



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308318-20

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<b>Development</b>	Retention of ground floor, single storey rear extension, Permission for new ground floor bay window to side and new rear dormer window to attic.
<b>Location</b>	44, Ashfield Road, Ranelagh, Dublin 6
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	3074/20
<b>Applicant(s)</b>	Blathin Peirce
<b>Type of Application</b>	Retention and Permission
<b>Planning Authority Decision</b>	Grant with condition
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Robert Lawson
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	14/12/20
<b>Inspector</b>	Adrian Ormsby

## 1.0 Site Location and Description

- 1.1. The appeal site is located c. 2.75 km to the south of Dublin City centre at No. 44, Ashfield Road in Ranelagh, Dublin 6. The site has a stated area of 157 sq.m.
- 1.2. The site is located on the eastern side of Ashfield Road c. 50m south of the Ranelagh Road. Ashfield Road is an established residential street. The site is located c. 20m north of the junction with Ashfield Avenue.
- 1.3. No. 44 Ashfield Road is one of pair of two storey, semi-detached houses with hipped roofs, located between the Ranelagh Road and Ashfield Avenue. The site of No 44 includes a low plinth and rail boundary to the public path. The house is part finished in red brick at ground level, dash plaster at first floor and a slated roof. The house also has an open and recessed porch style feature.
- 1.4. There is a vehicular entrance to the northern side of the house at No. 44. At the time of the inspection hoarding was observed between the house and the northern boundary crossing the driveway.
- 1.5. The western side of Ashfield Road is generally characterised with two-storey terrace houses with front dormer roofs extensions and small front garden areas enclosed with rail boundaries.
- 1.6. A laneway runs along the rear and eastern boundary of the site. This laneway provides access to the rear of properties on Ranelagh Road and Ashfield Avenue but not to the application site. The rear boundary of the site is a high brick wall.

## 2.0 Proposed Development

- 2.1. The proposed development comprises-
  - Retention of existing ground floor, single storey rear extension (24 sq.m),
  - Permission for a ground floor bay window to side
  - Rear attic level dormer window

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority decided to grant permission on the 02/09/20, subject to ten conditions of a standard nature and the following-

- C3- details of zinc cladding to the dormer window to be submitted and agreed.
- C4- the attic space shall be used for storage ancillary to the residential use.

## 4.0 Planning Authority Reports

### 4.1. Planning Reports

The report of the Planning Officer (07/09/20) reflects the decision of the Planning Authority. The following is noted from the report:

- The extension to be retained has limited visibility from the public realm and is subordinate to the existing dwelling.
- The bay would be a proportionate addition to the house and not visible from the public realm.
- The proposed external amenity space is adequate to serve a three bed dwelling.
- The dormer window serves an attic storage area and the attic room has a head height of 2.1m.
- The scale and appearance of the dormer window would be proportionate and complementary to the existing dwelling.
- The dormer window faces towards the end of the rear garden of 1 and 2 Ashfield Avenue and commercial property to rear of Ranelagh Road. Given the presence of existing windows facing this direction at first floor and the separation distances it is considered a material increase in overlooking will not arise.

## 4.2. Other Technical Reports

- Drainage Division- No objection subject to condition

## 4.3. Prescribed Bodies

- None

## 4.4. Third Party Observations

One submissions was received. The issues raised are generally those covered in section 7.1 below in the grounds of appeal

## 5.0 Planning History

There does not appear to be any planning history pertaining to the appeal site.

## 6.0 Policy Context

### 6.1.1. Dublin City Development Plan 2016-2022

6.1.2. The appeal site has a zoning objective 'Z2 - Residential Neighbourhoods (Conservation Areas)' within the Dublin City Development Plan 2016-2022, with a stated objective '*To protect and/or improve the amenities of residential conservation areas.*

6.1.3. Relevant planning policies and objectives for residential development are set out under Section 5 (Quality Housing) and Section 16 (Development Standards) within Volume 1 of the Development Plan. Appendix 17 of Volume 2 of the Development Plan provides guidance specifically relating to residential extensions.

6.1.4. The following sections are of particular relevance:

Section 11.1.5.4- Architectural Conservation Areas and Conservation Areas.

The policy mechanisms used to conserve and protect areas of special historic and architectural interest include:

- Land-use zonings: Residential Conservation Areas (land-use zoning Z2)....

