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| <b>Development</b>                  | Proposed extension to rear of house at ground floor and first floor together with new box dormer type extension on rear roof pitch.                    |
| <b>Location</b>                     | 77 Bettyglen, Raheny, Dublin 5.  |
| <b>Planning Authority</b>           | Dublin City Council.   |
| <b>Planning Authority Reg. Ref.</b> | WEB 1205/21.   |
| <b>Applicant</b>                    | Richard Carrick.   |
| <b>Type of Application</b>          | Permission.  |
| <b>Planning Authority Decision</b>  | Grant.   |
| <b>Type of Appeal</b>               | First Party -v- Condition, Third Party -v- Grant.  |
| <b>Appellants</b>                   | Richard Carrick (1 <sup>st</sup> Party), (i) John and Fionnuala Brennan, (3 <sup>rd</sup> Party) (ii) Gerard and Treasa Kelly (3 <sup>rd</sup> Party). |
| <b>Observers</b>                    | None.  |
| <b>Date of Site Inspection</b>      | 21 <sup>st</sup> September, 2021.  |
| <b>Inspector</b>                    | Paul Caprani.  |

# Contents

|  |    |
|--|----|
| 1.0 Introduction .....                   | 3  |
| 2.0 Site Location and Description .....  | 3  |
| 3.0 Proposed Development .....           | 4  |
| 4.0 Planning Authority Decision .....    | 4  |
| 4.1. Decision .....                      | 4  |
| 4.2. Planning Authority Assessment.....  | 5  |
| 5.0 Planning History.....                | 6  |
| 6.0 Grounds of Appeal.....               | 6  |
| 6.1. Grounds of First Party Appeal ..... | 6  |
| 6.2. Grounds of Third Party Appeal.....  | 7  |
| 7.0 Appeal Responses.....                | 9  |
| 8.0 Development Plan Provision.....      | 11 |
| 9.0 EIAR Screening .....                 | 13 |
| 10.0 Planning Assessment.....            | 13 |
| 11.0 Appropriate Assessment .....        | 19 |
| 12.0 Conclusions and Recommendation..... | 19 |
| 13.0 Reasons and Considerations .....    | 20 |
| 14.0 Conditions .....                    | 20 |

## 1.0 Introduction

- 1.1. ABP310298-21 relates to a first party appeal against a condition and two third party appeals against the decision of Dublin City Council to grant planning permission for a proposed dormer window within the rear roof pitch of an existing dwelling together with a number of rooflights to provide an additional bedroom at attic level. Dublin City Council issued notification to grant planning permission subject to 8 conditions.
- 1.2. Condition No. 6 set out a number of restrictions on the size and scale of the rear dormer extension. The planning application site is located at No. 77 Bettyglen a suburban area of Raheny in north-east Dublin.

## 2.0 Site Location and Description

- 2.1. The Bettyglen residential estate is located off the Howth Road in the suburban area of Raheny approximately 7.5 kilometres north-east of Dublin City Centre. The Bettyglen Estate dates from the latter 20th century (1970s/80s). The dwellings within the estate comprise of two-storey red bricked semi-detached houses set around cul-de-sacs. No. 77 is located at the eastern end of a cul-de-sac which is linked to the Howth Road via Maywood Grove and Maywood Road. It forms the western side of a pair of semi-detached dwellings which face northwards onto the access road. The turning head associated with the cul-de-sac is c.40 metres west of the site beyond which the James Larkin (Clontarf Coastal Road) is located.
- 2.2. No. 77 has a driveway c.8 metres in depth and incorporates a single storey extension to the rear which accommodates a dining and kitchen area. The first floor has a smaller footprint than the ground floor and accommodates four bedrooms and a bathroom. A small storage area is already provided in the attic area. This area is served by a number of rooflights in the rear roof pitch. The back garden has a length of 7.5 metres.
- 2.3. According to the planning application form, the site has a total area of 269 square metres and the gross floor area of the existing dwelling on site is just over 150 square metres.

