



An
Bord
Pleanála

Inspector's Report

ABP-311362-21

Development	Construct rear single storey and dormer extensions, changes to elevations, installation of rooflights and solar panels, demolition of shed and construction of new garage, widening of vehicular access and construction of walls and entrance gates.
Location	7 Glenville, Dunmore Road, Waterford.
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	21597
Applicant(s)	Fergal and Andrea Kavanagh.
Type of Application	Permission.
Planning Authority Decision	Grant permission
Type of Appeal	First Party against conditions
Observer(s)	None.

Date of Site Inspection

23rd June 2022.

Inspector

Barry O'Donnell

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.03ha and is located at 7 Glenville, Dunmore Road. Whilst forming part of a larger estate for semi-detached housing, the subject site is one of ten houses in the estate that are accessed directly from Dunmore Road.
- 1.2. The site is set on an incline, with land falling away to the north from Dunmore Road. The rear garden is enclosed by c.1.8m tall closeboard fencing to the rear and by tall hedging along the side boundaries.

2.0 Proposed Development

- 2.1. The proposed development entailed within the public notices comprises the construction of rear single storey and dormer extensions, changes to elevations, installation of rooflights and solar panels, demolition of shed and construction of new garage, widening of vehicular access and construction of walls and entrance gates, together with associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority granted permission on 16th August 2021, subject to 5 No. conditions. Condition 1b) states: -

1b) The proposed box dormer at the rear roof of the dwelling is expressly omitted by virtue of this condition, high level rooflights may be incorporated into the existing roof plane if so desired, any such high level rooflights shall be positioned above 1.8 metres from the floor level to ensure no overlooking of existing residential properties. Prior to commencement of development revised plans making provision for any such rooflights shall be submitted to and agreed in writing with the Planning Authority.

3.2. Planning Authority Reports

- 3.2.1. A Planning Report dated 12th August 2021 has been provided, which reflects the Planning Authority's decision. The report does not provide a written assessment of

the proposed development but states that subject to conditions, the development would in accordance with the proper planning and sustainable development of the area.

3.2.2. An emailed direction from the Senior Executive Planner has also been provided, which recommends that permission be granted in accordance with an amended schedule of conditions and I note in this context that condition 1b) is attached and shaded in a different colour to other elements of the report.

3.2.3. Other Technical Reports

The Planning Report indicates that no internal or external consultees were requested to comment on the application.

3.3. Prescribed Bodies

3.3.1. No submissions received.

3.4. Third Party Observations

3.4.1. None received.

4.0 Planning History

4.1.1. I did not encounter any previous planning records pertaining to the site.

5.0 Policy Context

5.1. Waterford City and County Development Plan 2022-2028

5.1.1. The new City and County Development Plan was adopted on 7th June 2022 and will take effect on 19th July 2022.

5.1.2. The subject site is indicated by available documentation as continuing to be zoned 'Existing Residential'.

5.2. Waterford City Development Plan 2013-2019

5.2.1. Waterford City and County Council was established on 1st June 2014, following amalgamation of Waterford City Council and Waterford County Council. Existing

development plans within the combined functional area, the City Development Plan 2013-2019, County Development Plan 2011-2017 and Dungarvan Town Development Plan 2012-2018, have had their lifetimes extended and remain in effect until such time as the new City and County Development Plan takes effect.

5.2.2. The subject site is zoned 'Developed Residential'. The development plan written statement does not refer to this zoning but does refer to 'existing residential' areas and provides an objective '*To protect and improve existing residential areas and their amenities and provide for appropriate residential infill opportunities where feasible.*'

5.2.3. Chapter 13 contains Development Management Standards and Policy POL 13.0.1 states that all development is required to comply with relevant management standards.

5.3. Natural Heritage Designations

5.3.1. The subject site is not located within a designated European site.

5.4. EIA Screening

5.4.1. The subject development constitutes smallscale householder development, within the curtilage of house. This type of development does not constitute an EIA project and so the question as to whether or not it might be sub-threshold does not arise.

6.0 The Appeal

6.1. Grounds of Appeal

- The appeal relates to condition 1b) of the Planning Authority's decision.
- No submissions or observations were received on the application and it is reasonable to assume that adjoining neighbours have no issue with the proposal.
- The Planning Authority report contradicts itself, on the one hand stating that there are no significant issues in terms of overlooking or overshadowing but condition 1b) is inserted in a different colour and is clearly at odds with the assessment.

