



An
Bord
Pleanála

Inspector's Report

ABP-310517-21

Development

Development consisting of: Demolition of existing single storey WC to rear. Construction of single storey lean to rear extension with 2no. rooflights. Construction of two storey pitched roof extension to side. New rooflight to existing main roof (to front). Construction of new bay window. Internal modifications and all ancillary works

Location

6 Laurleen, Stillorgan, Co. Dublin

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D21B/0146

Applicants

Shailesh and Renu Hiremath

Type of Application

Permission

Planning Authority Decision

Grant permission with conditions

Type of Appeal

First Party v Condition

Appellants

Shailesh and Renu Hiremath

Observers

None

Date of Site Inspection

7th February 2022

Inspector

Margaret Commane

1.0 Site Location and Description

- 1.1. The area surrounding the subject site is a mature residential area and there is a mix of two storey dwellings in the vicinity of the site in a variety of architectural styles. Many of these have been previously extended and there is a great variety of different types of extensions and external finishes.
- 1.2. The subject site is on the north-eastern side of Laurleen at No. 6 Laurleen, Stillorgan, Co. Dublin. The site itself contains a 155sqm detached double storey dwelling with a split-level gable pitched roof on a plot with a stated area of 0.324 hectares. The dwellings immediately adjacent to the subject site feature a similar roof form. The dwelling is served by front and rear gardens and a car parking area at the front of the site.

2.0 Proposed Development

- 2.1. Permission is sought for the demolition of an existing c. 3sqm single storey WC to the rear of the site; construction of a c. 20sqm single storey lean-to rear extension, a c. 13sqm two storey side extension and a new bay window on the front facade; installation of a rooflight to existing main roof; and internal modifications and ancillary works to the existing dwelling.

3.0 Planning Authority Decision

3.1. Decision

Dun Laoghaire Rathdown County Council granted planning permission subject to 5 conditions.

Condition No. 3 stated the following:

3. *The first-floor window to the study shall match the window opening dimensions of the existing first floor windows of the dwelling.*

Reason: In the interest of protecting the visual amenity of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planner's report had no objection to the proposed extensions/bay window and considered that it would not adversely impact on the character and visual amenity of the area or the residential amenities of neighbouring properties, save for the first floor window serving the proposed office (discussed below). Similarly, the proposed addition of rooflights to the existing roof and internal modifications were deemed to be appropriate.
- With regards to the first floor window serving the proposed office, they were of the view that it would detract from the existing fenestration of the existing dwelling which would negatively impact upon the visual harmony of the existing dwelling.

3.2.2. Other Technical Reports

Drainage Planning (27/04/2021): No objection, subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

4.1. Subject Site

4.1.1. The following 2 previous applications pertaining to the subject site are of relevance:

PA Reg. Ref. D17B/0187

Permission refused on 9th June 2017 for the demolition of single storey WC and boiler house to the rear and construction of a 2 storey extension to the rear comprising a 64sqm ground floor extension and a 13sqm first floor extension, the enlargement of

ground floor window to front, the enclosure at first floor level of area above existing porch with glazed screen to the line of the existing roof projection, and the repositioning of chimney to the south-east elevation, to existing 2 storey detached dwelling with associated alterations and site works, for the following reason:

“Having regard to the proposed height and depth of the ground and first floor extension it is considered that the proposed extension would appear overbearing when viewed from the adjoining property to the north-west: No.7 Laurleen, would be seriously injurious to the residential amenity of No.7 Laurleen and depreciate the value of this property. 2. The proposed side window on the first floor extension would lead to overlooking of the garden of the adjoining property to the south-east: No.5 Laurleen and would, therefore, be seriously injurious to the residential amenity of No.5 Laurleen and depreciate the value of this property.”

PA Reg. Ref. D06A/1658

Permission granted on 18th January 2007 for alterations and extensions, including porch and bay window to front, single storey extension to rear, attic conversion with roof windows to rear and lower roof alterations, new rear boundary walls railings to replace wall to front and existing entrance widened.

