



An  
Bord  
Pleanála

## Inspector's Report ABP-309614-21

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| <b>Development</b>                  | Retention permission for the conversion of attic space with raised roof to rear, including two first floor bedrooms, bathroom, and two rooflights to the front roof plane. |
| <b>Location</b>                     | 69 Cherrywood Grove, Clondalkin, Dublin 22.  |
| <b>Planning Authority</b>           | South Dublin County Council  |
| <b>Planning Authority Reg. Ref.</b> | SD20B/0483   |
| <b>Applicant(s)</b>                 | Damien & Natasha Long  |
| <b>Type of Application</b>          | Permission   |
| <b>Planning Authority Decision</b>  | Refuse Permission  |
| <b>Type of Appeal</b>               | First Party  |
| <b>Observation(s)</b>               | John & Valerie McEvoy  |
| <b>Date of Site Inspection</b>      | 29 <sup>th</sup> May 2021  |
| <b>Inspector</b>                    | Paul O'Brien   |

## 1.0 Site Location and Description

- 1.1. The subject site on a stated area of 0.0222 hectares, comprises of no. 69 Cherrywood Grove, a single-storey semi-detached house located to the western side of Clondalkin village, Co. Dublin. The house is located on the western side of a cul-de-sac and is the last house at the end/ north of the cul-de-sac. Cherrywood Grove is a residential development consisting of single storey houses on cul-de-sacs, located to the south of the Old Nangor Road, west of the Fonthill Road and to the eastern side of Clondalkin Village.
- 1.2. To the north of the subject site is a terrace of single-storey houses which face onto Cherrywood Villas. A high wall provides the northern boundary of the site. A number of houses in the area including on this street have been extended to the rear and at first floor level.

## 2.0 Proposed Development

The development consists of the following:

- The retention of the conversion of an attic space with raised roof to the rear. A single window is located to the rear elevation of this extension.
- This provides for two first floor bedrooms and a bathroom.
- Two rooflights to the front roof plane.

The area to be retained is a stated 48.78 sq m of floor area.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority decided to refuse permission subject to one reason as follows:

'The development for retention, by reaasn (sic) of the height and size is visually obtrusive and would further erode the visual amenity and character of the area. The proposal is contrary to the House Extension Design Guide (2010) which states 'do not create a higher ridge level than the roof of the main house' and 'the roofline of

large extensions to the rear of single storey bungalows should not be visible from public view to the front or to the side of the bungalow.' As such, the proposed development would contravene the South Dublin County Council Development Plan, 2016 - 2022 as it would be contrary to the provisions of Policy H18, Section 11.3.3 (i) and the proper planning and sustainable development of the area.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The Planning Authority Case Officer's report reflects the decision to refuse permission for the development as described. The Planning Authority Case Officer reports that the development is consistent with the 'RES' zoning objective but is contrary to the South Dublin County Council 'House Design Guide'. It is reported that similar developments were permitted in the area, but which were granted prior to the adoption of the design guide. In addition, the development results in overlooking of no. 110 Cherrywood Grove to the east, no. 70 to the south and nos. 10A and 11 on the Old Nangor Road. The projection of the roof above the existing roof ridgeline by circa 1.1 m is visually obtrusive.

### 3.2.2. Other Technical Reports

#### **Water Services Planning Report:**

Surface Water: No objection subject to conditions.

Flood Risk: No objection.

### 3.2.3. Prescribed Bodies Reports

**Irish Water:** Reference is made to a report from Irish Water stating no objection, however it appears that only a verbal report was received.

### 3.2.4. Objections/ Observations

A single letter of objection was received from John & Valerie McEvoy of 9A Cherrywood Villas, north east of the subject site.

Issues include the following:

- The development has resulted in overlooking and a loss of privacy. The objectors bought into the area because of the single-storey houses.

- The development is contrary to the South Dublin County Council House Design Guide.
- Flooding was an issue in the area in the early 1990's.
- Similar extensions were permitted/ built at a time prior to the adoption of the House Design Guide.
- Refer to a refused permission under Reg. Ref. SD17B/0278.

A photograph, some drawings and detail from the House Design Guide have been submitted in support of the objection.

## 4.0 Planning History

None on the subject site.

**P.A. Ref. SD17B/0278** refers to an October 2017 decision to refuse permission for the conversion of an attic space to consist of raising the roof to the rear, creating a first floor extension with two new rear facing first floor windows and two new roof lights to front of existing roof at no. 54 Cherrywood Grove. Two reasons for refusal were issued by the Planning Authority:

'1. The proposed extension is excessive in height and size, visually obtrusive, and would further erode the visual amenity and character of the area. It would be contrary to Council policy as set out in Policy H18, which requires the protection of visual amenity in the construction of extensions, and contrary to the House Extension Design Guide (2010) which explicitly states both 'do not create a higher ridge level than the roof of the main house' and 'the roofline of large extensions to the rear of single storey bungalows should not be visible from public view to the front or to the side of the bungalow.' As such, the proposed development would materially contravene the South Dublin County Council Development Plan, 2016 - 2022 as it would be contrary to the provisions of Policy H18 and Section 11.3.3 (i)'.

