



An
Bord
Pleanála

Inspector's Report 309755-21

Development	Retention of alterations to previously permitted development (D20B/0172) for side extension and to approved dormer at rear of dwelling
Location	No. 9 Braemor Drive, Churchtown, Dublin 14
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D20B/0428
Applicant(s)	Oltian Dervishi
Type of Application	Planning permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Oltian Dervishi
Observer(s)	Ronan O'Connor Peter Scott Alan Quinlan
Date of Site Inspection	16 th May 2021
Inspector	Mary Kennelly

1.0 Site Location and Description

- 1.1.** The site is located at the northern end of Braemor Drive, which is a cul-de-sac off Braemor Road, Churchtown. The cul-de-sac consists of a series of short terraces of two-storey houses in a 1960s housing estate. The appeal site is an end-of-terrace house on the eastern side of the road. The houses on Braemor Drive have front and back gardens with a rear lane providing access to rear entrances and/or garages at the end of the rear gardens. The access lane serving the appeal site is accessed from Braemor Grove.
- 1.2.** The site area is given as 0.0293ha. The floor area of the existing house is given as 165sq.m. The front garden is delineated by a front and side boundary wall with a pedestrian gate with a mature hedge. There is an existing 2-storey side extension on the southern side of the house, which has been recently constructed on foot of permission granted under D20B/0172. A new box dormer window extension has been constructed on the rear roof slope, which occupies the majority of the roof slope. The dormer as constructed does not accord with the dormer as permitted under D20B/0172 and the side extension projects forward by an additional 380mm.
- 1.3.** On the day of my inspection, I gained access to the interior of the house, to the rear garden and also to the interiors and rear gardens of No. 5 and No. 11 Braemor Drive, respectively (homes of two of the observers).

2.0 Proposed Development

- 2.1.** It is proposed to retain changes to the permitted 2-storey side extension and rear dormer extension under Reg. Ref. D20/0172. Permission was granted under this reference for demolition of a 2-storey side extension, the construction of a new 2-storey side extension and for a rear dormer extension which measured 4.2 metres in width on a roof with a span of c.7.7 metres. The permitted dormer was located at the northern end of the roof slope and contained three windows. The permitted side extension projected forward of the existing front building line by c.500mm.

The current proposal is for the retention of the dormer as constructed, which deviates from the permitted scheme and for changes to the side extension would be

set forward by an additional 380mm. It is stated that the length of the dormer housing would be increased by 1.2m.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for one reason.

The rear dormer extension by reason of its scale, bulk and finish appears visually obtrusive and incongruous in the roofscape, is out of character with the existing pattern of development in the vicinity, and in itself and in the precedent, it would set, would seriously injure the residential amenities and depreciate the value of properties in the vicinity. The proposed development would contravene Section 8.2.3.4 (i) 'Additional Accommodation in Existing Built-Up Areas – Extensions to Dwellings' in the Dun Laoghaire Rathdown County Development Plan, 2016-2022 and therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report noted that the previously determined application was now under construction. Four submissions had been received from neighbouring residents which had raised concerns regarding scale and design of dormer in terms of impact on the visual and residential amenities of the area and of adjoining properties. The submissions had also raised discrepancies in the drawings compared with what has been constructed on site. The Area Planner agreed that the dormer on site appeared to be larger than that shown on the proposed drawings. Regard was had to various polices and development standards in the CDP including Section 8.2.3.4 regarding Extensions to Dwellings. The Area Planner considered that the dormer extension as constructed was inappropriate in terms of its scale and design, as it is excessive in width and bulk and dominates the roof profile. It was considered that it fails to comply with Section 8.2.3.4(i) of the CDP.

The changes to the side extension were, however, considered to be acceptable and would not harm the visual amenities of the area. Furthermore, it was considered that the alterations to the proposed dormer would not result in increased overlooking or loss of privacy to the adjoining properties as the amount of glazing has been reduced and that any overlooking as shown in the submitted photographs would be at an oblique angle.

Refusal of permission was, therefore, recommended on the grounds of impact on the visual amenities of the area.

3.2.2. Other Technical Reports

Drainage Planning - No objections.

