



An  
Bord  
Pleanála

## Inspector's Report 302819-18

### Development

Alterations and additions to approved development Reg. Ref. D17A/0600 at first floor level and attic level to provide 2 no. 2-bed apartments including a dormer extension at attic level to the front elevation (north) in lieu of 1 no. approved 3-bed apartment and part of the existing first floor commercial area (4.96sq.m) and all ancillary development works.

### Location

35 Gledswood Drive, Clonskeagh, Dublin 14.

### Planning Authority

Dun Laoghaire Rathdown County Council.

### Planning Authority Reg. Ref.

D18A/0758.

### Applicant

Shane McInerney.

### Type of Application

Permission.

### Planning Authority Decision

Refuse.

### Type of Appeal

First Party

**Appellant** Shane McInerney.

**Observers** None.

**Date of Site Inspection** 5<sup>th</sup> December 2018.

**Inspector** Dáire McDevitt.

## **1.0 Site Location and Description**

- 1.1. The site, No. 35 Gledswood Drive, forms part of a block of commercial units at the junction of Roebuck Road and Bird Avenue in Clonskeagh, Co. Dublin. The ground floor is occupied by a Spar shop with the first floor in residential use. The block includes an Off licence, a pharmacy, a hairdressers and a take away.
- 1.2. The block is bounded to the front by demarcated carparking spaces and a bus stop to the front of this area, along Bird Avenue. It is bounded to the rear by residential properties. The block fronts onto a triangular area of public open space which is bounded by Roebuck Road and Birds Avenue.

## **2.0 Proposed Development**

- 2.1. Alterations and additions to approved development Reg. Ref. D17A/0600 at first floor level and attic level to provide 2 no. 2-bed apartments including a dormer extension at attic level to the front elevation (north) in lieu of 1 no. approved 3-bed apartment and part of the existing first floor commercial area (4.96sq.m) and all ancillary development works.
- 2.2. The proposed dormer to the front elevation extends across the full width of the unit (c.7.6m), projects c. 3.1m from the ridge, is c.1.19m in height and set down c.0.1m from the ridge. A zinc finish is proposed.
- 2.3. Breakdown of units:
  - Apartment 1 (gfa of c.65.27sq.m)
  - Apartment 2 (gfa of c.74.15sq.m)

## **3.0 Planning Authority Decision**

### **3.1 Decision**

Refuse permission for the following reason

*The proposed dormer, by reason of its overall scale and massing would appear over dominant and visually obtrusive on the rear roof slope and would thereby be contrary to section 8.2.3.4 (i) and (ix) of the Dun Laoghaire Rathdown County Development Plan. The proposed development would be out of character with the visual amenity of the surrounding area and would create an undesirable precedence for similar scaled developments. The proposed development therefore would seriously injure the amenities or depreciate the value of the properties in the vicinity and would be contrary to proper planning of the area.*

## **3.2 Planning Authority Reports**

### **3.2.1 Planning Reports (21<sup>st</sup> September 2018)**

Points of note are summarised as follows:

- No objection noted to the alterations to the attic area to provide 2 no. 2-bed apartments including a dormer extension at attic level to the front elevation (north) in lieu of 1 no. approved 3-bed apartment and part of the existing first floor commercial area (4.96sq.m). The Area Planner concluded that the apartments meet the minimum required standards and were considered acceptable.
- It was considered that the proposed dormer projection having regard to its overall size and scale which a negative visual impact on the streetscape and would set an undesirable precedent for similar development.
- Concerns were highlighted regarding the impact on the existing streetscape and the precedent it would set.

### **3.2.2 Other Technical Reports**

**Transportation Division** (12<sup>th</sup> September 2018). No objection.

**Drainage Division** (28<sup>th</sup> August 2018). No objection.

## **3.3 Prescribed Bodies**

None.

### **3.4 Third Party Observations**

None.

## 4.0 Planning History

**P/1549/18** refers to a Certificate of Exemption under Part V of the Planning and Development Act (as amended).

**Planning Authority Reference No. D17A/0600** refers to a 2017 **grant** of permission for the retention of 1) construction of an access ramp at the entrance into the existing shop and a single storey flat roof extension to provide a wheelchair accessible toilet at ground floor to the rear of existing shop. 2) retention of alterations to approved development (Reg. Ref. D06A/0377) at first floor level, consisting of additional floor area of 5.64sq.m on the rear south-west corner, including 1 no. window on the west elevation to provide office area for the shop and 1 no. door on the internal east elevation providing access onto the adjacent flat roof for maintenance. 3) retention of alterations to approved development (Reg. Ref. D06A/0377) at first floor level, consisting of incorporation of additional floor area of 36.38sq.m from the approved commercial area into the apartment area, including 1 no. window on the west elevation and 1 no. window on the internal east elevation and internal alterations to provide 1 no. 3-bed apartment with balcony to the rear, accessed through new patio doors fitted in existing enlarged window opening on south elevation in lieu of the approved 2-bed apartment (Reg. Ref. D06A/0377).