### 3.0 Proposed Development

- 3.1. Planning permission is sought to extend the proposed dwellinghouse to the rear. At ground floor level it is proposed to extend out the entire dining room/kitchen area along the rear width of the dwelling by an additional 1 metre. At first floor level it is proposed to extend the dwellinghouse to the rear by 1.4 metres enlarging the existing two rear bedrooms and en-suite.
- 3.2. It is also proposed to provide a new dormer box window within the rear roof pitch at second floor level. The dormer box extension is to incorporate a flat roof with a floor to ceiling height of 2.425 metres in order to accommodate an additional fifth bedroom with associated landing and shower room. Two windows are proposed facing onto the rear garden of the dormer extension with two addition smaller windows on each side of the dormer box extension. The gross floor area of the dwelling as a result of the proposal is to increase by c.59 square metres to 209.8 square metres.

### 4.0 Planning Authority Decision

#### 4.1. Decision

- 4.1.1. Planning permission was granted for the proposed development subject to 8 conditions. It included Condition No. 6 which is set out in full below.

6. The development hereby approved shall adhere to the following:
- (a) *The dormer box extension shall be reduced to a maximum width of 4.3 metres measured externally.*
  - (b) *The dormer box should be setback from the existing eaves by a minimum of 1 metre.*
  - (c) *The dormer box extension shall have one window only. This window shall have a maximum dimension of 2 metres (width) by 1.5 metres (height).*
  - (d) *The proposed dormer windows in the gable walls of the proposed box extension shall be omitted.*

- (e) *The gable end window serving the proposed bathroom shall be permanently obscured.*
- (f) *The proposed two rooflights to be inserted into the front plain of the roof of the house shall be omitted.*
- (g) *The flat roof of the rear extension, following modifications indicated above shall not be used for recreational purposes and shall be accessible for maintenance purposes only.*
- (h) *The attic level shall not be used for human habitation unless it complies with the current Building Regulations.*
- (i) *The windows to the attic development including the dormer windows shall be permanently fitted with opaque glazing to at least 1.8 metres above the finished floor level.*
- (j) *All elevations, fascia/soffits, rainwater goods, window frames, glazing bars shall be finished in a dark colour so as to blend in with the existing roof finish. No white uPVC shall be used.*
- (k) *The rear dormer shall not accommodate solar panels whether or not they would exempted development under the Planning and Development Act 2000 (as amended).*
- (l) *The proposed development shall be modified internally and externally in order to be consistent with the above.*

**Reason:** *In the interest of visual amenity and the proper planning and sustainable development of the area.*

#### **4.2. Planning Authority Assessment**

- 4.2.1. A report from the Engineering Department – Drainage Division states that there is no objection to the proposed development subject to standard conditions.
- 4.2.2. A number of letters of objection were submitted raising amenity concerns. The contents of these letters of objection have been read and noted.
- 4.2.3. The planner's report details the proposed extension and dormer box extension. While it is considered that the proposed two storey rear extension is not considered

excessive, however its projection through the rear plane of the roof of the house is considered excessive and requires modifications. With the incorporation of these modifications as set out in Condition No. 6, it is considered that the proposed development would be acceptable. Therefore, Dublin City Council issued notification to grant planning permission for the proposed development subject to the incorporation of modifications set out in Condition No. 6 outlined above.

## 5.0 Planning History

No history appeal file cases are attached. Reference is made in the planner's report to Reg. Ref. 2065/05 where planning permission was granted for the construction of a single storey bay window with sloping roof at the existing porch to the front of the house together with a widening of the vehicular access.

## 6.0 Grounds of Appeal

### 6.1. Grounds of First Party Appeal

6.1.1. A first party appeal was submitted on behalf of the applicant by John Henry Architect specifically in relation to Condition No. 6. The specific aspects of Condition No. 6 which are the subject of the first party appeal are set out below.

