



An
Bord
Pleanála

Inspector's Report ABP-303015-18

Development	Single storey rear extension and attic conversion.
Location	213 Vernon Ave, Clontarf, Dublin 3
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1453/18
Applicant(s)	Bernadette & Jim O'Malley
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party v Condition
Appellant(s)	Bernadette & Jim O'Malley
Observer(s)	None
Date of Site Inspection	02/02/2019
Inspector	Anne Marie O'Connor

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1.0 Site Location and Description

- 1.1. The site comprises a detached dormer bungalow set well back from the road frontage on the northern side of Vernon Avenue in Clontarf, Co. Dublin. Many of the houses in the area have been extended over the years and there is a mix of suburban architectural styles in the vicinity.
- 1.2. The site adjoins 213 Vernon Avenue to the west, and No. 211B to the west. Both properties have rooflights in the side elevations.

2.0 Proposed Development

- 2.1. Planning permission is sought for the following:
 - Single storey rear extension to the kitchen/ dining area
 - Single storey rear extension to the utility room
 - New chimney stack to the rear
 - 2 no. rooflights in the east and west side roof slope to serve an existing bedroom.

3.0 Planning Authority Decision

3.1. Decision

Grant – Condition 2 requires that the 2 no. velux windows on the side roof of the dwelling (1 no. to the east elevation and 1 no. to the west elevation) shall be permanently fixed with no opening and shall be permanently fitted with obscure glazing.

3.2. Planning Authority Reports

3.2.1. Planning Reports –

The planner's report reflects the decision to grant planning permission and to attach Condition No.2.

3.2.2. Other Technical Reports

Drainage: No objection

Irish Water: No objection

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

None

4.0 **Planning History**

5891/03 Single storey extension. Granted.

5.0 **Policy Context**

5.1. **Development Plan**

The Dublin City Development Plan 2016-2022 is the County Development Plan for the area. The site is located within Zoning Objective **Z1** "To protect, provide and improve residential amenities".

Section 16.10.12 Extensions and Alterations to Dwellings

Appendix 17 Guidelines for Residential Extensions

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The applicant has appealed Condition No.2 relating to the requirement for obscure glass and no opening devices to the rooflights. The grounds of appeal can be summarised as follows:

- The rooflights were proposed to bring additional light into the existing bedroom which has a north facing window. The obscure glass available for

velux rooflights is totally opaque and will limit access to sunlight. It would be unacceptable in a habitable room.

- The terms of the condition are ill-suited to a habitable room such as a bedroom where long periods of time will be spent. It is more suited to non-habitable rooms such as WC and landings.
- The decision is inconsistent with the approach taken at the adjacent dwelling 217 Vernon Ave (2530/17), where the rooflights are closer to the boundary.
- Rather than limiting the translucence of the glazing, the applicants would prefer to increase the height of the rooflights. Drawings showing a height of 1800mm are submitted.

6.2. Planning Authority Response

No comments received to the grounds of appeal.

6.3. Observations

None

7.0 Assessment

- 7.1. I note that the grounds of appeal relate to Condition No.2 which requires that two rooflights serving an existing bedroom be non-opening and fitted with obscure glass. The planning authority raised no objections to the single storey rear extensions and chimney, and I similarly have no concerns in this regard. I also note that no objections were received to the original planning application. I consider it reasonable, therefore, to consider the appeal under S139 of the Planning and Development Act, and that a *de novo* assessment is not required. The following assessment is limited to the matters raised under Condition No.2.
- 7.2. The proposed rooflights are located on the side elevations of the hipped-roof slope and are not visible from the road frontage. They would serve an existing bedroom (Bedroom 2) in this dormer bungalow. The applicant has offered to increase the height of the window to 1800mm to address the concerns of the planning authority in relation to overlooking (drawings are submitted).

- 7.3. I would point out that development of this type is often considered to be exempt from planning permission. I also note that the rooflights are located 6m and 8.7m from the site boundary with the adjoining properties, and that both of these properties have roof lights facing the appeal site. Furthermore, the site is located in a suburban context where extensions, dormer windows and rooflights are common.
- 7.4. I do not consider, therefore, that the proposed rooflights as originally proposed would be detrimental to the amenities of the adjoining properties to any significant extent that would warrant the imposition of Condition no.2.

Other Matters

- 7.5. Having regard to the nature and scale of the proposed development, its location in a serviced urban area, the distance to the nearest European sites, I am of the view that no **appropriate assessment** issues arise, and that 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

- 8.1. I recommend that Condition 2 is removed.

9.0 Reasons and Considerations

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to **REMOVE** condition number 2 and the reason therefor.

REASONS AND CONSIDERATIONS

Having regard to the nature and scale of the proposed development and the existing pattern of development in the area, it is considered that, the two rooflights in the eastern and western side elevations would not seriously injure the amenities of the

area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Anne Marie O'Connor

Planning Inspectorate

04 February 2018