



Development	Attic Conversion
Location	26 Prospect Lawn, The Park, Cabinteely, Dublin D18 K7P8
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D19B/0009
Applicant(s)	Conor & Karen Kennedy
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Anne Ryan
Observer(s)	None
Date of Site Inspection	18 th June 2019
Inspector	Mary Crowley

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.0315 ha is located on the north eastern side of Prospect Lawn; a residential cul de sac off Glen Drive. The cul de sac is characterised by mainly gable fronted single storey dwellings. It was noted on day of site inspection that there is a precedent of alterations to adjoining houses in the area and that the houses to the rear of the appeal site are at a lower level.
- 1.2. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the photos available to view on the appeal file. These serve to describe the site and location in further detail

2.0 Proposed Development

- 2.1. Permission is sought to raise the existing main roof structure to provide an attic level master bedroom and study at first floor with three associated roof lights and provision for PV panels. The modification of the existing door and window at ground floor to the rear of the existing house. The addition of a porch, together with all ancillary site works and landscaping. The stated floor area of the existing building is 80sqm. The stated floor area of the proposed works is 60sqm.
- 2.2. The application was accompanied by a cover letter prepared by the applicants Architect Adrian Hill together with an infrastructure report prepared by David Jenkins Consulting Engineers that set out the following as summarised:
 - The house is already serviced with a public water connection and a public foul sewer connection
 - The area is drained by a separate foul and storm sewer network. As there is no increase in impermeable area from the development it is not proposed to use any SUDs measures
 - There is no record of flooding at the site.
 - The house has an existing gateway to the public road which is re-used.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. DLRCC issued a notification of decision to grant permission subject to 10 no generally standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Case Planner** having considered the scheme recommended that permission be granted subject to 10 no conditions. The notification of decision to grant permission issued by DLRCC reflects this recommendation.

3.2.2. Other Technical Reports

- **Surface Water Drainage** – No objection

3.3. Prescribed Bodies

3.3.1. There are no reports from any prescribed bodies on the planning file.

3.4. Third Party Observations

3.4.1. There is one observation recorded on the appeal file from Anne Ryan (appellant in this case) raising concerns in relation to the absence of dimensions for the windows proposed. Requested that obscure glazing be provided to mitigate against loss of privacy.

4.0 Planning History

4.1. There is no evidence of any previous planning application or appeal at this site. However there was a previous appeal on the adjoining property to the south east at No 27 Prospect Lawn that may be summarised as follows:

- **PL06D.231705** (Reg Ref D08B/0621) – DLRCC granted permission for the retention of amendments to previous planning application granted under planning register reference number D07B/0300 for rear extension to existing bungalow and attic conversion with increased ridge height by 890 millimetres; and retention of internal alterations and amendments to rear and two number side elevations of extended building and ancillary site development works at 27 Prospect Lawn, The Park, Cabinteely, Dublin.
- The applicant sought the removal of Condition No 4. The Planning Inspector recommended that Condition No 4 be removed. In deciding not to accept the Inspector's recommendation to remove condition number 4, the Board had particular regard to the planning history of the site and to the extent of glazing

proposed to be retained. The Board concurred with the planning authority that it would adversely affect the amenities of nearby property and would not, therefore, be in accordance with the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative Development Plan is the **Dun Laoghaire Rathdown County Development Plan 2016-2022**. The site is zoned **Objective A** where the objective is *to protect and/or improve residential amenity*. **Section 8.2.3.4(i)** deals with extensions to dwellings.

5.2. Natural Heritage Designations

- 5.2.1. The site is not located within a designated Natura 2000 site.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development in a serviced urban area there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The third party appeal has been prepared and submitted by Anne Ryan, No 41 Prospect Lawn, The Park, Cabinteely (property immediately to the rear) and may be summarised as follows:
- The installation of clear glass in the rear windows of the proposed works would overlook the appellant's property and give a bird's eye view of the appellant's bedroom, kitchen and the entire rear of their property.

- The appellant purchased their property 4 years ago because it was a single private dwelling and was not overlooked.
- As per their observation to DLRCC requested that frosted windows be used.

