



An  
Bord  
Pleanála

## Inspector's Report ABP 309120-21.

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<b>Development</b>	Removal of dormer windows, construction of extension and all ancillary works.
<b>Location</b>	6 Dundela Avenue, Glenageary, Co Dublin.
<b>Planning Authority</b>	Dun Laoghaire-Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D20A/0760
<b>Applicants</b>	David Blennerhassett and Kate Sheehan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	RJ O'Brien
<b>Observers</b>	None
<b>Date of Site Inspection</b>	21 <sup>st</sup> of May 2021
<b>Inspector</b>	Siobhan Carroll

## Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	4
3.1. Decision .....	4
3.2. Planning Authority Reports .....	4
3.3. Prescribed Bodies .....	5
3.4. Third Party Observations .....	5
4.0 Planning History.....	5
5.0 Policy Context.....	6
5.1. Development Plan.....	6
5.2. Natural Heritage Designations .....	6
5.3. EIA Screening .....	6
6.0 The Appeal .....	7
6.1. Grounds of Appeal .....	7
6.2. Applicant Response .....	9
6.3. Planning Authority Response .....	11
7.0 Assessment.....	12
7.1. Design and impact on residential amenity.....	12
7.2. Appropriate Assessment Screening .....	15
8.0 Recommendation.....	15
9.0 Reasons and Considerations.....	15
10.0 Conditions .....	16

## 1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.05 hectares, is located to the south-east of Dún Laoghaire and north of Glenageary. The site is located on the eastern side of Dundela Avenue and is occupied by no. 6 Dundela Park an existing two-storey semi-detached dwelling. The dwelling has a hipped roof profile. The property is served by a relatively large mature rear garden with a length of 21m. There is a single storey detached home office located in the south-eastern corner of the rear garden. The property has been previously extended with an attic conversion and dormer to the rear roof plane.
- 1.2. Immediately north of the site is no. 8 Dundela Park, which is the other semi-detached dwelling of the pair. No. 4 Dundela Park a detached two-storey dwelling adjoins the site to the south. The eastern boundary of the site adjoins the rear of gardens of no's 44 and 44A and Castle Park Road.

## 2.0 Proposed Development

- 2.1. Permission is sought for development consisting of
- (i) Removal of existing south-facing and east-facing dormer windows at attic floor level;
  - (ii) construction of a single storey element (5sq m) to the rear of the existing dwelling, at ground floor level, to adjoin existing extension with the roof of this extension to be replaced with a zinc roof with 2 no. inset rooflights;
  - (iii) construction of two-storey extension to the side of the dwelling comprising 10sq m at ground floor level, 20.5sq m at first floor level and 2.8sq m at attic level;
  - (iv) construction of 3.6m width south-facing dormer window, at attic level, with zinc roof;

- (v) removal and replacement of 2 no. windows on rear (east-facing) elevation at ground floor level and alteration of 1 no. west-facing window serving single storey element;
- (vi) provision of 1 no. rooflight to front (west-facing) elevation, 1 no. rooflight to side (south-facing) elevation, 1 no. window to the existing rear (east-facing) elevation at first floor level and 2 no. solar panels on side (south-facing) elevation;
- (vii) bringing forward of front door to internalize existing porch (0.8sq m) and
- (viii) all ancillary works necessary to facilitate the development.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Permission was granted subject to 6 no. conditions.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

- The Planning Authority were generally satisfied with the design and scale of the proposed extension. They considered that the proposed development would not adversely impact on the residential amenity of adjacent properties by reason of overshadowing, overlooking or overbearing appearance. Furthermore, they concluded that the proposed development would not significantly detract from the character of the surrounding area and would be in accordance with the relevant policy and provisions of the development plan. Permission was therefore recommended.

##### **3.2.2. Other Technical Reports**

Transportation Planning: No objection subject to conditions in respect of measures to be put in place to avoid conflict between construction traffic/activities and traffic/road users and pedestrians. A condition in respect of the prevention of any mud, dirt, debris or building material being carried onto the public road or adjoining property was also required.

Drainage Planning: No objection subject to recommended condition in respect of surface water drainage. A condition is specified which requires the infiltration of surface water to a soakaway.

