



An
Bord
Pleanála

Inspector's Report ABP-309927-21.

Development	Extension and attic conversion.
Location	4 Castle Riada Avenue, Lucan, Co. Dublin.
Planning Authority	South Dublin County Council.
Planning Authority Reg. Ref.	SD21B/0022.
Applicant	Jing Wu.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party
Appellant	Paul and Olive Rafferty.
Observer	None.
Date of Site Inspection	29 May 2021.
Inspector	Mairead Kenny.

1.0 Site Location and Description

- 1.1. The subject dwelling house is located in Castle Riada Avenue in Lucan Co Dublin. To the rear of the subject house is a pair of semi-detached houses and similar forms of development are located to the north-west, north-east (where the appellant resides) and east.
- 1.2. The stated floor area of the existing dwelling house is 87 m². The subject site has an unusual rear garden configuration and in terms of its shape is an inverted L shape. The overall plot is 0.0322 hectares.

2.0 Proposed Development

- 2.1. Permission is sought for the following:
 - 67 m² ground floor extension to the rear and side
 - a first floor 18 m² extension to the side
 - a 41 m² attic conversion.

The completed dwelling house would contain six bedrooms. The majority of the ground floor extension comprises an open plan kitchen diner and at the ground floor level to the side it is proposed to construct a bedroom and playroom and at first floor level a bedroom and bathroom.

The attic conversion would extend over the existing house and over the first-floor proposed extension. A dormer window is proposed at the rear.

The remaining rear garden area is stated to be 92m².

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to conditions relating to services, external finishes, use as a single dwelling unit and financial contributions.

Condition 2 refers to an amendment to a bathroom window on the side elevation to include obscure glazing.

Condition 3 requires that the dormer window be in excess of 100 mm below the ridge line of the existing dwelling and in excess of 100 mm from the gable ends of the existing dwelling.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The following comments are included in the planner's report:

- Section 2.4.1 and policy H18 refer. It is policy to favourably consider proposals to extend dwellings subject to protection of residential and visual amenity and compliance with standards and guidance.
- Elements of the House Extension Design Guide (2010) are noted.
- Noting the creation of a six-bedroom house it is stated that the rear amenity space exceeds the minimum standards.
- Referencing the side extension, the subsequent distance to the adjacent dwelling from the property boundary is noted to be 6.97m.
- Various references are made to the rooms proposed satisfying the required internal standards.
- Regarding the rear dormer the side window must be of obscure glazing and the proposed dormer must be below the ridge line by at least three tiles/100 mm.
- The dormer is appropriately positioned in excess of 100mm from the gable ends of the existing dwelling.
- The development conforms to the South Dublin House Extension Design Guide and development plan.

3.2.2. Other Technical Reports

The Roads Department sets out requirements relating to road opening licences.

The Water Services Planning Section notes that no surface water drainage plans have been submitted. Standard requirements are set out.

3.3. Prescribed Bodies

Irish Water set out standard requirements.

3.4. Third Party Observations

An observation from the owner/occupier of 23 Castle Riada Crescent states:

- The proposed development is too large for the size of the property and is completely out of character.
- Will impact on the light into the rear of my house and increased dampness in my garden.
- The new bathroom window will be too close to my property.
- Undesirable precedent.
- Does not comply with building regulations.

An observation from the owner/occupier of 30 Castle Riada Crescent states:

- My concern is the dormer which is visually too big and intrusive and will overlook all the back gardens including my house.
- Completely out of character.

An observation from the owner/occupier of 25 Castle Riada Crescent (appellant) states:

- The proposed dormer is visually intrusive and oversized.
- The dormer will directly overlook the house to the rear.
- The proposed enlarged dormer windows will overlook our rear garden and invade privacy.
- Inadequate information on proposed materials, finishes and drainage.
- Does not comply with building regulations.
- It would set a negative precedent for similar standard attic developments.
- We request that the dormer window and second floor development be omitted.

4.0 Planning History

There is no recent relevant planning history.

5.0 Policy Context

5.1. Development Plan

The current development plan is the South Dublin County Council Development Plan, 2016 – 2022 under which the site is within an area subject to the zoning objective: RES – To protect and improve residential amenities.

