



An  
Bord  
Pleanála

## Inspector's Report ABP-305435-19

<b>Development</b>	Amendments to previously approved planning application reg. ref. D18A/0656 to include alterations to dormer roof extended over Bedroom-2 to allow space over for PV panels and omission of 1 no. rooflight to rear.
<b>Location</b>	19 Haddington Park, Glenageary, A96 T2X9, Co. Dublin.
<b>Planning Authority</b>	Dún Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D19B/0317
<b>Applicant(s)</b>	Des Thorpe & Jeanne Cullen
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party v. Decision
<b>Appellant(s)</b>	Des Thorpe & Jeanne Cullen
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	20 <sup>th</sup> November, 2019
<b>Inspector</b>	Robert Speer

## 1.0 Site Location and Description

1.1. The proposed development site is located within an established residential area, approximately 230m northwest of the junction of Albert Road Upper with Glenageary Road Upper (the R829 Regional Road), in the suburb of Glenageary, where it occupies a position along the western side of Haddington Park. The surrounding area is predominantly characterised by single-storey and dormer-style housing of varying design dating from the mid-late 20<sup>th</sup> Century, although there are a number of other housing styles in the wider area, including several two-storey period properties located further west within the Silchester Road, Marlborough Road & Glenageary Candidate Architectural Conservation Area. The site itself has a stated site area of 0.0464 hectares, is rectangular in shape and is presently occupied by an asymmetrical, single-storey, detached dwelling house with a flat-roofed annex to the side of same. It is bounded by comparable housing to the immediate north and south with those more substantial properties to the west along Marlborough Road characterised by a more sylvan setting.

## 2.0 Proposed Development

2.1. The proposed development involves the amendment of the development previously permitted under PA Ref. No. D18A/0656 and includes for the alteration / extension of the first-floor dormer roof construction to the rear of the dwelling house in order to provide for an increased floor area within Bedroom No. 2 and to allow for the installation of a series of photovoltaic solar panels. Associated works include the omission of 1 No. rooflight to the rear of the property.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. On 22<sup>nd</sup> August, 2019 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following single reason:
- The proposed dormer structure to the rear, by reason of its design, overall width and height would appear over dominant, visually obtrusive and

overbearing in the rear roofslope and would, thereby, be contrary to Section 8.2.3.4 (i) 'Extension to Dwellings' of the 2016-2022 Dún Laoghaire-Rathdown County Development Plan. The proposed development would be inconsistent with the pattern of development of the area and, if permitted, would create an undesirable precedent for similarly scaled dormer developments. The proposed development would seriously injure the amenities or depreciate the value of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

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

#### *3.2.1. Planning Reports*

States that the proposed amendments will not result in the overlooking of adjacent property having regard to the surrounding pattern of development and the siting of the new dormer construction relative to the rear site boundary. However, in light of the previous assessment of PA Ref. No. D18A/0656 wherein the Planning Authority required a reduction in the scale and massing of the dormer structure originally proposed, it was considered that the revised design of the dormer feature, with particular reference to its overall size, width, overbearing nature and visual dominance, would fail to accord with the requirements of Section 8.2.3.4 of the Development Plan, would be out of character with the area, and would set an undesirable precedent for similar works. Accordingly, it was recommended that permission be refused for the reason stated.

#### *3.2.2. Other Technical Reports*

*Drainage Planning, Municipal Services Dept.:* No objection, subject to conditions.

### **3.3. Prescribed Bodies**

None.

### **3.4. Third Party Observations**

None.

## 4.0 Planning History

### 4.1. On Site:

PA Ref. No. D18A/0656. Was granted on 7<sup>th</sup> December, 2018 permitting Des Thorpe & Jeanne Cullen permission for demolition of an existing single storey conservatory to the rear and the construction of a single storey extension to the front with bay window to match the existing bay window, a single storey extension along the entire side of the dwelling, attic conversion to include 2 no. bedrooms, bathroom and storage with dormer roof structure and windows to the rear, all with associated internal alterations, extension pitched roof with increase in angle at both sides, new flat roof to rear, solar panels to flat roof and south facing pitched roof, 3 no. roof lights to front pitched roof with an overall floor area 195m<sup>2</sup>, vehicular access gate widened to 2,500mm, 2 car parking spaces accessed off Haddington Park, all on a site of 0.464 hectare with all associated site works.

