



An
Bord
Pleanála

Inspector's Report ABP 309751-21

Development	Convert attic space to bedrooms, new dormer windows to front and rear elevations and ancillary works.
Location	31 Daletree Park, Dublin 24
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD20B/0518
Applicant	Vladimir Rychkov
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	1 st Party v. condition
Appellant	Vladimir Rychkov
Observer(s)	None
Date of Site Inspection	28/05/21
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

No. 31 is a single storey, semi-detached two bedroom dwelling within the Daletree estate in Ballycullen. The estate comprises a mix of single and two storey dwellings. Daletree Park is a cul-de-sac

The external finishes of the dwelling comprise a mix of brick and render with a pitched roof. It is served by front and rear gardens.

No. 33 to which the subject site is attached has been extended with dormer windows to the front and rear elevations.

2.0 Proposed Development

Permission is sought to:

- Convert attic space to provide for 2 no. bedrooms, one ensuite and a bathroom. Stated floor area of 47 sq.m.
- Dormer windows to the front and rear elevations.
- 2 no. obscure glazed windows at 1st floor level on the side elevation.
- Modifications to ground floor level including removal of side door to kitchen and French doors to replace window in rear elevation.

3.0 Planning Authority Decision

3.1. Decision

Grant permission for the above described development subject to 2 conditions:

Condition 1(b): Rear dormer to be reduced in length to 4 metres and width to 4 metres and to be set back a minimum of 3 tile courses from the rear eaves. Revised plans to be submitted to show compliance with the South Dublin County Council Development Plan 2016-2022 House Design Guidelines.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The Planner's report in the Record of Executive Business and Chief Executive's Order notes:

- The front dormer structure broadly mirrors that to No. 33 attached and is considered acceptable.
- The scale, bulk and design of the proposed flat roofed rear dormer window would obscure the pitched line of the existing roof and is considered excessively large. The proposal would be contrary to the Council's House Extension Design Guide
- The large rear dormer to No.33 is integrated with the ground floor extension with an acceptable cohesive roofline.
- The rear dormer would be visually acceptable subject to it being narrowed and set back.

Grant of permission subject to conditions recommended.

3.2.2. Other Technical Reports

None

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

None

4.0 **Planning History**

Reference made in the Planning report to the following:

Appeal Site

SD18B/0170 – permission granted for attic conversion to incorporating dormer extension to front.

Adjoining Sites

SD16B/0198 – 33 Daletree Park (adjoining property). Permission granted for attic conversion with dormer windows.

5.0 Policy Context

5.1. Development Plan

The site is within an area zoned RES, the objective for which is to protect and/or improve residential amenity.

Housing Policy 18 - Residential Extensions

It is the policy of the Council to support the extension of existing dwellings subject to the protection of residential and visual amenities.

H18 Objective 1: 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).

Chapter 11 - Implementation

Section 11.3.3 (i) The design of residential extensions should accord with the South Dublin County Council House Extension Guide (2010) or any superseding standards.

5.2. Natural Heritage Designations

None in the vicinity

6.0 The Appeal

6.1. Grounds of Appeal

The 1st party appeal is against condition 1 attached to the planning authority's notification of decision. The submission by Liam Cullen Design and Planning accompanied by revised plans can be summarised as follows:

- The design of the rear dormer has regard to the extensions granted permission at No.33 Daletree Park (SD16B/0198) and No. 11 Daletree View (SD17A/0375).
- In SD16B/0198 the Council required the dormer be set back a distance of 750mm from the edge of the existing roof and the party wall line. The rear wall of the dormer is on the same building line as the existing ground floor.
- In SD17A/0375 the Council planner noted that whilst the rear dormer breaks the existing eaves level of the roof it was considered acceptable due to its location to the rear and not being visually prominent.
- It is considered that in order to retain symmetry in the pair of semi-detached dwellings the building line on the appeal site should follow the line of the dormer window approved at No.33.
- The property is bounded to the rear by single storey dwellings and is well screened from adjoining properties by the boundary wall and planting. The dormer would not be visually prominent.
- Modifications proposed as follows - increase the overall width of the fascia and soffit of the dwelling from c. 225mm to c.550mm. The height and location of the existing fascia and soffit allows for such a modification without impact on light into the existing ground floor bedrooms. This increase would allow for the construction of the dormer flush with the existing rear wall of the property and for 2 no. tile courses to be maintained to the underside of the vertical face of the roof. The said modification would have no impact on the adjoining property due to the fact that the said property has a single storey rear extension in place.

