



An  
Bord  
Pleanála

## inspector's Report ABP-309025-20

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<b>Development</b>	Single storey flat roof extension to the rear and side, a dormer structure with hipped roof to the side over new stairs at attic level and a zinc box dormer structure to the rear at attic level.
<b>Location</b>	No. 9 Oldcourt Lodge, Firhouse, Dublin 24
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD20B/0375
<b>Applicant(s)</b>	Eunice & Padraig McCarthy
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Split decision
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Eunice & Padraig McCarthy
<b>Observer(s)</b>	Angela Balfe
<b>Date of Site Inspection</b>	8 <sup>th</sup> May 2021
<b>Inspector</b>	Donal Donnelly

## 1.0 Site Location and Description

- 1.1. The appeal site is located within Oldcourt Lodge, a cul de sac of approximately 32 no. 2-storey dwellings situated off Oldcourt Avenue in Firhouse to the south-west of Dublin City. Killinniny Road (R113) is located immediately to the north of Oldcourt Lodge and adjoining housing developments but there is no access, pedestrian or otherwise, to this road.
- 1.2. No. 9 Oldcourt Lodge is at the northern end of a terrace of four dwellings on the western side of the street. There is an apartment complex on the eastern side of the road. The terraces in the cul de sac are of similar design with end dwellings comprising of gable frontages and hipped roofs. There do not appear to be any dormer windows installed to the front or side of dwellings within the cul de sac. A number of dwellings have rooflights to the rear.
- 1.3. The dwelling on site has a stated floor area of 103.5 sq.m. and the appeal site has an area of 0.0195 sq.m. There is an existing single storey extension to the rear and the back garden depth is 9.386m. Dwellings within Oldcourt Farm back onto the appeal site.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for the following:
  - Single storey flat roof extension to the rear and side, extending by approximately 5m beyond the building line for the full width of the site and with parapet height of 3.345m.
  - Dormer structure with pitched roof and mini-hip to the side over new stairs at attic level,
  - Zinc clad box dormer structure to the rear at attic level
- 2.2. The proposed development will increase the floor area of the dwelling by 46 sq.m. including the use of the attic as habitable space.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. South Dublin County Council issued a spilt decision on this case, granting permission for the rear extension and refusing permission for the attic dormers.
- 3.1.2. Condition 2 attached to the granted element of the decision states that the rear extension shall be set back a distance of 1m from the northern boundary.
- 3.1.3. The reason for refusal states that the proposed dormers would contradict the South Dublin House Extension Design Guide (2010) and would therefore not be in accordance with the land use zoning objective.

### 3.2. Planning Authority Reports

- 3.2.1. The recommendation to issue a spilt decision in this case, as set out in the Planner's Report, reflects the decision of the Planning Authority. The main points raised under the evaluation of the proposal are as follows:
  - Proposed development is consistent with the zoning objective.
  - Shadow analysis does not accurately represent the orientation of the sun.
  - At a height of 3m, actual level of overshadowing is unlikely to warrant refusal of permission; however, visual impact may nonetheless be overbearing and unacceptable.
  - House Extension Guidelines recommends a separation distance of 1m for every 3m of height – given the depth of the extension (5m), it is considered reasonable that there might be some separation.
  - Rear extension should be pulled back from southern (sic) boundary by 1m and therefore the issue of breaking the side building line will not arise. Proposal to extend widthways does not in principle cause issue for the Planning Authority.
  - There is a shallow angle of incline on the hip end – profile does not easily facilitate an attic conversion and proposed dormers are therefore quite prominent.

