



An
Bord
Pleanála

Inspector's Report 307825-20

Development

Amendments to planning reg. ref. 3939/16 including: (1) addition of side dormer flat-roof window to western elevation; (2) increased depth of rear single-storey extension; (3) amendments to fenestration to front elevation; (4) new rooflight to western roofscape; and, (5) all associated landscaping & site works

Location

No. 7 Woodside, Clontarf, Dublin 3

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

2717/20

Applicant(s)

Maire & Thomas O'Brien

Type of Application

Permission

Planning Authority Decision

Grant permission

Type of Appeal

First Party v. Condition

Appellant(s)

Maire & Thomas O'Brien

Observer(s)

None

Date of Site Inspection

9th October 2020

Inspector

Louise Treacy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 680 m² and is located at No. 7 Woodside, Clontarf, Dublin 3. The site forms part of a mature cul-de-sac of 12 no. residential properties, which front onto the southern boundary of St. Anne's Park.
- 1.2. The existing property is a detached, 2-storey dwelling with off street car parking to the front and a garden space to the rear. The dwelling has a gable-ended front elevation, with a distinctive sloping roof profile.

2.0 Proposed Development

- 2.1. The proposed development consists of amendments to previously granted planning permission reg. ref. 3939/16 comprising:
 - (1) Addition of side dormer flat-roof window to western elevation with opaque glazing to 1800 mm height from floor level on western-facing glazing;
 - (2) Increase in depth of granted rear single-storey extension by 900 mm;
 - (3) Amendments to fenestration to front elevation to include a corner window at ground and first-floor to front annex of dwelling, and addition of new first-floor window serving bedroom no. 2;
 - (4) Addition of new rooflight to the western roofscape; and,
 - (5) All associated landscaping and site works to facilitate the development.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Grant Permission subject to 7 no. conditions issued on 10th July 2020.
- 3.1.2. Condition no. 3 states the following:

“The proposed roof development shall be modified as follows:

 - (a) The proposed dormer roof extension on the western elevation shall be omitted from this permission.

(b) The west facing roof of the house may be served by two additional velux type roof lights, which can be opened, serving bedroom nos. 2 and 3. These velux type roof lights shall have a sill height no lower than 1.8 metres, measured from the finished floor level of the bedrooms and shall have the maximum opening dimensions of 1.2 x 1 metres.

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

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. Basis of Planning Authority’s decision.

3.2.3. Dublin City Council’s Planning Officer considered that the proposed dormer structure would provide an opportunity for the overlooking of the neighbouring property at No. 6 Woodside and that the provision of adequate obscure glazing as proposed, could not be guaranteed.

3.2.4. As an alternative, the Planning Officer considered that additional natural light and ventilation could be provided to bedroom nos. 2 and 3 by roof light/velux type windows, with the lower sills of the windows to be set at 1.8 m above floor level.

3.3. Other Technical Reports

3.3.1. **Engineering Department – Drainage Division:** No objection subject to conditions.

3.4. Prescribed Bodies

3.4.1. **Irish Water:** None received.

3.5. Third Party Observations

3.5.1. None.

4.0 Planning History

4.1. **Planning Authority Reg. Ref. 3939/16:** Planning permission granted on 23rd January 2017 for the removal of existing chimneys to front and side, refurbishment and extension of existing detached house including alteration to all elevations, part two-storey/part single-storey extension to front, side and rear and including

rooflights, new dormer windows to side, extension to front porch area and all associated works to facilitate the development.

4.2. Condition No. 3 of this permission required the dormer extension to the side (west facing) roof plane to be omitted. All other conditions are generally standard in nature.

4.3. **Relevant Planning History for the Area**

4.4. **Planning Authority Reg. Ref. 3086/11:** Planning permission granted on 8th November 2011 for a new porch to the front and a new opaque glazed dormer window in the west face of the existing pitched roof at **No. 9 Woodside, Clontarf, Dublin 3.**

4.5. Condition No. 3 of this permission required the windows to the dormer to be permanently glazed with obscure glass and the windows to be non-opening, with the exception of those serving shower/wc areas.

4.6. No. 9 Woodside is located 2 no. properties to the east of the current appeal site. This permission was noted to have been implemented at the time of my inspection.