'2. The grant of permission for a development which directly contradicts the stated adopted policies of the plan would set an undesirable precedent for other similar developments, which would, in themselves and cumulatively, be harmful to the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area'.

I note that permission was granted for a significant number of similar developments over the years in the area:

52 Cherrywood Grove under **PA Ref. S97B/0376**

58 Cherrywood Grove under **PA Ref. S98B/0425**

60 Cherrywood Grove under **PA Ref. S98B/0122**

62 Cherrywood Grove under **PA Ref. S99B/0120**

78 Cherrywood Grove under **PA Ref. SD09B/0422**

There are a number of other examples in the Cherrywood Grove Area.

## **5.0 Policy and Context**

### **5.1. Development Plan**

- 5.1.1. Under the **South Dublin County Development Plan 2016 – 2022**, the site is designated with the zoning objective RES – ‘To protect and/ or improve residential amenity’.

#### **Section 2.4.1 Residential Extensions**

**Policy H18 Residential Extensions** states ‘It is the policy of the Council to support the extension of existing dwellings subject to the protection of residential and visual amenities’.

#### **Policy H18 – Residential Extensions.**

**H18 Objective 1** seeks ‘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)’.

#### **Section 11.3.3(i) Additional Accommodation - Extensions.**

‘The design of residential extensions should accord with the South Dublin County Council House Extension Guide (2010) or any superseding standards’.

#### 5.1.2. **South Dublin County Council House Extension Design Guide (2010)**

The South Dublin County Council House Extension Design Guide contains guidance on house extensions/ domestic alterations and as per Section 11.3.3(i) of the South Dublin County Development 2016 – 2022, it is specifically referenced in the development plan.

The following are relevant to the stated development:

- Respect the appearance and character of the area;
- Provide comfortable internal space and useful outside space;
- Do not overlook, overshadow or have an overbearing impact on neighbouring properties;

In relation to Daylight and Overshadowing considerations:

- Locate and design an extension so that it will not significantly increase the amount of shadow cast on the existing windows or doors to habitable rooms in neighbouring properties.

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**

None.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The applicants have engaged the services of John Shelvin to appeal the decision of South Dublin County Council to refuse permission for the retention of this domestic, residential extension/ alterations.

The grounds of appeal are summarised as follows:

- There was a need for the extension due to family reasons – up to five adults could be residing there at the same time.
- Refer to similar developments in the Cherrywood Grove area.
- They were not aware of any Development Plan or House Extension Guide requirements.
- Note the comments in the design guide about the character of the area.
- It was not intended that the first-floor rear extension would give rise to overlooking, the room to the rear is a bedroom and does not be used during the

day. Privacy is protected by the angle of the gardens and the presence of a shed in the rear garden of no. 9A Cherrywood Villas.

- Propose the use of frosted glazing to address any concerns regarding overlooking.
- The location of no. 69 at the end of the cul-de-sac, ensures that the visual amenity of the area is not negatively impacted upon.
- All materials/ finishes match those of the existing house.

Request that the decision to refuse permission be overturned.

## 6.2. **Planning Authority Response**

The Planning Authority had no additional comments to make as the issues raised in the appeal were covered in the case officer's report.

## 6.3. **Observers**

A single letter of observation was received from John & Valerie McEvoy of 9A Cherrywood Villas.

Issues include the following:

- Note the need for the extra accommodation, however the existing house provides for three bedrooms and the development has not increased the number of bedrooms.
- The development has provided for a larger kitchen and had resulted in the relocation of the bathroom to the first-floor level.
- The precedents in the area were permitted prior to the adoption of the House Design Guide and subsequently permission has been refused for such developments in the area.
- The extension gives rise to direct overlooking of the observers' property and privacy has been impacted.

Request that the decision to refuse permission be upheld.

## 7.0 **Assessment**

- 7.1. The main issues that arise for assessment in relation to this appeal can be addressed under the following headings:



- Nature of Development
- Design and Impact on the Character of the Area
- Impact on Residential Amenity
- Other Issues
- Appropriate Assessment Screening

## 7.2. Nature of the Development

- 7.2.1. The development as described is for the retention of a first-floor attic conversion and the provision of two-bedrooms and a bathroom at first floor level. As this is a retention application, the existing/ predevelopment floor plans have not been provided. From checking other applications in the area, the houses in Cherrywood Grove appear to be two-bedroom units.
- 7.2.2. The house is located in an area zoned 'RES' and the principle of development is therefore acceptable. Retention developments are considered on the basis that they are not in place, but obviously the visual/ character impact is easier to assess.

