



An
Bord
Pleanála

Inspector's Report

ABP-307957-20

Development	Permission to convert an attic into a habitable space.
Location	38 Weirview Drive, Stillorgan, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D20B/0049
Applicant(s)	Paul and Eimear O' Halloran
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Paul and Eimear O' Halloran
Observer(s)	Nora Ni Mhurchu and Geraldine Polgar
Date of Site Inspection	3 rd November 2020
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The subject site is located at No. 38 Weirview Drive, Stillorgan, Co. Dublin. The site itself contains a semi-detached single storey dwelling on a plot with a stated area of 0.613 hectares. The site is located adjacent to a pedestrian lane which links the estate with Oaktree Road.
- 1.2. The area is a mature residential area and there is a mix of single storey and two storey dwellings in the vicinity of the site. Many of these have been previously extended and there is a great variety of different types of extensions, dormer windows and external finishes.

2.0 Proposed Development

- 2.1. The proposed development seeks to convert the attic to 39.5m² of habitable space. The application seeks to amend the roof profile of the house from hipped to gable with a first floor side extension.
- 2.2. Revised drawings were submitted dated the 8th day of July 2019 which provide for a number of design changes to the front and rear dormer windows proposed to include a reduction in the size of the windows.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Permission granted subject to 3 No. Conditions. Condition No. 2 is as follows: The proposed dormer window proposed on the rear elevation shall be omitted from the proposed development and replaced with two standard sized roof lights. Reason: In the interest of visual amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The first planning report expressed concern in relation to impacts on residential amenity by way of overlooking and design.
- The second report considered that the revised drawings had not addressed the concerns raised regarding overlooking.

3.2.2. Other Technical Reports

Drainage Department: No objection subject to conditions.

3.3. Prescribed Bodies

- No reports.

3.4. Third Party Observations

- 3.4.1. One No. third party submitted was made to the Planning Authority which expressed concerns in relation to impact on residential amenities.

4.0 Planning History

- 4.1. None relevant.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The relevant Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The site is zoned Objective 'A' with a stated objective 'to protect and/or improve residential amenities.'

Other Relevant Sections/ Policies

Section 8.2.3.4 Additional Accommodation in Existing Built-up Areas.

5.2. Natural Heritage Designations

5.2.1. None in the vicinity of the site.

5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the proposed development in a serviced urban area 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

- It was originally intended to ask the Board to use its discretionary powers under S.139 to consider removing Condition No. 2, however it is noted that the Board granted permission for a much larger dormer at No. 24 Weirview Drive and as such, the applicant requests that the original drawings submitted to the Board are considered.
- Three options are offered to the Board for further consideration and are listed in order of preference as follows:
- Option 1: Grant with original plans.
- Option 2: Grant reduced size dormer to front as per Further Information drawings and grant rear dormer as per original plans.
- Option 3: Grant both front and rear dormers (reduced size) as per Further Information drawings.
- The proposed development complies with Development Plan standards.
- The garden to the rear of this property is extremely large by modern standards – c. 29m in length and c.12m wide. This provides for ample private space. The vast majority of the garden is not overlooked as the aspect of the window is due east and not towards the neighbouring garden.

- The proposed development is not considered to have an overbearing impact and there are lots of examples of rear dormer windows in the area

6.2. **Planning Authority Response**

- The Board is referred to the previous Planner's Report.
- It is considered that the grounds of appeal do not raise any new matters which in the opinion of the Planning Authority would justify a change of attitude to the proposed development.

6.3. **Observations**

One observation has been submitted which can be summarised as follows:

- No objection to the front dormer window and whilst the reduced size granted by the Planning Authority is welcomed, this could be reduced further.
- The rear dormer remains an issue.
- Concerns regarding overlooking and loss of privacy.
- Should the Board not agree with the planner's recommendations, the rear dormer could be revised further to give a more compact dormer.
- A sketch of a reduced size and more compact dormer which would ameliorate some of the concerns raised by the observer has been attached to the observation.

