



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307691-20

---

<b>Development</b>	Construction of a dormer window to the rear, alterations to the main roof and the construction of a attic-level window to the side of the house.
<b>Location</b>	2 Eden Park Road, Kilmacud, Dublin 14
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D20B/0087
<b>Applicant(s)</b>	Glenda and Jarlath Mahon.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse Permission.
<b>Type of Appeal</b>	First Party V. Refusal
<b>Appellant(s)</b>	Glenda and Jarlath Mahon.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	29 <sup>th</sup> October 2020.
<b>Inspector</b>	Susan McHugh

# Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	4
3.1. Decision .....	4
3.2. Planning Authority Reports .....	4
3.3. Prescribed Bodies .....	5
3.4. Third Party Observations .....	5
4.0 Planning History.....	6
5.0 Policy Context.....	6
5.1. Dun Laoghaire Rathdown County Development Plan 2016-2022 .....	6
5.2. Natural Heritage Designations .....	6
5.3. EIA Screening .....	6
6.0 The Appeal .....	7
6.1. Grounds of Appeal .....	7
6.2. Planning Authority Response .....	7
6.3. Observations .....	7
7.0 Assessment.....	8
8.0 Recommendation.....	10
9.0 Reasons and Considerations.....	10
10.0 Conditions .....	10

## 1.0 Site Location and Description

- 1.1. The appeal site is located within the established residential area of Eden Park, an estate of two storey, semi-detached dwellings with attached garages to the south of Goatstown, in south County Dublin.
- 1.2. The subject site at no.2 Eden Park Road, and adjoining site No.23 Eden Park Avenue, occupy a corner plot to the east of Eden Park Avenue. This corner plot is mirrored by no. 4 Eden Park Road and adjoining site no. 20 Eden Park Avenue to the west. These four houses are located at an angle to the junction between Eden Park Road and Eden Park Avenue. These houses benefit from large front gardens, with driveways to accommodate parking.
- 1.3. The subject site no. 2 Eden Park Road has frontage along and is accessed from Eden Park Road to the north, while the adjoining house No.23 has frontage along and is accessed from Eden Park Avenue to the west.
- 1.4. The appeal site is defined to the north east by several mature trees and to the east by a 2m high concrete boundary wall. This boundary adjoins a fenced area of open space within which are mature trees. This area of open space is located on the south western corner of the Drummartin Road/Drummartin Link Road junction.
- 1.5. The appeal site has a stated area of 0.61ha.

## 2.0 Proposed Development

- 2.1. Permission is sought for the
  - construction of a dormer window in the main roof to the rear of the property
  - alterations to the main roof and the
  - construction of a new attic-level window to the side of the house.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority decided to **refuse** permission for the above described development as follows;

1. *'The proposed development and its resulting massing, scale and form, will result in a structure with a mixed roof profile at a conspicuous location which will appear visually incongruous. It is considered that the proposed development will materially alter the visual appearance of the structure and will have a detrimental visual impact on the streetscape. In addition, it is considered that the proposed development would significantly detract from the character of the surrounding area and significantly impact on adjoining visual and residential amenity and therefore would not be in accordance with the policy provisions of the Dun Laoghaire-Rathdown County Development Plan 2016-2022. The proposed development would, therefore, not be in accordance with the proper planning and sustainable development of the area.'*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Report (dated 01/07/2020)

Basis for planning authority decision. Include:

- Proposed development is acceptable in principle.
- *Overlooking* – Dormer structure is c. 4.5m wide, c.2.8m deep and c.1.4m high located to the rear of the main roof. It is set back c.2m from the roof eaves and set back c.0.4m from the boundary with the neighbouring house. It will be c. 26m from the rear boundary wall to the south west. Dormer will not have a negative impact on the amenity of neighbouring properties by virtue of overlooking.
- *Visual Impact* – Subject property and adjacent No. 23 Eden Park Avenue both display a symmetric hipped roof profile. Proposed development would

materially alter the character of the structure, be visually incongruous and set an undesirable precedent.

- *Precedent* - Note No.s 19 and 21 Eden Park Avenue, one of which has a hipped roof profile and one a pitched roof. Do not consider this a valid precedent on the basis that No.19 marks the beginning of a line of houses to the south with gable roof profiles. The setting of the subject dwelling on the corner between Eden Park Avenue and Eden Park Road, in the vicinity of the junction with Drummartin Road raises particular visual considerations.
- *Location* - Corner position of the subject property is prominent and conspicuous, and vacant greenfield lands located immediately to the east make the subject site visible from a distance. Proposed development and have a detrimental effect on the visual amenities of the area.
- *Character of the Streetscape* - Note pair of semidetached houses on corner site to the west across Eden Park Avenue which also display a hipped roof profile. Both pairs of houses (i.e. the subject property and No. 23 Eden Park Avenue, and No. 4 Eden Park Road, and No. 20 Eden Park Avenue) by virtue of their position, orientation and symmetry frame the entrance to Eden Park Avenue. Proposed development would negatively impact on the character of the streetscape.
- Proposed development does not comply with the provisions of section 8.2.3.4(i) of the 2016-2022 DLR CDP.

### 3.2.2. Other Technical Reports

**Drainage:** Report dated 28/04/2020 recommended no objection.

### 3.3. Prescribed Bodies

None received.

### 3.4. Third Party Observations

None received.

## 4.0 Planning History

No relevant history identified.

