



An
Bord
Pleanála

Inspector's Report ABP309825-21

Development	Domestic extension
Location	19 Lavarna Grove, Terenure, Dublin 6W.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2026/21
Applicant(s)	Alan Campbell
Type of Application	Permission
Planning Authority Decision	Grant with Conditions.
Type of Appeal	Third Party
Appellant(s)	Alan O'Reilly and Others.
Observer(s)	None
Date of Site Inspection	7 th May 2021.
Inspector	Hugh Mannion

1.0 Site Location and Description

1.1. The application site is 398m² and comprises a two-storey redbrick fronted semidetached house with front and rear gardens at 19 Lavarna Grove, Terenure, Dublin 6W. The area is characterised by 1960's housing. There is a small green to the front of the application site. The application site and adjoining houses back onto Glenavy Park where the appellants' houses are located.

2.0 Proposed Development

2.1. The proposed development comprises the erection of a first-floor side and rear extension with a rooflight on the hipped roof and an attic conversion with a rear dormer at 19 Lavarna Grove, Terenure, Dublin 6W.

3.0 Planning Authority Decision

3.1. **Decision** – Grant permission with conditions.

3.2. **Condition 4** limited the use to non-habitable accommodation.

Condition 5 reduced the angle of the roof to the side which reduced the scale of the dormer roof window/and attic room and required amended drawings to be submitted for the agreement of the planning authority.

3.3. Planning Authority Reports

3.3.1. Planning Reports

The planner's report recommended a grant of permission as set out in the manager's order.

3.3.2. Other Technical Reports

Drainage Division reported no objection.

4.0 Planning History

No relevant history.

5.0 Policy and Context

5.1. Development Plan

5.2. The Dublin City Development Plan 2016-2022 is the relevant development plan for the area where the site is zoned F “to protect, provide and improve residential amenity”.

5.3. Section 16.2.2.3 states that residential alterations and extensions should.

- Respect any existing uniformity of the street, together with significant patterns, rhythms or groupings of buildings
- Retain a significant proportion of the garden space, yard or other enclosure
- Not result in the loss of, obscure, or otherwise detract from, architectural features which contribute to the quality of the existing building
- Retain characteristic townscape spaces or gaps between buildings
- Not involve the infilling, enclosure or harmful alteration of front lightwells.
- Be confined to the rear in most cases
- Be clearly subordinate to the existing building in scale and design
- Incorporate a high standard of thermal performance and appropriate sustainable design features.

5.4. Section 16.10.12 states that extensions will be granted only where the planning authority is satisfied that the development will;

- Not have an adverse impact on the scale and character of the dwelling.
- Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.

5.5. Appendix 17 adds that domestic extensions should

- Not have an adverse impact on the scale and character of the dwelling.
- Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.

- Achieve a high quality of design.

5.6. **Natural Heritage Designations**

Not relevant.

5.7. **EIA Screening**

5.8. Having regard to the location of the site in an area zoned for residential development and the availability of public piped services to serve the proposed development I conclude that no significant environmental impacts will arise and the requirement for the submission of an EIAR may be discounted at a preliminary stage.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- The appellants live at 8, 9 and 10 Glenavy Park to the rear of the application site.
- The dormer windows will unacceptably impact on the amenity of the appellants' property by overlooking of kitchens, bedrooms and back gardens.
- The Glenavy houses are at a higher elevation than the houses on Lavarna Grove exacerbating the overlooking impact.
- There are no other dormer windows on the houses on Lavarna Grove. There are some Velux windows.
- The overlooking impact is not similar to that from rear facing first floor windows as stated in the planner's report.

6.2. **Applicant Response**

- None

6.3. **Planning Authority Response**

- None

6.4. **Observations**

- None

7.0 **Assessment**

7.1. **Planning Authority's Conditions**

7.2. The application site comprises one of a pair of semidetached houses dating from about the 1960's. There is a single storey structure with a flat roof to the side which comprises a study, lobby, utility room and playroom. The proposed development (briefly) comprises the construction over the flat roof of two bedrooms and an attic room accessed by a new internal staircase.

7.3. The attic room and the new internal staircase requires the alteration of the angle/pitch of the hipped roof from 45° so that it is slightly more obtuse than the existing roof on number 19 or as the adjoining number 18 will remain. There is some variation in roof types in the area including pitched roofs and perpendicular gable ends. The Development Management Guidelines for Planning Authorities (2007) make the point that planning conditions should be necessary to achieve a clear planning outcome. In the present case I consider that the amended hipped roof as proposed in the application will be barely noticeable when viewed from the public realm but contrarywise condition 5 of the planning authority's decision severely limits the utility of the improved accommodation the application is designed to achieve.

7.4. I conclude therefore that condition 5 of the planning authority's order should be omitted by the Board.

7.5. Condition 4 seeks to limit the use of the additional accommodation. This condition fails to comply with the advice (paragraph 7.8) of the Development Management Guidelines for Planning Authorities (2007) in that conditions attached to grants of planning permission should not refer to other codes where more specific controls apply. In this case the applicant has separate responsibilities under the building regulations in relation to the quality of accommodation being constructed.

- 7.6. I conclude therefore that condition 5 of the planning authority's order should be omitted by the Board.
- 7.7. **Impacts on Adjoining Property.**
- 7.8. The appeal makes the point that the proposed development will unreasonably impact on the amenity of 3 houses on Glenavy Park by reason of overlooking from the proposed two rear dormer windows. There is a robust largely evergreen boundary between the application site and houses to the rear which obstructs views from the application site.
- 7.9. It is a rule of thumb that 22m meters separation distance between first floor opposing rear windows is adequate to protect the amenity of dwelling houses. The application site shares the rear boundary with numbers 8 and 9 Glenavy Park. The distance from the proposed dormer windows to the rear boundary of the application site is about 21m. Notwithstanding the higher elevation of the proposed dormer windows over standard first floor rear facing windows and the difference in site levels referenced by the appeal, and having regard to the existing boundary screening along the rear site boundary I conclude that the proposed dormer windows do not have the capacity to seriously injure the residential amenity of property to the rear of the application by reason of overlooking.
- 7.10. **Appropriate Assessment Screening**
- 7.11. Having regard to the nature and scale of the proposed development, the foreseeable emissions therefrom, and nature of the receiving environment, 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

- 8.1. I recommend a grant of permission.

9.0 Reasons and Considerations

9.1. The proposed development is in an area zoned to protect, provide for and improve residential amenity Dublin City Development Plan 2016-2022. Having regard to the pattern of development in the area, the relatively modest scale of the proposed development and its separation distance off the site boundaries and subject to compliance with the conditions set out below, it is considered that the proposed development will not seriously injure the visual or residential amenity of the area, will accord with the zoning objective for the area and will, otherwise, accord with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwelling, including window and door joinery, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>

4.	<p>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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
5.	<p>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.</p> <p>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.</p>

Hugh Mannion
Senior Planning Inspector

10th May 2021