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| <b>Development</b>                  | Conversion of attic to provide 2 no. bedrooms and retention of privacy screen/canopy. |
| <b>Location</b>                     | 20 Belltree Avenue, Clongriffin, Dublin 13  |
| <b>Planning Authority</b>           | Dublin City Council North   |
| <b>Planning Authority Reg. Ref.</b> | 4648/18   |
| <b>Applicant(s)</b>                 | Karol Gwaj  |
| <b>Type of Application</b>          | Permission  |
| <b>Planning Authority Decision</b>  | Grant   |
| <b>Type of Appeal</b>               | Third Party and First Party   |
| <b>Appellant(s)</b>                 | Karol Gwaj<br>Keith and Caoimhe Matthews  |
| <b>Observer(s)</b>                  |   |
| <b>Date of Site Inspection</b>      | 2 <sup>nd</sup> June 2019   |
| <b>Inspector</b>                    | Suzanne Kehely  |

## 1.0 Site Location and Description

- 1.1. The site is located in a new residential development between the Hole in the Wall Road and the Dart line – the nearest station is at Clongriffin to the south east. The housing development comprises a mix of houses types which are predominantly 2-storeys with occasional 3-storey and has a higher density for such houses achieved with terracing, reduced front gardens and off-street parking. Belltree Avenue is off Park Drive - a local distributor road in the wider catchment.
- 1.2. The site relates to a detached two-storey house on a corner site about 100m off Park Avenue and is highly prominent as it faces the junction. The house has a wide façade at 11m set in a 13.5m extra wide direct street frontage and 20m wide publicly viewed frontage and is at right angles to a terrace of six houses recessed along Belltree Avenue. These houses have mid plot widths of around 5m. The house directly backs on to three houses of a terrace of four on Belltree Walk. The private open space is to the side and is enclosed by the gable end and front garden of no 18 to its west and multiple rear gardens of the terraced housing on the other side with one of these gardens extending along the entire southern boundary.
- 1.3. The house façade is set back from its front western boundary by about 3.5m and from the rear boundary by 1.6m. The garden is about 14 x 7.74m.
- 1.4. The house has a translucent Perspex type roofed annex extension at ground level which encloses the 1.6m wide passage alongside the rear elevation over a distance of 10.238m. It slopes down from the house at a height of about 3m to 2.6m which rises over the c. 1.9m wall and passage door which is visible from Belltree Avenue and from surrounding houses. The annex roof continues around the side where it extends a further 2.9m into the garden along the eastern boundary and across the entire southern elevation up to the western boundary (alongside the front garden of no.18). This similarly rises above the boundary wall as viewed from the public road approaching from Park Avenue.

## 2.0 Proposed Development

- 2.1. Permission is sought for
  - Retention of the canopy roof at ground floor level
  - Conversion of attic with 2 new dormer windows in the front elevation and a gabled dormer extension to the rear to provide the stairwell. This includes obscured glazing. This will provide two large bedrooms each with dimensions

of just over 3.8m by 4.115m and a small store while retaining the 3 bedrooms and existing layout at first floor level.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The planning authority decided to grant permission and retention permission subject to 9 conditions.

Condition 1 - Standard compliance

Condition 2 - Within 3 months of the final grant date the following shall be implemented

- (i) The eastern side of the southern canopy structure shall be recessed to align with the rear/eastern primary building line of the main dwelling.
- (ii) No part of the developemtn to be retained including fascia boards, gutter drainpipes or other rainwater goods shall overhang or encroach onto the neighbouring property.
- (iii) Reason: int interest of visual and residential amenity.

Condition 3 - The window in the rear/east facing elevation shall be permanently glazed with obscure glass.

Condition 4 - The dormer window shall be amended as follows. The walls of the dormers shall be of similar colour (or tiles/slates) to the existing roof finish.

Condition 5,6,7, and 8 refer to building and constructions standards.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

Planning report (15/02/19): The report refers to the parent permission for the original housing development and the restriction on exempted development. The proposed front dormers in terms of scale and design are generally considered acceptable by reference to the development plan. The rear dormer is also acceptable subject to obscuring glazing.

