



An  
Bord  
Pleanála

## Inspector's Report

### ABP-310389-21

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<b>Development</b>	Construction of porch and attic conversion including a dormer window at rear of existing dwelling
<b>Location</b>	14 Mayberry Park, Dublin 24
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD21B/0157
<b>Applicant(s)</b>	Karl Waine
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Split Decision
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Karl Waine
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	25 August 2021
<b>Inspector</b>	Ian Boyle

## **1.0 Site Location and Description**

- 1.1. The subject site has an address at 14 Mayberry Park, Tallaght, Dublin 24, D24 A2NX. It is located within an existing mature suburban residential estate in Kilnmanagh, a short distance north of Tallaght and east of Cookstown. The site accommodates an existing terrace house which faces directly onto a green open space. The rear garden has a south facing aspect and is orientated towards the Broomhill Industrial Estate.
- 1.2. The general pattern of development in the vicinity of the site is residential in nature, comprising mainly terrace and semi-detached dwellings. The north of the property faces directly onto Mayberry Park street and a green open space. 15 Mayberry Park is to the east, 13 Mayberry Park is to the west, and the industrial estate is directly to the south.

## **2.0 Proposed Development**

- 2.1. The proposed development is for the construction of a porch entrance at the front of the house and an attic conversion to include a storage area and dormer extension at the rear of the existing dwelling.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1 The Planning Authority granted permission for the porch extension and refused permission for the dormer attic conversion on 17<sup>th</sup> May 2021.
- 3.1.2 The reason cited for refusing permission for the dormer / attic conversion was that the proposed dormer window was of an unusual design and that it would have a negative impact on residential amenity and not conform to the policies of the County Development Plan.
- 3.1.3 Condition 1(b) required that the proposed porch should not extend beyond the existing front building line by more than 1.5 metres. In this regard, Condition 1(a) required that revised drawings must be submitted to the Planning Authority showing this revision to the porch, prior to commencement of development.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

- The porch extension should be granted permission as this is deemed to generally comply with the guidance set out in *the South Dublin County Council House Extension Design Guide, 2010* ('House Extension Design Guide') and the Development Plan.
- The rationale for the reduced porch extension, however, sought to ensure that it would not be overly proportioned compared with the existing house and the porches of other dwellings on the street.
- The Planning Authority considered that that the proposal for the rear dormer extension would create a box-type element protruding upwards out of the roof, away and from the ridge of the house, thereby creating a new roof profile that would not in keeping with the character of the area.

### 3.2.2 Other Technical Reports

- Water Services Department have no objection, subject to standard conditions:
  - The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.
  - All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

### 3.3. Prescribed Bodies

- Irish Water have no objection, subject to standard conditions:
  - All works are to comply with the Irish Water Standard Details & Code of Practice for Water Infrastructure.

### 3.4. Third Party Observations

- None.

## 4.0 Planning History

### Subject Site

None.

### Surrounding Vicinity

- Reg. Ref. SD11B/0247: Permission granted on 19<sup>th</sup> August 2011 for an attic conversion with dormer window extension at the rear of 21 Mayberry Park.
- SD06A/0092: Permission granted on 12<sup>th</sup> April 2006 for an attic conversion with a new dormer window at 20 Mayberry Park.
- Reg. Ref. SD05B/0660: Permission granted on 9<sup>th</sup> December 2005 for a one storey side extension comprising a new guestroom and bathroom at 13 Mayberry Park.
- Reg. Ref. SD04B/0651: Permission granted on 11<sup>th</sup> February 2005 for the removal of hip in existing roof and construction of a dormer window to rear of roof and attic conversion at 24 Mayberry Park.

## 5.0 Policy Context

### 5.1. Development Plan

#### 5.1.1. Zoning

The site is subject to land use zoning objective 'RES' – *To protect and/or improve Residential Amenity* under the *South Dublin County Council Development Plan 2016 – 2022 ('Development Plan')*.

The surrounding land to the north and east is generally zoned 'RES'. The land to the south and a short distance further to the west within the Broomhill Industrial Park is zoned 'REGEN'. The REGEN zoning objective seeks *“to facilitate enterprise and/or residential-led regeneration”*.

#### 5.1.2. Dwelling Extensions

- Section 11.3.3 of the Development Plan relates to 'Extensions to Dwellings'.

- H18 Residential Extensions: It is the policy of the Council to support the extension of existing dwellings subject to the protection of residential and visual amenities.
- H18 Objective 1: To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).
- The South Dublin County Council House Extension Design Guide, 2010 sets out key points to address in terms of the design of rear extensions.

## 5.2. Natural Heritage Designations

There are no designated European sites within the vicinity of the site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A First Party Appeal against a Decision to Refuse Permission has been lodged by Applicant. The main grounds of appeal are as follows:

- Permission was originally refused for the proposed dwelling extension under Reg. Ref. SD11B/0048. This was due to the dormer window protruding above the ridge height of the house by 700mm and that this would be at variance with the predominant pattern of development in the surrounding area.
- The Applicant notes that a revised proposal was subsequently submitted to the Planning Authority under Reg. Ref. SD11B/0247. This was considered acceptable due to the reduction in height of the proposed dormer window above the ridge level from 700mm to 300mm, which is still more than the subject development proposal at 130mm.
- The site backs onto an existing industrial area and the dormer would not obscure the main features of the existing roof.