**Planning Authority Reference No. D06A/0377** refers to a 2006 **grant** of permission for the demolition of existing shop and reconstruction of the rear part of shop together with a first floor store room, tea room, toilet staircase, and extension to first floor apartment.

**Planning Authority Reference No. D94A/0433** refers to a 1994 **grant** of permission for a) extension to shop, b) new shopfront and entrance to No. 34 & 35, c) sub-division of existing shop.

## 5.0 Policy Context

### 5.1. Dun Laoghaire Rathdown County Development Plan 2016-2022.

The site is on lands zoned under land use objective '**NC**' *to protect, provide for and/or improve mixed-use neighbourhood centre facilities.*

**Section 8.2.3.4** of the Plan addresses additional accommodation in existing built up areas.

It is noted that the Area Planner acknowledged that the current proposal is not a dwelling but it was considered appropriate to assess the proposed development against the criteria contained in the County Development Plan in terms of dormers and visual amenity. The Area Planner in this regard has referenced **Section 8.2.3.4 (i)** which refers to extensions to dwellings.

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.
- 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.

**Section 8.2.3.4 (ix)** refers to living over the shop. The Council seeks to encourage the residential use of the upper floors of commercial properties in established retail/commercial areas. The Council will consider possible dispensations from normal standards to facilitate living over the shop developments that will contribute positively to the renewal of areas provided any proposed modifications will not have a negative impact on visual amenities or the existing streetscape.

## 5.2. Natural Heritage Designations

None applicable.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The appeal seeks to address the Planning Authority's reason for refusal. The applicant has highlighted that the Planning Authority referred to a dormer on the rear roof slope in the reason for refusal, there is no dormer proposed to the rear. It is proposed to the front elevation. Included with the appeal are sketches for two revised options, referred to as Option A and Option B.

The main points raised in the grounds of appeal are summarised as follows:

- The proposed dormer to the front elevation is not out of scale with the existing building. It has been designed to provide 2 bedrooms at attic level. The construction of dormers are required to achieved the requisite floor to ceiling heights for habitable rooms.
- It has been designed and located on the front roof slope so as to ensure the private amenity open space of the dwellings adjacent to the appeal site were not detrimentally affected. The proposed aspect on the front elevation is to the public realm.
- The applicant does not agree with the Area Planner's suggestion that the dormer should be set back from the boundary, this would result in piecemeal development in the event that the adjoining properties also sought to provide dormer windows to the front elevation. He is of the view that the current proposal should be seen as a template for the adjoining properties and the building should be viewed in the context of an additional setback floor providing much needed additional residential accommodation in the area.
- The proposed dormer to the front elevation would not be out of character with the area. Photographs have been submitted of similar developments in the vicinity of the site.



- The adjoining properties owners would not have submitted letter of support (submitted with the planning application) for the development if they were under the impression it would devalue their properties.

The applicant is of the view that the proposal submitted with to the Planning Authority is the most appropriate option for the site. However in the event that the Board consider that an alternative is required two options have been submitted for consideration: Option A and Option B.

- **Option A:** The bedroom depths have been reduced from 2.84m to 2.241m and the flanks of the dormer have been set back c.600mm on either side.
- **Option B:** The bedroom depths have been reduced from 2.84m to 2.241m, the flanks of the dormer have been set back c.600mm on either side and the dormer has been broken down into 2 sections by the omission of the en-suite to bedroom no.1.
- Perspective of all three options have been submitted with the appeal documentation

## 6.2. Planning Authority Response

- 6.2.1 It is noted that revised plans have been submitted, presenting two options, A&B, to provide for a dormer extension that are scaled back from the original application.
- 6.2.2 Option A is set down from the ridge and set in from the side boundaries by approximately 600mm. Option B proposes two dormers, both set off the side boundaries (600mm) measuring 2.4m in width (externally)
- 6.2.3 Both Options A & B, present dormer proposals, with a reduced scale and massing to what was originally presented. The reduction in scale and massing is welcomed. It is considered that both options, because of the reduced scale and massing, are in accordance with section 8.2.3.4 (i) and (ix) of the current County Development Plan.

## 6.3. Observations

None.

## **7.0 Assessment**

7.0.1 The Planning Authority's reason for refusal refers to a dormer projection to the rear roof slope. The application is for a dormer to the front roof slope. I acknowledge that this may be a typographical error by the Planning Authority and it is implicit in the Planner Report that the application refers to dormer windows to the front slope.