4.2. Adjacent Sites

4.2.1. There has been 1 recent application in the vicinity of the subject site that is pertinent to the current proposal. This is summarised below.

PA Reg. Ref. D07B/0707

Permission granted on 26th September 2007 for construction of a bay window to front lounge and a rooflight to the lower level roof at 22 Laurleen.

5.0 Policy Context

5.1. Dún Laoghaire Rathdown County Development Plan 2016-2022

5.1.1. Land Use Zoning

The site is zoned Objective 'A' in the Dun Laoghaire Rathdown County Development Plan 2016-2022 with a stated objective '*to protect and/or improve residential amenities.*'

5.1.2. Other Relevant Sections/ Policies

The following policies are considered relevant to the consideration of the subject proposal:

Section 8.2.3.4: Additional Accommodation in Existing Built-up Areas: (i) Extensions to Dwellings

"Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining.

Side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation), and impacts on residential amenity. First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable, though in certain cases a set-back of an extension's front façade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape and avoid a 'terracing' effect. External finishes shall normally be in harmony with existing.

Roof alterations/expansions to main roof profiles - changing the hip-end roof of a semi-detached house to a gable/'A' frame end or 'half-hip' for example - will be assessed against a number of criteria including:

- *Careful consideration and special regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures.*
- *Existing roof variations on the streetscape.*
- *Distance/contrast/visibility of proposed roof end.*

- *Harmony with the rest of the structure, adjacent structures and prominence.*”

Section 8.2.3.5: Residential Development – General Requirements.

5.2. Dún Laoghaire Rathdown County Development Plan 2022-2028

5.2.1. Dún Laoghaire Rathdown County Council has started the preparation of a new Dún Laoghaire Rathdown County Development Plan for the period 2022 to 2028. It is understood that Councillors are currently considering the Chief Executive's Report on submissions made on amendments to the draft plan.

5.3. Natural Heritage Designations

5.3.1. The proposed development is not located within or immediately adjacent to any European site. The nearest European sites are South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and South Dublin Bay SAC (Site Code 000210), both located c. 2.8km north.

6.0 The Appeal

6.1. Grounds of Appeal

An appeal against Condition No. 3 of the decision to grant permission was received from the applicant on 14th June 2021. The following is a summary of the main issues raised:

- There was a previous grant of permission, under Reg. Ref D06A/1656, for amendments to the front elevation which are similar in nature to what has been proposed. The first floor window in this instance was a different dimension to the existing first floor windows and no such conditions were applied.
- There are several different conditions at the location of the new window which negate the need to replicate the existing window dimensions. They are as follows: - the existing windows are part of a brick façade with brick window cills while the proposed window is part of a rendered façade with concrete cills; the existing windows sit beneath a horizontal fascia board where the horizontal window heads work well aesthetically, while the proposed window sites above the pitched roof porch and below the feature gable roof; and the proposed

window is sitting in a different plane, slightly proud of the existing windows. The various differences in the windows' respective context mean that they will read differently and can be treated with different design approaches.

- There are numerous examples of breaking uniformity of the streetscape within the Laurleen development, including the large side extension constructed at No. 39 Laurleen (under Reg. Ref. D04B/0053) and the infill dwelling constructed at No. 8A Laurleen (under Reg. Ref. D05A/1363).

6.2. **Planning Authority Response**

- The Board is referred to the previous planner's report. It is considered that the grounds of appeal do not raise any new matter which in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.3. **Observations**

- None.

6.4. **Further Responses**

- None.

7.0 **Assessment**

This is a first-party appeal against Condition No. 3 attached to the Planning Authority's decision to grant permission. Having regard to the nature and scale of the proposed development and the nature of Condition No. 3, it is considered that the determination by the Board of the application, as if it had been made to it in the first instance would not be warranted. Therefore, the Board should determine the matters raised in the

appeal only, in accordance with Section 139 of the Planning and Development Act 2000, as amended.