- Rear dormer encroaches onto hip end, while scale of side dormer is quite disruptive to roof profile. Dormer would be located above the perpendicular ridgeline that defines the front facing gable.
- Side dormer is not set back sufficiently from the eaves and is over-dominant in appearance.
- Rear dormer has less of an impact only because the side dormer will shield it from view from the street.
- Rear dormer is set back from the eaves and the upmost ridgeline by sufficient distances but could be further set in from the mid-terrace boundary.
- Proposed development would breach each of the policies outlined for dormers in the House Extension Design Guide, would have an overbearing visual impact and would detract from the residential character of the area.
- Attic conversion may be possible through reconfiguration of the first floor to provide access under the higher ridgeline, rather than via a larger side dormer.
- South Dublin County Council does support the use half-hip roof profile conversions to achieve necessary space at attic level, provided they are not too incongruent.
- Proposed soakaway design is unacceptable due to the use of an overflow connection to the foul sewer system – report from Environmental Services Department seeks a revised design. Considered that these issues can be addressed by way of condition.

### **3.3. Third Party Observations**

- 3.3.1. Two submissions were received from the resident of No. 10, which adjoins the appeal site to the north, and from a resident of Ranelagh, Dublin 6. The objector from No. 10 also made an observation on the first party appeal and the second submission sought to address the concerns of the objector.

## 4.0 Planning History

4.1. No relevant planning history.

## 5.0 Policy and Context

### 5.1. South Dublin County Development Plan, 2016-2022

5.1.1. The appeal site is zoned “RES” where the objective is *“to protect and/ or improve residential amenity.”*

5.1.2. Housing (H) Policy 18 states that the Council will support the extension of dwellings subject to the protection of residential and visual amenities. H18 Objective 1 states as follows:

*“To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).”*

5.1.3. The Design Guide states the following with respect to attic conversions and dormer windows:

- Use materials to match the existing wall or roof materials of the main house.
- Meet Building Regulation requirements relating to fire safety and stairs in terms of headroom on stairs and means of escape.
- Locate dormer windows below the ridge of the roof, even if the roof has a shallow pitch.
- Locate dormer windows as far back as possible from the eaves line (at least three tile courses).
- Relate dormer windows to the windows and doors below in alignment, proportion and character.
- In the case of a dormer window extension to a hipped roof, ensure it sits below the ridgelines of the existing roof and matches the materials used in the main house.

- Do not obscure the main ridge and eaves features of the roof, particularly in the case of an extension to the side of a hipped roof.
- Avoid extending the full width of the roof or right up to the gable ends – two small dormers on the same elevation can often be a suitable alternative to one large dormer.
- Avoid dormer windows that are over-dominant in appearance or give the appearance of a flat roof.
- Avoid the use of flat-roofed dormer window extensions on houses with hipped rooflines.

## 5.2. Natural Heritage Designations

- 5.2.1. The Dodder Valley proposed Natural Heritage Area is approximately 500m north-west of the appeal site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. A first party appeal has been submitted on behalf of the applicant against the Council's decision to refuse permission for the dormer windows. The condition to bring the width of the single storey rear extension back to the line of the side elevation is not being appealed by the applicant. The grounds of appeal and main points raised in the submission are summarised as follows:

- Proposed side dormer is nearly a replica of the preferred side dormer for hipped roofs as set out in the South Dublin County Council House Extension Design Guide, 2010.
- There are numerous precedents of similar dormer roof extension in the area, in particular No. 22 The Avenue, Boden Park, Dublin 16.
- Although the proposed design rightfully stands on its own merits, revised designs are included with the appeal.
- Salvaged tiles from the existing roof planes will be used for the side dormer and render will match the existing.

- Dormers do not impact on or create any shadows on the existing window and door to No. 10.
- Obscure and non-openable glazing is proposed in the dormer facing the roof of No. 10. There will be no increased overlooking.
- Rear dormer has been designed with flanking cheeks to the reduce the view of the neighbouring garden.
- Separation distance is in excess of the 22m rule of thumb with dwellings to the rear.
- Dormer ridge is below the height of the existing ridge line.
- Rear dormer is located behind the pitched roof side dormer structure which is located on the hipped element of the house and does not exceed the ridge line.
- Design provides sufficient space and height in the attic to convert it to a usable room with enough height to install a staircase.
- Side dormer will be stepped back a distance of 115mm from the outer edge of the end wall.
- Rear dormer is set back 1700mm from the eaves as per the requirement of Part B of the Building Regulations in relation to fire escape.
- Window in side dormer has been aligned with existing window at first floor level – size of window can be replicated by condition.
- Rear dormer is almost in alignment with the first floor bedroom window. Separation distance of 400mm from party boundary is proposed.
- Attic room of 3.5m x 3.6m is in line with the Sustainable Living Guidelines – flat roof dormer required to achieve this.
- Side dormer is not considered over-dominant as it will not be visible from the side passages, and when viewed from the front, the set back and the front gable makes the structure subservient to the overall façade.
- Proposed development will allow applicant to have a home office space.

