



An
Bord
Pleanála

Inspector's Report ABP 309790-21.

Development	Refurbishment and extension of dwelling house to side and rear and conversion of attic.
Location	13 Georgian Village, Castleknock, Dublin 15.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	FW21B/0001.
Applicant	Avril and Gerard McCarthy.
Type of Application	Permission.
Planning Authority Decision	Grant permission.
Type of Appeal	Third Party
Appellant	Marese and Donal Daly.
Observer	None.
Date of Site Inspection	29 May 2021.
Inspector	Mairead Kenny.

1.0 Site Location and Description

- 1.1. The subject house is a two-storey dwelling house on a large plot in the inner suburban area of Castleknock. Georgian Village is residential development which may date from the 1980s or later. The subject dwellinghouse is positioned at the head of a cul-de-sac of 6 no. houses. Number 13 and the adjacent house to the west, 12 Georgian Village, home of the appellant, have the benefit of substantial gardens.
- 1.2. The stated area of the subject site is 0.2 ha. The stated floor area of the existing house is 192.7m².

2.0 Proposed Development

- 2.1. The proposed extension may be described as follows:
 - A ground floor extension for almost the full width of the rear of the house. This would incorporate an existing yard and utility room which would be integrated into the ground floor living accommodation.
 - At first floor level at the western side of the house a small extension comprising a dressing room and ensuite.
 - At attic level a dormer extension containing 3 no. independent mezzanine areas. These are shown as small study areas and are each in the region of 9 m². The access to the proposed mezzanine areas would be provided by separate stairs from three of the first-floor bedrooms. In elevation this study areas are represented as individual dormer windows with a glazed area of 1200mm (height) by 900mm (width).
 - The Georgian style features are replicated in the design of the extension.
 - Ancillary works are also shown on the application drawings.
 - The stated area of the proposed works is 101.8 m².

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to standard conditions.

Condition 7 is that all bathroom and ensuite rooms shall be fitted and permanently maintained with obscure glazing.

A requirement for a financial contribution applies under condition 8.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report includes the following comments:

- The dormers are each 1.8 m wide and have a window width of c. 0.9m. The proposed dormers are at least 4 m from the side walls of the house.
- Relevant policy is outlined.
- No pre-application consultations took place.
- There is no record of any observations or submissions. All submissions received are taken into account.
- Regarding the impact on visual amenity the proposed extensions are considered not to impact unduly in a negative manner on the visual amenities of the area.
- The proposed dormer type windows to the rear are of a form not typically found in the area with the ridgeline coincident with the ridgeline of the existing house. The dormers are within the roof plane of the house and approximately 30 m from the opposing site boundary and at least 14 m from the nearest adjoining site boundary.
- The proposed development relative to the size and scale of the house and roof profile is considered not to impact unduly in a negative manner upon the visual amenities of the area. It accords with objectives PM46 and DMS41.

- There is no glazing to the sides of the dormer windows which restricts potential for overlooking. The proposed development is not considered to impact unduly in a negative manner on residential amenities of property in the area either through direct overlooking or overlooking into properties to either side.
- The proposed rear and side extension will not impact unduly on the residential amenities of property in the area through overshadowing or overbearing.

3.2.2. Other Technical Reports

The report of the Water Services Department sets out standard requirements relating to surface water drainage.

3.3. Prescribed Bodies

No reports.

3.4. Third Party Observations

The observer's concern is for continuation of the significant privacy their private residence and grounds enjoy.

The installation of a cluster of 3 no. number large dormer windows in the roof of the adjoining house basically provides a private high-level perch from which a significant portion of the rear private grounds/garden/tennis court at no. 12 can be viewed.

We would not envisage any issue if the proposed dormer windows had opaque glass and secondly if the triangular side of the panels of the dormers are rendered as stated in the drawings.

4.0 Planning History

There is no recent relevant planning history relating to this site or the immediate environs.

The planning authority refers to an application dating from 2007 – Reg ref F07A/0097. This is at 62 Georgian Village and the development for which permission was sought included a rear dormer window. The planning authority refused

permission for reasons related to bulk and design and being out of character as well as setting an undesirable precedent.

The appellant references other applications for dormer extensions at number 62 and 132 Georgian Village.

5.0 Policy Context

5.1. Fingal Development Plan 2017-2023

Under Chapter 3 the planning authority acknowledges the need for people to extend and renovate their dwellings. Extensions will be favourably considered where they do not have a negative impact on adjoining properties or the nature of the surrounding area.

DMS 28 sets a minimum of 22m separation between directly opposing windows.

DMS 41 refers to dormer extensions to roofs. These will only be considered where there is no negative impact on existing character and form, and the privacy of adjacent properties. Dormer extensions shall not form a dominant part of a roof. Consideration may be given to dormer extensions up to the ridge level of a house.

DMS 42 is to encourage more innovative design approaches for dormer extensions.

PM 46 is to encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.

6.0 The Appeal

6.1. Grounds of Appeal

The main points of the appeal may be summarised as follows:

- The installation of the 3 no. large dormer windows will result in considerable overlooking onto our rear garden and amenity space.
- Enclosed photographs refer.
- The development is not in keeping with development plan objectives PM46 and DMC41 and is at variance with the development management standards

which states that privacy should be considered when assessing applications and that the bulk of any roof proposal relative to the dwelling should be an overriding consideration.