- Condition 6(a) This condition requires a reduction in the external width of the dormer box by 2.325 metres (6.625 metres reduced to 4.3 metres). The applicant would be willing to accept a reduced width of 6 metres as this is seen as a reasonable compromise. It is stated that there are a number of planning applications in the wider area where dormer boxes of a width such as that proposed were permitted. Reference is made to 1368/20 and 2628/08.
- The reduction imposed by the Planning Authority will have the effect of reducing the overall floor area that it would render the space as not being feasible. It is also argued that the carrying out of works incorporating such a small dormer box would not be financially feasible.
- In relation to Condition No. 6(c), it is considered that the incorporation of one window as opposed to two is unfair. There are a number of precedents where

the Planning Authority have permitted two windows instead of one in the dormer box on the rear roof pitch.

- Condition No. 6(f) requires no rooflights on the front plain of the roof. It is considered that this is not justified. The only purpose of this is to provide daylight over the stairwell. The rooflights will not result in any overlooking of private open spaces.
- Condition No. 6(i) requires the incorporation of obscure glass for the attic window. It is considered that this is totally unacceptable. Again, reference is made to a number of existing extensions where such a condition was not imposed. It is stated that a significant number of neighbours have received planning permission for similar type extensions where such a condition was not imposed.
- It is stated that the extension in question is specifically to facilitate a member of the applicant's family who has a medical condition. The proposed attic space is to be provided specifically as a bedroom that can accommodate exercise equipment and an air purifier and store for daily medications. An en-suite bathroom would also be of great benefit for the family member's medical condition.
- The grounds of appeal go on to cite numerous precedent decisions where planning permission was granted for developments of a similar size and scale to that proposed. A number of photographs of similar type developments in the immediate and wider area are contained in the grounds of appeal.

## **6.2. Grounds of Third Party Appeal**

### **6.2.1. Appeal by Gerard and Teresa Kelly of No. 76 Bettyglen**

- Concerns are expressed in relation to the size and scale of the development over three floors. It is argued that this will reduce the value of the appellants' house compared with other houses in the vicinity.
- The proposed first floor protruding extension will take away views of Dollymount and Dublin Bay which the appellants have enjoyed for 24 years.

- The size and scale of the proposed development will give rise to loss of daylight and sunlight and give rise to overshadowing, particularly to the appellants' kitchen area. It is argued that the appellants will lose all the morning sunlight in the kitchen and back bedrooms.
- No details are provided in respect of any drainage on site. It is stated that the combined sewer that serves houses in the vicinity incorporate inspection chambers with the exception of the applicant's house where the existing ground floor extension has covered the inspection chamber. The extra burden of the proposed new bathrooms is likely to compound and exacerbate blockages in the combined sewer. It is not possible that the development will be drained on a completely separate system as stipulated in Condition No. 7(b) as a combined drain serves the dwellings. The incorporation of steel 'U beams' in the construction of the extension could pose a serious risk to the ongoing integrity of the drainage system. Concerns are expressed that the first-floor extension could be used for recreational purposes which would impact on the privacy and enjoyment of the appellants' garden.

### **Appeal by John and Fionnuala Brennan**

These appellants live at No. 78 Bettyglen, Raheny.

- This appeal also expresses concerns in relation to the imposing nature of the development which is spread over three floors. It is argued that the appellants' ground floor window is a mere 0.5 metres from the boundary wall and the first floor bedroom is only 0.85 metres from the boundary wall.
- The proposal will give rise to a significant loss of light and overshadowing.
- The drawings have failed to show details of the guttering and how common guttering between the semi-detached dwellinghouses will be configured as a result of the proposed extension.
- Similar concerns are expressed in respect of foul sewer drainage arrangements as referred to in the previous appeal. Concerns are also expressed that the extension at first floor level could be used for recreational purposes which will give rise to overlooking.



- Finally, it is argued that the proposed development is incongruous in terms of its setting within the rear elevations of existing houses along Bettyglen. There are no similar examples of extensions of this size and scale in the case of the houses on Bettyglen.