### 3.3. **Prescribed Bodies**

- None

### 3.4. **Third Party Observations**

- 3.4.1. The Planning Authority received one observation/submission in relation to the application. The issues raised are similar to those set out in the appeal.

## 4.0 **Planning History**

### Site

PA Reg. Ref. D10B/0179 & PL06D.237016 – Permission was granted by the Planning Authority and refused on appeal for conversion of attic to habitable bedroom including 2 new dormer windows to east and south roof planes. Permission was refused for the following reason.

The proposed larger dormer window on the roof slope at attic level of number 6 Dundela Avenue would be reason of width and height be visually obtrusive in the roof space detract from the visual amenities of the area. The proposed development would therefore, be contrary to the proper planning and sustainable development of the area.

PA Reg. Ref. D10B/0487 – Permission was refused for an attic conversion to habitable bedroom including 2 new dormer windows to East and South roof planes. Permission was refused for the following reason.

The proposed large dormer structure on the roof slope at the attic level of the dwelling would be reason of width and height, be visually obtrusive in the roof space and detract from the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

PA Reg. Ref. D11B/0176 & PL06D.239370 – Permission was granted by the Planning Authority and granted on appeal for an attic conversion to habitable bedroom including 2 no. dormer windows to east and south roof planes.

## 5.0 Policy Context

### 5.1. Development Plan

The site is governed by the provisions of the Dún Laoghaire – Rathdown County Development Plan 2016-2022.

- It is zoned Objective A 'to protect and/or improve residential amenity'.
- Chapter 8 – Principle of Development
- Section 8.2.3.4 Additional Accommodation in Existing Built-Up Areas
- Section 8.2.3.4(i) Extensions to Dwellings

### 5.2. Natural Heritage Designations

5.2.1. Dalkey Island SAC (Site Code 004172) is 1.4km to the east of the appeal site.

5.2.2. Rockabill to Dalkey Island SAC (Site Code 003000) is 1.7km to the east of the appeal site.

### 5.3. EIA Screening

5.3.1. Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. 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

A third party appeal was submitted by Cody Architects on behalf of Mr. RJ O'Brien. The issues raised are as follows;

- It is submitted that the proposed two-storey extension to the front and side of no. 6 Dundela Avenue would have a negative visual impact which would adversely impact upon the streetscape character of Dundela Avenue.
- The proposed two-storey extension to the front would be set forward from the existing front building line. It would be located to the area to the front of the former garage of the property and as a result would reduce the separation distance between the subject property and the neighbouring dwelling. It is considered that should similar extensions to dwellings along Dundela Avenue be developed then it would undermine the symmetry of the paired units which would degrade the visual character of the public realm.
- The appeal refers to Reg. Ref. D14A/0460 where permission was granted for an extension to the front and side of the house at no. 76 Dundela Park. It is considered that proposal largely mirrors the current proposal for no. 6 Dundela Park and that the design of that permitted development has damaged the public realm. The two-storey extension to the side of no. 80 Dundela Park was also cited (Reg. Ref. D17A/1086) as a permitted development which was damaging to the public realm.
- It is submitted that the proposal would be contrary to Section 8.2.3.4(i) of the Dún Laoghaire – Rathdown County Development Plan 2016-2022 which refers to extensions to dwellings. This section of the Plan refers to 'terracing effect' and the need to avoid it where first floor side extensions are proposed. It is stated that to permit two-storey extensions to the front of garages results in the separation between paired houses on Dundela Avenue and Dundela Park being eroded and that it would result in the streetscape being seriously degraded.

