



An
Bord
Pleanála

Inspector's Report

ABP-308960-20

Development	Attic Conversion
Location	11 Hawthorn Grove, Bird Avenue, Clonskeagh, Dublin 14.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D20A/0492
Applicant(s)	Robert Henshaw
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Irene Timoney
Observer(s)	None
Date of Site Inspection	22 nd March 2021
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The subject site is located at No. 11 Hawthorn Grove, Bird Avenue, Co. Dublin. The site itself contains a detached two storey dwelling on a plot with a stated area of 0.032 hectares.
- 1.2. Hawthorn Grove is a newly built housing estate with a variety of dwelling types and sizes. St. Joseph's Catholic Church is located to the south of the site and The Maples housing estate is located to the east.

2.0 Proposed Development

- 2.1. The proposed development seeks to convert the attic to a home office. A dormer window is proposed to the rear together with two velux windows to the side. It is proposed to alter the roof to accommodate an internal stairs to serve the attic. The total area of the attic conversion is 25m² and it is stated that this will not be used as a habitable space.
- 2.2. A Further Information Response noted that a second application would be submitted for the retention of a small storage shed and a covered side passage.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Permission granted subject to 3 No. Conditions. All conditions are of a standard nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planner's report noted the set back of the proposed dormer window from the eaves and considered that the proposed development would not impact on the residential amenities of No. 10. It also noted that this property was already subject to a level of overlooking from the first floor rear windows.

3.2.2. Other Technical Reports

Drainage: No objection.

3.3. **Prescribed Bodies**

3.3.1. 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**

PA Reg. Ref. D21B/0044

Current application for the retention of a covered side passage way for storage purposes and the retention of an external garden shed. Due for decision by Planning Authority on the 7th day of April 2021.

PA D17A/0189

Permission granted by Planning Authority to amend permitted scheme granted under D15A/0191 to omit the previously proposed houses on site numbers 9 and 10 and their replacement with a part single storey, part-three storey detached house in the north eastern corner of the development under construction in compliance with Condition 3 of ABP Reg. Ref. 06D.245641.

PA Reg. Ref. D15A/0191/ ABP Reg. Ref. 06D.245641

Permission granted by Planning Authority and by the Board on appeal for housing development consisting of 54 No. houses.

Condition 3 required the development to be amended by the omission of the proposed houses on sites 9 and 10 and replaced with the provision of a single

detached house similar to House Type A1 and for the continuation of the proposed estate road and footpath to the northern boundary of the estate.

Condition 18 of the Board decision required that development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed development without a prior grant of permission.

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.'

5.1.2. 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 relevant.

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

The grounds of the appeal can be summarised as follows:

- There is no record of permission for the shed in the rear or the covered passageway.
- Concern regarding overlooking from dormer window.
- The attic conversion is not suitable for habitable use.
- Should An Bord Pleanála choose to grant permission, I would be grateful if the dormer is omitted by condition or in the alternative, a condition be attached that the window be fitted with obscured glazing to prevent overlooking.

6.2. Applicant Response

This can be summarised as follows:

- It is considered that the partial covered side passage and the small shed to the rear bear no relevance to the subject application and can confirm that an application for retention is being presently lodged.
- There is no evidence that the proposal would have any significant impact on the visual amenity and impact on adjoining properties.
- This proposal is modest and it is reasonable to utilise existing attic space.

6.3. 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.

6.4. Observations

- None.

7.0 Assessment

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

- Impact on Residential Amenity
- Other Matters
- Appropriate Assessment

7.2. Impact on Residential Amenity

7.2.1. The main concern raised in the appeal relates to overlooking from the rear dormer window proposed. It is stated that the appellant does not object to the principle of an attic upgrade, but does object to the installation of a dormer window at this location. It is stated that it would be a dominant feature and would cause a new and greater overlooking of her private open space in the rear garden. It is requested that should An Bord Pleanála choose to grant permission, the appellant would be grateful if the dormer is omitted by condition or in the alternative, a condition be attached that the window be fitted with obscured glazing to prevent overlooking.

7.2.2. 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.

7.2.3. The design of the first floor window is such that it is set back from the eaves. This is a built up urban area and I note that No. 36 The Maples has a similar type of dormer window. I also note that the roof height is insufficient for a habitable room and it is stated in the application that the room will be for study/office use only. The planner's report states the following: 'noting the set back of the dormer window from the eaves, it is considered that the proposed rear dormer window will not negatively impact on adjoining properties by way of overlooking, overshadowing or creating an overbearing appearance.' It also states that the private amenity space of No. 10 Hawthorn Grove is already subject to a level of overlooking from the first floor windows at Nos. 9 and 11.

7.2.4. I consider that it is reasonable for the applicants to convert their attic to a home office at this serviced urban location close to facilities and good public transport links. I

concur with the views raised in the planner's report that the garden of No. 10 is already subject to a degree of overlooking from Nos. 9 and 11. In my view, there would be an element of perceived overlooking from the dormer window proposed. However, I consider that a precedent has already been set in the area for similar development and the proposed attic conversion can be accommodated without impacting to an undue degree on the residential amenities of adjoining properties.

7.3. Other Matters

- 7.3.1. I note that Condition 18 of ABP Reg. Ref. 06D.245641 decision required that development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed development without a prior grant of permission.
- 7.3.2. It was raised in the application and appeal that there is no permission for a covered passageway to the side of the dwelling for storage purposes and a shed in the rear garden.
- 7.3.3. The applicant stated in the Further Information response that an application for retention of permission would be submitted for same.
- 7.3.4. I note that an application for retention of same was submitted to the Planning Authority under PA Reg. Ref. D21B/0044. This application is due for decision by the Planning Authority on the 7th day of April 2021.

7.4. Appropriate Assessment

- 7.4.1. 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 development and to the provisions of the Dún Laoghaire-Rathdown County 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. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. 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 the area.

Emer Doyle
Planning Inspector

1st of April 2021