



An
Bord
Pleanála

Inspector's Report ABP-310095-21

Development	Permission for amendments to previously granted application, consisting of 2 new dormer windows.
Location	4 Saval Park Road, Dalkey, Co. Dublin.
Planning Authority	Dun Laoghaire/Rathdown County Council
Planning Authority Reg. Ref.	D21B/0050.
Applicant	Karolina Lynch.
Type of Application	Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	First Party (against conditions)
Appellant	Karolina Lynch
Observers	None
Date of Site Inspection	12 th June 2021
Inspector	Philip Davis.

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1.0 Introduction

This appeal (under s.139 of the Act) is against a condition set by the planning authority to reduce the size of altered dormer windows in a permitted dwelling. The applicant argues that the condition is inconsistent with other decisions in the area and would have negative impacts on the overall design.

2.0 Site Location and Description

2.1. Saval Park Road

Saval Park Road, Killiney is a suburban link road running south from Barnhill Road to the main entrance to Killiney Hill. The area is characterised by mostly large, detached dwellings on substantial sites dating from the mid to later 20th Century, although a number of houses in the area may predate this period as the road appears to have been laid out in the later 19th Century following the establishment of the railway to Dublin. The appeal site is located on the western side of the road about a third of the way along its length from Barnhill Road. To the rear of the house is

2.2. Appeal site

The appeal site is a substantial semi-detached dwelling on a site with an area given as 0.5991 hectares. The site is long and narrow with similar houses on either side and Proby Park to the rear. The house has a floor space of 259 m² and appears to date from around the mid 20th Century. It is 3 bay and 2 storey in height.

3.0 Proposed Development

The proposed development is described on the site notice as follows:

Amendments to previously granted application no. D20B/0300, which will consist of two no. of dormer windows, one to the front, one to the rear of existing roof, and 3 no. of vellum windows, two to the front, one to the side of existing roof.

4.0 **Planning Authority Decision**

4.1. **Decision**

The planning authority decided to grant permission subject to three conditions. Condition 2 altered the design and size of the proposed dormer windows.

4.2. **Planning Authority Reports**

4.2.1. Planning Reports

- Notes the existing permission for a single storey rear extension, new shed, etc.
- Notes no objections to the proposal.
- Outlines the policy context.
- No concern with overlooking or residential amenity, but discrepancies noted in the plans – one indicating a width of 5.305 metres, the other c. 4.8 metres.
- It is considered that the dormer should be set back and reduced in size to ensure it is not overly dominant on the roof shape.
- It is not considered that there are any other issues with the application.

4.2.2. Other Technical Reports

Drainage: No objections.

4.3. **Prescribed Bodies**

None.

4.4. **Third Party Observations**

None.

5.0 Planning History

D20B/0300 – Granted – single storey rear extension, new shed to the rear garden which consists of home office/gym and storage.

6.0 Policy Context

6.1. Development Plan

The site is zoned under Zoning Objective A, which seeks ‘to protect and /or improve residential amenity’. The planning authority consider relevant policies and guidance to be set out in Chapter 8 of the Dub Laoghaire-Rathdown County Development Plan 2016-2022.

6.2. Natural Heritage Designations

The appeal site is around 2 km from Dalkey Island and the sea, which is designated SAC – Rockabill to Dalkey Island SAC site code 003000 and SPA – Dalkey Islands SPA site code 004172. The works are minor in nature and on an already developed site and there are no pathways for pollution or any indication that habitats or species associated with either designated habitat would be affected by the proposed works.

I therefore consider that it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 004172 or any other European site, in view of the site’s Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

6.3. EIAR

Having regard to the nature of the proposed development and the absence of any sensitive receptors in the immediate vicinity, the development would not result in a real likelihood of significant effects on the environment. The need for environmental

impact assessment can, therefore, be excluded and a screening determination is not required.

7.0 The Appeal

7.1. Grounds of Appeal

Only condition 2 is appealed.