## **7.0 Appeal Responses**

### **7.1. First Party's Response to Grounds of the Third Party Appeal**

7.1.1. In relation to the appeal submitted by the residents of No. 78 Bettyglen the following points are made.

- It is not considered that the development will be imposing as the extension beyond existing building lines is not significant. For this reason the proposal will have little impact on the visual amenities of the area. Any impact on daylight and sunlight will be marginal as the increase in depth at first floor level is a mere 1.4 metres.
- Any issues in relation to rainwater run-off from the roofs will be addressed by the building contractor.
- There will be no extra burden on the sewage system as the number of occupants in the house will not increase. All drainage requirements will be met. The applicant's engineer has ensured us that there will be no additional loading as a result of the first floor extension and therefore there will be no impact on the integrity of the sewer pipe.
- The applicant is happy to accept a condition incorporating a sloped roof to ensure that the roof is not used for amenity purposes.

7.1.2. In relation to the submission by the appellants of No. 76 Bettyglen the following points are made:

- It is stated that rather than depreciate the value of adjoining houses the proposed extension would increase the overall value of houses on the road.
- The proposal would have very little impact on views of Dollymount and Dublin Bay. As the rear extension would only extend a mere 1.4 metres there is only a partial view of Dollymount and Dublin Bay from the first floor.

- It is reiterated that any impact on daylight and sunlight would be very small.
- Any potential impacts on the sewage system or sewage infrastructure would be negligible for reasons outlined above.
- Finally, it is stated having regard to the modest nature of the proposed extension it is considered that the back of the house would remain aesthetically pleasing.

## **7.2. Third Party Responses to the Grounds of the First Party Appeal**

- The response from the appellants of No. 78 Bettyglen makes reference to the policies contained in the Dublin City Development Plan particularly under Section 17.11 relating to roof extensions. It is considered that the dormer box as proposed would be visually detrimental to the amenities of the area. It is considered that the other conditions attached are appropriate in order to ensure that the dormer box extension is visually subordinate to the roof slope and in order to protect the amenity of adjoining dwellings.
- The response on behalf of the residents of No. 76 Bettyglen reiterate concerns in relation to the imposing nature of the development and the visual impact which will result. Reference is again made to the loss of daylight and sunlight on adjoining properties.
- It is also argued that the development as proposed does not appear to comply with the guidelines for residential extensions contained in the development plan. Many of the precedents referred to in the grounds of the first party appeal relate to developments which are granted in excess of a decade earlier. Any precedents referred to should be in the context of the existing development plan. It is reiterated that there are no three storey extensions, no first floor extension and no dormer extensions among the neighbouring houses. The proposed development as it stands will significantly detract from the appellants' enjoyment of their own property.

## 8.0 Development Plan Provision

8.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022. The subject site is governed by the zoning objective Z1.

8.2. Section 16.2.2.3 relates to alterations and extensions. It states that Dublin City Council will seek to ensure that alterations and extensions will be sensitively designed and detailed to respect the character of the existing building, its context and the amenity of adjoining occupiers.

8.3. In particular extensions should:

- Respect any existing uniformity of the street, together with significant patterns, rhythms or groupings of buildings.
- Retain a significant proportion of garden space, yard or other enclosure.
- Not result in the loss of, obscure, or otherwise detract from the 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.
- Furthermore, extensions should 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.

8.4. In addition to the above, alterations and extensions at roof level, including roof terraces are to respect the scale, elevation proportions and architectural form of the building and will:

- Respect the uniformity of terraces or groups of buildings with a consistent roofline and not adversely affect the character of terraces with an attractive varied roofline.
- Not result in the loss of roof forms, roof coverings or roof features where they are of historic interest or contribute to the local character and distinctiveness.

