



An
Bord
Pleanála

Inspector's Report ABP 310663-21

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| Development | Extension to dwelling, conversion of attic into habitable rooms and ancillary works. |
| Location | 47 Dangan Park, Dublin 12 |
| Planning Authority | South Dublin County Council |
| Planning Authority Reg. Ref. | SD12B/0188 |
| Applicant | Marilyn McGivern |
| Type of Application | Permission |
| Planning Authority Decision | Refuse |
| Type of Appeal | 1 st Party v. Refusal |
| Appellant | Marilyn McGivern |
| Observers | S. & G. Freir |
| Date of Site Inspection | 30/07/21 |
| Inspector | Pauline Fitzpatrick |

1.0 Site Location and Description

No.47 Dangan Park is a single storey dwelling within a mature residential area characterised by a mix of single, dormer and 2 storey housing with properties altered and/or extended.

The dwelling is served by a long rear garden with a narrow side access along its southern side and a recessed garage constructed on the shared boundary attached to its northern side. The boundaries to the side and rear of the dwelling are delineated by block walls.

2.0 Proposed Development

The proposal entails:

- 2 storey rear extension
- Conversion of attic to habitable rooms

The works will entail alterations to the roof pitch and provision of dormer windows in the side and front elevations in addition to roof lights.

The widening of the driveway entrance is also proposed.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the above described development subject to 2 conditions which can be summarised as follows:

1. The proposed roof extension, dormer windows and side/rear extensions by reason of excessive height and depth in proximity to adjoining residential property would result in a significant and material loss of light, overshadowing and unacceptable sense of enclosure, overlooking and loss of privacy. The proposal would be contrary to the zoning provisions for the area.
2. The proposal would fail to integrate and respond to the site and surrounding context and would result in an incongruous feature that would detract from the visual amenity and character of the area.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The Area Planner's report in the Record of Executive Business and Chief Executive's Order notes:

- Visually there are concerns with the roof extension. Although the overall height would not be greatly increased in comparison to that existing there would be a significant increase in mass. It would appear overly dominant and visually awkward.
- Concerns about the construction on the shared boundary with No.48. which has windows serving habitable rooms on its side elevation.
- There are significant concerns with the proposed dormers, visually and in terms of residential amenity.
- Whilst there are examples of front dormers in other properties they are much smaller in scale and are not coupled with large roof extensions.
- The alterations to the front of the dwelling in isolation may be acceptable but, again, the cumulative impact of the bay windows and side extensions are considered to be harmful given their scale, design and siting to other properties.
- The number of rooflights is excessive.
- The increase in the driveway access can be addressed by condition.

A refusal of permission for two reasons recommended.

3.2.2. Other Technical Reports

Water Services has no objection subject to conditions.

3.3. **Prescribed Bodies**

Irish Water has no objection subject to conditions.

3.4. Third Party Observations

An objection to the proposal received by the planning authority is on file for the Board's information. The issues raised relate to impact on amenities of adjoining property.

4.0 Planning History

I am not aware of any previous planning applications on the site.

5.0 Policy Context

South Dublin County Development Plan 2016

The site is within an area zoned RES the objective for which is to protect and/or improve residential amenity.

(H) Policy 18 – 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).

Section 11.3.3 - Extensions

The design of residential extensions should accord with the South Dublin County Council House Extension Guide (2010) or any superseding standards.

5.1. Natural Heritage Designations

None in the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

The submission by Hughes Planning and Development Consultants on behalf of the 1st Party refers and is accompanied by amended plans and a sunlight and overshadowing report. The Board is requested to consider the proposal as originally submitted to the planning authority in the 1st instance. The alternative design option seeks to address the grounds of refusal.

