



An
Bord
Pleanála

Inspector's Report

ABP-308202-20

Development	Alterations, single storey domestic extension replacement of windows and doors and provision of additional window openings.
Location	30 Convent Road, Dalkey, Co.Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D20A/0298
Applicant(s)	Sean Flanagan
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-Party
Appellant(s)	Denise Waters
Observer(s)	No
Date of Site Inspection	25 th November 2020
Inspector	Suzanne Kehely

1.0 Site Location and Description

- 1.1. The appeal site relates to a single storey semi-detached dwelling on the east side of Convent Road. It is one of a pair of dwellings (numbers 30 and 31) which are arranged perpendicularly to the road with the subject site having road frontage on its western side. The adjoining dwelling is accessed from a pedestrian gate on Convent Road and via a fenced pathway alongside the southern boundary between the site and no. 32 a double bay two-storey house (appellant) that fronts onto the road. There is a vehicular access partly along the northern boundary that serves a number of garages/properties outside of the site. This access narrows to a pedestrian unsurfaced track that extends along the rear (north) of nos. 30 and 31 and provides rear access to these properties in addition to a two-storey house on Leslie Avenue which backs onto the side of no. 31.
- 1.2. The subject site has a pedestrian access at the southern end of the road frontage and the boundary consists of a c.1m high wall. The house appears vacant and the site is overgrown.

2.0 Proposed Development

- 2.1.1. The proposed development comprises the following:
- Construction of a single storey extension 4.4. x 4.3m to the west elevation – This is shown as a new hallway on the roadside frontage.
 - Replacement of doors and windows.
 - Additional vertical window openings to the west elevation – providing garden access from the living area.
 - The submitted plans also include multiple rooflight including 3 dormer windows on the southern slope to provide daylight to bedroom, store and bedroom/landing area at attic level and also to provide light into the double height space over the lounge area.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority sought further information in respect of drawings and the vehicular entrance while expressing the view that there were concerns about the entrance and 1.8m high wall and electronic gates. In revised drawings this part of the proposal was omitted. The planning authority was substantially satisfied with the further information and decided to grant permission subject to standard conditions. Condition 2 clarifies scope of permission by omitting a new vehicular entrance and seeking retention of wall.

3.2. **Planning Authority Reports**

3.2.1. Planning Report

- The report refers at length to section 8.2.3.4 of the Development plan and acknowledges the concerns of the neighbouring residents and concludes that there will be no significant impact on the adjoining residential amenity.
- Given the location of the proposed windows and the opaque glazing of some roof lights, serious overlooking of the neighbouring properties is not a concern.
- The proposal is also acceptable in terms of massing scale and height and impact on surrounding properties.
- Further information was required in respect of section drawings showing position of roof lights and entrance and boundary details

3.2.2. Other Technical Reports

- Surface water Drainage Division- No objection subject to conditions.
- Drainage Division - Engineering Department - no objection subject to conditions.
- EHO: No objection.
- Transportation Planning Division – Concerns regarding entrance. FI required. /no further report.

3.3. **Prescribed Bodies**

- Irish Water – no objection subject to conditions.
- The application was circulated to a number of other statutory bodies but no submissions were made.

4.0 Planning History

None

5.0 Policy & Context

5.1. Development Plan

5.1.1. The objective for the site is 'To protect and/or improve residential amenities.'
(Zone A)

5.1.2. Chapter 8 sets out housing standards. Section 8.2.3.4 (i) refers to extensions.

(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.
- External finishes and design, which shall generally be in harmony with existing.

Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining.

Side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation), and impacts on residential amenity. First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable, though in certain cases a set-back of an extension's front facade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape and avoid a 'terracing' effect. External finishes shall normally be in harmony with existing.

Any planning application submitted in relation to extensions shall clearly indicate on all drawings the extent of demolition/wall removal required to facilitate the proposed development and a structural report may be required to determine the integrity of walls/structures to be retained and outline potential impacts on adjoining properties. This requirement should be ascertained at pre-planning stage. A structural report must be submitted in all instances where a basement or new first/upper floor level is proposed within the envelope of an existing dwelling.

Side gable, protruding parapet walls at eaves/gutter level of hip-roofs are not encouraged.

The proposed construction of new building structures directly onto the boundary with the public realm (including footpaths/open space/roads etc) is not acceptable and it will be required that they are set within the existing boundary on site. The provision of windows (particularly at first floor level) within the side elevation of extensions adjacent to public open space will be encouraged in order to promote passive surveillance.

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.

RES4 states that it is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities.