With respect to the canopy screen it is considered to have an overbearing impact on adjoining neighbours and a setback is recommended. Overhanging is not stated apparent in the drawings, but a condition is advised.

### 3.2.2. Other Technical Reports

Drainage Division: No objection subject to conditions.

### 3.3. **Third Party Observations**

Submissions were received from Caoimhe Mathews 21 Belltree Walk:

- More than just a screen – it extends the floor area
- Does not comply with the requirements for sensitive design due to materials and design.
- The surface run off is not adequately designed and coupled with encroachment of boundary could lead to cascading water and damage. Securing to timber panelling is of further concern in this regard.
- Concerned about overlooking from rear dormer. Photos attached.

### 4.0 **Planning History**

- 3802/14: refers to Permission for 13 no. 4 bed 3-storey houses, 28 no.3-be 3 storey houses, 62 no. 3 bed, 2-storey houses and 8 no. 2 bed 2-storey houses 233 car park spaces and associated site work at the subject housing development in Clongriffin. Condition 5 restricts exempted development within house curtilages.
- E1091/18 refers to an enforcement file relating to subject canopy development.

### 5.0 **Policy and Context**

#### 5.1. **Dublin City Development Plan 2016-2022**

- 5.1.1. The site is part of a wider regeneration area with the objective Z14 to seek the social, economic and physical developemtn and/or rejuvenation of an area with mixed use of which residential and Z6 would eb the prominent use.
- 5.1.2. Section 16.2.2.3 refers to Alterations and Extensions: Dublin City Council will seek to ensure that alterations and extensions will be sensitively designed and detailed to

respect the character of the existing building, its context and the amenity of adjoining occupiers.

5.1.3. Appendix 17.4 refers to extension and avoidance of loss of privacy to the residents of adjoining properties. Generally, windows overlooking adjoining properties (such as in a side wall) should be avoided. Where essential, the size of such windows should be kept as small as possible and consideration should be given to the use of high-level windows and/or the use of obscure glazing where the window serves a bathroom or landing.

5.1.4. Section 17.5 refers need for appropriate separation between dwellings back to back or where the side gable of a dwelling faces onto the rear boundary of another dwelling.

## 5.2. **Natural Heritage Designations**

Not relevant

## 6.0 **The Appeal**

### 6.1. **Third Party Grounds of Appeal**

6.1.1. The owners/occupiers of 21 Belltree Walk have appealed the decision to grant permission and the grounds of appeal refer to:

- The decision to grant retention for the canopy screen does not comply with development plan criteria for design of extensions and integration with surrounding area.
- The canopy/screen does not achieve a high quality of design and has an overbearing effect on their dwelling. This is in part due to it rising to highest point directly rear of their dwelling.
- The Perspex glazing is highly visible and causes a glare on sunny days and detracts from the enjoyment of their principal living space on which they rely for amenity. Photographs attached to both appeal and the submission to the planning authority show the canopy structure as viewed from the appellant's property.
- Practical concerns also relate to the attachment of the canopy structure to the party timber fence and compromise its maintenance and replacement.

- There is no issue with the dormer window subject to retention of condition 3.
- Lack of clarity of condition 2(i) and plans are attached with the two interpretations considered possible. In the event of the canopy/screen being retained along the rear boundary the concerns expressed at application stage would not in any way be addressed. Alternatively, the omission of the narrow canopy and screen alongside the narrow passage would go some way in addressing concerns.

## 6.2. **Frist Party Appeal**

6.2.1. The applicant has appealed condition numbers 2 and 4 which require recessing the canopy structure and that the walls of the dormer windows shall be of a similar colour (or tile /slates) to the existing roof finish. In this regard the appellant refers to:

- The planning authority's statement that the proposed development has no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight.
- The dormers should be of an architectural zinc finish to match all other dormers in the development so as not to change the established design rationale and set a precedent for different styles of dormers as this would injure visual amenities. (photographs attached)
- The light and transparent structure has been erected to protect privacy of the occupants of the subject dwelling due to overlooking and relationship with surrounding developemtn. It is very exposed.
- Conditions 2(1) does nothing put push back the side screen of the canopy and makes very little difference to the view from the rear garden other than pushing it back 1.1m and will remove the privacy afforded to the house. An alternative would be to hip the corner
- It is confirmed that no part of the canopy overhangs neighbouring properties.

