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Bord  
Pleanála

## Inspector's Report ABP-304674-19.

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<b>Development</b>	Conversion of attic roof space for use as en-suite bedroom.
<b>Location</b>	48 Griffin Rath Mannor, Maynooth, Co. Kildare.
<b>Planning Authority</b>	Kildare County Council.
<b>Planning Authority Reg. Ref.</b>	19/357.
<b>Applicant(s)</b>	Brian McCormack.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant with conditions.
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Brian McCormack.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	22 <sup>nd</sup> August, 2019.
<b>Inspector</b>	A. Considine.

## 1.0 Site Location and Description

- 1.1. The subject site is located within the Griffin Rath Manor estate to the south east of Maynooth town centre. The Griffin Rath development comprises a number of house types within a number of estate areas and the subject site is located at the end of a row of two storey semi-detached houses, which front onto – but are not directly accessed from – the primary estate road, Griffin Rath Road. The house the subject of this appeal is a corner two storey detached house which reflects the design standards associated with the wider development in the area.
- 1.2. The site has a stated area of 0.029ha.

## 2.0 Proposed Development

- 2.1. Permission is sought for the conversion of the attic roofspace for use as an ensuite bedroom with a traditional dormer window to the front (west) elevation, box dormer window with 2 no. obscure glass windows to the rear (east) elevation, replacement of utility room door with obscure glass window to the side (south) elevation, new obscure glass window to the stairwell on the site (south) elevation, replacement of timber cladding over the front and side bay windows with selected standing seam metal cladding, internal alterations and all ancillary site works, all at 48 Griffin Rath Mannor, Maynooth, Co. Kildare.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority decided to grant planning permission for the proposed development subject to 9 conditions, including the following:

3. Prior to the commencement of development, the developer shall submit for the written agreement of the Planning Authority revised plans with the rear dormer window omitted and replaced with 2 no. high level rooflights.

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

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The PA report considered the proposed development in terms of policy, layout and design, residential amenity and water services, concluding that the development was acceptable subject to compliance with conditions, including the condition 3 as stated above. This report comprised the basis for the PAs decision to grant permission and included an AA screening report.

### 3.2.2. Other Technical Reports

Internal reports

**Environment Section:** No objection subject to compliance with conditions.

**Water Services:** No objection subject to compliance with conditions.

**Area Engineer:** No objection subject to compliance with conditions.

**Chief Fire Officer:** The proposed attic conversion should comply with the requirements of the Technical Guidance Document B, including enclosure of existing stairway, new stairway, doorways, glazing, floors, escape windows, fire detection and alarm systems and external fire spread. The submission does not provide sufficient detail to make the assessment and further information is required.

## 4.0 Planning History

No relevant planning history relating to the site.

## 5.0 Policy and Context

### 5.1. Development Plan

The Kildare County Development Plan, 2017-2023 is the policy document relating to the subject site, with Chapter 17 – Development Management Standards relevant to the subject appeal.

Section 17.4 of the Plan deals with Residential Development, while Section 17.4.8 deals with Extension to Dwellings which provides that 'primarily, the design and layout of extensions should have regard to the character of the existing dwelling, the nature of the surrounding area and the amenities of adjoining properties, particularly as regards sunlight, daylight and privacy.' The plan provides for a number of basic principles to be applied including:

- The extension should be sensitive to the existing dwelling in its form, scale and appearance and should not adversely distort the scale or mass of the structure or adjoining properties.
- The extension should complement the area in which it is located, and its design and scale should have regard to adjoining properties. However, a flexible approach will be taken to the assessment of alternative design concepts and contemporary designs will be encouraged.
- The extension should not provide for new overlooking of the private area of an adjacent residence where no such overlooking previously existed.
- In an existing developed area, where a degree of overlooking is already present, the new extension must not significantly increase overlooking possibilities.
- New extensions should not overshadow adjacent dwellings to the degree that there is a significant decrease in daylight or sunlight entering into the house.
- The physical extensions to the floor area of a dwelling should not erode its other amenities. In all cases a minimum private rear garden area must be retained.

