



An
Bord
Pleanála

Inspector's Report

ABP-308281-20

Development

Retention of attic conversion to storeroom and bathroom, installation of dormer window to rear and rooflight to front of house with all associated site works.

Location

Number 601, St. Mary's Park, Leixlip, Co. Kildare.

Planning Authority

Kildare County Council

Planning Authority Reg. Ref.

20/800

Applicant(s)

Sabrina Cassells

Type of Application

Retention Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party v. Refusal

Appellant(s)

Sabrina Cassells

Observer(s)

- (1) Kenneth Greene & Others
- (2) Vincent Colins
- (3) Brendan & Tara O'Reilly
- (4) Aidan Hynes

Date of Site Inspection

9th December 2020

Inspector

Fergal O'Bric

1.0 Site Location and Description

- 1.1. The subject site is located within the St Mary's Park residential development, approximately 0.4 kilometres north of Main Street, Leixlip. The St Mary's Park development is located off Captains Hill on the Confey Road, Leixlip. The appeal site comprises a two-storey semi-detached dwelling accessed off an internal service road serving the St Mary's Park development. There are other semi-detached semi-detached dwellings within the same development to the north, west and south of the appeal site and a large area of public open space to the east of the site, on the opposite side of the internal service road. The appeal site is a corner one, with the internal public roadway to the north and east of the site. The appeal site has a large side garden and a smaller rear garden space.
- 1.2. The subject site has a stated area of 242 square metres (sq. m.). Levels within the site are consistent with those of the public roadway.
- 1.3. Access to the site is from an internal service road within the 50 kilometre per hour speed control zone.

2.0 Proposed Development

- 2.1. The appellant is seeking retention permission of an attic conversion to a storeroom and bathroom, installation of new dormer window to rear and rooflight in front roof slope of house.
- 2.2. A box dormer has been inserted within the rear roof slope. The box dormer has a brown coloured pvc sheeted external finish and is set back from the fascia and soffit, and from the eastern gable wall and from the western boundary with number 600, St Mary's Park. The attic conversion has been constructed on the southern (rear) side of the house, overlooking the rear garden space and is located approximately 2 metres from the side (south-eastern) boundary at its nearest point from the party boundary with number 602, and approximately 0.6 metres from the nearest part of the boundary of the property to its west, number 600.

3.0 Planning Authority Decision

3.1. Decision

A decision to refuse retention planning permission was issued by Kildare County Council. There were two reasons for refusal which may be summarised as follows:

- 1 The development would seriously injure the amenities and depreciate the value of property in the vicinity due to overlooking of adjoining properties. The development would contravene Section 17.4.8 of the Kildare County Development Plan and be contrary to the residential/infill zoning objective as set out within the Leixlip LAP which seeks to protect and enhance the amenity of established residential communities.
- 2 The design would be visually obtrusive and would seriously injure the visual amenity of properties in the vicinity and would establish an undesirable precedent

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report (dated the 4th September 2020) noted that the development was acceptable in principle given that the overall increase in floor area is modest (approximately 15 sq. m.). The planner noted the content of the submissions from the neighbouring residents and was not satisfied with the appellants proposals to protect the neighbouring residential amenities. These proposals included the insertion of opaque glazing within the second-floor windows, the use of window limiters and a statement from the appellant that the attic space would be used for storage purposes only. The Planner considered that the proposal would be contrary to the zoning objective, and the Development Plan guidance for extensions as set out within Section 17.4.8 of the Plan. He recommended that retention permission be refused for two reasons as set out within Section 3.1 above.

3.2.2. *Other Technical Reports*

- Roads Department: No objection.

- Fire Officer: Further information recommended.

3.2.3. Prescribed Bodies

- Irish Water; No objection.

3.3. Third Party Observations

Three submissions were received from neighbours, whose properties are located to the south of the appeal site. The concerns raised in the submissions are similar to those raised within the third-party observations received by the Board.

4.0 Planning History

Subject Site:

I am not aware of any planning history pertaining to the site.

Planning Enforcement:

Planning Authority reference number UD7522-Enforcement action in respect of unauthorised works on site was commenced and is on-going. These works are the subject of the current appeal.