## 7.3. Design and Impact on the Character of the Area

- 7.3.1. The 'South Dublin County Council House Extension Design Guide' provides guidance on how extensions should be carried out and this is referenced by H18 Objective 1 of the South Dublin County Development Plan 2016 – 2022 and which seeks '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)'. The 2010 design guide provides the necessary direction for domestic extensions in the South Dublin County Council administrative area.
- 7.3.2. I note that similar developments have been permitted in the area, but I also note the planning history of the area. The location of the house is such that it is not in a prominent location on this street. The rear elevation does not have a visual impact on the overall character of the area as it is hidden from street view. I accept that there may be a visual impact when viewed from adjoining houses in the area, that is considered later in this report.

- 7.3.3. The character of the area is clearly defined by the single-storey semi-detached houses. I accept that they provide for limited accommodation and potential for expansion. The area was not, however, designed for two-storey development and the provision of such has to have regard to the established character of the area.
- 7.3.4. The rooflights to the front roof plane are acceptable but I have serious concerns about the visual impact of the extension in terms of impact on the front elevation. I do consider it possible to extend this house at first floor level, but not in the form that has been carried out. A box dormer or a monopitch roof could have been provided to the rear and designed to have less of a visual impact than that provided. The proposed extension is not visually acceptable and the projecting hipped roof over the existing roof ridgeline is a very poor design feature. An extension with a parallel roof ridgeline to that of the existing house would have had a considerably less visual impact.
- 7.3.5. Such design issues are considered in the South Dublin County Council House Extension Design Guide. I do not accept the argument that the applicants were not aware of this document, that is an issue for the agent to consider before designing such an extension. The development is therefore contrary to the South Dublin County Development Plan/ associated design guidance and has a negative impact on the visual amenity of the area. Permitting this development would set an undesirable precedent for similar developments in the area.

#### **7.4. Impact on Residential Amenity**

- 7.4.1. The bedrooms at first floor level are acceptable in terms of size etc. There is no doubt that the extension provides for a significant increase/ improvement in the habitable floor space of this house.
- 7.4.2. I do not foresee that the extension gives rise to significantly increased overshadowing of adjoining properties, leading to a loss of daylight/ sunlight. As the extension is built on the footprint of the house, overbearing is not significantly increased either.
- 7.4.3. The issue of loss of privacy has been raised in the observation. There is no doubt that overlooking is a significant concern as the area was originally designed for single storey development, though garden depths at circa 10.5/ 11 m are designed for two storey units. As I have already reported, it should be possible to provide for a

first-floor extension to the rear of these houses and a properly considered extension would address concerns regarding overlooking in the design. I have mentioned the use of a box dormer; this could be provided with high level windows, screening, reduced window size, deflected glazing, and so on. There are numerous design features that could be used. The comments made in the appeal are not accepted and the submitted photograph only demonstrates that the level of overlooking is significant as the rear gardens of five/ six houses are clearly visible from this view and I am certain that this impact is significantly greater. I therefore consider that the development has a negative impact on the established residential amenity of the area and should be refused permission.

## **7.5. Other Issues**

- 7.5.1. The Water Services Planning Report did not raise any concerns regarding surface water drainage. I note the reference to flooding in the letter of objection, this was over thirty years ago, and it can be assumed that there have been improvements in the local surface water drainage network. In any case, the extension does not extend the footprint of the house to an extent that surface water drainage would be impacted upon.
- 7.5.2. The issue of need for additional accommodation is noted, however the status/ use of a house is not permanently linked to its occupants. There is no objection to the proper extension of this house but there is a balance to be struck between the desires of an applicant and the impact on the immediate area. South Dublin County Council have provided very clear guidance in this regard through the publication of the House Extension Design Guide, which effectively forms part of the county development plan.

## **7.6. Appropriate Assessment Screening**

- 7.6.1. 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 a European site.

## 8.0 Recommendation

8.1. I recommend that permission for retention of this development be refused for the following reasons and considerations as set out below.

## 9.0 Reasons and Considerations

1. Having regard to the location of the site, to the established built form and character of Cherrywood Grove, it is considered that the development, consisting of a first-floor extension to a single storey house, which projects above the existing roof ridgeline, would be incongruous in terms of its design and would be out of character with the streetscape thereby setting an undesirable precedent for future development in this area. The retention of this development would seriously injure the visual amenities of the area and would be contrary to Objective 1 of Policy H18 of the South Dublin County Development Plan 2016 – 2022 and the associated House Extension Design Guide (2010) and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the pattern of development in the area and the nature of development proposed for retention, it is considered that the extension, by reason of its two storey nature within an area of predominately single-storey houses, and its proximity to site boundaries, would seriously injure the residential amenities and depreciate the value of adjoining properties by reason of visual obtrusion and overlooking leading to a loss of privacy. The development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Paul O'Brien

Planning Inspector

29<sup>th</sup> May 2021