The policy to ensure the conservation and protection of the areas of special historic and architectural interest is as follows-

*It is the Policy of Dublin City Council:*

*CHC4: To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.....*

*It is the Policy of Dublin City Council:*

*Development will not:*

- 1. Harm buildings, spaces, original street patterns or other features which contribute positively to the special interest of the Conservation Area*
- 2. Involve the loss of traditional, historic or important building forms, features, and detailing including roof-scapes, shop-fronts, doors, windows and other decorative detail*
- 3. Introduce design details and materials, such as uPVC, aluminium and inappropriately designed or dimensioned timber windows and doors*
- 4. Harm the setting of a Conservation Area*
- 5. Constitute a visually obtrusive or dominant form.*

#### Section 16.2.2.3- Extensions and Alterations to Dwellings-

*.... alterations and extensions should:.....*

- Retain a significant proportion of the garden space, yard or other enclosure.....*

*Furthermore, extensions should:*

- Be confined to the rear in most cases*
- Be clearly subordinate to the existing building in scale and design.....*

## Section 16.10.12 Residential Quality Standards – Houses

### Section 16.10.12 Extensions and Alterations to Dwellings:

*‘Applications for planning permission to extend dwellings will only be granted where the planning authority is satisfied that the proposal will:*

- *Not have an adverse impact on the scale and character of the dwelling;*
- *Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.’*

### Appendix 17 Guidance for Residential Extensions

- Section 17.3 Residential Amenity Issues
- Section 17.4 Privacy
- Section 17.10 Contemporary Extensions
- Section 17.11 Roof Extensions: *When extending in the roof, the following principles should be observed:*
  - *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.*

## **6.2. Natural Heritage Designations**

- None relevant

## 7.0 The Appeal

### 7.1. Grounds of Appeal

One third party appeal was received from Robert Lawson of 2 Ashfield Avenue (nearby property to rear and east). The grounds of appeal can be summarised as-

- The proposed dormer window will overlooking and dominate the 'start' of the appellant's rear garden/patio. This breaches the DCC Development Plan which states that in Z2 zones *the amenities of adjoining properties should be protected, including their privacy and outlook.*
- The proposal will result in a loss of privacy and a negative impact on residential amenity.
- The planners report is flawed and runs contrary to the development plan.
- The application property is set at approx. 90degrees to the appellant's property which serves to increase the overbearing nature of the dormer.
- The development plan states there should be 22m between opposing 1<sup>st</sup> floor windows. The application site is within 15m of the western boundary wall of the appellants property.
- Precedent cannot be taken from other dormer extensions in the local area because they are not comparable to the proposed development and how it relates to the appellants property.
- The proposed extension will reduce the outside space to 60.5 sq.m including the driveway. The development plan states an objective of 60-70 sq.m for dwellings in the city. The application actually proposes approx. 44 sq.m of side/rear outside space. The proposal represents overdevelopment of the site.
- ABP has set a precedent in ref 4411/17 where many of the same points regarding a dormer window were successfully raised.

### 7.2. Applicant Response

The applicant's response to the grounds of appeal can be summarised as follows:

- The appellant does not raise any concerns over the potential impact of the extension (to be retained).
- The grounds of appeal relate entirely to overlooking, loss of privacy, claims DCC have not fully assessed the proposal and the potential impact on their property as a result of the dormer window.
- The Board should focus its consideration on the proposed dormer window.
- There is no basis for the concerns raised based on-
  - The orientation of the site and dormer window
  - The distance between the subject site and the appellants site
  - The function of the attic space
- The proposed development has been screened in relation to the guidance contained in the DCC Development Plan- Section 16.2.2.3, 16.10.12, 16.10.2 and Appendix 17. The proposed development and that to be retained fully complies with these guidelines. DCC has accurately and fully assessed the proposed development against the Development Plan.
- Reference is made to the planning history to the appellant's property including a constructed roof dormer extension.
- The location and design of the dormer window means there will be no overlooking or loss of privacy.
- The attic space is not habitable and is not intended to be habitable. It will be used for storage purposes. Condition 4 of DCC grant confirms same.
- Existing first floor windows to No. 44 will be closer to the appellants property. The existing windows offer a restricted view of the appellants property and rear garden.
- There are no submissions/appeals from residents closer to the site.
- The reference to 22m has been interpreted incorrectly by the appellant as it relates to directly opposing rear facing windows.



- The appellant would welcome a similarly worded condition to that attached in Condition 4 stating '*the extended attic space hereby approved shall only be used for storage ancillary to the residential use*'.
- The applicant confirms the proposed development provides for an outdoor amenity area of 60 sq.m including the space to the front side. If the Board consider the rear part of the space as the only garden space, 7 sq.m is provided per bed space within the requirement of 5-8 sq.m for rear gardens in inner city areas.
- The site context of the precedent cited in the appeal 4411/17 (ABP-300967-18) is different as it backs directly onto the rear garden of an adjoining dwelling directly opposite.

