



An  
Bord  
Pleanála

# Inspector's Report

## ABP-310648-21

### Development

Permission is sought for [1] the construction of a single-storey extension to the western side and rear of the house with flat roof, parapets and rooflights; with new steps and landing to the side; [2] the extension of the existing dormer window section in the front elevation to the western gable; [3] the connection of the two existing dormer window sections in the rear elevation and the extension of this connected dormer window section the western gable; [4] the replacement of all windows; and [5] the rendering of existing pebbledash areas with smooth render to match the finish of the proposed extension works; with all associated site works.

### Location

Roan Carraig, Harbour Road, Dalkey,  
County Dublin, A96 TR63

### Planning Authority

Dun Laoghaire Rathdown County  
Council

|                                     |                                  |
|-------------------------------------|----------------------------------|
| <b>Planning Authority Reg. Ref.</b> | D21B/0193                        |
| <b>Applicants</b>                   | Stephanie MacNulty               |
| <b>Type of Application</b>          | Permission                       |
| <b>Planning Authority Decision</b>  | Grant permission with conditions |
| <b>Type of Appeal</b>               | First Party v Condition          |
| <b>Appellant</b>                    | Stephanie MacNulty               |
| <b>Observers</b>                    | None                             |
| <b>Date of Site Inspection</b>      | 7 <sup>th</sup> February 2022    |
| <b>Inspector</b>                    | 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 detached 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, roof profiles and external finishes.
- 1.2. The subject site is known as 'Roan Carraig' and comprises a 0.1415Ha irregular shaped parcel of land at the end of a laneway to the south-west of Harbour Road. There is a slight level difference across the site, the site sloping upwards from the gated entrance to north-west of the south towards the rear of the property (south-east). The site itself contains a 197sqm detached dormer bungalow, with dormer windows to the front and rear elevations. The dwelling is served by large front and rear gardens and a car parking area at the front of the site.
- 1.3. The subject site abuts the following residential properties: - Inisthoir to the east; Maple Tree House to the west; Montpellier and the Anchorage to the south-west; and Tiglinn to the north. These properties are all detached dwellings in varying architectural styles.

## 2.0 Proposed Development

- 2.1. Permission is sought for the construction of a 66sqm single-storey flat roof extension to the western side and rear of the house; extension of the existing dormer window section in the front elevation to the western gable; connection of the two existing dormer window sections in the rear elevation and the extension of this connected dormer window section the western gable; replacement of all windows; rendering of existing pebbledash areas with smooth render to match the finish of the proposed extension works; and all associated site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

Dun Laoghaire Rathdown County Council granted planning permission subject to 8 conditions.

Condition No. 2 stated the following:

2. (a) *The extension of the existing dormer window sections in the front elevation to the western gable shall be omitted.*

(b) *The connection of the two existing dormer window sections in the rear elevation and the extension of this connected dormer window section to the western gable shall be omitted.*

*Reason: In the interests of visual amenity.*

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

- The planner's report had no objection to the proposed side and rear extensions and considered that they would not adversely impact on the character and visual amenity of the area or the residential amenities of neighbouring properties. Similarly, the proposed replacement of all windows and rendering of existing pebbledash areas with smooth render to match the finish of the proposed extension was considered acceptable.
- With regards to the proposed extension to the existing dormer windows to the front and rear, they were of the view that the overall design, dimensions and bulk of the roof proposals relative to the overall size of the dwelling is excessive and would not therefore accord with the provisions regarding dormer extension to roofs, included in Section 8.2.3.4 of the current Development Plan. The planner's report had no objection to the proposed extension to the existing dormer windows to the front and rear from a residential amenity perspective, deeming the proximity to adjoining properties and orientation sufficient to restrict undue overlooking.

### 3.2.2. Other Technical Reports

**Drainage Planning (26/05/2021):** 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 previous application pertaining to the subject site is of relevance:

***PA Reg. Ref. D99B/1053***

Permission granted on 14<sup>th</sup> December 1999 for renovation and extensions to existing dormer windows at front and rear of existing bungalow, together with renewal of roof tiles.