## 6.2. Observation

6.2.1. An observation on the appeal was received from the resident of No. 10 Oldcourt Lodge, which adjoins the appeal site to the north. The main points raised in this submission are as follows:

- V-shape front-facing gable feature is the dominant architectural feature that defines the streetscape and character of all end or terrace houses in Oldcourt Lodge and the streetscape as a whole.
- Profile of the side roof of the subject house is hip and valley and the valley part plays a very significant role in defining the look and character of the roof of the subject property.
- Side roof appears too shallow to accommodate a dormer window of the scale and dimensions outlined in the appeal.
- The fact that the side roof of the subject property is too shallow, the only way to fit the proposed dormer would be to break the rules with respect to setback distances for dormer structures from the eaves and the maximum allowable width for a dormer in relation to the size of the host roof.
- Proposal would create a confused and muddled façade with different architectural features competing with different heights and depths.
- Proposed side dormer is overscaled vis-à-vis its environment and any planned set back would be insufficient to mitigate the negative impact that the dormer would have on residential and visual amenity.
- Rear dormer is too wide for its future host environment – were it not for the fact that the proposed side dormer is over-scaled, the rear dormer would generate significantly greater damage to the residential character and visual amenity of the area.
- Proposed rear dormer is over-dominant in appearance as defined by the House Extension Design Guide.
- Zinc cladding does not match the existing roof tile material.
- Proposed development is 20% higher than the precedent example at No. 22 The Avenue, Boden Park.



- Proposed two dormers would appear overbearing.
- Applicant should reproduce 12 diagrams with correct data to determine the shadow impact of the entire proposal.
- Assessment of overlooking is incomplete.
- Precedent cases are not within the same streetscape as the proposed development and cannot be construed as a similar case.
- Precedent cases cited by the appellant are located far from the appeal site, are semi-detached houses, and have full hip roofs (not shallow hip and valley roofs).
- Overall design, scale, height and bulk of the proposed dormers have little regard for the existing pattern of development in the area.

### 6.3. Planning Authority Response

6.3.1. None received.

## 7.0 Assessment

7.1. I consider that the key issues in determining this appeal are as follows:

- Development principle;
- Visual impact;
- Impact on residential amenity;
- Appropriate Assessment.

### 7.2. Development Principle

7.2.1. The appeal site is zoned “RES” where the objective is “*to protect and/ or improve residential amenity.*” The proposed rear extension and attic conversion with side and rear dormer windows would be acceptable in principle subject to an assessment of the impact of the proposal on residential amenity and compliance with other relevant Development Plan policies and objectives.

7.2.2. I have no concerns regarding the proposed single storey rear extension, as amended by condition, that was granted under the split decision issued by the Planning Authority. The Board will also note that the applicant has not appealed this element of the decision.

### 7.3. **Visual impact**

7.3.1. The Planning Authority consider under its reason for refusal that the proposed dormer arrangement would contradict the South Dublin House Extension Design Guide (2010) by having an overbearing visual impact that would detract from the residential character of the area. It is considered, therefore, that the proposal would contravene Development Plan Policy H18, which seeks to support the extension of dwellings subject to the protection of residential and visual amenities.

7.3.2. A number of criteria are set out in the House Extension Design Guide pertaining to dormer extensions. It is recommended that dormer windows that are over-dominant or give the appearance of a flat roof should be avoided. In this regard, dormers should be below the ridge line and set back as far as possible from the eaves (at least three tile courses). Materials matching the main dwelling should be used and windows should relate to openings at lower levels. Dormers that extend the full width of the roof or right up to the gable ends should also be avoided.