- 8.5. Section 16.10.12 of the Development Plan also relates to extensions and alterations to dwellings.
- 8.6. The design of residential extensions should have regard to the amenities of adjoining properties and in particular the need for light and privacy. In addition, the form of the existing building should be followed as closely as possible, and the development should integrate with the existing building through the use of similar finishes and windows. Extensions should be subordinate in terms of scale to the main unit.
- 8.7. Applications for planning permission to extend dwellings will only be granted where the Planning Authority is satisfied that the proposal will:
- Not have an adverse impact on the scale and character of the dwelling.
  - Not adversely affect the amenities enjoyed by occupants of adjacent dwellings in terms of privacy, access to daylight and sunlight.
- 8.8. Appendix 17 also provides additional guidelines in relation to alterations and extensions to dwellings.
- 8.9. It notes that the roofline of the building is one of the most dominant features and it is important that any proposal to change the shape, pitch, cladding or ornament of the roof is carefully considered. If not treated sympathetically, the dormer extension can cause problems for immediate neighbours in the way that the street is viewed as a whole.
- 8.10. When extending the roof the following principles should be observed.
- The design of the dormer should reflect the character of the area, the surrounding buildings and the appearance of the existing building.
  - Dormer windows would be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible.
  - Any new windows should relate to the shape, size and position and design of the existing doors and windows on the lower floors.
  - Roof material should be covered with materials that match or complement the main building.
  - Dormer windows should be setback from the eaves level to minimise the visual impact and reduce the potential for overlooking of adjoining properties.

## 8.11. Natural Heritage Designations

- 8.11.1. The subject site is not located within or contiguous to a designated Natura 2000 site. The nearest Natura 2000 sites are located c.100 metres to the south-east namely the North Bull Island SPA (Site Code: 004006) and the North Dublin Bay SAC (Site Code: 000206).

## 9.0 EIAR Screening

Extensions and alterations to existing developments are not a class of development for which EIAR is required.

## 10.0 Planning Assessment

- 10.1. I have read the entire contents of the file, visited the subject site and its surroundings and have had particular regard to the issues raised in both the first and third party appeals and it is proposed to evaluate the proposed development in the context of (a) the issues raised in the third party appeal and if it is determined that the principle of the proposed development is acceptable, (b) the appropriateness of attaching the various stipulations contained in Condition No. 6 of the Planning Authority's grant of planning permission. The issues raised will be addressed under separate headings below.

- Principle of Development and Grounds of Third Party Appeal
- Grounds of First Party Appeal

### 10.2. Principle of Development and Grounds of Third Party Appeal

- 10.2.1. The subject site is located in an area zoned for residential development. Any extension or alteration to the existing dwelling is therefore an acceptable use under this zoning objective. Furthermore, there should be a reasonable expectation that a family would, subject to qualitative safeguards, be permitted to extend and alter a dwelling in order to cater for changing family needs as the need arises. Particularly in this instance as the applicant's family have a specific medical need and any requirements in this regard is in my view a material consideration in determining whether or not the size and scale of the proposed development is acceptable in this instance.

10.2.2. The principle therefore of extending the dwellinghouse is appropriate in my view subject to appropriate qualitative safeguards including adverse impacts on adjoining residential amenity. These issues are assessed in more detail below.

#### Impact on Visual Amenities of the Area

It is clear from the photographs attached, and in the drawings submitted, that a ground floor extension has already taken place to the rear of the building on the subject site. The entirety of the proposed development in this instance relates to the rear of the building and therefore is not readily visible from public vantage points along the roadway. Furthermore, the subject site is not located in an area that can be regarded or indeed is designated as a visually sensitive area (such as being located in a Residential Conservation Area/ACA etc.).

Furthermore, the size and scale of the proposed build out at ground floor and first floor level is relatively modest at 1 metre and 1.4 metres respectively. The most dominant aspect of the proposal is the larger dormer box to be located on the rear roof pitch which extends to a maximum height of almost 3 metres and projects a maximum depth at roof level of almost 4 metres. This in my view is a significant alteration to the existing roof. The Planning Authority have sought to reduce the visual impact arising from this proposal by reducing the size and scale of the dormer box. It is my considered opinion that if the Board accept a reduction in the size and scale as suggested by the Planning Authority, then the proposed alterations to the rear of the building would not constitute a significant adverse impact on the residential amenities of the area. The provision of modest sized dormer box extension to the rear of domestic dwellings is a common and ubiquitous feature throughout suburban areas on the north side of the city.