- The effect of the condition is that the attic room is rendered uninhabitable under the Building Regulations.
- The removal of the dormer extension was not allowed for in the Planning Authority's calculation of the development contribution. If condition 1b) is retained, the total area of the extension is 44sqm so the contribution relates to 4sqm.
- Proposed design
 - The dormer extension is subordinate to the existing roof line. It will not dominate the roof plane and will not add significantly to overlooking of adjoining property.
 - First floor windows are in excess of 40m from any opposing above ground floor windows and are compliant with the requirements of the development plan which requires a minimum separation of 22m.
 - The provision of windows at some distance from adjoining gardens does not add significantly to the level of overlooking

6.2. Planning Authority Response

6.2.1. None received.

6.3. Observations

6.3.1. None received.

7.0 Assessment

7.1. This is a first party appeal against condition 1b) of the Planning Authority's decision to grant permission for application Reg. Ref. 21/597. Under Section 139 of the Planning and Development Act, 2000, as amended (the Act), the Board has the discretion over whether to consider these conditions in isolation from the remainder of the development.

7.2. Having considered the information on file, in particular the planning authority's report and first party grounds of appeal, I consider that determination by the Board as if the

application had been made to it in the first instance would not be warranted in this instance and the appeal can be assessed under the provisions of Section 139 of the Act.

Condition 1b)

- 7.3. The condition amends the proposed development, requiring that the proposed box dormer at the rear roof of the dwelling be omitted from the development. The condition also states that high level rooflights may be incorporated, provided they are positioned above 1.8 metres from the floor level to ensure no overlooking of existing residential properties, and that revised plans should be submitted to and agreed in writing with the Planning Authority, to reflect any such revision to the development.
- 7.4. The applicant states that the dormer extension is subordinate to the existing roof line and that it will not dominate the roof plane and will not add significantly to overlooking of adjoining property. They also state that the effect of the condition is the attic room is rendered uninhabitable under the Building Regulations
- 7.5. The Planning Authority did not make a submission on the appeal and I have thus given consideration to the planning report dated 12th August 2021, upon which the Planning Authority's decision was based. The report does not provide a written assessment of the proposed development but states that subject to conditions, the development would in accordance with the proper planning and sustainable development of the area. An emailed direction from the Senior Executive Planner forms part of the report and it recommends that permission be granted in accordance with an amended schedule of conditions. It appears to me that condition 1b) was added to the decision at this point of the decision-making process.
- 7.6. Section 13.2 of the city development plan states that '*The design and layout of extensions to houses should have regard to the amenities of adjoining properties particularly as regards sunlight, daylight and privacy. The character and form of the existing building should be respected and external finishes and window types should match the existing.*' The development plan does not object to the construction of dormer extensions and I note in this respect that the Planning Authority's stated reason for attaching condition 1b) is to ensure no overlooking of existing residential properties arises.

- 7.7. Regarding the scale of the proposed dormer, it is set below the ridge line of the house and is set in from the side plane of the house and the shared boundary with the west-adjoining house. Notwithstanding this, I am concerned that it occupies a large proportion of the rear roof slope (measuring 5.8m long x 1.8m high x 2.3m deep), over 50% of the slope, and is a dominant part of the roof, to the detriment of the character of the house. Should the Board decide to grant permission for the proposed dormer, I recommend that a revised condition be attached requiring that the dormer should be reduced in width and that it should occupy less than 50% of the rear roof slope, with revised plans to be submitted and agreed with the Planning Authority to this effect.
- 7.8. Regarding the potential for overlooking of neighbouring properties, the provision of a rear-facing dormer extension and rear-facing windows that serve a proposed bedroom will undoubtedly increase the level of overlooking of adjacent property, but there is already mutual overlooking at first floor level between gardens and, in my view, the increased level of overlooking from the dormer would not be significant or unacceptable. And whilst it is not a determinative factor in my assessment I note, as the applicant states, that none of the neighbouring property owners made a submission on the application.
- 7.9. Both the east and west-adjoining houses have themselves been extended to the rear, with the result that the dormer would overlook the extension roofs and rear-most part of the garden, and the rear adjoining property is over 40m from the subject house and is, in my view, adequately set away from the proposed development
- 7.10. In conclusion, dormer windows are an increasingly common feature in modern housing and in urban areas and I see no reason to object to the construction of a dormer extension at the subject site, subject to it being of a reduced size as discussed above.

8.0 Recommendation

- 8.1. I recommend that condition No. 1b) of Reg. Ref. 21597 be revised as follows: -
- 1b) The dormer extension shall be reduced in width, so that it occupies less than 50% of the rear roof plane of the house. Revised plans incorporating such

amendments shall be submitted and agreed with the Planning Authority prior to the commencement of development.

9.0 **Reasons and Considerations**

The proposed dormer extension, which would not have any significant or unacceptable overlooking impact on neighbouring residential property, is considered to be a dominant feature in the rear roof plane, to the detriment of the character of the existing house, contrary to the provisions of Section 13.2 of the Waterford City Development Plan 2013-2019

Barry O'Donnell
Planning Inspector

1st July 2022.