5.0 Policy Context

5.1. Leixlip Local Area Plan 2020-2023

The subject site is located in an area zoned B 'Existing Residential/Infill where the objective is: To protect and enhance the amenity of established residential communities and promote sustainable intensification.

5.2. Kildare County Development Plan, 2017

5.2.1. Alterations to Existing Dwellings

The design and layout of extensions to houses are required to have regard to the amenities of adjoining properties, particularly as regards sunlight, daylight and

privacy. The character and form of the existing building should be respected, and external finishes and window types should match the existing.

5.2.2. Section 17.4.8 of the Plan sets out the requirements in relation to extensions and alterations to dwellings. Extensions should:

- The extension should be sensitive to the existing dwelling in its form, scale and appearance should not adversely distort the scale or mass of the structure or adjoining properties.
- An extension should complement the area in which it is located, and its design and scale should have regard to adjoining properties. However, a flexible approach will be taken to the assessment of alternative design concepts and contemporary designs will be encouraged.
- The extension should not provide for new overlooking of the private area of an adjacent residence, where no such overlooking previously existed.
- In an existing developed area, where a degree of overlooking is already present, the new extension must not significantly increase overlooking possibilities.
- New extensions should not overshadow adjacent dwellings to the degree that there is a significant decrease in daylight or sunlight entering into the house.
- The physical extensions to the floor area of a dwelling should not erode its other amenities.
- In all cases a minimum private rear garden area must be retained.

Sections 17.2.4 and 17.2.5 of the Plan pertain to overlooking and overshadowing.

5.3. **Natural Heritage Designations**

None relevant.

6.0 The Appeal

6.1. Grounds of Appeal

A first-party appeal has been received. The issues raised are summarised as follows:

- The attic conversion could not depreciate the value of other properties in the vicinity.
- Historically similar extensions have had little or no impact on the value of neighbouring properties.
- An unacceptable degree of overlooking of adjoining properties does not arise in this instance.
- The windows in the attic conversion have been fitted with obscured glass and window limiters which only allow them open to 150mm for ventilation purposes.
- The limiters can be removed in the case of an emergency, so that they could be used as a means of escape, in the event of a fire breakout.
- There are similar precedents within the St Mary's Park development.
- The dormer window accords with the Guidelines of the Development Plan.
- The development is not visually obtrusive, nor does it seriously injure the visual amenity of neighbouring properties.
- A number of letters of support for the works from neighbouring residents have been submitted.
- Sightlines from the dormer windows towards opposing bedroom windows are included and demonstrate minimal encroachment on the privacy of the occupants of these houses.

6.2. Observers Response

Four observations were received from neighbours, whose properties are mainly located to the south of the appeal site. The concerns raised in the submissions relate to the following issues:

- Rear garden areas are completely unusable as they are directly overlooked and therefore, diminishes their privacy.
- The use of the converted attic space as a storeroom is questionable.
- Kerbing and grass verges have been removed without planning permission.
- The attic conversion is out of character in this area.
- Attic conversion will be used to provide rental accommodation and impact upon parking locally.
- Light into garden areas has been impacted upon.
- The front of the property has been altered without the benefit of planning permission.
- Site notice was not visible on the site.
- The precedent referred to dates back to the 1980's and would not be permitted today and is therefore irrelevant.

6.3. Planning Authority Response.

The Planning Authority issued a response stating that the Board is referred to the following:

- The policies and standards of the Development Plan.
- The Planning Authority's planning report and the reports of the various technical departments referred to during the assessment of the application.

7.0 Assessment

7.1. General Comment

The principle of extending a house at number 601 St. Mary's Park is not at issue in this instance, rather its design and layout and potential to impact upon the amenities of neighbouring properties. The following are therefore considered to be the core planning issues that arise from the appeal and observer submissions:

- Layout and Design

- Residential Amenity
- Other issues
- Appropriate Assessment

7.2. Layout & Design

- 7.2.1. The design of the attic conversion includes the provision of a box dormer window within the rear roof slope, and a rooflight in the front roof slope. The box dormer includes two rear (south) facing windows. I note the public notices state that the attic conversion would provide for a storeroom and bathroom. On the day of my site inspection, it was apparent that the second-floor rear facing windows were both fitted with opaque glass.
- 7.2.2. Guidance for domestic extensions is set out within Section 17.4.8 of the Development Plan. The guidance recommends that extensions be sensitive to the existing dwelling in terms of scale and form and should not adversely distort the scale or mass of the structure or adjoining properties and that extensions should complement the area in which it is located. There is no guidance provided within the Development Plan in relation to dormer windows or rooflights. The box dormer protrudes above the rear roof slope by up to two metres, however it is set back from the fascia and soffit by approximately one metre, and is set back from the eastern gable wall by approximately 1.2 metres and approximately 0.6 metres from the western boundary, with number 600, St Mary's Park. Neither does the dormer protrude above the ridge line of the dwelling and is therefore, not visible from the north(front) of the site.
- 7.2.3. It is accepted that the box dormer is visible from the eastern side of the site and from the internal service road and area of public open space to the east of the appeal site. However, the roof feature is not considered to be visually prominent. The box dormer nor the rooflight are not considered to be in-sensitive to the dwelling on site by virtue of their scale, design and height and would not be in-consistent with the character of the area. Neither are they considered to be contrary to the provisions of the Section 17.4 .8 of the Development Plan, given that the Plan is silent on the provision of dormer/rooflight features.

7.2.4. Overall, in its current form, it is not considered that the development has an adverse impact upon the visual amenity of the area, given its design, scale and height.

7.3. Residential Amenity

7.3.1. The Planning Authority and the observers who mostly reside to the south of the appeal site have raised a number of issues in relation to impacting upon their amenities by virtue of overlooking from the box dormer and therefore, diminishing the value of their properties.

7.3.2. Given the separation distances between the appeal site and the observers properties and the orientation of the appeal site, I do not consider that the attic conversion would have an adverse impact upon the residential amenities of the neighbouring properties to the south or west by reason of overshadowing and loss of light.

7.3.3. In term of overlooking, it is noted that there is an existing bedroom at first floor level with a rear (south) facing window, from which overlooking of the rear garden spaces of the properties to the south arises. It is accepted that overlooking could arise from the second-floor storage space. However, given the stated use of the converted attic space as a storage space, a non-habitable space, the insertion of the opaque glazing, and the use of the window limitors, I am satisfied that the attic conversion will not significantly increase overlooking possibilities. Furthermore, the overlooking would not be increased significantly at second floor level above that which occurs presently from the rear first floor bedroom window. The development, therefore, accords with the provisions of Section 17.4.8 of the Development Plan.

7.3.4. Overall, it is considered that the development, by reason of its design, setbacks and height does not seriously injure the residential amenities of property in the area and that it accords with the underlying zoning objective and with the proper planning and sustainable development of the area.

7.4. Other Issues

Depreciation of Property Values:

7.5.1 This issue was also raised in the appeal observations. The appellant contends that depreciation of property values is not a material planning consideration and that

there is no evidence that attic conversion would result in a loss in neighbouring property values.

7.5.2 In the absence of any substantive evidence to the contrary presented in this case, I do not consider that this ground of appeal should be upheld.

7.5. **Appropriate Assessment**

Having regard to the nature and scale of the proposed development, the distance from 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**

I recommend that retention permission be granted.

9.0 **Reasons and Considerations**

9.1. Having regard to the design and layout of the development, the existing building on site and the pattern of development within the area, it is considered that the development does not adversely impact on the residential amenities of neighbouring properties by reason of overlooking or overshadowing. The development is considered to be in accordance with the underlying land use zoning objective pertaining to the site and with the policies and objectives of the current Kildare County Development Plan in relation to extensions and alterations. The retention of the development, therefore, would be in accordance with the proper planning and sustainable development of the area.

1. The development shall be retained in accordance with the plans and particulars lodged with the application on the 22nd 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 and the development shall be retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

- 2 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.

- 3 The converted attic space shall be used for storage purposes only and shall not be used for human habitation, or any other purpose without the benefit of planning permission.

Reason: In order to safeguard the amenities of property in the vicinity and in the interest of proper planning and sustainable development.

- 4 The second-floor attic box dormer windows on the southern (rear) elevation shall be fitted with opaque glazing.

Reason: To minimise overlooking of adjoining residential property

Fergal O'Bric
Planning Inspector

7th January 2021