7.3.3. I would be in agreement that the advice contained in the House Extension Design Guide provides a good template for dormers, particularly those to be installed on hipped roofs. From a visual perspective, I consider that side dormers have the greatest potential to disrupt the balance and rhythm of a roofscape when viewed from the public domain. However, this form of development has become widely accepted and is necessary to provide access to attic space whilst maximising the use of the internal space.

7.3.4. I have some concerns that the proposed dormers do not fully comply with the advice set out in the House Extension Design Guide. In particular, the dormer to the side does not achieve the set back from eaves of at least three tile courses. The set back is shown on revised drawings submitted with the appeal to be 0.465m when three tile courses would appear to measure 1.1m. Notwithstanding this, I consider that the visual impact of the side dormer will be concealed to a certain degree by the gable

frontage. It is likely that the side dormer will not be visible until one passes No. 9 when proceeding north along Oldcourt Lodge. I also note that the side dormer is located at the end of a terrace, which lessens the degree of imbalance that may be seen more prominently in a semi-detached pair. I would therefore be of the opinion that the visual impact of the side dormer is mitigated by the location and roof form of No. 9. The side dormer has been amended within drawings submitted with the appeal to include a full hip. I consider that this represents a visual improvement from the previously proposed mini-hip.

7.3.5. The House Extension Design Guide advises that roof and wall materials should match the main dwelling and that flat-roofed dormer window extensions on houses with hipped rooflines should be avoided. The side dormer will be designed and finished in materials that match the host dwelling; however, the rear dormer with flat roof and zinc cladding will give rise to a certain discordance between side and rear dormers. However, I accept that the flat roof design to the rear is necessary to achieve the required floor to ceiling height in the new attic room. It should also be noted that the rear dormer will be hidden from public view by the side dormer.

7.3.6. The appeal submission contains a number of precedent cases for the proposed development. Most notably, the dormer development at The Avenue, Boden Park, Dublin 16 comprises a side and rear design similar to that proposed. The Board also granted permission for side and rear dormers at The Rise, Ballyboden (ABP-300702-18) following a notification of decision to refuse permission by South Dublin County Council. In my opinion, this development also acts as a precedent for the proposal.

#### **7.4. Impact on residential amenity**

7.4.1. The observer on the appeal has some concerns regarding the potential for overlooking from the proposed dormers. It is also submitted that the erroneous shadow diagrams submitted initially should be fully corrected to illustrate the impact of the entire development.

7.4.2. I am satisfied that there will be no undue overlooking from the proposed dormers owing to the setback from eaves to the rear and the proposal to fit the side dormer with obscure glazing. The proposed rear facing dormer will also be in excess of the

22m separation distance that is normally accepted for opposing rear facing windows in residential developments.

- 7.4.3. I consider that the proposed dormers themselves will not give rise to any increased overshadowing of adjoining properties. The main purpose of the shadow study was to assess the impact of the single storey extension to the rear, which is now considered to be acceptable.

## 7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise.

## 8.0 **Recommendation**

- 8.1. I recommend that the proposed development should be granted for the reasons and considerations hereunder and subject to the conditions below.

## 9.0 **Reasons and Considerations**

Having regard to the zoning objective for the site and pattern of development in the area, together with the design, scale, layout and appearance, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity and would provide for a satisfactory standard of accommodation for residents of the dwelling. 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, as amended by revised plans and particulars received by An Bord Pleanála on the 22<sup>nd</sup> day of December, 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 proposed development shall be amended as follows:
  - (a) The rear extension shall be set back from the norther boundary by a distance of no less than 1 metre.
  - (b) The dormer to the side shall be fitted with obscure glazing.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of 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 07.00 to 19.00 Mondays to Fridays inclusive, between 09.00 to 13.00 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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Donal Donnelly  
Senior Planning Inspector

11<sup>th</sup> May 2021