## 5.2. **Maynooth Local Area Plan 2013 – 2019**

The subject site is zoned 'B' in the LAP being 'Existing Residential & Infill'. It is the stated objective for this zoning 'to protect and improve existing residential amenity, to

provide for appropriate infill residential development and to provide for new and improved ancillary services.’

It is the stated policy of the LAP:

BAC7: To ensure that new development proposals have regard to the residential amenity of adjoining developments

In addition to the above, the LAP, under the heading Protection of the Existing Environment, states that ‘all development proposals immediately adjoining existing development shall provide for the protection of existing residential amenities and shall have particular regard to minimising overlooking and visual intrusion. The provision of sensitive street frontage which addresses surrounding land uses is essential in creating a sense of place.’

### **5.3. Natural Heritage Designations**

The site is not located within any designated site. The closest Natura 2000 site is the Rye Water Valley / Carton SAC (Site Code: 001398) which is located approximately 2.4km to the north of the site.

### **5.4. EIA Screening**

Having regard to nature and scale of the development, together with the brownfield nature 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.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

This is a first party appeal against the inclusion of condition 3 in the decision to grant planning permission. It is submitted that the condition seeks a major adverse design change that fundamentally alters the proposal. The grounds of appeal are summarised as follows:

- The proposed development does not cause any adverse impact on the existing residential amenity of adjoining dwellings, is minor in nature and enhances residential amenity of the local area.
- The proposed rear dormer is a design necessity to provide extended head height in the attic room for the bathroom and wardrobe space to function correctly. It is considered that the dormer is in keeping with the character of the area.
- The proposal reflects the character and scale of the original dwelling and will not have any adverse visual impact on the streetscape or character of the area. It is considered that the proposal is sensitive to the area due to its limited scale and proposed contemporary design.
- The proposal ensures the privacy of adjoining properties as the windows proposed are opaque.
- The proposal provides a logical extension of the existing dwelling that enhances and protects existing residential amenity. The development will not set an undesirable precedent

It is requested that condition 3 of the grant of planning permission be refused.

## 6.2. **Planning Authority Response**

The Planning Authority submitted a response to the first party appeal advising that the box dormer window is considered to be excessive in scale and having regard to this would be visually prominent from multiple locations within this residential development and therefore, roof lights are considered to be more appropriate. It is requested that the Board uphold condition 3 as granted as such a large dormer, and so visually prominent, would set an undesirable precedent for similar development.

## 6.3. **Observations**

None.

## 6.4. **Further Responses**

None.

## 7.0 Assessment

- 7.1. Having regard to the nature of this appeal, and having undertaken a site visit, as well as considering the information submitted, and proposed development, the Board will note that the appeal relates solely to the inclusion of condition 3 in the grant of permission. I am satisfied that the principle of the proposed development is acceptable given the location of the site and the zoning afforded to the area. As such, I consider it reasonable to treat this case under Section 139 of the Planning and Development Act, 2000 as amended and the merits of the inclusion of the condition should only be considered.
- 7.2. Condition 3 of the Planning Authority's grant of planning permission requires that the box dormer proposed to the rear of the house be removed and replaced with high level roof lights in order to prevent any perceived overlooking and in the interest of visual and residential amenity.
- 7.3. The first party submits that the proposed dormer will not cause any adverse impact on the existing residential amenity of adjoining dwellings and as the proposed windows will be opaque, there will be no impact on existing privacy of adjoining properties. It is further submitted that the box dormer is necessary in order to extend the head height in the attic room in order that the space can function correctly. The first party also submits that the dormer is in keeping with the character of the area and will not set an undesirable precedent.
- 7.4. The subject site is located within an attractive suburban residential area to the south east of the town of Maynooth. The wider Griffin Rath development, which is approximately 10 years old, provides for a wide mix of house types including apartments, dormer houses, two storey house and three storey houses, terraced, semi-detached and detached. There is a consistency and uniformity within the wider estate in terms of the design features and elements. There are examples of full roof dormers and some half dormers evident throughout the estate which comprised part of the overall design concept for the wider estate and having walked around the full area, I could not locate any box dormer on any of the existing houses. In this regard, I consider that the Planning Authority is correct in considering that the decision made in terms of this appeal will set a precedent for potential future similar development in the area.