5.0 **Policy and Context**

5.1. **Dublin City Development Plan 2016-2022**

5.2. **Land Use Zoning**

5.2.1. The site is subject to land use zoning “Z1” (Sustainable Residential Neighbourhoods) which has the objective “to protect, provide and improve residential amenities”.

5.3. **Alterations and Extensions**

5.3.1. The policy regarding extensions and alterations to dwellings is set out in Sections 16.2.2.3 and 16.10.12 and Appendix 17 of the development plan. In general, applications for planning permission to extend dwellings will only be granted where the planning authority is satisfied the proposal will: (1) not have an adverse impact on the scale and character of the dwelling, and (2) not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight.

5.3.2. Further guidance in relation to dormer extensions is set out in Section 17.11 of Appendix 17. When extending the roof, the following principles should be applied:

- The design of the dormer should reflect the character of the area, the surrounding buildings and the age and appearance of the existing building;
- Dormer windows should be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible;
- Any new window should relate to the shape, size, position and design of the existing doors and windows on the lower floors;
- Roof materials should be covered in materials that match or complement the main building;
- Dormer windows should be set back from the eaves level to minimise their visual impact and reduce the potential for overlooking of adjoining properties.

5.4. Natural Heritage Designations

5.4.1. None.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first-party appeal has been lodged by Hughes Planning and Development Consultants on behalf of the applicants. The appeal relates to Condition No. 3(a) of the Planning Authority's Notification of the Decision to Grant Permission and can be summarised as follows:

- The development has been scaled to complement the character of the existing building and surrounding area and will not unduly impact on neighbouring residential amenities by way of overlooking, overbearing or overshadowing impacts;
- The dormer window will not be visible from the street and will have no adverse impact on the streetscape;
- The development meets all qualitative and quantitative standards of the development plan and is consistent with the site's Z1 zoning objective;

- The proposed dormer window is supported by a number of precedents in the surrounding area including at No. 9 Woodside, Clontarf, Dublin 3 (Planning Reg. Ref. 3086/11), No. 38 Mount Prospect Drive, Clontarf, Dublin 3 (Planning Reg. Ref. 3186/13) and No. 75 Mount Prospect Avenue, Clontarf, Dublin 3 (Planning Authority Reg. Ref. 3332/05);
- The proposed dormer window has opaque glazing to a height of 1.8 m to reduce any potential for undue overlooking;
- An alternative design proposal is suggested to An Bord Pleanála, which includes the provision of planter beds along the edge of the dormer window to further reduce any downward views to the rear yard of the adjacent property;
- The proposed dormer window, increased ceiling height and internal space, are required to facilitate the circulation requirements of the applicant's daughter, who has a rare medical condition – details of which are included with the appeal submission;
- Two of the existing windows in the side elevation of No. 6 Woodside are opaque, and as such, there is no potential for the overlooking of these windows. While no. 1 window is not provided with opaque glazing, it serves a stairway/hallway, with limited risk of overlooking.

6.1.2. The appeal is accompanied by a letter of support from Mr. John O'Reilly, the owner of the neighbouring property at No. 6 Woodside, who has no objection to the proposed development. A letter is also included from Dr. Kathleen Gorman of Temple Street University Hospital, Dublin 1 who provides medical details in relation to the applicants' daughter.

6.1.3. Revised drawings prepared by Tyler Owens Architects are also enclosed, which illustrate the proposal to provide planter beds to the dormer window.