#### Impact on Views

One of the grounds of appeal expresses significant concerns that the proposed extension would severely impinge on views south-eastwards towards Dublin Bay and Dollymount Strand. Due to the layout and orientation of the existing dwellings, only oblique views are afforded from the rear bedroom windows of the houses at Bettyglen. The Board will also note that no party has a legal right to a view unless than particular view or prospect unless specifically listed for preservation in the development plan. The view in question is not listed. Furthermore, as referred to

above, a build out at first floor level of 1.4 metres is quite modest in extent. The oblique view afforded to the appellant in this instance as indicated in the pictures submitted is not of significant amenity value and must be balanced against any reasonable prospect of the applicant in this instance or indeed any owner/occupier of a dwellinghouse at Bettyglen to enlarge the household in order to cater for changing family needs. I would consider it disproportionate and therefore inappropriate to refuse planning permission for the proposed rear extension purely on the basis that it would to some extent impinge on the appellants' views in a south-easterly direction towards the coastal area from the rear bedroom windows of the adjoining dwellinghouse.

### Overshadowing

The rear elevations of the dwellings in question face in a south-westerly direction. As such, they are afforded good access to sunlight penetration throughout the day. Having regard to the limited extent and the depth of the extension it is apparent that any additional impact in terms of overshadowing would be modest in this instance. Having regard to the site's location in an urban environment being surrounded on both sides by dwellings which are in close proximity, it is inevitable that some additional (albeit minor) increases in overshadowing will take place as a result of the proposed development. However, it is not considered that the levels of additional overshadowing in this instance, again having particular regard to the modest extent of the increase in building depth, together with the orientation of the rear gardens, that any modest increase in overshadowing would be in any way detrimental to the residential amenities of either resident adjoining No. 77 Bettyglen. The impact in terms of overshadowing therefore in my view would be acceptable.

### Drainage Issues

Concerns are expressed that the proposed development could give rise to foul sewer drainage issues. It is argued that the proposal could exacerbate potential blockages in the foul sewage drainage system due to increased loadings and could also damage drainage infrastructure due to the use of 'U beams' and steel piers to support the proposed extension. In relation to these matters, I would request that the Board note that the Drainage Department of Dublin City Council had no concerns in relation to drainage matters.

In relation to concerns regarding extra burdens on the sewage infrastructure serving the houses in question the Board will note that while it is proposed to provide an additional bathroom at third floor level it is not proposed to increase the number of persons living in the house. As such the organic and hydraulic loadings associated with the wastewater treatment infrastructure will remain unaltered and the population equivalent associated with the dwelling will remain the same. In this regard, I do not consider that the proposed development poses any threat in terms of placing an extra burden on the foul infrastructure system. Finally, in relation to this matter I consider that there is no evidence to suggest that the proposed extension will present a threat or impact in any way on the integrity of the underlying foul drainage network. The applicant in the response to the grounds of appeal has submitted drawings indicating how underlying sewage infrastructure will be protected during the construction phase of the proposed development.

#### Other Issues

Finally, concerns were raised in the grounds of appeal that the roof area of the first floor level could be used as an amenity area which could adversely impact on privacy through overlooking of adjoining rear gardens. The Board will note from the drawings submitted that there is no direct access at first floor level from the dwelling onto the roof in question. Access would only be permitted through the windows proposed on the dormer box proposed on the rear roof pitch. No guard railings are proposed to be provided around the roof at first floor level. On this basis it is not tenable in my opinion that the modest area to be provided at first floor level would be used as an amenity area. In order to allay any concerns in this regard the Board should it consider it appropriate can attach a condition specifically stipulating that the roof level in question would not be used as an amenity area. Or if the Board consider it appropriate it could also attach a condition requesting that a monopitched roof be incorporated at first floor level to ensure that this area is not used as an amenity area. However, I consider that neither condition is necessary in this instance as there is no direct access to this first floor roof area other than access through a window.

