



An
Bord
Pleanála

Inspector's Report ABP-304430-19

Development	Permission to demolish sunroom and construct single storey extension to the rear, construct two dormer windows to front for new attic room, provide new window in attic north gable wall, construct lean-to roof to north side passage and associated site works.
Location	58 Stepside Park, Stepside, Dublin 18
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D19B/0127
Applicant(s)	Cormac O'Dubhthaigh & Zane Lidaka
Type of Application	Permission
Planning Authority Decision	Grant permission with conditions
Type of Appeal	First
Appellant(s)	Cormac O'Dubhthaigh & Zane Lidaka
Observer(s)	None
Date of Site Inspection	1 st July 2019
Inspector	Hugh Mannion

1.0 Site Location and Description

- 1.1. The application site at 58 Stepside Park, Stepside, Dublin 18 has a stated area of 0.03ha and is located on the western end of a short cul-de-sac comprising 5 No. detached houses within a larger housing estate. Stepside village is outside and southwest of the M50 and connected to the M50 in the north and Kiltarnan village to the south by the R117/Enniskerry Road. The application site is elevated over the houses which face onto the Stepside Park (the estate spine road).
- 1.2. The existing dwelling is a detached two storey house with parking for two cars in the front. The dwelling is finished in brick and part render and is typical of the area.

2.0 Proposed Development

- 2.1. Permission is sought to demolish an existing rear sunroom of 2.1 metres depth and construct a single storey extension. The extension is to measure 3.95 metres in depth, 5.5 metres in width, with a hipped roof 3.6 metres in height. Permission is also sought to construct two dormer windows to front for new attic room, provide new window in attic north gable wall, construct lean to roof to north side passage and associated site works at 58 Stepside Park, Stepside, Dublin 18.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 8 No. Conditions.

Condition No. 2 requires that the proposed dormer windows to the front shall be omitted 'in the interests of visual and residential amenity'. All other conditions are of a standard nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report noted the site's zoning, development plan provisions, and reports received.

The Manager's Order reflected the Planner's recommendation.

3.2.2. Other Technical Reports

Drainage Dept: No objection subject to implementation of conditions.

'The applicant shall implement a SuDS measure, appropriate to the scale of the proposed extension (roof and pavements), to deal with the direct disposal of the resulting Surface Water runoff. This can be a soakpit, if permitted by the ground conditions, a rainwater harvesting tank, or a water butt.

All proposed hardstanding areas shall not be discharged to the sewer but shall be infiltrated locally, via gravel or a specifically designed permeable paving stone/asphalt system, as indicated in the application.'

4.0 Planning History

There is no planning history associated with the current site and none to either of the neighbouring properties.

5.0 Policy and Context

5.1. Development Plan

The site is Zoned 'A' 'to protect and/or improve residential amenity' in the Dún Laoghaire Rathdown County Development Plan 2016-2022. Section 8.2.3.4. of the plan provides guidance and standards for additional accommodation in existing built-up areas.

- 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.
- Dormer extensions shall be set back from the eaves, gables and/or party boundaries. The proposed quality of materials/finishes for dormers will be considered carefully as this can greatly improve their appearance. 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.
- Excessive overlooking of adjacent properties should be avoided unless support by the neighbours affected can be demonstrated.
- More innovative design responses will be encouraged, particularly within sites where there may be difficulty adhering to the above guidance and where objectives of habitability and energy conservation are at stake

5.2. **Natural Heritage Designations**

Not applicable

5.3. **EIA Screening**

Having regard to the minor scale of the proposed development 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.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- The appeal is related solely to condition No. 2 which states that the proposed dormer windows to the front shall be omitted in the interest of visual and residential amenity.
- There were no objections to the proposed works from neighbours within the cul-de-sac or the adjoining area. The proposed development will not overlook nearby property.

- Without the dormer windows, the attic conversion loses its primary utility as the proposed floor area will no longer comply with Building Regulations floor to ceiling heights standards.
- The proposed dormer design complies with guidelines for dormer windows as noted in the Planner's Report.
- There is precedent in the area for dormer windows at houses numbers 26 and 43 Stepside Park and older buildings in the area have dormer windows.
- The house is not visually prominent in the area and windows are orientated to look towards Kiliney Hill and the sea.

6.2. Planning Authority Response

The appeal does not justify a change in the planning authority's decision.

6.3. Observations

None

7.0 Assessment

- 7.1. Having regard to the zoning objective for the site to facilitate residential development set out in the Dun Laoghaire Rathdown Country Development Plan, the pattern of development in the area and the nature of the other elements of the application I consider that the sole issue to be considered in the present case is condition number 2 as appealed by the applicant.
- 7.2. Section 8.2.3.1 of the Dún-Laoghaire Rathdown County Development Plan makes specific mention of 'the levels of privacy and amenity, the relationship of buildings to one another including consideration of overlooking, sunlight/daylight standards.' The existing building has a floor area of 156sqm, with the proposed floor area comprising 55sqm total, with 19sqm for the rear extension and the remainder the attic conversion. The demolished floor area comprises 5sqm. The rear garden is approximately 80sqm, which meets the development plan standard for private amenity space for a 5-bedroom dwelling of 75m².

- 7.3. The appeal makes the point that there are examples of similar developments in the area. The extension to number 26 has not been constructed but if it were it would overlook the front garden of that site, a public road and the front garden of the houses opposite. Since front gardens are, generally, not regarded as private open space because they are ordinarily overlooked from the public realm that extension would not seriously impact on the residential amenity of nearby property. The referenced extension at number 43 has been constructed and overlooks public open space at a significant distance from other houses. I conclude that that extension does not seriously impact on the amenity of nearby property.
- 7.4. The currently proposed two dormer windows present a different situation. The application site is set back in a short cul de sac behind the rear of the houses which face directly onto the Stepside Park (the spine street within the development which links to the R117). Although there is no section drawing on-file to illustrate relative ground levels the application site (number 58) is elevated relative to the rear gardens of the houses facing onto the main Stepside Park spine road.
- 7.5. The 'rule of thumb' to protect residential amenity of rear gardens from unreasonable overlooking is that a separation distance of 22m should be maintained between opposing rear windows. The submitted drawings illustrate a separation distance of 22m from the proposed second floor dormer windows to the rear garden boundary of number 61 Stepside Park which is that house's only private open space (that house's front garden is fully open to views from the public realm). There are trees on the public road side verge along the edge of the cul de sac which limit overlooking from the application site to the rear garden of 61 Stepside Park. However, having regard to the elevation of the proposed second storey dormer windows and their orientation relative to the rear gardens of other properties in the area I conclude that the proposed dormer windows would overlook the rear gardens of houses in the vicinity in a manner as to seriously injure the privacy and residential amenity of those houses.

8.0 Appropriate Assessment

- 8.1. Having regard to modest scale of the proposed development and foreseeable emissions arising therefrom 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 the planning authority be directed to attach condition number 2 and the reason therefore for the reason set out below.

10.0 Reasons and Considerations

- 10.1. The application site is zoned to protect and/or improve residential amenity in the Dún Laoghaire Rathdown County Development Plan 2016-2022. It is considered that the proposed development would give rise to overlooking of the rear gardens of property in the vicinity which would seriously injure the residential amenity of that property, would materially contravene the zoning objective set out in the current County Development Plan and, therefore, would be contrary to the proper planning and sustainable development of the area.

Hugh Mannion
Senior Planning Inspector

5st July 2019