



An  
Bord  
Pleanála

## Inspector's Report

### ABP-306761-20

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<b>Development</b>	Retention permission for rear dormer windows.
<b>Location</b>	15 Maretimo Gardens East, Blackrock, Co. Dublin.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D19B/0493
<b>Applicant(s)</b>	Olwyn Bennet
<b>Type of Application</b>	Retention Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Olwyn Bennett
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	28/04/2020 and 15/05/2020
<b>Inspector</b>	Gillian Kane

## 1.0 Site Location and Description

- 1.1. The subject site is located on the norther side of Maretimo Gardens East, a mature residential cul-de-sac in the south Dublin suburb of Blackrock. Currently on site, is a mid-terrace two storey dwelling with roof level dormer.

## 2.0 Proposed Development

- 2.1. On the 28<sup>th</sup> November 2019, permission was sought to retain for rear dormer windows 7.85sq.m.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. On the 31<sup>st</sup> January 2020, the Planning Authority issued a notification of their intention to GRANT permission subject to 3 no. conditions. Condition no. 2 states:

- 2 The existing rear dormer shall be reduced in size to a maximum width of 4m and shall be centrally located within the existing main roof. Details including revised plans and elevations shall be submitted for the written agreement of the Planning Authority prior to the commencement of alterations / development on site. Reason: To protect the residential amenities of the area and in the interests of visual amenity and harmony.

### 3.2. Planning Authority Reports

- 3.2.1. **Drainage Planning:** No objection.
- 3.2.2. **Planning Report:** Subject rear dormer is the largest on the roadway. Subject dormer is overly dominant given the size and scale of the mid-terrace dwelling. Dormer should be reduced in size to 4m.

## 4.0 Planning History

- 4.1.1. None on subject site.

## 5.0 Policy Context

### 5.1. Dun Laoghaire Rathdown County Development Plan 2016-2022.

- 5.1.1. The operative Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The site is zoned objective A – to protect and/or improve residential amenity.
- 5.1.2. Relevant policies and objectives include section **8.2.3.4 Additional Accommodation in Existing Built-up Areas** which states that “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..... 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.

### 5.2. Natural Heritage Designations

- 5.2.1. The South Dublin Bay SAC (000210) and the South Dublin Bay and River Tolka Estuary SPA (004024) are 40m to the north of the subject site.

### 5.3. EIA Screening

- 5.3.1. Having regard to nature and scale of the proposed development 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

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. An agent for the applicant has submitted a first party appeal against condition no. 2 of the decision of the Planning Authority to impose the condition. The grounds of the appeal can be summarised as follows:

- Permission was sought to retain the dormer as constructed, which is in excess of 4m.
- The subject site is c. 9.015m wide. The subject dormer is centrally located and has an offset of 1.35m from each party wall.
- Several of the houses in the area have been redeveloped.
- The subject dormer was designed so it would not be visible from the front of the house.
- The roof of no. 14 has been altered. A 3.6m wide dormer has been constructed at no. 16 (D18A/0046). In permitting this dormer, the Planning Authority have indicated that a proximity of 1.35m to the centreline is not intrusive.
- No objection to the existing dormer has been raised.
- The proposed development is in accordance with section 8.2.3.4(i) of the development plan, as it is to the rear, has no impact on the character of the cul-de-sac, is set back and is below the ridge lines.
- Due to the rear extension constructed at no. 16, there is little visibility from the dormer to the rear garden of no. 16.
- Should overlooking of the rear garden of no. 14 be considered a concern, opaque glazing could be inserted on the closest window frame.
- Should the Board consider that condition no. 2 require amendment, it is requested that the requirement to be centrally located be omitted.

## 6.2. Planning Authority Response

- 6.2.1. The Planning Authority considers that the dormer structure seeking retention is not acceptable and may set a negative precedent for overly large and dominant dormers on the same row. The development in size / design is contrary to the policy for dormer roof extension structures in section 8.2.3.4(i) of the development plan. The appellants suggestion to make part of the dormer opaque would not address the size / design concerns of the Planning Authority. A reduction of the dormer as per condition no. 2 is still sought.

## 7.0 Assessment

- 7.1.1. I have examined the file and the planning history, considered national and local policies and guidance and inspected the site. Section 139 of the Planning and Development Act 2000- 2016 provides that where an appeal is made to the Board against only a condition of a permission and where the Board is satisfied that a de novo assessment of the appeal is not required, that the Board may issue a direction to the Planning Authority relating to the attachment, amendment or removal of the condition.
- 7.1.2. In the case of the current appeal against condition no. 2, I am satisfied that the appeal accords with the criteria of section 139 and therefore I restrict my assessment of the appeal to condition no. 2 only.

### 7.2. Condition no. 2

- 7.2.1. As stated above, condition no. 2 requires the amendment of the existing rear dormer to reflect a maximum width of 4m and to be centrally located within the roof. The reason given for the condition is to protect the residential amenities and the visual harmony of the area. Given that the subject dormer is not visible from the streetscape and that there are no houses to the rear (north) of the cul-de-sac, I fail to see how the visual harmony of the area is affected by the subject dormer. The existing dormer is larger than those on other dwellings in the area, but it remains below the ridge line of the existing dwelling and is visible only to a limited number of rear gardens. I am satisfied that overlooking of the adjoining properties at no. 14 and no. 16 will not occur to such an extent that would injure the residential amenities of either property.
- 7.2.2. The dormer to be retained is in keeping with the existing dwelling and the pattern of development in the area. The subject dormer is set back from eaves, gables and/or party boundaries as required by section 8.2.3.4 of the development plan.
- 7.2.3. It is considered that amendment required by condition no. 2 would be made with no appreciable gain to the visual amenity of the streetscape but with significant disadvantage to the subject dwelling. I am satisfied that the proposed development is acceptable in terms of visual impact and residential amenity and is in compliance with the development plan. I recommend that condition no. 2 be omitted

### **7.3. Appropriate Assessment**

- 7.3.1. Having regard to the nature and scale of the proposed development to be retained in a fully serviced built-up urban area, no appropriate assessment issues arise, and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

### **8.0 Recommendation**

- 8.1.1. Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 2 and the reason therefore.

### **9.0 Reasons and Considerations**

- 9.1.1. Having regard to the nature and scale of the development to be retained and to the pattern of development in the area, it is considered that the imposition of condition number 2 is unnecessary and the removal of this condition would not contravene the provisions, as set out in the current Development Plan for the area nor create a precedent.

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Gillian Kane  
Senior Planning Inspector

18 May 2020