## 6.3. **Response to Third Party**

- The applicant clarifies that condition 2 is unambiguous in accepting retention of the canopy along the east elevation and its removal in the area will not address the appellant's concerns.
- Alterations will be costly as it was factory made.
- The light weight structure is far less intrusive than a masonry/tiled construction.

- Outdoor lighting was in situ before the canopy and lighting is restricted to 2-3 minute duration.
- The fence is a party boundary and replacement can be done by agreement and this is not a planning matter.
- No rainwater roods or canopy oversails boundary.
- The canopy provides a private family area outdoors. And understood such developemtn to be ordinarily exempt. Planning Authority Response

#### 6.4. **Planning Authority Response**

- No response.

### 7.0 **EIA Screening**

- 7.1. Having regard to nature of the development comprising modest domestic extension and works of an existing dwelling 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 **Assessment**

#### 8.1. **The issues**

- 8.1.1. This appeal relates to a two-part domestic extension. First it is proposed to extend habitable accommodation into the attic by way of installing dormer windows. There is no dispute in principle to this aspect of the development between any of the parties subject to conditions relating to finishes. The cladding details specified in condition 4 are however appealed by the applicant. The second aspect relates to the retention of canopy around the entire private rear and side curtilage of the house and the decision to grant permission is appealed on grounds of principle of the nature and extent of it. Condition 2, requiring a modest reduction in the corner, is also appealed by the applicant. While the first party appeal is confined to conditions, in view of the nature of the third-party appeal relating to the entire canopy design, a *de novo* consideration of the application is appropriate.

#### 8.2. **The dormer windows**

- 8.2.1. There is no dispute about the window design generally. They are designed in line with the guidance of the development plan which follows principles of subordination with roofs set below the main ridge and retaining the dominance of the slope.
- 8.2.2. The matter under appeal relates to cladding, whereby condition 4 requires the walls of the dormers to be of similar colour (or tiles/slates) to the existing roof finish. The drawings state that the dormers are proposed to be finished/styled to match existing development and the applicant clarifies this to mean the other dormers in the development which are clad in architectural zinc as shown in photographs. It is suggested that to match the material in the existing roof without the use of this zinc would be incongruous and set an undesirable precedent. I concur with the applicant that the zinc finish would be more appropriate as it would be a quality finish and maintain the integrity of design and finishes of this new development. Accordingly, I recommend that the decision and condition be amended to reflect this.
- 8.2.3. I would also comment that while I note the pair of glazed dormer windows are vertically aligned with the first-floor windows and the width and proportions are retained, the bulk of the dormer structure breaks this vertical alignment making the dormer level marginally top heavy. A slight tapering of this alignment and narrowing of the gap between the dormer windows would address this. This is a *de minimus* issue and not amount to a new issue.
- 8.2.4. The retention of obscured glazing in the rear dormer is also appropriate. There is no dispute on this matter.
- 8.2.5. The dormer windows in these circumstances would I consider have no adverse impact on the visual amenities of the area or the character of the streetscape.

### 8.3. **The canopy**

- 8.3.1. The case is made by the applicant that in view of the juxtaposition with surrounding properties and site layout the applicant's house is very exposed and the canopy incorporating side screens is needed to protect the privacy of the applicants. For example, the front bedroom window of no.18 has an oblique view into the rear living room window ground level.
- 8.3.2. While there is a case to be made that enhanced screening is needed to the side of the subject dwelling I consider there are a number of issues concerning the nature and extent of the canopy screen.