The appeal can be summarised as follows:

- The alternative design entails:
 - Revised roof pitch which reduces the overall height of the dwelling whilst ensuring standards are achieved.
 - Removal of dormer at front elevation.
 - Removal of bay windows and apex and provision of windows to front elevation in line and in keeping with the design of the front elevation at No.55 Dangan Park.
 - Removal of flat roof dormer to master bedroom and dormer to bedroom 3 on the eastern elevation. The eastern elevation will now have 3 no. rooflights.
 - Reduction in the size of dormer window on the western elevation. The dormer is required to accommodate roof height for the stairs.
 - Reduction in size of rear extension in line with the building line of adjoining extensions.
- The impact of the design, as amended, would not adversely impact on the amenities of adjoining property by reason of overshadowing or sunlight.
- The proposal affords increased privacy to No. 48 with the removal of the current position of the front door and bedroom window.
- The proposal is consistent with the zoning objectives for the area. It improves the applicant's amenities whilst protecting the amenities of adjoining property.

- The design is compliant with the South Dublin County Council House Extension Design Guide.
- The area does not have an established roof profile style. There have been several alterations to the roofs of existing dwellings to allow for accommodation at 1st floor level. The existing dwelling is 5.821 metres high. The original proposal would increase this to a maximum of 5.925 metres which is a minimal increase. This is very similar to existing and established height in the immediate area. Precedent has been set in the area (examples given). The amended design proposal has reduced the pitch to 40° which has further reduced the impact and appearance of the development.
- The amended design reduces the depth of the extension by 1.5 metres to match that of extensions to adjoining properties.
- The extension is located sufficiently back from the shared boundaries to the north and south although there is a precedent in the area for building right up to the boundary (examples given). The setback proposed would reduce any overbearing impact.
- The proposal will not result in any severe loss of light to adjoining dwellings. No.48 has windows serving a bathroom and window in the elevation facing the site. The use of the bedroom is most often in the evening and night time, therefore any loss of daylight would not reduce the quality of the bedroom. BRE 209 states that loss of sunlight should be checked for main living rooms of dwellings. No.48 does not have a living room proximate to the site.
- The limited scale of the extension would not impact sunlight to neighbouring gardens.
- Overlooking would not arise. The window to the rear extension would not overlook adjoining gardens to an extent which comprises residential amenity. The alternative design has taken measures to reduce overlooking specifically through the removal of the flat roof dormer and dormer at the eastern elevation and their replacement with rooflights. The west elevation has been revised through the reduction in the size of the proposed dormer. The removal of the dormer to bedroom no.2 greatly reduces the perceived overlooking effect on No.48.

- The proposal is considered to be of a high quality design which is of similar scale and design to extensions approved in the area (examples given).

6.2. **Planning Authority Response**

The issues raised in the appeal have been covered in the planner's report.

6.3. **Observations**

The observations from Siobhan and Grainne Frier (No. 48 Dangan Park) can be summarised as follows:

- The concerns raised in the submission to the planning authority remain.
- The alternative proposal is acknowledged as a genuine effort to address the concerns.
- The daylight and overshadowing report helps clarify the impact of the alternative proposal.
- Contrary to the appeal submission there is a combined kitchen/living room at the rear of the house which has a window facing the appeal site. It would be desirable to ensure that an appropriate amount of light could still enter by this window. This layout is found in the other houses on the road including No.47.
- The appeal clarifies that the extension is not to be built on the party wall but beside it, using a reduced roof angle. This is welcomed if done in such a way as to ensure a sufficient gap between the gutters on Nos. 47 and 48 and which will facilitate maintenance on both sides and allow more light to all windows on that side of the house.

7.0 **Assessment**

I consider that the issues arising in the case relate to the impact on the amenities of the adjoining property and suitability of the design.

The appeal site is within a mature residential area comprising a mix of single, dormer and two storey designs. Many have been altered and/or extended. The site is within an area zoned 'RES' the objective for which is to protect and/or improve

residential amenity. Whilst extensions and alterations to an existing dwelling are acceptable in principle there is an obligation to reconcile the need to meet the requirements of the applicant with the requirement that such works should maintain the visual amenities and character of the parent building and wider area, whilst not compromising the residential amenities of adjoining properties.