## 6.2. Planning Authority Response

- The Planning Authority confirms its decision. The issues raised in the appeal have been covered in the Planner's Report.

## 6.3. Observations

- None.

## 7.0 Assessment

The main planning considerations relevant to this appeal case are:

- Residential Amenity
- Appropriate Assessment

### 7.1. Residential Amenity

- 7.1.1. The proposed development comprises the construction of a 2.75 sq m porch at the front of the dwelling and an attic conversion to storage area, including dormer roof at the rear.
- 7.1.2. The proposed porch comprises a door and two front windows. It would have a ridge height of 3.3m and adopts a mono-hip roof profile. The structure would project approximately 1.9 metres from the front of the house and have a width of 2.5m. It is, therefore, of a modest size and scale and is generally in keeping with the existing house. The drawings include a notation that states the proposed materials and finishes will match the existing dwelling, which is acceptable.
- 7.1.3. The Planning Authority's Decision included a condition that requires the porch to not extend any further than 1.5 metres past the existing front building line of the house. The Applicant has not raised this as an issue on their Appeal.
- 7.1.4. The SDCC House Extension Design Guide seeks to avoid extensions, or porches, at the front of a house that project more than 1.5 metres beyond the front building line. This is to avoid overly dominant or overlarge porches in relation to the scale and appearance of the subject house. The building line along this part of Mayberry Park remains intact and there are no instances of overly proportioned porch extensions.

Therefore, it is considered appropriate that, in the event permission is granted, that the porch projection be reduced in depth so as to have a maximum projection of 1.5m.

- 7.1.5. The proposed dormer extension at the rear of the dwelling has a floor to ceiling height of approximately 2.1 metres, as denoted on Section Drawing B-B. The windows would overlook the site's rear garden and allow views into the adjoining industrial estate further south.
- 7.1.6. Good design practice dictates that rear dormer extensions should generally be positioned below the ridge height of a house and as far back as possible from the eaves line. This is to create a balanced appearance and to avoid incongruous forms of development that would be out of keeping with the character of an area, and which would potentially result in negative visual and residential impact.
- 7.1.7. The proposed dormer extension adopts an unusual design in that it exceeds the ridge height of the dwelling. It protrudes above the overall height of the house by approximately 130mm. The SDCC House Extension Design Guide states that a new dormer window should sit below the ridgeline of the roof, even if the roof has a shallow pitch; that it should be situated as far back as possible from the eaves line; and that the dormer windows and doors below should be in alignment, proportion and character. The rationale for this is to ensure that the proposed extension is well-designed, respects the amenity of neighbouring properties and that it complements the scale and style of both the property being extended and others nearby.
- 7.1.8. It is acknowledged that the proposed dormer window would not normally be acceptable on the basis it fails to comply with any of the criteria as set out in the SDCC House Extension Design Guide. However, I consider that there are mitigating circumstances in this particular case. The site backs onto an industrial estate which is not considered a sensitive receptor. Furthermore, the proposed extension is unlikely to be visually apparent from street level or from any nearby residential locations.
- 7.1.9. It is noted that there are two similar dormer extensions already present on the street at Nos. 21 and 13 Mayberry Park (Reg. Refs. SD11B/0247 and SD04B/0651 apply, respectively.) From completing an inspection of the site, neither dormer extension could be said to be overly domineering to detract from the visual or residential

amenity of the surrounding area. The subject development proposal is unlikely to be any more visually apparent than either of these extensions. In the case of Reg. Ref. SD11B/0247 the permitted dormer extension protrudes over the ridgeline of the house by 300mm.

7.1.10. I consider, therefore, that the proposed development is acceptable and should be granted permission.

## **7.2. Appropriate Assessment**

Having regard to the nature and small scale of the proposed development, a dwelling extension within an established serviced area, no Appropriate Assessment issues arise. Therefore, 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 planning permission be granted for the reasons and considerations set out below.

## **9.0 Reasons and Considerations**

Having regard to the provisions of the *South Dublin County Development Plan 2016 – 2022*; the *SDCC House Extension Design Guide, 2010*; and the nature, design and layout of the proposed development; it is considered that, subject to compliance with the conditions set out below, it would not seriously injure the visual or residential amenities of the area or of property in the surrounding vicinity. The proposed development would, therefore, be in accordance 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.</p> <p>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><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Prior to the commencement of development, revised drawings, including a site layout plan, floor plan and elevations, shall be submitted to the Planning Authority clearly showing that the porch shall extend no further than 1.5m from the existing front building line.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<p>Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
5.	<p>All works are to comply with the Irish Water Standard Details and Code of Practice for Water Infrastructure.</p> <p><b>Reason:</b> In the interest of public health and to ensure adequate water facilities.</p>
6.	<p>All works are to comply with the Irish Water Standard Details &amp; Code of Practice for Wastewater Infrastructure.</p> <p><b>Reason:</b> In the interest of public health and to ensure adequate wastewater facilities.</p>
7.	<p>The developer shall pay to the planning authority a financial contribution respect of public infrastructure and facilities benefitting 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 the 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</p>

	<p>planning authority and the developers or, in default of such agreement, the matter shall be referred to An Bord Pleanala to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> 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>
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Ian Boyle

Planning Inspector

7<sup>th</sup> September 2021