3.3. Prescribed Bodies

3.3.1 None.

3.4. Third party observations

Four observations were made to the planning authority. One from each of the neighbouring residents at Nos. 5, 7 and 11 Braemor Drive and No. 13 Braemor Grove. Photographs have been provided from the observers from each of these adjoining properties of the dormer that is proposed to be retained. The main points raised may be summarised as follows:

- **Visual amenity** – the size, width, height, scale and bulk of the dormer as constructed is intrusive and would be out of character with the existing houses which would change the visual amenity of the terrace.
- **Residential amenity** – the excessive size of the dormer would result in increased overlooking of adjoining properties. Nos. 5 and 7 are at an angle to the appeal property which increases the overlooking. No. 11 has a rooflight in the flat roof extension to the north, which would be overlooked to a greater extent. There would be an overbearing impact on the adjoining properties.
- **Not in accordance with submitted plans** – the dormer as constructed is significantly wider, taller and extends further down the roof slope than is

shown on the submitted drawings for retention. As can be seen from the attached photos, it extends from the apex of the roof to the guttering. It is further noted that a skylight has been installed in the roof of the dormer which is not included in the submitted plans.

4.0 Planning History

D20B/0172 – permission granted for the demolition of an existing 2-storey side extension and the construction of a new two storey side extension which would project forward of the front building line by c.0.5m. The permission also included the construction of a rear dormer extension which was 4.2m in width and was shown as being set back from the boundaries on both sides and set down from the ridge. It was considered to be acceptable in terms of the visual and residential amenities of the area.

5.0 Policy Context

5.1. Dun Laoghaire Rathdown County Development Plan 2016-2022

5.1.1 The site is zoned Objective A for which the objective is to “To protect and improve residential amenity”.

8.2.3.4 – Extensions to dwellings – The following extracts from the policy are considered relevant:

“First floor rear extensions will be considered on their merits, noting that they can often have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the planning authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:

- Overshadowing, overbearing and overlooking – along with proximity, height and length along mutual boundaries.
- Remaining rear private open space, its orientation and usability.

- Degree of set-back from mutual boundaries.
- External finishes and design, which shall generally be in harmony with the existing.”

Roof alterations/expansions to main roof profiles – changing the hip-end roof of a semi-detached house to a gable A-frame end or half-hip for example – will be assessed against a number of criteria including –

- Careful consideration and special regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures.
- Existing roof variations on the streetscape.
- Distance/contrast/visibility of the proposed roof end.
- Harmony with the rest of the structure.

Dormer extensions to roofs will be considered with regard to impacts on the character and form of the existing dwelling 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 overriding considerations. Dormer extensions shall be set back from the eaves, gables, and/or party boundaries.

The proposed quality of materials/finishes for dormers will be considered carefully as this can greatly improve their appearance. The level and type of glazing within a dormer structure should have regard to existing window treatments and fenestration of the dwelling. Particular care will be taken in evaluating large, visually dominant dormer window structures with a balance sought between quality residential amenity and the privacy of adjacent properties. Excessive overlooking of adjacent properties should be avoided unless support by the neighbours affected can be demonstrated.

5.2. Natural Heritage Designations

South Dublin Bay SAC (000210) and South Dublin Bay and River Tolka Estuary SPA (004024) lie approx. 4km to the east.

6.0 The Appeal

6.1. Grounds of Appeal

The first-party appeal was submitted by John Taylor Architect on behalf of the appellant. The main points raised may be summarised as follows:

- **Approval for alterations to side extension** – the P.A. did not have any objection to the increased projection of the side extension by 380mm and permission should have been granted for this element of the proposed development.
- **Scale, bulk and finish of dormer** – The proposal complies with the CDP general requirements which do not involve strict standards. It is compatible with the size of the house and gardens and is set back from the eaves, gables and party boundaries. Although the dormer is 1.6 metres wider than that permitted under D20B/0172, the windows are in the same location it provides improved residential amenity for the applicant. It is submitted that it is no more out of character, obtrusive or incongruous than the permitted dormer.
- **Injury to residential amenity and depreciation of property** – There is no loss of amenity arising from the proposed development, as stated in the Area Planner's report. There would be no increase in overlooking by reason of the increased width of the dormer as the glazing has remained in the same location. There is no evidence of depreciation of the value of adjoining properties.
- **Accuracy of drawings** - it is acknowledged that the dormer is larger than that permitted under D20B/0172. It is stated that the internal width is 5.8m (external width 6.2m) compared with 4.2m as permitted, and that the height of the dormer is 2.3m internally and 2.55m externally. However, the extent and location of the glazing remains the same. Revised plans showing the full width and height of the dormer have been submitted with the grounds of appeal.
- **Revised drawings** – it is accepted that the siting of the windows at one end of the structure may be problematic. An alternative option is therefore

proposed, whereby the two windows that are located to one end of the dormer could be relocated to a central position (as shown on 00283-01-S6).