- 8.3.3. Firstly, the site is highly prominent as viewed from the public realm. It faces the junction of the Belltree Avenue and Park Avenue – the entrance to this residential enclave. The prominence of the house façade is enhanced by its extended façade and visible western frontage of 20m and shallow set back of around 3.5m from the footpath. The use of Perspex, while being light and transparent to suit the purposes of the dwelling, is not a durable material in the longer term for elevations in the public realm. The use of Perspex is not consistent with quality of materials used in this housing development which is finished and landscaped to quite a high standard and incorporates mix of quality materials in a considered and varied design. A far preferable solution would be to construct a glazed conservatory style extension or pergola with planting. At the very least, it should be set back from the redbrick wall where intervening screen planting could be provided in order to maintain the pleasant vista along Belltree Avenue.
- 8.3.4. The view from the north along Belltree Avenue of the canopy is also of some concern – it is similarly prominent although to a lesser degree than the western elevation.
- 8.3.5. Secondly there is the issue of visual impact and loss of amenities from the surrounding neighbours. The canopy along the rear elevation is highly prominent as viewed from multiple adjoining gardens. It is about 1.6m wide and extends along and beyond the entire eastern rear elevation which is the long side of the dwelling and fully covers the narrow passage and accesses to the utility on one side and living room on the other. This is quite visually apparent as viewed from the public road and also as viewed from private gardens as shown in the appended day and evening time photographs submitted by the third party.
- 8.3.6. The nature of the material and its exposure to weather and wear and tear capabilities has long term visual impact issues. This also raises the issue of suitability of material in terms of capacity for run-off and splashing into neighbouring properties along the boundary. The construction of the canopy mounted over a timber fence is also not ideal particularly in view of the potential additional weathering burden on the fence and impact on its durability, the replacement of which may be compromised by the canopy structure. I consider the appellant has very valid concerns concerning, relationships with boundary, appropriateness of material and cascading water in these circumstances.
- 8.3.7. There are also issues of the incremental extension of habitable space by way of a partially enclosed, sheltered and illuminated space along the boundary which raises

issue of rights to light and light pollution and disturbance associated with a more intensively used space afforded by the shelter.

- 8.3.8. While I am of the view that the canopy is inappropriate by reason of nature and extent and use of materials that are both visually incongruous and inappropriate in terms of weathering and durability capabilities, I consider some canopy area should be permitted directly over one external door to private open space. I note the living room door is just under one metre from the western boundary and while a 2m set back from this boundary would be preferable to allow screen panting, alignment with the door is more practical. A set back of at least 2m from the eastern boundary could be easily achieved. An area of 13.5sq.m. would substantially retain the depth of the canopy while also extending across the door and window in the south elevation.
- 8.3.9. Accordingly, I am satisfied that subject to a significant reduction in the canopy, fitting of obscure glazing to landing window and harmonising of the dormer window style with those existing within the development that residential amenities would be protected for both existing and neighbouring residents and the design and scale of the development would be acceptable in terms of protecting the visual amenities of the area. In these terms the proposed development and development to be retained would therefore, be in accordance with the proper planning and sustainable development of the area.

### **7.3 Appropriate Assessment:**

- 7.3.1 Having regard to the nature and scale of the proposed development and its proximity 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.

## **9.0 Recommendation**

- 9.1. I recommend a grant of permission subject to the following conditions.

### **Reasons and Considerations**

Having regard to the design and scale of the proposed development, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the visual amenities of the area and would not

seriously injure the amenities of adjoining property. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **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 proposed development shall be amended within 6 months of the date of the final grant of permission as follows

- (a) The entire canopy shall be reduced to an area of no greater than 13.5 sq.m. and confined to the south side of the dwelling and shall be set back in the order of 1m from the western boundary and no less 2m from the eastern boundary.
- (b) The intervening space between the canopy and the east and west boundaries shall be provided landscape screening.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity.

3. 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.

4. The gable window in the rear dormer serving the landing/stairs shall be fitted with obscure/frosted glazing and shall be retained permanently as such.

Reason: In the interest of residential amenity.

5. (i) The gap between the proposed dormer windows reduced by 400mm so that the vertical window alignment is slightly stepped.

(ii) Details of the materials, colours and textures of all the external finishes to the proposed dormer shall match those used in the existing dormers in the adjacent terrace 8-18 (even)

Details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times shall 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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Suzanne Kehely

Senior Planning Inspector

4<sup>th</sup> June 2019