6.2. **Planning Authority Response**

6.2.1. None received.

6.3. **Observations**

6.3.1. None.

7.0 Assessment

- 7.1. A first-party appeal has been lodged against Condition No. 3 (a) of Dublin City Council's Notification of the Decision to Grant Permission, which requires the proposed dormer roof extension on the western elevation to be omitted. Condition No. 3 (b) requires the provision of velux-type roof lights in place of the proposed dormer window.
- 7.2. Following my examination of the planning file and grounds of appeal, I consider it appropriate that the appeal should be confined to Condition No. 3 (a) only. Accordingly, I am satisfied that the determination by the Board of this application as if it had been made to it in the first instance would not be warranted and that the Board should determine the matters raised in the appeal only in accordance with Section 139 of the Planning and Development Act 2000, as amended.
- 7.3. In recommending that the proposed dormer extension be omitted from the development, Dublin City Council's Planning Officer considered that its inclusion would breach Condition No. 3 of Planning Reg. Ref. 3939/16. While the Planning Officer identified the precedent for a side dormer extension at No. 9 Woodside to the east of the appeal site, it was noted that this permission was assessed against the criteria of a previous Dublin City Development Plan. The Planning Officer further considered that the inclusion of opaque glazing to the window of the proposed dormer could not be "guaranteed" and as such, overlooking of the neighbouring property to the west at No. 6 Woodside would occur.
- 7.4. In considering these issues, I note in the first instance that this application explicitly seeks planning permission to amend an extant permission, and as such, I consider that the Planning Officer's assertion that the inclusion of the proposed dormer extension would breach a condition attached to Planning Reg. Ref. 3939/16 permission is incorrect. I further consider that the Planning Officer's assessment that the inclusion of opaque glazing in the proposed dormer window could not be "guaranteed" is unreasonable. In the event any such breach occurred, I note that this matter could be pursued under the enforcement provisions which are available under Part VIII of the Planning and Development Act, 2000 (as amended). I also consider that the existing dormer window to the side elevation of No. 9 Woodside is a

reasonable precedent, given that the same considerations arise in this instance with respect to the potential overlooking of neighbouring properties.

- 7.5. In my opinion, the inclusion of opaque glazing to a height of 1.8 m within the proposed dormer structure would be an appropriate design response to avoid any undue overlooking of No. 6 Woodside. The proposed dormer extension fronts onto the side elevation of this neighbouring property, which itself has 3 no. existing windows at 1st floor level, 1 no. of which includes transparent glazing.
- 7.6. In addition, I note that the 2-storey, side elevation of No. 6 Woodside projects approx. 4 metres in a southerly direction beyond the dormer extension. In my opinion, the configuration of the neighbouring dwelling relative to the application site, together with the use of obscure glazing in the proposed dormer structure, would ensure that no undue overlooking of the rear amenity space of No. 6 Woodside would occur. As such, I consider that the provision of planter beds along the edge of the dormer window as proposed by way of the appeal submission, is unwarranted in this instance.
- 7.7. A letter of support from Mr. John O'Reilly, the owner of No. 6 Woodside has been included with the appeal submission. Mr. O'Reilly notes that the dormer structure will have no impact on his property and considers it reasonable for opaque glazed windows to be provided in the side elevation of No. 7 Woodside, given the existence of such windows in the side elevation of his own property.
- 7.8. The appellants submit that the increased internal ceiling height will facilitate particular care requirements for their daughter as described in the accompanying submission from Dr. Kathleen Gorman of Temple Street University Hospital. This justification in support of the proposed development is noted.
- 7.9. Having regard to the configuration of the application site and that of the neighbouring development at No. 6 Woodside, I consider that the proposed dormer structure would be acceptable at this location and that no undue overlooking impacts would arise given the proposal to include opaque glazing to a height of 1.8 m within the proposed dormer window.
- 7.10. Thus, in conclusion, I am satisfied that the application of Condition No. 3 (a) is unnecessary and unreasonable in this instance and would serve to undermine the ability to deliver an improved standard of residential accommodation on the subject

site. I am further satisfied that the proposed dormer structure would have no undue overlooking impacts on any neighbouring property. In my opinion, the Planning Authority should be directed to omit Condition No. 3 (a) of this permission.

7.11. For the avoidance of doubt, the Planning Authority should also be directed to omit Condition No. 3 (b) of this permission which requires the provision of velux-type roof lights in place of the proposed dormer structure.

7.12. **Appropriate Assessment**

7.12.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

8.0 **Recommendation**

8.1. I recommend that the Planning Authority be directed to omit Condition No. 3 (a) and Condition No. 3 (b) for the reasons and considerations set out hereunder.

9.0 **Reasons and Considerations**

9.1. Having regard to the residential land use zoning of the site, the nature and scale of the proposed development and the existing pattern of development on neighbouring sites, it is considered that the modifications and requirements of the Planning Authority, in its imposition of Condition No. 3 (a) and (b), are not warranted, and that the proposed development, with the omission of these conditions, would have no significant overlooking impacts on any neighbouring property and would have no negative impact on the character of the existing dwelling or the streetscape. Thus, the proposed development would be in accordance with the proper planning and sustainable development of the area.

Louise Treacy
Planning Inspector

12th October 2020