7.1. Condition No. 3

7.1.1. Condition No. 3 requires that the first-floor window to the study match the window opening dimensions of the existing first floor windows of the dwelling. The Planning Authority's reason for attaching the condition is '*in the interest of protecting the visual amenity of the area*'. This is further expanded on in the Planners Report where concerns were raised that the first-floor window to the study would detract from the existing fenestration of the existing dwelling which would negatively impact upon the visual harmony of the existing dwelling. The applicants contend that the proposed study window is similar to that previously approved under Reg. Ref. D06A/1656, there are several different conditions at the location of the new window which negate the need to replicate the existing window dimensions, and there are numerous examples of breaking uniformity of the streetscape within the Laurleen development.

7.1.2. As a result of the extension sitting forward of the existing building line, adopting a gabled roof profile and the materials/finishes utilised, the proposed 2 storey side extension will read as a distinctly new addition to the existing dwelling featuring on site. Materials and finishes wise, the proposed extension will feature a rendered façade, concrete cills and feature gable roof which differs from the brick façade, brick cills and pitched roof featuring on the existing dwelling. Having inspected the site and examined the planning file and grounds of appeal, I would contend that the window proposed to serve the first floor study responds appropriately to dwelling's existing fenestration despite adopting a different design. Although pointed at the top in response to the porch roof immediately below, the proposed window adopts a similarly proportioned 2 pane component centrally which is similar to the design of the first floor windows featuring immediately south-east on the existing façade.

7.1.3. While I acknowledge that the first-floor window to the study differs from the first floor windows being retained, in my opinion, the proposed study window provides an appropriate balance between the existing first floor windows being retained and the entry porch being introduced at ground floor level from a design perspective. As such,

I consider that the proposed study window would read as an unobtrusive addition to the front façade fenestration which would not impact upon the visual harmony of the existing dwelling in a detrimental manner. In addition, I do not consider that the proposed study window would disrespect the existing uniformity of the street or rhythm of the existing group of buildings to any significant level. It is worth noting that a number of properties within the Laurleen Estate have had bay windows introduced to the front façade/tweaks made to front façade fenestration while more extensive changes to the existing dwelling have occurred at Nos. 8A and 39 Laurleen, where an infill dwelling and large side extension have been constructed, respectively. I therefore would see no issue with the proposed first-floor window to the study featuring in the proposed extension.

7.1.4. I further note that the site is zoned for residential purposes (Objective A) and the dwelling is not subject to any conservation or Protected Structure designations which would prohibit the alterations as proposed.

7.1.5. In conclusion, I am satisfied that the inclusion of Condition No. 3 is not required in this instance. I am further satisfied that the proposed first-floor window to the study would sit comfortably in the context of the dwelling's existing fenestration and would not negatively impact upon the visual harmony of the existing dwelling. I am further satisfied that the proposed study window would have a negligible visual impact on the character of the streetscape. In my opinion, the Planning Authority should be directed to omit Condition No. 3 of this permission.

7.2. Appropriate Assessment

7.2.1. Having regard to the nature and small scale of the proposed development and the distance from 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.

8.0 Recommendation

- 8.1. Having regard to the nature of the condition the subject of the appeal, the Board is satisfied 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 and, based on the reasons and considerations set out below, directs the Planning Authority under subsection (1) of Section 139 of the Planning and Development Act, 2000 (as amended), to REMOVE Condition No. 3 and the reasons therefor.

9.0 Reasons and Considerations

Having regard to the contemporary nature of the proposed double storey extension, the dwelling's existing and proposed fenestration, the existing pattern and design of development in the streetscape and the provisions of the Dún Laoghaire Rathdown County Development Plan 2016-2022, it is considered that the first floor study window proposed would read as an unobtrusive addition to the front façade fenestration. Therefore, it is considered that the removal of Condition No. 3 would not negatively impact upon the visual harmony of the existing dwelling and would have a negligible visual impact on the character of the streetscape. The removal of Condition No. 3 would, therefore, be in accordance with the proper planning and sustainable development of the area.

Margaret Commane
Planning Inspector

15th February 2022