- **Precedent** – it is submitted that the precedent has already been created for large dormer structures in the area. Examples include the following

D20A/0183 - 14 Braemor Drive – proposed dormer of 8.5m width reduced to 5.0m in grant of permission.

D19B/0331 – 91 Landscape Park – 2 large dormers permitted at front and rear on hipped roof, which are far more prominent than that proposed here.

D17A/1039 – 23 Landscape Ave – large dormer to rear permitted on hipped roof, which is far more prominent than current proposal.

6.2. Planning Authority Response

The P.A. responded to the grounds of appeal on 31st March 2021. It is stated that the grounds of appeal do not raise any new issues that would justify a change of attitude to the proposed development.

6.3. Observations on the grounds of appeal

Observations have been received from three neighbouring properties, namely Nos. 5 and 11 Braemor Drive, respectively and from No. 13 Braemor Grove (to the rear).

The main points in the observations may be summarised as follows -

- **Visual amenity** - the unacceptable size and scale of the dormer, particularly the height and width and the fact that there is little separation between the dormer and the eaves line. This makes the structure an overbearing and dominant feature on the roofscape and is visually incongruous, which has a detrimental impact on the visual amenities of the area.
- **Residential amenity** - the adverse impact on the residential amenities of the neighbouring properties by the extent of glazing and position of the windows. This is exacerbated by the lack of separation from the eaves and being flush with the rear wall as this facilitates overlooking of adjoining properties. Photos attached to No. 11 Braemor Drive illustrate this point whereby the dormer overlooks the skylight in the flat roof extension of the adjoining house. Further

photos from No. 5 Braemor Drive demonstrate a similar point and indicate the extent of overlooking due to a combination of the scale of the dormer and glazing and the angle of the next terrace to the south relative to this terrace.

- **Precedent** – the examples cited in the grounds of appeal are not comparable to the current proposal as these properties are mainly larger, semi-detached houses on large plots. There are no dormers such as this on the roofs of the adjoining terraces in the vicinity of the site including Braemor Drive, Braemor Grove and Braemor Avenue.
- **Inaccuracies of the submitted drawings** – The dimensions on the submitted drawings have varied widely throughout the planning process. The revised dimensions submitted with the appeal are significantly wider and higher than the dimensions stated in the application that was rejected by the P.A. This is unacceptable. Notwithstanding this, the submitted drawings do not accurately reflect the actual size of the dormer and since the application was lodged, an additional window has been added to the two windows that are shown on the submitted plans. Furthermore, there is a skylight on the roof of the dormer which has not been referred in in any of the plans or drawings.

7.0 Assessment

It is considered that the main issues arising from the appeal are as follows: -

- Compliance with Development Plan policies
- Impact on visual amenity
- Impact on residential amenity
- Precedent
- Variations in submitted drawings and details

7.1. Compliance with Development Plan policies

- 7.1.1.** The first-party appellant considers that the proposed development is in compliance with the Development Plan standards, which it is noted are not very specific in terms of standards for dormer extensions. It is pointed out that there were no objections to

the retention of the alterations to the projection of the side extension forward of the building line and that this should be permitted. I would agree that this element of the proposed development would be in accordance with the objectives of the development plan and would not result in any injury to the visual or residential amenities of the area.

7.1.2. Although the CDP (8.2.3.4(i)) does not set out specific parameters for dormer extensions, (which is understandable given the variety of roofscapes, roof profiles and possible solutions that may exist), it does provide clear advice on what matters must be taken into account and the general parameters that must be adhered to in respect of proposals for dormer extensions and alterations at roof level. Such development must have regard to the following

- The character and form of the existing dwelling and roofscape
- The design, dimensions and bulk relative to the overall size of the existing dwelling and gardens
- The fenestration pattern of the existing dwelling in terms of the design and size of proposed windows
- Must be set back from the eaves, gables and party boundaries
- Avoid excessive overlooking of neighbouring properties unless it can be demonstrated that there is agreement from adjoining owners
- Large, visually dominant dormer extensions must take particular care to achieve a balance between the quality of residential amenity and the privacy of adjoining property.

7.1.3. The dormer that has been constructed on site is substantially larger than that permitted by the P.A. under D20B/0172 (See Table 7.5.1 below). It measures 6.2m in width by 2.55m in height (external dimensions). It therefore occupies approx. 15.81m² of the roof slope, which represents approx. 68% of the eastern roof slope. This is a substantial structure which is very much at odds with the form and character of the existing dwelling and of the roofscape of the terrace within which the property lies. In addition to the substantial width and height of the structure, there is very little separation distance from the ridge line (250mm), the eaves line (280mm), and the gable/party boundaries (850mm and 790mm respectively).