Details in relation to guttering and roof drainage can be addressed at the construction phase. It constitutes a minor issue which would not form a reasonable basis for refusal of planning permission.



### 10.3. Grounds of First Party Appeal

10.3.1. The first party appeal specifically requested that the Board re-examine a number of subsections associated with Condition No. 6 namely Condition No 6(a), 6(c), 6(f) and 6(i). It consider that the Board can restrict its deliberations to these issues only.

#### Condition 6(a)

Condition 6(a) requires that the dormer box extension shall be reduced to a maximum width of 4.3 metres (measured externally). The grounds of appeal argue that this represents a significant reduction and that there are numerous precedents where Dublin City Council issued notification to grant planning permission for dormer boxes to the rear of dwellinghouses of a similar size and scale. It is also argued that the reduction would have the effect of reducing the overall floor area to such an extent that it would render the floorspace as not being feasible.

In relation to this issue, I would refer the Board to the provisions of Section 17.11 of the development plan (referred to above in section 8.10 of my report) which specifically relates to roof extensions. It acknowledges that dormer extensions of significant size and scale can cause problems for immediate neighbours and that the design of the dormer should reflect the character of the area. It suggests that any dormer windows should be visually subordinate to the roof slope and enable a large proportion of the original roof to remain visible. I would argue that in the case of the current application and appeal, the size and scale of the dormer box proposed would not result in a structure that is visually subordinate to the overall roof. It rises to a point just below the ridge height and is c.1 metre from the edge of the roof. It is clear from the proposed rear elevation that a large proportion of the original roof would not remain visible.

Over 50% of the original roof would be taken up by the dormer box. It is my considered opinion that a dormer box of the size and scale proposed is disproportionate in the context of the roof slope and would not result in a structure that is visually subordinate.

The grounds of appeal also suggest that a reduction in the size of the dormer box would result in space which would not adequately meet the need for which it was designed for. The Board will note from the drawings submitted that the proposed attic accommodation space amounts to 42 square metres. This is a very generous

space for living accommodation particularly a bedroom. I do not consider that a reduction in the width of c.2.3 metres of the dormer box would result in a space that is ultimately unusable as living accommodation or as a habitable room. I estimate that the reduction in the size of the dormer box to 4.3 metres would give rise to an overall space at second floor level of over 35 square metres. This in my view is ample room in order to accommodate the needs of any future occupants including an occupant with medical needs such as those described in the appeal.

For the above reasons therefore I consider that the reduction required by the Planning Authority is appropriate in this instance.

Condition No. 6(c) requires that the box window would have one window only. The window would have a maximum dimension of 2 metres width and 1.5 metres in height. If the Board agree that the overall width of the proposed dormer box should be reduced, it is in my view entirely appropriate that any such dormer would incorporate one window only in the interest of aesthetics. It is worth noting that the examples referred to by the architect in the photographs attached to the appeal incorporate one window on the dormer extension. Therefore, if the Board agree that a reduction in the size and scale of the dormer window is appropriate in this instance it would in my view also be appropriate to incorporate Condition 6(c).

Condition No. 6(f) requires the omission of the proposed rooflights to be inserted on the front plain of the roof.

Having inspected the site and the houses in the wider area I note that there is not one instance where rooflights have been incorporated in the front of the roof pitch. The incorporation of two rooflights therefore in the current application would in my view appear incongruous and would set an undesirable precedent for such lights. The proposed dormer box is south facing and therefore the derives good daylight and sunlight penetration. The proposed shower room is also served by a single window incorporating opaque glazing. It is my considered opinion that a single window to the rear of the dwelling would provide adequate daylight and sunlight penetration to serve the attic space. It is likely that the internal layout of the attic space may be required to be reconfigured perhaps to the extent that a separate landing area may not be required in any reconfiguration. As such the entirety of the

internal space could be illuminated with the incorporation of a south facing window on the dormer extension.

Condition 6(i) requires that the windows in the attic development including the dormer window shall be permanently fitted with opaque glazing to at least 1.8 metres above the finished floor level. The ground of appeal argue that the proposed development is unjust and unfair and will impact on the applicant's amenity.