### 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. D21A/0304 (Appeal Reference PL06D.310677)***

Permission refused on 4<sup>th</sup> June 2021 for the demolition of the existing 2 storey dwelling 'Maple Tree House' and the removal of the previously demolished 'Yonder' foundation slab, the construction of a part-two to part-five storey 104 no. bedroom nursing home accessible via Ulverton Road and the spur off Harbour Road; and all associated site works above and below ground; at c.06 HA site, comprising the former residence 'yonder', (previously demolished), Ulverton Road and 'Maple Tree House', Harbour Road, Bulloch Harbour, Dalkey, Co. Dublin. Permission was refused for the following reasons:

- 1. The proposed development, by reason of the massing, scale, design and proximity to the subject site boundaries, would adversely impact on the residential amenity of adjacent properties by reason of overlooking and overbearing appearance. The proposed development would detract from the existing visual and residential amenities of the area, would depreciate the value of property in the vicinity, and if permitted, set an undesirable precedent for similar development*

*in the area. The proposed development would, therefore, be contrary to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, and to the proper planning and sustainable development of the area.*

2. *The development proposed, by reason of layout, would not accord with the provisions of Policy UD1: Urban Design Principles and Section 8.2.3.4 - Additional Accommodation in Existing Built-up Areas (xiii) Nursing Homes for the Elderly/Assisted Living Accommodation of the Dun Laoghaire Rathdown County Development Plan 2016-2022. Furthermore, by reason of the intensification of use along the existing sub-standard access lane from Harbour Road to the proposed development, the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

This application is the subject of a first party appeal (Appeal Reference PL06D.310677). A determination has not yet been made on this appeal.

## **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

*"First floor rear extensions will be considered on their merits, noting that they can often have potential for negative impacts on the amenities of adjacent properties, and will*

*only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:*

- *Overshadowing, overbearing and overlooking - along with proximity, height and length along mutual boundaries.*
- *Remaining rear private open space, its orientation and usability.*
- *Degree of set-back from mutual side boundaries.*
- *External finishes and design, which shall generally be in harmony with existing.*

*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.*

*Dormer extensions to roofs will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties. The design, dimensions and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations. Dormer extensions shall be set back from the eaves, gables and/or party boundaries."*

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 site is the Dalkey Islands SPA (Site Code 004172), located c. 600 metres east.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

An appeal against Condition No. 2 of the decision to grant permission was received from the applicant on 25<sup>th</sup> June 2021. The following is a summary of the main issues raised:

- The proposed works are in accordance with the provisions regarding dormer extensions to roofs, as set out under Section 8.2.3.4(i) of the current Development Plan.
- The condition that has been attached to this grant of permission has resulted from this policy being subjectively interpreted and incorrectly assessed.
- A relevant reference case for a full-length dormer extension, under Reg. Ref. D17B/0563, has not had such a condition attached to the applicable decision to grant permission.

### **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. 2 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. 2, 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, I recommend that the Board 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. 2

7.1.1. Condition No. 2 requires that the proposed extensions to the dormer windows in the front and rear elevations be omitted. The Planning Authority's reason for attaching the condition is '*in the interests of visual amenity*'. This is further expanded on in the Planners Report where concerns were raised that the overall design, dimensions and bulk of the roof proposals relative to the overall size of the dwelling is excessive and would not therefore accord with the provisions regarding dormer extension to roofs, included in Section 8.2.3.4 of the current Development Plan. The applicants contend that the proposed works are in accordance with Section 8.2.3.4(i) of the current Development Plan, this policy has been subjectively interpreted and incorrectly assessed leading to the inclusion of this condition on the grant of permission and no such condition was attached to the decision to grant permission, under Reg. Ref. D17B/0563, which involved a similar proposal.

7.1.2. The dormer window currently featuring on the front roof profile is 7.545 metres wide and the rear roof profile features 2 no. separate dormer windows (2.165 metres wide and 8.365 metres wide) totalling 10.53 metres. The dormer window extension proposed to the front will increase the current dormer window width by 3.168 metres (in a westwards direction). The dormer window extension proposed to the rear will see

the 1.825 metre gap between the existing 2 dormer windows filled in and the westernmost dormer window extended 1.676 metres westwards.