- It is contended that the proposed dormer would negatively impact upon the visual and residential amenity of the garden of no. 8 Dundela Avenue. It is highlighted in the appeal that the existing dormer to the rear of the dwelling was subject to three separate planning applications. Under Reg. Ref. 10B/0179 permission was refused by the Board for an attic conversion and dormer. Permission was refused by the Board on the basis that the proposed large dormer window would be reason of width and height would be visually obtrusive and detract from the amenities of the area. Under Reg. Ref. D10B/0487 permission was refused by the Council for a similar application to the one previously refused. The width of the dormer was reduced by 170mm. The Planning Authority refused permission on the basis that the dormer would by reason of width and height would be visually obtrusive in the roofspace and would detract from the visual amenities of the area.
- Under Reg. Ref. D10B/0487 and PL06D.239370 permission was granted for a rear dormer which was similar to the previous application, however the height of the dormer was reduced to 1.9m from 2.1m and 2.2m. The width of the dormer granted was 2m. In the previous applications the width proposed was 2.4m and 2.2m. It is submitted that through the submission of three applications a consensus was reached in relation to the appropriate location, size and character of the dormer.
- In respect of the existing rear dormer, the appeal refers to the dormer being built one meter closer to the shared boundary than permitted and that clear glass panels were installed and not obscure glazing as permitted.
- In relation to the current proposal, it is submitted that the dormer would be placed too close to the shared boundary, that it is too large in terms of bulk and volume when compared with the volume of the roof. It is considered that the dormer would provide an opportunity for overlooking due to the proximity of the window to the shared boundary, the width of the dormer and the clear glazing being proposed.
- It is stated that the existing parapet wall to the ground floor rear extension causes overshadowing of the garden and patio of no. 8. The proposal would include the reconstruction of the ground floor extension and an increase in its



footprint. It is noted that if this extension is built as indicated on the plans with it setback from the party line and the floor and roof levels lowered and the parapet wall removed that the original boundary treatment in terms of the height and design of the wall could be reinstated. This would reduce its visual impact and ameliorate shadowing.

- It is requested that the Board refuse permission for the reasons set out in the appeal.

## 6.2. Applicant Response

A submission has been received from Hughes Planning and Development Consultants on behalf of the applicants Kate Sheehan and David Blennerhasset in response to the third party appeal. The issues raised are as follows.

- In response to the matter of the impact of the proposed development on the public realm the applicants note the numerous precedents referenced in the report of the Planning Officer including Reg. Ref.'s D14A/0455, D14A/0460, D16B/0461, D17A/1086 and D19A/0235. These cited examples indicate the policy of the Planning Authority to approve development which ensure the increased efficiency of service sites within existing urban areas.
- The first party cite Reg. Ref. D19A/603 & ABP 305845 where the Board granted permission for the demolition of no. 51 Dundela Park and the development of 3 no. dwellings. This site is located 30m from the subject site. This decision demonstrates the Board's wiliness to approve development which provides increased efficiency of serviced sites within existing urban areas.
- In response to the statement in the appeal that the proposed extension to the front and side of the dwelling is similar to those permitted at no. 76 and no. 80 Dundela Park, the first party submit that the proposal maintains the rear garage as an adjoining structure which would be clearly visible from the public domain.

- In respect of the matter of potential impact on the public domain it is stated in the appeal response that the proposal represents a standard two-storey extension to a semi-detached dwelling on a generous site of 0.505ha. It is noted that there are no protected structures in the vicinity of the site and that the site is not located within an Architectural Conservation Area.
- In relation to potential impacts upon residential amenity, the appeal refers to the planning history of the site. In response to the issues raised concerning the existing dormer window, it was ultimately fitted with clear glazing although the permitted development under Reg. Ref. D11B/1076 & PL06D.239370 required obscure glazing. The clear glazing has remained in situ for over 7 years. It is submitted that the level of overlooking towards no. 8 Dundela Avenue arising from the existing dormer is no greater than that which arises from the first floor rear windows of the dwelling.
- Regarding the location of the dormer as built the first party confirmed that it was constructed circa 500mm closer to the shared boundary than permitted due to the position of the chimney. They noted that the Planning Enforcement Section of the Council had reviewed the matter and had issued a letter to confirm that the built position of the dormer represented a material change to the permitted location however that a new application was not required.
- In relation to the design of the proposed dormer, it is divided into three sections with two side hinged openings to either side of a central fixed plane. The dormer is located the same distance as the existing dormer from the boundary with no. 8 Dundela Avenue, circa 1.1m. The window frame of the proposed dormer has a width of 2.7m and a height of 1.4m. The existing dormer has a width of 1.3m and a height of 1m. Therefore, it is considered that the proposed dormer would not represent an undue extension of the existing window and that it would be proportionate to the increased width of the rear roof elevation. The dormer will be set 4.7m from the side slope of the roof plane and the distance from the eaves is set back a further 0.385m from the position of the existing dormer.
- Having regard to the increased width of the roof and the generous width and size of the adjoining garden and also noting the increased set back from the

eaves it is considered that no undue overlooking impacts would arise as a result of the replacement dormer window.