7.5. The Kildare County Development Plan 2017, Section 17.4.8, deals with Extension to Dwellings. The Board will note that the plan requires that the design of extensions should have regard to the character of the existing dwelling, the nature of the surrounding area and the amenities of adjoining properties, particularly as regards sunlight, daylight and privacy. Having regard to the orientation and scale of the proposed dormer, I am generally satisfied that there is no issue with regard to impacts on sunlight or daylight.

7.6. In terms of the design and the potential impact on existing residential amenities and compliance with the CDP, I note the following:

- The extension should be sensitive to the existing dwelling in its form, scale and appearance and should not adversely distort the scale or mass of the structure or adjoining properties.
  - The proposed box dormer is to be located on an end of row detached house which will be visible from a number of view points throughout the estate. While I have no objection in principle to the provision of a dormer window to the rear of the house, I would have concerns regarding the scale and design of same in this context, particularly when viewed from the rear and side.
- The extension should complement the area in which it is located, and its design and scale should have regard to adjoining properties. However, a flexible approach will be taken to the assessment of alternative design concepts and contemporary designs will be encouraged.
  - Further to my comment above, I note the contemporary design of the proposed box dormer. In this regard, I consider that the scale of the dormer is a concern.
- The extension should not provide for new overlooking of the private area of an adjacent residence where no such overlooking previously existed.
  - The rear of the house faces directly onto the blank gable of the adjacent house. The windows may have the potential to overlook the adjacent rear gardens, over and above the existing level due to the height of the dormer window. However, I note that the windows



are proposed to serve a walk-in wardrobe and en-suite and will use opaque glass. In this regard, I have no objection in principle.

- In an existing developed area, where a degree of overlooking is already present, the new extension must not significantly increase overlooking possibilities.
  - See comments above.
- New extensions should not overshadow adjacent dwellings to the degree that there is a significant decrease in daylight or sunlight entering into the house.
  - Having regard to the orientation and scale of the box dormer, I am satisfied that the if permitted, it will not impact on existing daylight or sunlight into the house.
- The physical extensions to the floor area of a dwelling should not erode its other amenities. In all cases a minimum private rear garden area must be retained.
  - Not applicable in this instance.

7.7. Having regard to the above, I am not satisfied that the proposed development is acceptable or in compliance with the requirements of the Kildare County Council Development Plan as it relates to residential extensions. I consider that if constructed as proposed, the rear box dormer window would represent a visually dominant and obtrusive feature when viewed from the adjacent properties, as well as from the surrounding road network and public open space. I also consider that the development would result in increased potential overlooking of adjacent properties and would injure the existing residential amenities of these properties. While I note the comments of the appellant in terms of the functionality of the spaces, I consider that this is an issue which might reasonably be dealt with by minor internal alterations. It is reasonable that the two spaces proposed can be serviced by roof lights, or possibly a smaller and more appropriately designed dormer window. Notwithstanding the submission of the appellant to the contrary, I consider that the development, if permitted, would set an undesirable precedent for similar type developments in this suburban residential area.

7.8. Appropriate Assessment:

Given the location of the subject site within an established and mature residential area, together with the nature of the proposed development, I am satisfied that there is no potential for impact on any Natura 2000 site, warranting AA.

**8.0 Recommendation**

I recommend that planning authority be directed, in accordance with Section 139, Subsection (1) of the Planning & Development Act, 2000-2011, to RETAIN condition 3 of the grant of planning permission for the following stated reasons and considerations.

**9.0 Reasons and Considerations**

Having regard to the pattern of development in the area, the zoning objective associated with the site as well as design and scale of the wider Griffin Rath residential estate it is considered that the inclusion of Condition 3 as written is necessary in the interest of visual and residential amenity and the proper planning and sustainable development of the area.

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A. Considine

Planning Inspector

16<sup>th</sup> September, 2019