6.2. Applicant Response

6.2.1. The first party response to the appeal has been prepared and submitted by the applicant, Karen & Conor Kennedy and may be summarised as follows:

- The rear elevation of the appeal property is located c22.2m from the rear elevation of the appeal dwelling. The 22m complies with the generally acceptable separation distance between opposing windows.
- The nature of the proposed windows, designed as “slot” windows means that direct views from these windows are limited. The higher window is located above average height. The lower window is located below average height, meaning that one would have to stoop to obtain a direct view. The principle purpose of these windows is daylight and sunlight access to the appeal property.
- Whilst opaque or obscured glazing could be accommodated, it would significantly detract from the internal environment of the appeal property and in any event is not considered necessary for the reasons set out above.
- The appellant’s property shares an adjoining back wall with the applicant and their immediate neighbour at No 27. The renovation work proposed is very similar to the work undertaken by No 27 and completed in 2009 save for the back bedroom windows. No 27 has two back bedroom windows measuring 600mm by 1400mm approx. as permitted by An Bord Pleanála (PL06D.231705 refers).
- The applicant can undertake to plant nature trees to minimise any risk of overlooking from their property.

6.3. Planning Authority Response

6.3.1. DLRCC refers to the previous Planners Report and states that *the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.*

6.4. Observations

6.4.1. There are no observations recorded on the appeal file.

7.0 Assessment

7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Residential Amenity
- Other Issues

8.0 Principle

Under the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022 the site is wholly contained within an area zoned Objective A where the objective *is to protect and / or improve residential amenity* and where residential extensions and alterations to an existing dwelling for residential purposes is considered a permissible use. I am satisfied that that the principle of the development of raising the existing main roof structure to provide an attic level at first floor, modification of the existing door and window at ground floor to the rear of the existing house and the addition of a porch is acceptable at this location subject to the acceptance or otherwise of site specifics / other policies within the development plan and government guidance.

8.1. With regard to the visual impact of the proposed works I am generally satisfied that the scale and design of the attic extension does not overwhelm or dominate the original form or appearance of the parent building. Further I do not consider that the proposed works will have a significant negative impact on the parent building, established character or visual amenities of the area or the overall streetscape. Accordingly the design and scale of the proposed scheme is acceptable at this location.

9.0 Residential Amenity

9.1. The appellant, who resides at No 41 Prospect Lawn, located immediately to the rear of the appeal property has raised specific concerns in relation to the installation of

clear glass in the rear windows of the proposed attic as it would overlook their property. It is requested that frosted windows be used.

- 9.2. As documented on the appeal file and observed on day of site inspection the house to the rear of the appeal site is at a lower level than the appeal site. This is a compact urban site accommodating a modest 3 bedroom single storey dwelling. The design response to the sites restrictions demonstrate a clear understanding of the sites context while also maximising accommodation without compromising the amenity value of the principle dwelling or extending the rear footprint of the house.
- 9.3. At the shortest point there is a stated distance of 11.25m from the rear elevation of the appeal property to the shared boundary with the appellant's property. There is an overall separation distance between both properties of c.22m. These existing separation distances are considered to be acceptable at this location. Further the proposed rear windows in the attic extension will serve a bedroom. It is also noted from the site location maps submitted that both properties are not directly in line but rather marginally offset. I am satisfied that the separation distance between both properties is acceptable in this urban setting and that the proposed attic extension will not cause undue overlooking of adjoining properties or adversely affect the amenities of neighbouring house. Further it is not considered that the first floor windows need to be glazed with obscure glass.
- 9.4. The modifications of the existing door and window at ground floor to the rear of the existing house is acceptable. With regard to the proposed porch to the side of the existing dwelling I note that DLRCC attached a condition requiring that the glazing within the side window of the porch be manufactured opaque or frosted glass and be permanently maintained. I agree with the wording and application of this condition in the interests of the residential amenities of adjoining properties. It is recommended that should the Board be minded to grant permission that a similar condition be attached.

10.0 Other Issues

- 10.1. **Appropriate Assessment** - Having regard to the nature and scale of the proposed development comprising a rear residential extension 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.

10.2. **Development Contributions** – Dun-laoghaire Rathdown County Council has adopted a Development Contribution scheme under Section 48 of the Planning and Development Act 2000 (as amended) and is in place since 14th December 2015. The proposed development does not fall under the exemptions listed in the scheme and it is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

11.0 Recommendation

11.1. It is recommended that permission be **granted** subject to conditions for the reasons and considerations set out below.

12.0 Reasons and Considerations

12.1. Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and its zoning for residential purposes, to the location of the site in an established residential area 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 not seriously injure the residential or visual amenities of the area and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	<p>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.</p> <p>Reason: In the interest of clarity</p>
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2.	<p>The glazing within the side window of the proposed porch shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.</p> <p>Reason: In the interests of residential amenities.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes and boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>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.</p> <p>Reason: In the interest of public health</p>
5.	<p>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.</p> <p>Reason: In order to safeguard the residential amenities of adjoining property in the vicinity</p>
6.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity</p>
7.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.</p>

	Reason: In the interest of sustainable waste management.
8.	<p>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 the 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.</p> <p>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</p>

Mary Crowley

Senior Planning Inspector

1st July 2019