## 5.0 Policy Context

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

The site is located within an area zoned under Land Use Objective 'A': *'To protect and /or improve residential amenity'*.

Section 8.2.3.4(i) of the CDP addresses extensions to dwellings.

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' 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.

### 5.2. Natural Heritage Designations

None of relevance.

### 5.3. EIA Screening

Having regard to the nature and scale of the proposed development, the proposed connection of the development to public water and foul drainage connections, it is considered that 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

A first party appeal against the decision to refuse permission by the planning authority has been lodged by Matthew Fagan Architects on behalf of the applicants. It includes photographs and an amended design proposal. In summary the appeal states:

- *Existing Streetscape* - Notes precedents for structures with a mixed roof profile in the area. Dispute contention that the proposed roof profile would have a 'detrimental visual impact' on the streetscape or 'character of the surrounding area'.
- *Inconspicuous Location* – PA neglected to observe several large evergreen trees adjacent to the property which screen the house all year round from the road and contend that the house is not at a 'conspicuous location'.
- *Proposed Design* – Refute claim that the development will 'significantly detract from the character of the surrounding area and significantly impact on adjoining visual and residential amenity'. No observations were submitted from neighbours. PA had no concerns with the dormer window.
- *Proposed Amendments* – Include a mini hip on the gable, and relocation of the proposed rooflight from the front-facing roof to the rear-facing roof.

### 6.2. Planning Authority Response

The grounds of appeal raise no new matters that would justify a change of attitude to the proposal.

### 6.3. Observations

None received.

## 7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Appropriate Assessment also needs to be considered. The issues are addressed under the following headings:

- Impact on Visual Amenity
- Appropriate Assessment

### 7.2. Impact on Visual Amenity

7.2.1. Eden Park is a mature residential area of semidetached houses. Very many of the houses along Eden Park Road and Eden Park Avenue have undergone development changes. An examination of the street will show that there are many different types of porches to be found, a wide range of garage conversions have been undertaken including garage conversions with first floor extensions overhead. There are also examples of a variety of roof slopes, rooflights and solar panels to the front roof slope and large dormer extensions to the rear roof slope in close proximity to the appeal site.

7.2.2. It is my submission to the Board that, excepting the rear dormer element, the proposed roof alteration could not in any way be considered to be out of context, be any more visually intrusive or detract from the character of the area when viewed from the streetscape when compared to other properties in the vicinity. I do not understand how one could come to any other conclusion in light of the form, character and pattern of development that has evolved along Eden Park Road and Eden Park Avenue. Thus, I must reasonably conclude that the proposed modifications to the roof slope, and treatment along the frontage of the house is wholly acceptable.

7.2.3. In considering the proposed rear dormer extension, I accept that this proposed element of the development is visible from the public realm but has no adverse impacts by way of overlooking on adjoining residential amenity. The scale of the dormer is not out of context and merits no alteration. The proposed dormer was also acceptable to the planning authority and as noted by the appellants no third party submissions were received by the planning authority.



- 7.2.4. I have considered the location of the appeal site in terms of how conspicuous or prominent the proposed rear elevation of the house would be when viewed from namely the Drummartin Link Road and Drummartin Road junction. There are a number of factors including the angle of the house as presented to the Drummartin Link Road and junction, existing mature evergreen trees within the area of open space to the southeast of the junction and to the north-eastern boundary of the appeal site itself, which in my opinion allow only intermittent views of the appeal site from the public realm. I also note the set back of the property both from all adjoining roads and separation distance from the Drummartin Link Road and Drummartin Road junction. In my opinion the visual impact of the proposed development has been overstated by the PA and in this instance I concur with the applicant in that the subject site is not overly conspicuous.
- 7.2.5. Finally, I have considered the proposed design modifications submitted as part of the first party appeal and although relatively minor will in my opinion help to assimilate the proposed development into its context. If the Board are minded to grant permission these amendments can be dealt with by way of condition.
- 7.2.6. I am satisfied, therefore, that subject to these minor modifications that the proposal is compatible with the development plan requirements for extensions to dwellings, has no adverse impact on established residential amenities, and does not have visually obstructive impacts on the streetscape, neighbouring properties or the public realm.

### 7.3. **Appropriate Assessment**

- 7.3.1. Having regard to the nature and scale of the proposed development and to the nature of the receiving environment, namely an urban and fully serviced location and the proximity 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.

## 8.0 Recommendation

- 8.1. I recommend that permission is **granted** in accordance with the following reasons, considerations and conditions.

## 9.0 Reasons and Considerations

Having regard to the established dwelling on the site, and the compatible design and limited scale of the proposed development, and to the pattern of development change that has evolved with residential properties in the immediate vicinity of the site, it is considered that the proposed development would not adversely impact on the visual amenity of the streetscape or the residential amenities of adjoining properties or character of the area, and would otherwise be in accordance with the provisions of the current Dún Laoghaire-Rathdown County Development Plan. 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, and by further plans and particulars received by An Bord Pleanála on the 24<sup>th</sup> July 2020 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. Details and drawings of the proposed modifications to the roof by way of a hip roof and relocation of rooflight shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

3. The external finishes of the proposed extension shall harmonise in colour and texture with the existing finishes on the house.

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

4. The disposal of surface water shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and to ensure a proper standard of development.

---

Susan McHugh  
Senior Planning Inspector

30<sup>th</sup> October 2020