- Regarding the reference in the appeal to the increase in the footprint of the ground floor extension, it is highlighted that the current proposal includes an additional 5sq m to the ground floor rear extension. The appeal acknowledges that the height of the existing party wall and outlines a number of suggested revisions to restore the party wall to its original as built height. In response to this it is submitted that the 5sq m increase in the footprint of the rear extension has no material impact on the residential amenity of the adjoining property. It is also noted that the roof of the rear extension would be a lower height. Therefore, it is considered that cumulatively the revisions to the existing rear extension would have an imperceptible impact on the residential amenity of the adjoining property.
- In relation to the proposed dormer, it is contended that it has no undue impact on the residential amenity of the adjoining property to the north by reason of overlooking. It has been designed to provide a proportionate window opening which will improve the quantum of daylight entering and thereby improve the amenity in the attic bedroom.
- The appeal response cites a number of examples of permitted rear dormer extensions within Dundela Park which are considered to establish a precedent for similar development including the current proposal. The cited examples are Reg. Ref. D16B/0461 at no. 42 Dundela Park where permission was granted for a dormer with a width of 4m and Reg. Ref. D09B/0185 where permission was granted for 3 no. dormer windows to the rear of no. 47 Dundela Park. I note that a number of other examples of permitted rear dormer extensions located at other locations within the County are also cited.
- It is requested that the Board uphold the decision of the Planning Authority and grant permission for the proposed development.

### **6.3. Planning Authority Response**

- The Board is referred to the report of the Planning Officer.

- It is considered that the grounds of the appeal do not raise any new matters which would in the opinion of the Planning Authority justify a change of attitude to the proposed development.

## 7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal. I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Design and impact on residential amenity
- Appropriate Assessment

### 7.1. Design and impact on residential amenity

7.1.1. The grounds of the third party appeal refer to potential visual impacts arising from the design of the extensions and also to negative impact to residential amenity.

7.1.2. Section 8.2.3.4(i) of the Dun Laoghaire Rathdown Development Plan 2016-2022 refers to extensions to dwellings. In relation side extensions it is stated that they will be evaluated against proximity to boundaries, size and visual harmony and impacts on residential amenity. It is advised in the Plan that first floor side extensions matching existing dwelling design and height will generally be acceptable. In certain cases, a set-back of an extension's front façade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape and avoid a 'terracing' effect.

7.1.3. It is contended in the appeal that the two-storey extension proposed to the front and side of the dwelling would have a negative visual impact and that it would adversely impact upon the streetscape character. Reference is made in the appeal to the extension being set forward from the main front building line and that it would be located to the front of the original garage and would result in the reduction in the separation distance between the subject property and the neighbouring dwelling. The appeal refers to two other examples of extensions located in Dundela Park. Under Reg. Ref. D14A/0460 permission was granted for a two-storey extension to

the front and side at no. 76 Dundela Park. Under Reg. Ref. D17A/1086 permission was granted for a two-storey extension to the front and side at no. 80 Dundela Park. It is stated in the appeal that the current proposal is similar to those cited examples and that extension would result in the undermining of the symmetry of the paired units which would degrade the visual character of the public realm.

7.1.4. In response to the comparison between the design of the two-storey extension and those permitted at no. 76 and no. 80 Dundela Park, it is noted in the first party appeal response that the scheme proposed maintains the rear garage as an adjoining structure which would be clearly visible from the public domain. The first party submit that the proposal represents a standard two-storey extension to a semi-detached dwelling on a generous site. They also note that the site is not located within an Architectural Conservation Area.