- Notes that other dwellings in the area have similarly scaled dormer windows – four planning permissions quoted (photos of three attached).
- Notes that the house is set back 30 metres from the rear dormer so there are no visual impacts.
- Notes that nobody objected to the design.
- It is noted that the dormer would be below the roofline.
- It is argued that the additional glazing looks light and modern.
- It is noted that Chapter 3, Section 8.2.3.4 of the CDP states that the key consideration is the quality of materials/finish. It is argued that the proposed development will use a high quality of materials and finish.
- It is restated that while it is acknowledged the dormer is large, it is not out of scale with the proportions of the existing building.
- It is argued that the condition would reduce the overall quality of the dwelling (notes Interim Housing strategy).

7.2. Planning Authority Response

It is not considered that the grounds of appeal raise any matter that would justify a change of attitude to the proposed development.

7.3. Observations

None

8.0 Assessment

- 8.1. This appeal is against a condition set by the planning authority, i.e. under S. 139 of the Act as follows:

139.—(1) Where—

(a) an appeal is brought against a decision of a planning authority to grant a permission,

(b) the appeal relates only to a condition or conditions that the decision provides that the permission shall be subject to, and

(c) the Board is satisfied, having regard to the nature of the condition or conditions, that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted, then, subject to compliance by the Board with subsection (2), the Board may, in its absolute discretion, give to the relevant planning authority such directions as it considers appropriate relating to the attachment, amendment or removal by that authority either of the condition or conditions to which the appeal relates or of other conditions.

(2) In exercising the power conferred on it by subsection (1), apart from considering the condition or conditions to which the relevant appeal relates, the Board shall be restricted to considering—

(a) the matters set out in section 34(2)(a), and

(b) the terms of any previous permission considered by the Board to be relevant.

- 8.2. I am satisfied that the determination by the Board of this application as if it had been made to it in the first instance would not be warranted. I will therefore confine myself to the issues raised by the appellant with regard to condition 2 only.

- 8.3. Condition two of the permission states:

The proposed dormer to the rear reduced in width to a maximum of 3.8 m externally and set back from the adjoining dwelling by a minimum of 1m. The windows are to be reduced to a size and style in keeping with the existing fenestration to the rear. Internally in the rear dormer the floor to ceiling height shall be reduced to a

maximum of 2.4 metres, which will result in the external façade also reduced in height. The proposed front dormer which projects out from the roof shall not exceed the ridge height of the front gable. Details and revised drawings of these amendments shall be submitted by way of compliance for the written agreement of the planning authority.

Reason: *In the interest of residential amenity.*

- 8.4. The planning authority did not consider that the proposed alterations to the existing planning permission raised any amenity or other planning issues, but consider the dormers to be out of scale with the overall area and require some scaling back. The size is certainly significant and beyond what would normally be considered a dormer window. The applicant acknowledges this, but emphasises that the overall orientation of the house, the surrounding trees, and the size of the plot ensures that there are no visual impacts as it will not be visible from the street or other key vantage points. The applicant also emphasises the use of good quality materials and the visual benefits of large glazing. The applicant also notes a number of examples of quite large dormers in the area although I would only consider one (6 Saval Park Road) to be comparable.
- 8.5. The planning authority's concerns about the scale and size are understandable and I would concur to some extent with their obvious intent to ensure that such roof extensions are proportional in scale and do not wish to set undesirable precedents for large dormers which may be poorly designed and executed. But in this context I would consider that each application should be addressed on its own merits as I am satisfied that the design as submitted would not impact on the overall visual amenities of the area as it would at most only be visible from the rears of some of the neighbours gardens. There is a substantial tree and hedge barrier between the site and Proby Park so there are no clear views of the rears of these dwellings that I could identify. I should state that it should not be assumed from their failure to submit an observation that they are entirely supportive of any such development.
- 8.6. I would consider this to be quite a subjective choice, but in this example, on the basis of the overall good quality of the design of the overall development, I would consider it reasonable to delete condition 2 of the permission. I do not consider that

permitting it as submitted would represent an unacceptable precedent for other such developments and I do not consider that it would result in unacceptable visual impacts. I therefore recommend that the Board uses its powers under S.139 to delete condition 2 of the permission.

9.0 Recommendation

I recommend that the Board, under its powers under Section 139 of the 2000 Act, as amended, direct the planning to delete condition to delete condition 2 of permission reference D21B/0050.

Philip Davis
Planning Inspector

14th June 2021.