- The proposed attic will occasionally be used as mezzanine studies or home offices and could be viewed as superfluous and extraneous to the overall use of the house. There is no requirement for a view. At absolute minimum any approved windows should be fitted with permanent and fixed obscure glazing to provide the required natural light while maintaining privacy.
- Precedent case PL 06F222864 refers. The application was refused by the planning authority including for reasons of undesirable precedent and increased overlooking. This concerns should have been raised by the planning authority. Although the Board granted permission it imposed a condition that the entire window be permanently fixed and un-openable and glazed with obscure glass. There would be no objection to small rooflights at high level on the dormers for ventilation.
- The planner's report indicates that no third-party submissions were received, and we assume that the valid observation submitted was not taken into account. This is a breach of the statutory process. The planner would have reasonably assumed that the neighbours had no concerns in relation to overlooking.
- The planner's report notes that the dormers are rear facing, but consideration must be given to the fact that there would be a conservative field of vision of 140° from the dormers. The vast majority of our clients rear garden will be clearly visible.
- At 62 Georgian village the planning authority refused permission for a small single dormer to the rear of the house for reasons due to bulk and design. The current proposal should have been refused for the same reasons. It is out of character and scale for the dwellings in the area.
- An application has recently been lodged for 2 no. dormer windows to the rear of number 132 Georgian village.

- There is no objection in principle to the applicants extending their home. There are serious concerns in relation to the impact of the dormer windows on the enjoyment and use of their property.

6.2. Applicant Response

No response received.

6.3. Planning Authority Response

In response to the appeal the planning authority's comments include:

- The proposed development does not impact unduly in a negative manner on the residential amenities of property in the area either through direct overlooking or overlooking into properties to the site.
- The planning authority requests that the Board uphold the decision.
- The planning authority requests that condition 8 is included in the determination.

6.4. Observations

None.

7.0 Assessment

- 7.1. The grounds of appeal relates solely to the proposed attic level extension. I have considered the overall development in terms of scale, nature and character and consider that it is acceptable in principle and in terms of its detailed design. I therefore focus my assessment of this case on the design of the dormer extension and on the impact on the residential amenities of the area. I also address the matter of compliance with development plan policy.
- 7.2. Regarding the design of the dormer level extension I disagree with a number of comments made in the appeal. I consider it unreasonable to describe the dormer windows as large or to infer that they are of significant bulk or unacceptable design. The scale of the actual structures is not significant and in the context of the dwelling

house they cannot be described as dominant features in my opinion. Each individual dormer window mimics the approach of the fenestration of the original dwellinghouse. Over half of the width of the roof would retain its original roof profile and materials and be unaffected by the attic windows. In terms of their design I do not consider that the dormer extension would comprise a dominant feature. I consider that the dormer extension complies with the requirement under policy DMS 41 to avoid impact on existing character and form.

- 7.3. The policy pertaining to dormer extensions as described under DMS 41 includes that there be no negative impact on the privacy of adjoining properties. This policy is reflected also under objective PM 46 which relates to all extensions and sets a requirement that they do not negatively impact on the adjoining properties.
- 7.4. In considering this case it is relevant to note the very high levels of amenity and privacy associated with the appellant's house. The main outdoor amenity area is a large patio close to the western side of that house where the main living rooms are located. The dormer extension would not be visible from that location.
- 7.5. The appellant's concerns appear to relate to the overlooking of part of the garden which is under a tennis court. This area would benefit from the evening sun and at the time of my inspection at midday I noted that the area would appear to be regularly used for sunbathing and other activities associated with the dwelling house. The rear roof of the dwelling house where the proposed attic would be located is visible from much of the tennis court. It is reasonable to conclude that the dormer windows would diminish the privacy associated with this space. At the very least there would be a perception of overlooking. Any views would be oblique.
- 7.6. I consider that the development plan objectives have to be interpreted in the context of the overarching objectives contained in that plan including in relation to sustainable development and use of urban lands. The objective set out relating to extensions including dormer extensions are not overly prescriptive and require a degree of interpretation. In assessing the case I note the planner's report refers to the separation distance from the dormers of over 14 m from the nearest adjoining site boundary. The distance between the dormers and the site boundary close to the tennis courts is over 20 m, close to the allowable limits of 22 m for opposing windows. There is no direct overlooking. The general view from the proposed

windows would be straight down the garden. There is the possibility of obtaining oblique views to the side which would encompass the appellant's tennis court. However, I do not consider that the degree of overlooking from 3 no. small dormer windows would sufficiently impact residential amenity so as to warrant a refusal of permission or a requirement to undertake a major variation to the design of the structures. I agree with the conclusion of the planning authority and consider that the proposed development does not impact unduly in a negative manner on the residential amenities of property in the area either through direct overlooking or overlooking to the side.

- 7.7. I consider it follows from that conclusion that it would be unreasonable to require that the dormer windows be fitted with obscure glazing.
- 7.8. The appellant has referenced a number of planning applications in the general area including at 62 and 132 Georgian Village which are on smaller sites and have different orientation. The merits of this appeal have been assessed by reference to the development plan and the specific site context.
- 7.9. I conclude that the development proposed is reasonable in scale and of acceptable design. I consider that it does not give rise to significant adverse effects on residential amenity by reason of overlooking and is in compliance with the development plan requirements.
- 7.10. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, the likely emissions arising from the proposed development, the availability of public water and sewerage in the area, and distance to the nearest European sites, I am satisfied that no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

I recommend that the decision of the planning authority be upheld for the reasons and considerations and subject to the conditions below.

9.0 Reasons and Considerations

It is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of adjoining properties or the visual amenities of the area, would not be prejudicial to public health and would 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, 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. Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

4. Site development and building works shall be carried only out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours 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. Water supply and drainage arrangements, including the attenuation and disposal of surface water and mitigation measures against flood risk including in the basement area, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. 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.

Mairead Kenny
Senior Planning Inspector

30 May 2021