Policy H18-Objective 2 is to favourably consider extensions subject to the protection of residential and visual amenities and compliance with the standards for residential extensions are provide for in Chapter 11 and the House Extension Design Guide 2010. Section 4 of this guidance relates to attic conversions and dormer windows.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal is lodged by the owner/occupier of 25 Castle Riada Crescent and includes the following points:

- The development is visually incongruous, particularly the dormer extension. The rear dormer extension would set an undesirable precedent and fails to comply with the House Extension Design Guide. The dormer windows are not as far back as possible from the eaves, are not in alignment and are out of proportion and character with the fenestration of the existing houses.
- The proposal fails to avoid being a large and dominant roof extension, the dormer windows are over scaled, and the development is not representative of good design.
- The proposal fails to avoid extending the full width of the roof or right up to the gable ends and fails to avoid creating the impression of a flat roof.

- The development will fail to meet building regulation requirements. Detailed comments are made in respect of the submitted drawings and the requirements in respect of fire and ventilation.

6.2. **Applicant Response**

None received.

6.3. **Planning Authority Response**

None received.

6.4. **Observations**

None.

7.0 **Assessment**

- 7.1. The proposed development constitutes a very significant extension to this house, representing more than doubling in size and resulting in the provision of six bedrooms. I note that the planner's report refers to the rooms being of acceptable standard, which I take to mean a reference to development plan floor area requirements. I agree that the general configuration of the rooms is acceptable and having regard to the availability of open space I have no objection in principle to the overall development.
- 7.2. I consider that the following two elements of the proposed development require further consideration in the context of the visual and residential amenities of adjacent properties:
- the scale and design of the dormer extension
 - the first-floor extension.
- 7.3. In my opinion notwithstanding the comments outlined in the planner's report, which I have summarised above, the proposed development does not comply with section 4 of the House Extension Design Guide. I do not propose to provide a detailed analysis of the development in the context of the Building Regulations, which are a

separate code. However, I note the requirement in section 4 to comply with the fire safety and stairs requirements. I note the comments made in observations and the appeal in relation to the shallow pitch of the roof and the 2.2m measurement. The decision of the planning authority would require further reduction in the height of the dormer in order to comply with the design guidance relating to the height of dormer structures.

- 7.4. The substantive issue relating to the dormer extension however concerns compliance with the House Extension Design Guide. I consider that the proposed development by reason of its width and fenestration fails to meet a number of aspects of the design parameters outlined in section 4. I consider that it obscures the main ridge and eaves, extends the full width of the roof and that the proposed first floor extension is overly dominant. I consider that the modifications which would be required to comply with the development plan guidance would be substantial. In the context of the scale of the overall development and having regard to the matter of precedent, I recommend that the dormer be omitted in its entirety.
- 7.5. Having regard to the pattern of development and the separation distances from the rear of dwellinghouses, I do not consider that the first-floor extension would constitute an unacceptable form of development. I have considered the third-party comments in this respect and in particular I note that the first-floor extension does not extend beyond the rear building line of the original dwellinghouse.
- 7.6. In relation to the first-floor extension and its impact on the front elevation, I consider that it is acceptable and that it would not be out of keeping or otherwise intrude on the amenities associated with nos. 5 and 6. I have considered whether there would be any benefit to a condition requiring that the first floor be finished with a hipped roof at a lower level than the existing roof. On balance, I have concluded that this option would not necessarily be preferable to extending the existing roof profile across the entire house. I therefore drafted a condition reserving the design of the revised roof to be agreed with the planning authority.
- 7.7. I consider that the development is otherwise acceptable.
- 7.8. 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

8.1. I recommend that the Board uphold the decision of the planning authority to grant permission for the reasons and considerations and subject to the conditions below.

9.0 Reasons and Considerations

Having regard to the South Dublin County Council Development Plan, 2016-2022 and the location of the site in an area subject to the zoning objective, RES: *'to protect and or improve the residential amenity'* 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 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. Prior to the commencement of the development the applicant shall submit and agree in writing with the planning authority, a revised plan, and elevation drawings which shows the following modifications.

- (a) The attic conversion and dormer window shall be omitted.
- (b) The roof of the first-floor extension shall be revised accordingly.
- (c) The windows in the first floor bathrooms shall be fitted with obscure glazing.

Reason: In the interest of the visual and residential amenities of adjoining properties.

3. 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.

4. 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.

5. Site development and building works shall be carried out only 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.

6. 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.

Mairead Kenny
Senior Planning Inspector

30 May 2021