7.1.5. In relation to the streetscape along Dundela Park in the vicinity of the appeal site, I note that it contains predominantly semi-detached two-storey properties. I note the recent decision of the Board on a site at no. 51 Dundela Park located at the corner with Dundela Avenue (ABP 305845-19) where permission was granted for the demolition of a detached house and the construction of 3 no. detached dwellings with two with frontage onto Dundela Park and one with frontage onto Dundela Avenue. The permitted dwelling no. 51C with frontage onto Dundela Avenue is a two-storey detached dwelling with a contemporary design including a flat roof. This site is situated across the road from the appeal site. Therefore, this permitted development has provided more variety in the streetscape in the vicinity of the site. The proposed extension is marginally set forward from the front building line of the dwelling by 3700mm and it extends across 3.4m from the existing side building line. I note that a separation distance of 1.76m is maintained to the side boundary of the property and that this provides a clear view of the rear garage from Dundela Avenue. In relation to the design of the extension I note the proposed will include the removal of the existing dormer to the side roof profile of the hipped roof and a lowering of the roof ridge line at the extension with a hipped roof to the front. I note that a two-storey extension to the side and front of no. 1 Dundela Avenue located across the road from the appeal site, granted under Reg. Ref. 14B/0455 contains a similar hipped roof design to the front. Accordingly, I consider that extension has been designed to integrate with the main dwelling and that it would be visually acceptable within the

surrounding streetscape particularly having regard to the variety of permitted development in the vicinity.

- 7.1.6. In terms of dormer extensions to roofs it is advised in Section 8.2.3.4(i) of the Development Plan that they will be considered having 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.
- 7.1.7. It is contended in the appeal that the proposed dormer would be excessive in terms of its bulk and volume, that it would be placed too close to the shared boundary and that it would provide an opportunity for overlooking of the appellant's rear garden.
- 7.1.8. I note the planning history on the site and specifically in relation to the rear dormer. The proposed dormer structure, 3.6 metres wide and 1.9 metres in height, would replace the existing dormer granted under Reg. Ref. D11B/0176 & PL06D.239370 which has a width of 2m and a height of 1.995m.
- 7.1.9. In terms of the design of the existing rear dormer I note that it contains clear glazing and that it was constructed circa 500mm closer to the shared boundary than permitted due to the position of the chimney. However, the first party clarified that the Planning Authority had issued a letter to confirm that the built position of the dormer represented a material change to the permitted location however that a new application was not required.
- 7.1.10. The proposed dormer would be located approximately 1.1m from the party boundary with the appellant's property which is the same distance as the existing dormer. In relation to the size and setting of the dormer within the rear roof plane, I note that it would be located centrally within the roof plane, 211mm below the ridge line and circa 800mm above the eaves. I consider that the proposed dormer would sit within the existing rear roof plane, would integrate well and be subordinate within the rear roof plane and therefore would not appear as an overly dominant feature.
- 7.1.11. In relation to the matter of overlooking from the proposed rear dormer to the appellant's rear garden, having regard to the separation distance of 1.1m between the proposed dormer window and the site boundary this will ensure that no intrusive overlooking of the garden of no. 8 Dundela Avenue will occur. The applicant's

garden is 21m long and I conclude, having regard to the foregoing, that the proposed development will not seriously injure the amenity of adjoining property by reason of overlooking.

- 7.1.12. The appeal also refers to the proposed ground floor rear extension. The property already features a ground floor rear extension the current proposal entails the construction of a new section of extension with the floor area increased by 5sq m. I note that the proposed roof of this ground floor extension would be marginally lower height than that of the existing. Accordingly, I am satisfied that this proposed extension would not negatively impact on the residential amenities of the appellant's property.

## **7.2. Appropriate Assessment Screening**

- 7.2.1. Having regard to the nature and scale 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, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on an European site.

## **8.0 Recommendation**

- 8.1. I recommend that permission be granted subject to the following conditions and reasons.

## **9.0 Reasons and Considerations**

- 9.1.1. Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and the design and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would integrate with the existing dwelling in a complimentary manner, would not seriously injure the visual amenities of the area or character of the streetscape. 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 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 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.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Details of the surface water drainage system in compliance with Sustainable Urban Drainage measures (SUDS) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of public health to ensure a proper standard of development.

**Reason:** In the interest of public health.



4. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on the adjoining roads during the course of the works.

**Reason:** To protect the amenities of the area.

5. Site development and building works shall be carried only out between the hours of 08.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

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Siobhan Carroll  
Planning Inspector

27<sup>th</sup> of May 2021