7.1.4. Having regard to the foregoing, it is considered that the development proposed to be retained does not comply with the requirements of the CDP, as set out above. The scale of the dormer is excessive relative to the size of the existing dwelling (and terrace) and to the rear garden, which is quite narrow. There is little or no meaningful set back from the edges of the roof at the ridge, eaves, gable or party boundary and the windows do not relate to the established fenestration pattern in the terrace. Although the dormer extension may provide for an improved level of amenity within the appeal site, the design and scale of the dormer is such that it would result in injury to the visual amenities of the area and the residential amenities of the adjoining properties.

7.2. Visual amenity

7.2.1. The current proposal, which results in a much wider dormer housing (additional 2.0m) seeks to retain two windows only at the northern end of the dormer and to render and paint the southern section of the dormer. These two windows (as opposed to the dormer structure) are less extensive than those permitted under D20B/0172. The width of the glazed section was reduced from c.4.2m to c.3.2m and the height was reduced from c.1.9m to 1.45m. However, an additional window has since been added to the south of these two windows, which has increased the glazing element again to c.4.5m. Thus, the width of the windows now on site is similar to that permitted previously but with a reduced height. However, the dormer housing itself has been increased substantially from a relatively modest dormer extension to one which is excessive in scale and dominates the roof slope of the dwelling and of the entire roofscape of the terrace and street. The excessive width and depth, combined with the height stretching from ridge to eaves, gives the appearance of a flat-roofed second floor extension, as most of the roof slope is obscured.

7.2.2. This significant increase in the size of the dormer is not accurately reflected in the drawings submitted with the application for retention. Drawing No. 00283-01-P4 shows the dormer structure to be only 5.7m wide and 1.6m tall, with a set-back from the eaves, ridgeline and sides. However, the dormer extension is in fact 6.2m wide within a roof that is 7.7m wide and is 2.55m tall, where the distance between the roof ridge and eaves is 2.67m. As such, the dormer structure occupies the majority of the

roof slope. The Board should note, however, that a further set of elevational drawings (00283-01-S6) has been provided with the grounds of appeal, which are more accurate in respect of the dormer housing, but do not show the alterations to the dormer glazing. Neither does it show the true depth of the dormer. This drawing also includes an alternative option which shows the two windows relocated to a central position within the dormer housing.

- 7.2.3.** The glazing pattern in terms of the size and shape of the windows relates to the new fenestration pattern which has been installed at the dwelling as part of the renovations. The new windows are of Aluclad with a dark grey finish and are very modern and quite striking. They appear to be fitted with reflective glass. They complement the overall contemporary design approach to the renovated exterior of the building. However, this glazing pattern is quite different to the established fenestration pattern to the rear of the terrace and in the estate generally.
- 7.2.4.** In conclusion, the dormer extension is considered to be unduly large and introduces a dominant feature which is out of scale and character with the densely developed traditional terraces. The width of the dormer at 6.2m occupies approx. 80% of the width of the roof (7.7m) and nearly 70% of the area of the slope. The size, scale and bulk of the structure pays little regard to the character and form of the established terrace of small 2-storey houses on small, narrow plots. I would, therefore, agree with the planning authority that it is visually obtrusive and results in an incongruous feature in the roofscape, which adversely affects the visual amenities of the area. I do not consider that relocating the windows to the centre of the dormer would make any significant difference.

7.3. Residential Amenity

- 7.3.1.** The concerns raised by the third parties related principally to the height, scale and bulk, which would result in an overbearing structure and in overlooking of a wide range of properties. The planning authority did not agree that the windows would result in any loss of amenity by reason of increased overlooking, as it was considered that the scale of the windows had not been increased and their position had not altered significantly from that permitted.

- 7.3.2.** When I inspected the site, I viewed the dormer window from the interiors of both No. 5 and No. 11 Braemor Drive, and from the gardens of these properties. I also inspected the interior of the attic extension at No. 9 and the view from the dormer window itself. It was noted that there are extensive views available from the dormer window across the rear gardens of a very wide range of properties to the north, north-east, east, south east and south. In addition, although it is possible to see the roof light of No. 11 and the rear door and windows of No. 5, it was not possible to see into these rooms. It was further noted that the perspective from the two observer properties was such that the excessive scale and bulk of the dormer, combined with the extensive glazing, creates the perception of being overlooked from the structure.
- 7.3.3.** I would accept that the large scale of the dormer and of the windows results in some degree of overlooking of adjoining properties to the rear and it is clear from the objections of neighbouring properties that there is no agreement to the scale of the dormer. However, the extent and positioning of the glazing has not been increased, and the height of the windows has been slightly reduced from that permitted under D20B/0172. It is difficult to argue, therefore, that the proposed alterations to be retained would result in increased overlooking, when this aspect of the proposal did not attract any objection when the original proposal was being assessed.
- 7.3.4.** It is acknowledged, however, that the structure appears excessively large and overbearing and would contribute to a sense of being overlooked from a very extensive range of properties surrounding the appeal site. It would, therefore, result in some loss of residential amenity to adjoining neighbours.