## 5.0 Policy and Context

### 5.1. Development Plan

#### 5.1.1. Dún Laoghaire Rathdown County Development Plan, 2016-2022:

##### *Land Use Zoning:*

The proposed development site is located in an area zoned as 'A' with the stated land use zoning objective '*To protect and-or improve residential amenity*'.

##### *Other Relevant Sections / Policies:*

##### *Chapter 8: Principles of Development:*

##### *Section 8.2: Development Management:*

##### *Section 8.2.3.4: Additional Accommodation in Existing Built-up Areas (i) Extensions to Dwellings:*

First floor rear extensions will be considered on their merits, noting that they can often have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In

determining applications for first floor extensions the following factors will be considered:

- Overshadowing, overbearing and overlooking - along with proximity, height and length along mutual boundaries.
- Remaining rear private open space, its orientation and usability.
- Degree of set-back from mutual side boundaries

Roof alterations/expansions to main roof profiles - changing the hip-end roof of a semi-detached house to a gable/'A' frame end or 'half-hip' for example – will be assessed against a number of criteria including:

- Careful consideration and special regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures.
- Existing roof variations on the streetscape.
- Distance/contrast/visibility of proposed roof end.
- Harmony with the rest of the structure, adjacent structures and prominence.

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

5.2.1. The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- The Dalkey Islands Special Protection Area (Site Code: 004172), approximately 1.8km east of the site.
- The Rockabill to Dalkey Island Special Area of Conservation (Site Code: 003000), approximately 2.1km east of the site.

## 5.3. EIA Screening

5.3.1. Having regard to the minor nature and scale of the development proposed, the site location in a built-up urban area outside of any protected site, the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, 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 subject proposal involves the amendment of the extant grant of planning permission issued in respect of PA Ref. No. D18A/0656 with regard to the demolition and reconstruction of a new dwelling house, however, the application has been assessed under Section 8.2.3.4(i): *'Extensions to Dwellings'* of the Development Plan as opposed to Section 8.2.3.4(xiv): *'Demolition and Replacement Dwellings'*.
- The roof profile approved under PA Ref. No. D18A/0656 cannot accommodate all of the photovoltaic panels required to comply with the 'Nearly Zero Energy Building' requirements of Article 9(1) of Directive 2010/31/EU on the energy performance of buildings i.e. all new buildings are

required to be nearly zero energy buildings by 31<sup>st</sup> December, 2020 with the standard to apply to all new dwellings commencing construction from 1<sup>st</sup> April, 2019.

- The adjoining dwellings at Nos. 18 & 20 Haddington Park both have dormer roofs which are only visible from within the rear garden areas of immediately adjacent properties and cannot be seen from the public domain due to their first floor positions.
- The dormer window will be 8.9m in width and will be set back c. 13m from the rear site boundary. In this respect, it should be noted for comparison purposes that a full-height two-storey dwelling house would be acceptable in principle in similar circumstances as it would not give rise to overlooking.
- The report of the case planner states that *'the proposed roof raises concerns regarding the adverse visual impacts of the proposed dormer structure relative to the overall span of the roof profile. The proposed dormer window as presented has the potential to present as overbearing when viewed from the adjoining properties'*, however, despite the proposed dormer construction measuring 8.9m in width, any perceived overbearing impact will be negligible due its location at first floor level.
- The bungalow-style dwelling houses within Haddington Park have incorporated various roof profiles over the years in order to provide for adequate floor-to-ceiling height at first floor level. In most instances, the front roof profile is sympathetic to the streetscape and utilises dormer windows although in some cases a full-storey of accommodation has been provided.
- In the event the Board is of the opinion that the profile of the proposed first floor dormer feature will be overbearing, it is requested to consider the amended proposals detailed in the revised drawings provided with the grounds of appeal. In this respect, it is proposed to install 2 No. smaller dormer windows in a manner similar to other properties in the surrounding area and comparable to that at No. 23 Haddington Park. In addition, the roof pitch has been amended to create a flat section to incorporate the PV panels (being the fundamental reason for the subject application in order to comply with NZEB requirements). It is considered that these revisions will ensure that

the dormer windows are visually subordinate to the existing roof slope. They will also enable a larger proportion of the main roof construction to remain visible.

## 6.2. **Planning Authority Response**

- 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.