Reference is also made to numerous planning precedent where such a condition was not attached where planning permission was granted for dormer windows.

I would generally agree that the incorporation of obscure glazing to serve a habitable room is not warranted in this instance. The separation distance between the window proposed and the dormer extension and the rear windows serving dwellinghouses facing onto Maywood Close to the south of the site is in excess of 22 metres. This in my view is an appropriate separation distance to ensure that no excessive overlooking takes place and that general levels of privacy are maintained. I therefore consider that the Board could consider omitting this aspect of Condition No. 6.

## **11.0 Appropriate Assessment**

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity to the nearest European site, 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.

## **12.0 Conclusions and Recommendation**

Arising from my assessment above I consider that the Board should uphold the decision of the Planning Authority and grant planning permission for the proposed alterations and extension to the existing dwelling at No. 77 Bettyglen, Raheny together with slight alterations to Condition No. 6 based on the reasons and considerations set out below.

## 13.0 Reasons and Considerations

Having regard to the Z1 zoning objective relating to the site and the nature and extent of the proposed development it is considered that the proposal subject to conditions set out below would not seriously injure the amenities of the area or property in the vicinity, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience.

## 14.0 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. The development hereby approved shall be amended as follows:
  - (a) The dormer box extension shall be reduced to a maximum width of 4.3 metres (measured externally).
  - (b) The dormer box shall be setback from the existing eaves by a minimum of 1.0 metres.
  - (c) The dormer box extension shall incorporate one window only. The window shall have a maximum dimension of 2 metres in width and 1.5 metres in height.
  - (d) The proposed windows in the side walls of the proposed dormer box extension shall be omitted.
  - (e) The gable end window serving the proposed bathroom shall incorporate opaque glazing.
  - (f) The proposed two rooflights to be inserted in the front plane of the

roof of the house shall be omitted.

- (g) The flat roof of the rear extension at first floor level following the modifications incorporated above shall not be used for recreational purposes and shall be accessible for maintenance purposes only.
- (h) All elevations, fascia's, rainwater goods, window frames, glazing bars etc. shall be finished in a dark colour appropriate to the external finish of the existing dwelling. No white uPVC shall be used. The rear dormer shall not accommodate solar panels notwithstanding whether or not such panels would constitute exempted development under the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended).
- (i) Revised drawings incorporating the above amendments shall be submitted to the Planning Authority for written agreement prior to the commencement of development.

**Reason:** In the interest of visual amenity and orderly development.

- 3. Water supply and drainage arrangements including the attenuation of surface water shall be agreed in writing with the planning authority prior to the commencement of development. Details of all rainwater collection and guttering serving the proposed dwelling and the proposed extension shall be agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of orderly development.

- 4. The applicant shall enter into a water and/or wastewater connection agreement with Irish Water prior to the commencement of development.

**Reason:** In the interest of orderly development.

- 5. Details of the materials, colours and textures of all external finishes to the proposed extension shall be submitted to and agreed in writing prior to the commencement of development.

**Reason:** In the interest of visual amenity.

6. Site development and building works shall be carried out only between the hours of 0700 hours to 1900 hours Monday to Friday inclusive and between 0800 hours to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviations from these times will only be allowed in exceptional circumstances where written prior approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of properties in the vicinity.

7. Site development works and construction works shall be carried out in such a manner as to ensure the adjoining streets are kept clear of debris, soil and other materials and if the need arises for cleaning works to be carried out on the adjoining public road the said cleaning works shall be carried out at the developer's expense.

**Reason:** To ensure that the adjoining roadways are kept in a clean and safe conditions during the construction work in the interest of orderly development.

8. The developer shall pay to the planning authority a financial contribution of €1,999 (one thousand nine hundred and ninety-nine euro) 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. The application of any indexation required by this condition 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.

**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.

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Paul Caprani,  
Senior Planning Inspector.

XX October, 2021.