7.4. Precedent

- 7.4.1.** The appellant has provided examples of several properties that are believed to have had permission granted for dormers of a similar scale. I have reviewed the properties referred to in the grounds of appeal on the P.A. website. These were
- D20A/0183 – 14 Braemor Avenue** – dormer with width of 8.5m proposed but reduced to 5.0m by condition. It is also noted that the dormer was set back from the eaves by 1.5 metres.
- D19B/0331 – 91 Landscape Park** – two large dormers were granted to front and rear. However, these dormers did not consume the majority of the roof slope as in the current case.

D17A/1039 – 23 Landscape Avenue – large dormer to rear. However, the dimensions are given as 4.5m(W) x 2.7m(D) x 2m(H), which is much more modest than the structure that is the subject of this appeal and was well below the ridge and above the eaves.

7.4.2. I would agree with the observers that these properties are not comparable as they are larger semi-detached houses on larger plots. I have further noted that these examples generally related to smaller dormer extensions which were not such visually dominant features as in the current case. There did not appear to be any precedent in the near vicinity of the site, and I did not see any dormers on the terraced roofscapes around the site.

7.5. Variations in drawing dimensions

7.5.1. The following table sets out the differences in the dimensions provided by Developer.

	Approved scheme D20B/0172	Proposal as submitted D20B/0428	Revised dimensions ABP.309755-21
Width of dormer	4.2 metres	5.7 metres	6.2 metres (external)
Height of dormer	1.9 metres	1.6 metres	2.55 metres (external)
Distance below ridge line	500mm	c.450mm	c.280mm
Distance above eaves	500mm	c.880mm	c.250mm
Distance to northern edge of roof slope	c.900mm	c.0.59mm	c.790mm
Distance to southern edge of roof slope	c.3000mm	c.1490mm	c.850mm

7.5.2. It is clear from the above table and from the foregoing discussion that the dimensions given throughout the planning process has varied considerably and that the drawings submitted with the application and the appeal still do not reflect the situation on the ground. In particular, an additional window has been added and the depth of the dormer is not accurately reflected in the submitted plans. The drawings

submitted at appeal are not considered to be a comprehensive set of drawings either. In these circumstances, it is considered that it would be inappropriate to grant permission for a development on the basis of inaccurate drawings, as it would result in confusion and erroneous records.

- 7.5.3.** Although there is no objection to the alteration at the front of the side extension, it is considered that the lack of a comprehensive set of accurate drawings militates against the granting of permission for this element on the basis of a split decision. The Board could decide to request further information in the form of accurate and comprehensive drawings. However, should the Board be minded to refuse permission for the retention of the dormer, it is questionable whether this would be an appropriate course of action.

7.6. Environmental Impact Assessment

Having regard to the nature, size and location of the proposed development, 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.

7.7. Appropriate Assessment

South Dublin Bay SAC (000210) and South Dublin Bay and River Tolka Estuary SPA (004024) lies approx. 4km to the northeast. Given the scale and nature of the development, the distances involved, that the site is located in an established urban area, on serviced lands, it is considered that no appropriate assessment issues are likely to arise.

8.0 Recommendation

8.1 It is recommended that permission be refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. Having regard to the location of the site within a terrace of modest 2-storey houses on narrow plots, it is considered that the dormer extension that is proposed to be retained, by reason of its excessive height, width, scale and bulk relative to the scale of the roof of the dwelling would result in a visually obtrusive and incongruous feature in the roofscape of the terrace which would be overbearing and out of character with the pattern of development in the vicinity and would seriously injure the visual and residential amenities of the area. The proposed development would, therefore, contravene Section 8.2.3.4(i) of the current Dun Laoghaire Rathdown County Development Plan 2016-2022, would create an undesirable precedent and would be contrary to the proper planning and sustainable development of the area.

Mary Kennelly
Senior Planning Inspector

16th May 2021