7.1.3. Having inspected the site and examined the planning file and grounds of appeal, I share the applicant's contention that strict application of the policy regarding dormer extensions, included in Section 8.2.3.4(i) of the current Development Plan, is not appropriate in this instance given the existing context. In my view, this policy is more applicable in the context of proposals for new dormer extensions rather than alterations to existing dormer extensions. Instead, the proposed dormer extensions should be assessed having regard to the existing context of the subject site/dormer extension and Section 8.2.3.4(i) of the current Development Plan as appropriate.

7.1.4. The architectural design and roof profile of the subject dwelling differs from that of the neighbouring properties. The dwellings featuring on adjoining sites feature differing roof profiles/styles/pitches and are of different architectural styles. Further to this, the topography is varied in the immediate area. Therefore, the character of the immediately surrounding area is quite varied. This varied character provides scope for extension of/alterations to existing dwellings to be successfully introduced without the character of the area being eroded/negatively impacted upon.

7.1.5. As discussed in a preceding paragraph, the subject dwelling currently features large dormer windows on the front and rear profiles. While I acknowledge that the dormer extension will increase the width of the existing front and rear dormer windows, in my opinion, the proposed increase of 3.168 metres and 3.503 metres, respectively, is small in the context of the existing dormer windows. As such, I consider that the revised dormer window structures would read as unobtrusive alterations to the existing dormer windows/roof profiles.

7.1.6. Tiles to match the existing dormer windows/roof profiles will be used to finish the proposed dormer extensions and it is proposed to install aluclad timber windows and doors throughout the dwelling as part of the proposed upgrade works. In addition to this, the proposed dormer extension adopts the same setback from the eaves as the existing dormer windows and although being extended westwards, maintain a setback from the western gable. Therefore, the proposed dormer extensions will sit comfortably

in the context of the existing roof profiles, consistent with Section 8.2.3.4(i) of the current Development Plan.

7.1.7. From a residential amenity perspective, I do not consider the proposed dormer extensions would result in any significant impacts on or detract from the residential amenity of adjoining dwellings. This view was shared by the Planning Authority in the Planners Report. With regards to potential overlooking, the proposed dormer window extension to the rear is setback a minimum of c. 29 metres from the site's rear boundary, while the dormer extension to the front is setback c. 55 metres from the site entrance. From an overbearing perspective, it is not considered that the proposed development will have an unreasonable overbearing impact given it involves extensions to existing dormer windows featuring to the front and rear of the dwelling, the generous separation distances and level differences that exist between the subject site and adjoining dwellings and the heavily vegetated nature of the immediate area.

7.1.8. I further note that the dwelling is not subject to any conservation or Protected Structure designations which would prohibit the alterations as proposed. The site is zoned for residential purposes (Objective A), and in my opinion, the proposed development should be facilitated to enable older dwellings such as these, to be modernised to meet modern living requirements. Upon review of the plans submitted, the dormer extensions are required to provide an additional bedroom and improve the layout of the existing master ensuite. This is a reasonable proposal in my opinion.

7.1.9. Thus, I consider that the proposed extensions to the existing dormer windows would not have any adverse impact on the scale and character of the existing dwelling, any neighbouring dwelling or the streetscape, and would not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy or access to daylight and sunlight. I am satisfied that the application of Condition No. 2 is not required in this instance and would serve to undermine the ability to deliver an improved standard of residential accommodation on the subject site. I am further satisfied that the proposed dormer window extensions would have a negligible visual impact on the existing dwelling and the character of the streetscape and would not set a precedent. In my opinion, the Planning Authority should be directed to omit Condition No. 2 of this permission.

## **7.2. Appropriate Assessment**

7.2.1. Having regard to the nature and scale of the proposed development (an extension to a dwelling within an established urban area), the availability of public services, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site), it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 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. 2 and the reasons therefor.

## **9.0 Reasons and Considerations**

Having regard to the nature and scale of the existing dormer windows featuring on the subject dwelling, the nature and scale of the proposed dormer extensions, the existing pattern and design of development in the area and the provisions of the Dún Laoghaire Rathdown County Development Plan 2016-2022, it is considered that the removal of Condition No. 2 would not seriously injure the visual and residential amenities of properties in the vicinity or the area and would not result in any significant negative impact on the character of the area. The removal of Condition No. 2 would, therefore, be in accordance with the proper planning and sustainable development of the area.

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Margaret Commane  
Planning Inspector

15<sup>th</sup> February 2022