6.2. **Planning Authority Response**

The issues raised in the appeal have been covered in the planner's report

6.3. **Observations**

None

7.0 **Assessment**

The appeal site is within the mature residential estate of Daletree comprising of single and two storey, semi-detached dwellings. It is within an area zoned 'RES' the objective for which is to protect and/or improve residential amenity.

I consider that the proposed works entailing the conversion of the roof space to two bedrooms, insertion of windows with obscure glazing at 1st floor level to serve bathroom/ensuite and minor alterations at ground floor level to be acceptable. The dormer structure to the front elevation mirrors that developed at No.33 attached and accords with the provisions of the South Dublin House Extension guide. I consider that the substantive issue pertains to the dormer structure proposed to the rear elevation and the provisions of condition 1(b) attached to the planning authority's notification of decision.

I note that condition 1 of the said decision includes all of the planning authority's requirements in 6 subsections, save for the financial contribution to which condition 2 refers. In view of the fact that Section 139 of the Planning and Development Act, 2000, as amended, does not facilitate review of part of a condition, only, I do not consider that there is any merit or efficiency in invoking the said provisions.

Condition 1(b) requires the rear dormer to be reduced in length to 4 metres and width to 4 metres in height and to be set back a minimum of 3 tile courses from the rear eaves with revised plans to be submitted to show compliance with the South Dublin County Council Development Plan 2016-2022 House Design Guidelines.

The said referenced document sets out elements of good design for different development types including attic conversions and dormer windows (pg.20- 21). The design guide states that dormer windows should sit below the ridgeline, be set well

above the eaves line and should match or complement the materials of the main house. A number of examples are provided.

The dormer structure as proposed is to be flush with the rear wall with a height of 3 metres and width of 4.805 metres. It is lower than the ridgeline and is to have a setback of 0.75 metres from either side. In my opinion the design solution is bulky in execution, is overly dominant in appearance and does not allow for its integration with the dwelling. The agent for the application in the grounds of appeal said that reference was taken from the extension to the rear of the attached property. I submit that they are not directly comparable in that the dormer structure to the rear of No.33 is integrated with the ground floor extension.

The alternative proposal submitted with the appeal entails increasing the overall width of the fascia and soffit of the dwelling from c. 225mm to c.550mm in depth. This increase would allow for the construction of the dormer flush with the existing rear wall of the property but would allow for 2 no. tile courses to be maintained to the underside of the vertical face of the roof. The height and location of the existing fascia and soffit allows for such a modification without impact on light into the existing ground floor bedrooms and would have no impact on the adjoining property which has been extended.

I consider that this solution is acceptable allowing the applicant to secure his requirements in terms of extra accommodation whilst not compromising the visual amenities and character of the parent building.

As noted on day of inspection due to the estate layout and screening afforded to the rear boundary, views of the dormer structure will be restricted to the rear gardens of properties in the immediate vicinity. It will be largely screened from Daletree Place which backs onto the site.

Appropriate Assessment – Screening

Having regard to the location of the site and the nature and scale of the proposed development it is concluded no appropriate assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

Having regard to the documentation on file the grounds of appeal, the grounds of appeal, my site inspection, and the assessment above I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

9.0 Reasons and Considerations

Having regard to the residential zoning objective for the area and the pattern of development in the vicinity it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of scale, design and use, and would not seriously injure the amenities of the area or of property in the vicinity. 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 the further plans and particulars received by An Bord Pleanála on the 19th day of March 2021, 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 external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

3. The 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.

Pauline Fitzpatrick
Senior Planning Inspector

May, 2021