### 7.3. Planning Authority Response

- None received.

### 7.4. Observations

- None

## 8.0 Assessment

### 8.1. Main Issues

8.1.1. I have examined the application details and other documentation on file, including the submissions received in relation to the appeal. I have inspected the site and the appellant's property. I consider that the main issues for this appeal are as follows-

- Zoning
- Residential Amenity
- Appropriate Assessment

### 8.2. Zoning

8.2.1. The subject site is located within an area with a zoning objective 'Z2- Residential Neighbourhoods (Conservation Areas)' within the Dublin City Development Plan

2016-2022, with a stated objective '*To protect and/or improve the amenities of residential conservation areas*'. The development seeks to retain a single storey extension and proposes an attic level dormer extension to the rear of the house. The development is acceptable in principle.

### 8.3. Residential Amenity

- 8.3.1. The appellant has raised residential amenity concerns for his nearby property i.e. overlooking and overbearing from the proposed dormer window. Concerns have also been raised about the provision of private open space for the house.
- 8.3.2. The proposed dormer window will be 1.97m high 3.235m wide. It is set back c.1.3m from the eaves of the roof level and is to be finished in slate/zinc finish. The drawings clearly shows the dormer extension is to facilitate an attic store. The dormer window will be visually subordinate to the roof slope and as such is acceptable.

#### 8.3.3. *Overbearing*

The proposed dormer window will be c. 8-8.5m from the western boundary wall of No. 1 Ashfield Avenue and c. 15-16m from the western boundary of No. 2 Ashfield Avenue (the appellant's property). I am satisfied the proposed development by reason of its size and location at roof level would not have a negative visual impact that would be overbearing on nearby properties.

#### 8.3.4. *Overlooking*

I note the appellants concern in relation to requirement for a 22m separation distance. However, this requirement traditionally relates to the separation distance between first floor windows as explained in section 16.10.2 of the development plan. Accordingly, this is not a requirement for the subject appeal.

The proposed dormer window facilitates an attic level extension for attic storage. It will be set at an angle slightly larger than 90 degrees to the rear garden areas of both No. 1 and No. 2 Ashfield Avenue. The proposed dormer window will be recessed within the roof from its eaves and as such will be further away than existing first floor windows to the subject house. In this regard the dormer window will be c. 15-16m from the western boundary of the appellants property and as such I am

satisfied there are no concerns in relation to overlooking, notwithstanding the attics proposed function for storage.

The potential for overlooking to the rear of No. 1 Ashfield Avenue is greater than that of the appellant's property. This private open space will be c. 8-8.5m from the proposed dormer window. Given the presence of a laneway between the sites, the high rear boundary wall to No. 1, the angle of the dormer window, it's set back into the roof space, the presence of existing first floor windows and the proposed function of the attic space, I consider this concern as negligible in this context.

#### 8.3.5. *Private Amenity Space*

The application includes retention of an extension to the rear of the existing house and a new bay window at ground level to the side. The proposed area of private open space is clearly the area behind the side fence and pedestrian gate as shown in the drawings submitted with the application. The applicant response to the appeal indicates this space is c. 28 sq.m.

The appellant and the applicant in her response to the appeal, both refer to the standards of private open space required for new houses in section 16.10.2 of the Development Plan. The subject application relates to an extension to an existing house. Given the existing restricted nature of the site, the reduction in the number of bedrooms now proposed from 5 to 3 (with five bed spaces) and the increased quality of living space provided by the extension for the occupants of the house I have no concerns in relation to the provision of open space as proposed.

#### 8.4. **Appropriate Assessment**

- 8.4.1. Having regard to the minor nature and scale of the development to be retained and proposed and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

### 9.0 **Recommendation**

- 9.1. I recommend a grant of permission subject to the following condition.

## 10.0 Reasons and Considerations

10.1. Having regard to the design and scale of the proposed development and the development to be retained, it is considered that the proposal, subject to compliance with the conditions set out below, would not seriously injure the visual and residential amenities of properties in the area. The proposed development would, therefore, be in accordance with the zoning objective of the Dublin City Council Development Plan and the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The proposed development and the development to be retained 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. The attic space shall be used for storage purposes ancillary to main residential use of the house.

Reason: In the interest of clarity and residential amenity.

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

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Adrian Ormsby

Planning Inspector

18<sup>th</sup> December 2020