5.2. Environmental Impact Assessment - Preliminary Examination

- 5.2.1. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any 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

- 6.1.1. A third-party appeal has been lodged by the neighbouring residents and the grounds of objection are based on the proximity of the proposed three rooflights in the western roof slope and the consequent loss of privacy.
- 6.1.2. An oral hearing was requested. The Board decided to refuse this request as per order dated 3rd November 2020.

6.2. Planning Authority Response

- No further comments.

6.3. Applicant's Response

- 6.3.1. The agent for the applicant has responded to the grounds of appeal with the following points:
 - The appeal is considered to be vexatious and is requested to be dismissed.
 - The windows will not give rise to overlooking due to the ancillary attic use, height, angle and obscuring of glazing.
 - The applicants are a retired local couple down-sizing and have consulted with neighbours and have had a favourable response with the exception of the appellant.

7.0 Assessment

7.1. Issues

- 7.1.1. This appeal relates to a proposal for a domestic extension and alterations of a relatively modest scale. The concerns of the planning authority have been addressed regarding the access and boundary treatment. The only issues under dispute relates

to the 3 proposed roof lights in the southern roof slope and the potential impact on privacy of the adjacent dwelling at no. 32 Convent Road. Having regard to the nature and scale of the proposal I consider the scope of consideration can be confined to this issue. Furthermore I consider the grounds to be valid and do consider there is sufficient basis to dismiss the appeal.

7.2. Impact on Privacy.

- 7.2.1. The appellant is concerned about the potential loss of privacy arising from the rooflights in the southern slope. There is particular concern about overlooking of bedroom windows. In the response by the agent, the degree of overlooking is put into context by way explaining the nature of the three windows under dispute.
- 7.2.2. It is explained that one roof light serves a lounge area and is significantly above eye level. The second roof light serves the stairwell and landing and will be fitted with opaque glazing. The third window serves a guest bedroom and will be fitted with opaque glazing.
- 7.2.3. I note that the original house fronts onto the southern (side) boundary (pathway to adjoining dwelling no.31 also flanked by the front garden boundary of no.32) at a distance ranging from around 1-4metres. In this case it is proposed to reconfigure the layout so that the entrance door is from the road frontage side where there is more open space. The existing front door is to become a stairwell. It is also proposed to relocate some bedroom space into the attic and accordingly new rooflights are proposed. The appellant's house (no.32) is at right angles and is about 10m to the south east. While I note the proximity of the windows is the order of 11m at its nearest point, there are, I accept a number of elements that inhibit overlooking of the appellant's dwelling :
- The proposed windows are lower than the bedroom window in the front elevation of no.32 which restricts the range of view.
 - The very high level over the double height void space of the lounge will not facilitate overlooking of any kind.
 - The window serves a stairwell/circulation area may facilitate some limited overlooking if opened as it will be obscured by opaque glazing. Similarly the

window in a guest room which indicates occasional use, is one of a pair of windows and will be opaque.

- In addition to the opaque glazing the range of view would be restricted by both the angle on the vertical and horizontal planes.

7.2.4. With respect to overlooking of the front garden area, I consider this not to be unduly intrusive as this space is visible from the street and is in the public realm. In any event overlooking would be very restricted due in part to the mature boundary and intervening path.

7.2.5. In light of the above I concur with the conclusion of the planning authority in that the proposed development would not give rise to any significant loss of privacy. The alterations to the roof are extremely modest and preferable to dormer windows in terms of impacts on neighbours. I also consider that on balance, that the reordering of the ground floor space and entrance arrangements will reduce the potential for disturbance from the existing layout whereby the entrance door is about 2m from the southern boundary. Accordingly, I do not consider that the proposed development would result in any significant impact on residential amenity and consider that in overall terms it would be consistent with the proper planning and sustainable development of the area.

8.0 Appropriate Assessment

8.1.1. Having regard to the minor nature of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise. Accordingly, the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any designated European Site and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

9.0 Recommendation

9.1. I recommend that planning permission for the proposed development be granted based on the following reasons and considerations, as set out below.

10.0 Reasons and Considerations

Having regard to the provisions of the Dun Laoghaire-Rathdown Development Plan 2016-2022, the existing pattern of development in the area, and the nature of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not give rise to any significant overlooking and would therefore not seriously injure the 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.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 28th day of 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. The new vehicular entrance as indicated in the submitted plans shall be omitted from the development and the existing boundary wall (950mm in height) along Convent Road shall be retained with the exception of works associated with the provision of a new pedestrian gates as indicated in Drawing 2020-P-06 lodged as further information.

Reason: In the interest of clarity

3. Water supply and drainage arrangements, including 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.

4. The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

5. Site development and building works shall be carried out only between the hours of 0800 to 1930 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.

Suzanne Kehely

Senior Planning Inspector

30th November 2020