nevertheless, it is considered that both the original and amended proposal are unacceptable due to height, form and depth being the rear building line within the views towards the rear roof profile of the row of fifteen houses on Orchard Close from the public realm and would seriously injure the visual amenities of the area.
- 7.5.3. The amenity potential of the rear garden private open space would be somewhat diminished by overbearing impact due to the height, if permission is granted, of a two-storey extension block over a depth of 4625 mm into the rear garden relative to that of the existing ground floor extension.

7.6. Environmental Impact Assessment Screening.

- 7.6.1. Having regard to the minor nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.7. Appropriate Assessment Screening.

- 7.7.1. Having regard to the minor scale and nature of the proposed development and the location in a serviced urban area, no Appropriate Assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

In view of the foregoing it is recommended that the planning authority decision to refuse permission be upheld and that permission be refused.

9.0 Reasons and Considerations

The site of the proposed development is that of a dormer dwelling within a row of fifteen identical houses on Orchard Close, the rear roof profile and upper rear facades of which are prominent in views from the public realm to the south and west in an established residential area. According to the Fingal Development Plan, 2017-2023 it is the policy of the planning authority to encourage sensitively designed extensions to existing dwellings that do not negatively impact on the environment according to Objective DM46 and, to consider dormer extensions which are not negative in impact on existing character and form and which do not form a dominant part of a roof according to Objective DM 41.

The proposed development of a box dormer extension in the rear roof slope, due to width, and depth at a height to the ridge would be excessive in proportion, visually dominant and obtrusive within the rear roof profile of the row of dwellings on Orchard Close and proposed first floor extension at 4625 mm depth into the rear garden at two storey height to the eaves would be excessive in scale and proportion would constitute overdevelopment and would be negative in impact on views towards the rear roof profile of the row of fifteen houses on Orchard Close from the public realm.

As a result, the proposed development would seriously injure the visual and residential amenities of the area, would set undesirable precedent for similar development at the rear of the row of houses located Orchard Close within which the site is located and, would be contrary to the proper planning and sustainable development of the area.

Jane Dennehy
Senior Planning Inspector
19th November 2018.