The proposal entails a two storey extension to the rear, removal of the garage to facilitate an extension to the side, changes to the roof profile to allow for provision of 1st floor roof accommodation and alterations to the front elevation.

Whilst the proposal as submitted to the planning authority entails only a marginal increase in the height of the dwelling, the roof profile with the number of dormer windows and extent of alterations to the front elevation, significantly at variance from that prevailing in the immediate vicinity, results in a significant increase in mass and the resultant development would appear overly dominant and visually awkward. This is evidenced in the contiguous elevation drawing. I also have serious reservations as to the use of dormer windows serving bedrooms at 1st floor level in terms of perceived overlooking.

I submit that the amended proposal before the Board comprises a more successful design solution. The roof has been reduced marginally from that proposed and will be 5.8 metres at its highest point. Whilst the side extension is to be built up to the shared boundary with No.48 it will not be built on it. I note that the existing garage is built on the boundary with gutters oversailing the observers' property. A grant of permission in this instance would not allow for oversailing of the property boundary. In this regard I recommend that the applicant be informed of the provisions of Section 34(13) of the Planning and Development, Act, 2000, as amended, which states that a person shall not be entitled solely by reason of a permission to carry out any development.

Whilst No.48 has windows serving habitable rooms in the elevation facing the appeal site, I consider that the existing boundary wall would already impact on the levels of daylighting received. I submit that the proposed works would not have an adverse impact on same. This is shown in the Daylight Analysis and Overshadowing report accompanying the appeal.

The two storey rear extension has been reduced by 1.5 metres and now corresponds with the building line of the properties to either side. Within such a suburban residential estate lateral overlooking from 1st floor windows is ubiquitous and that proposed to serve a bedroom in the rear elevation is acceptable.

The alterations to the front elevation have been materially altered with the omission of the dormer, a bay window and reduction in the palette of external finishes. I consider that proposed is a significant improvement which has regard to and respects the existing pattern of development in the immediate vicinity.

The amended plans also entail material alterations to the window openings at 1st floor level. Save for the dormer in the southern elevation to allow for the height requirements on the stairs/landing and which will be required to have opaque glazing the other dormer windows have been omitted and, where required, replaced with rooflights. Again the alterations provide for a significant improvement over that originally proposed and assists in reducing the massing of the extension.

In conclusion I consider that the proposed development as amended by the plans submitted with the appeal would be appropriate in size and scale and would assimilate satisfactorily in a residential area where many properties have been altered and/or extended. I am also satisfied that the amenities of adjoining property would not be compromised by way of overlooking or loss of light.

I have no objection to the widening of the vehicular entrance. A width of 3.5 metres is advocated by the planning authority. That proposed is 3.620 metres. This can be addressed by way of condition.

Note: As the proposed works entail additional floor space of over 40 sq.m. the terms of the South Dublin County Council Development Contribution Scheme 2021-2025 apply.

Appropriate Assessment – Screening

Having regard to the location of the site and the nature and scale of the proposed development it is concluded no appropriate assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

Having regard to the foregoing I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

9.0 Reasons and Considerations

Having regard to the residential zoning objective for the area, the pattern of development in the vicinity and the scale, nature and design of the proposed extension, it is considered that, subject to compliance with the conditions set out below the proposed development would be acceptable in terms of scale, design and use, and would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by An Bord Pleanála on 28th day of June, 2021 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. Obscure glazing shall be used in the dormer window to the stairs/landing.

Reason: In interest of amenities of adjoining property.

3. The vehicular entrance shall be not be more than 3.5 metres in width.

Reason: In the interest of the amenities of the area.

4. The drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.

Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity

6. The developer shall pay to the planning authority a financial contribution 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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.

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.

Pauline Fitzpatrick
Senior Planning Inspector

August, 2021