7.0.2 The appeal seeks to address the Planning Authority's reasons for refusal. The applicant has submitted revisions to the original scheme in the documentation that accompanied the appeal for consideration by the Board, in the event that the original scheme is not considered acceptable. I note that the scope of the modifications proposed are minor consisting of Option A and Option B alternative dormer window arrangements and internal layout reconfiguration. I am satisfied that they would not require re-advertisement. This Report shall include a brief assessment of the revised options.

7.0.3 The main issues in this appeal are those raised in the grounds of appeal. The issue of appropriate assessment and environmental impact assessment screening also needs to be addressed. The issues can be dealt with under the following headings:

- Design.
- Appropriate Assessment.
- Environmental Impact Assessment.

### **7.1 Design**

7.1.1 The principle concern raised by the planning authority relates to scale and massing of the proposed dormer which would appear overly dominant, visually obtrusive and out of character with the surrounding area.

- 7.1.2 The Dun Laoghaire Rathdown County Development Plan provides specific guidance on dormer roof alterations and notes that proposals will be assessed against a number of criteria including: the character and size of the structure; its position on the streetscape and proximity to adjacent structures; existing roof variations on the streetscape.
- 7.1.3 Bird Avenue and Roebuck Road are standard suburban road which are characteristic of the general area, characterised by similar style semi-detached dwellings constructed in the late 1950's and early 1960's. The application site forms part of a detached commercial block (no. 34 to 38 Gledswood Drive), it is also in line with the roof profiles and styles of the suburbs with which it is located. Whilst the existing commercial block contributes to a unified streetscape, it is not considered that the area has any particularly sensitive architectural character or identity and is not a designated Architectural Conservation Area. There are a number of contemporary infill developments in the immediate vicinity. There is evidence in the immediate vicinity and surrounding streets of existing roof variations, where roof profiles have been amended and dormers inserted. Details of some of these are outlined in the photographs that accompany the appeal. It is considered that the potential visual impact of the development must be considered in this context.
- 7.1.4 In this instance, the dormer projection is proposed to the front roof slope of a mixed use development. The context does not equate to a typical residential extension given the nature of the uses and the location of the standalone mixed use block. Notwithstanding, I consider that the original proposal submitted with the planning authority is overly cumbersome. The design and impact of the dormer element of the proposal can clearly be seen in the perspectives submitted with the appeal. The structure is undoubtedly large, it sits below the ridge of the existing roof and extends in width up to the boundary with No. 33 and No. 34 respectively. The County Development Plan refers to set back from boundaries and while I do not consider that the current scenario would benefit from a setback, I have concerns regarding the overall bulk and mass of the dormer element submitted as part of the planning application and the visual impact it would have on the block.

- 7.1.5 As part of the appeal submission, the applicant has submitted perspectives of three different options, the original as submitted drawings, option A and option B. I have examined all options and in this instance I consider that option B is the most appropriate intervention, whereby the dormer element has been broken down into two smaller dormers reducing the overall bulk of the proposal while at the same time not detracting from the residential amenities of the proposed residential units or limiting the development potential of adjoining properties. The revised dormer elements would not have a detrimental impact on the existing streetscape. I am satisfied that the use of option B could be required by condition if the Board considers granting permission.
- 7.1.6 I consider the proposed development, subject to the modifications referred to under option B, complies with section 8.2.3.4 (ix) of the current County Development Plan and permission should be granted.

## **7.2 Appropriate Assessment**

7.2.1 Having regard to the nature and scale of the proposed development, an extension to an existing dwelling within an established urban area, and its 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.

## **7.3 Environmental Impact Assessment**

7.3.1 Having regard to the nature and scale the development which consists of alterations and additions to a permitted development, including the provision of dormer windows, in a built up suburban location, 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**

Having regard to the provisions of the current Dun Laoghaire Rathdown County Development Plan 2016-2022, the location of the site in an established residential area and its zoning for residential purposes 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

### **8.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by plans and particulars received by An Bord Pleanala in the 19<sup>th</sup> day of October,

2018, with particular reference to 'Option B', 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. This permission is for Option B only. Prior to the commencement of development, the developer shall submit for the written agreement of the Planning Authority plans, elevation and sections (to the appropriate scale as per the Planning and Development Regulations 2001 (as amended) for option B received by An Bord Pleanála on the 19<sup>th</sup> day of October 2018.

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

3. Prior to the commencement of development the developer shall submit for the written agreement of the planning authority details and samples of the external finishes of the proposed dormer.

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

4. Water supply and drainage arrangements, including the attenuation and 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.

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.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Dáire McDevitt  
Planning Inspector

13<sup>h</sup> December 2018