## 6.3. **Observations**

None.

## 6.4. **Further Responses**

None.

## 7.0 **Assessment**

7.1. From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- Overall design and layout
- Impact on residential amenity
- Appropriate assessment

These are assessed as follows:

### 7.2. **Overall Design and Layout:**

7.2.1. From a review of the available information, it is apparent that the key issue in the assessment of the subject proposal concerns the specific design and visual impact of the amended dormer window construction to the rear of the property and the determination by the Planning Authority that said construction fails to comply with the provisions of Section 8.2.3.4: '*Additional Accommodation in Existing Built-up Areas (i) Extensions to Dwellings*' of the Dún Laoghaire Rathdown County Development



Plan, 2016-2022. In this respect, comparisons have been drawn between the amended design of the dormer feature as proposed and that which was previously held to be inappropriate in the Planning Authority's earlier determination of PA Ref. No. D18A/0656. By way of clarity, I would advise the Board that the development originally proposed under PA Ref. No. D18A/0656 included for the construction of a rear first floor box dormer window of a design comparable to the subject proposal, however, in its assessment of that application, the Planning Authority raised concerns that the overall scale, height, width and massing of that element of the development would have a detrimental impact on the visual amenities of the area. Accordingly, the applicant submitted amended proposals in response to requests for further information and clarification which reduced the overall size of the dormer and that revised design was subsequently approved by the Planning Authority.

7.2.2. In line with its determination of PA Ref. No. D18A/0656, the Planning Authority has concluded that the dormer design as proposed has the potential to present as overbearing when viewed from within the confines of adjoining properties and thus could detract from the visual and residential amenities of the area. It has also been stated that the proposal will be visually prominent by reason of its overall size, will be out of keeping with the surrounding pattern of development, and will set an undesirable precedent for future development in the area. In this regard, it has been further determined that the dormer construction does not accord with the provisions of Section 8.2.3.4(i) of the Development Plan wherein it is stated that dormer extensions will be assessed having regard to the impact on the character and form of the existing building whilst the design, dimensions and bulk of any such proposal relative to the overall size of the dwelling will be overriding considerations.

7.2.3. Having conducted a site inspection, whilst I would accept the need to ensure the appropriate control / regulation of dormer extensions etc. through adherence to specified design criteria, it is my opinion that Section 8.2.3.4(i) of the Development Plan provides for some degree of flexibility in the application of same. In this respect, I would advise the Board that I am satisfied that the amended design of the dormer window in question will not be overtly visible from vantage points along the public road that any visual impact attributable to the limited views of same from within the surrounding public domain will be within tolerable limits. In addition to the foregoing, I am also cognisant of the variety of dormer constructions to the front and rear of a

number of dwelling houses in the immediate vicinity of the application site.

Furthermore, although the amended dormer window will be noticeably larger than that previously approved on site, it will not impinge on the residential amenity or privacy of neighbouring properties.

- 7.2.4. Therefore, on balance, it is my opinion that the amended dormer window design will not be unduly visually prominent and will not detract from the wider streetscape / roofscape. However, in the event the Board does not agree with the foregoing, consideration should be given to the revised proposals submitted with the grounds of appeal whereby the design has been amended to provide for two smaller box dormer windows through the omission of the central element of the construction.

### **7.3. Impact on Residential Amenity:**

- 7.3.1. Having regard to the site context, its location within a built-up urban area, the surrounding pattern of development, and the nature, scale and design of the amendments proposed, I am satisfied that the subject proposal will not give rise to any significant impact on the residential amenity of neighbouring property, such as by way of overlooking, overshadowing, or an overbearing appearance / influence, nor will it result in the devaluation of same.

### **7.4. Appropriate Assessment:**

- 7.4.1. Having regard to the minor nature and scale of the proposed development, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

## **8.0 Recommendation**

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be overturned in this instance and that permission be granted for the proposed development for the reasons and considerations, and subject to the conditions, set out below:

## 9.0 Reasons and Considerations

- 9.1. Having regard to the planning history of the site, the nature, scale and design of the amendments proposed, and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 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. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on 7<sup>th</sup> day of December, 2018 under planning register reference number D18A/0656, and any agreements entered into thereunder.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. 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 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.

**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.

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Robert Speer  
Planning Inspector

21<sup>st</sup> November, 2019