7.0 **Assessment**

7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings:

- Design and Impact on Residential Amenity
- Appropriate Assessment

7.2. Design and Impact on Residential Amenity

- 7.2.1. The appeal advises that whilst the applicant welcomes the Planning Authority's decision to grant permission, it considers that Condition 2 requiring the omission of the rear dormer is excessively onerous given the site context and the pattern of roof development in the area.
- 7.2.2. The applicant originally intended to make a request that the Board use its discretionary powers under Section 139 of the Planning and Development Act to consider removing Condition 2 of the permission. However, it then came to the attention of the applicant that permission was granted by the Board under ABP 306918 for a much bigger dormer window to the rear of No. 24 Weirview Drive. The applicant has now requested that the Board should carry out a full planning consideration of the case and has suggested 3 No. options to the Board in the event of a grant of permission.
- 7.2.3. The options are set out in Section 3 of the appeal as follows:
- Option 1- grant permission for the original plans.
- Option 2- grant permission for a reduced size dormer to the front (as granted by Dun Laoghaire Rathdown Co. Co.) and for the original dormer to the rear.
- Option 3- grant permission for a reduction of both dormers in line with the response submitted at Further Information stage. This option would in effect remove Condition 2 of the Planning Authority pursuant to Section 139 of the Planning and Development Act.
- 7.2.4. Having regard to the residential zoning of the site and the precedent set in the area, I consider that the principle of development is acceptable at this location.
- 7.2.5. The two main issues raised in the Planning Authority report relate to visual impact and overlooking of the adjacent dwelling at No. 40 Weirview Drive. I note that an observation has been submitted from the property owners of No. 40 which raises similar concerns and attaches a sketch of an alternative design of the proposed dormer to the rear.
- 7.2.6. In terms of the visual impact of the proposed dormer windows, I noted on the site inspection that there is a very wide variety of different types of design of dormer windows to the front, rear and side of houses for both this estate and adjoining

estates. This is to be expected in a residential area of this age with some examples better than others in terms of design and impact. I am of the view that the mix of designs present in the area offers considerable scope to applicants when improving/expanding the accommodation within their dwellings.

- 7.2.7. I have examined all three options submitted to the Board for review. I consider that all of the designs would fit in with the existing character of the estate. The applicant's preference is for the original design as submitted to the Planning Authority dated the 27th day of February 2020. I have examined this option carefully and I consider that this proposal does not represent a deviation from the design of existing dwellings at this location. I would note that this is a suburban housing estate and the dwellings are not protected structures or of architectural heritage value. As such, I am satisfied that the original design is a modest intervention and would have no significant adverse visual impact at this suburban location.
- 7.2.8. In terms of concerns relating to overlooking, I refer the Board to the observation as originally submitted to the Planning Authority together with the observation submitted to the appeal from the owners of No. 40 Weirview Drive. It is stated that the occupants are keen gardeners and have enjoyed this amenity with a very high degree of privacy with no overlooking whatsoever for the last 35 years. A number of photographs and google earth images are attached to the observation submitted to the Planning Authority which demonstrate this. I consider these photographs to be very significant in terms of outlining the value of the garden to the owners of No. 40.
- 7.2.9. The planning report states that 'the proposed development would significantly detract from existing residential amenity by way of overlooking, perceived overlooking and would appear overbearing when viewed from No. 40. If permitted, the proposed dormer would depreciate the value of property in the vicinity. It is further considered that the proposed rear dormer does not accord with the zoning objective which is 'to protect and/or improve residential amenity.'
- 7.2.10. I consider that it is reasonable for applicants to extend their accommodation at this serviced urban location close to facilities and good public transport links. However, such extensions should not overly intrude or overlook adjacent dwellings. It is clear to me that the garden of No. 40 has been well used and enjoyed by the observers for many years. In my view, there would be an element of perceived overlooking from

the rear dormer window. However, I consider that a precedent has already been set in the area for similar extensions and the extension can be accommodated without impacting to an undue degree on the residential amenities of No. 40. As such, I am satisfied that the drawings as originally submitted with the application are acceptable in this instance.

7.3. Appropriate Assessment

- 7.3.1. Having regard to the nature and scale of the proposed development, the availability of public services, the nature of the receiving environment, 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. I recommend a grant of permission.

9.0 Reasons and Considerations

Having regard to the pattern of development in the area and the design and scale of the proposed extensions and to the provisions of the Dún Laoghaire-Rathdown County Council Development Plan 2016-2022 it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the character of the streetscape and would not seriously injure the amenities of nearby dwellings. 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. Water supply and drainage arrangements, including the attenuation and 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.

3. Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

Emer Doyle
Planning Inspector

19th November 2020