



An  
Bord  
Pleanála

## Inspector's Report

### ABP-311515-21

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<b>Development</b>	Attic conversion for two bedrooms with rear dormer window rear single story extension. Three velux windows to the front.
<b>Location</b>	12 Thornberry Close, Belmont, Stepside, Dublin, D18N8Y4
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D21B/0351
<b>Applicant(s)</b>	Olivia Donohoe
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Split Decision
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Olivia Donohoe
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	18/02/2022
<b>Inspector</b>	Gillian Kane

## **1.0 Site Location and Description**

- 1.1.1. The subject site is located in the Belmont housing estate in Stepside, Co. Dublin. The existing two-storey semi-detached dwelling is located on the northern side of Thornberry Close, a cul-de-sac off Atkinson Drive / Hyde Road. The three-bedroom dwelling has a steep roof profile, a single storey extension and an open car port at ground level. The development
- 1.1.2. The rear garden of the existing dwelling is approx. 6m from the ground floor extension to the rear boundary wall and approx. 16m to the rear elevations of no. 5 and 6 Darley Lane to the north.

## **2.0 Proposed Development**

- 2.1. On the 12<sup>th</sup> July 2021, planning permission was sought for a development comprising an attic conversion to two bedrooms, with a rear dormer window, single storey extension to the rear and three velux windows to the front. Total floor area of new build 60sq.m.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. On the 3<sup>rd</sup> September 2021, the Planning Authority issued a notification of their intention to GRANT permission for the ground floor rear extension, subject to 5 no. standard conditions and to REFUSE permission for the rear dormer extension for the following reason:
- 1 The proposed rear dormer window extension, by reason of its scale and bulk would appear visually obtrusive, overbearing and would cause significant overlooking and perceived overlooking to property to the north. The proposed development would therefore be seriously injurious to the visual and residential amenities of the area and would depreciate the value of property in the vicinity. The proposed development would contravene section 8.2.3.4(i) of the Dun Laoghaire Rathdown County Council development plan 2016-2022 and would be contrary to the proper planning and sustainable development of the area.

### 3.2. **Planning Authority Reports**

3.2.1. **Drainage Planning:** No objection subject to standard condition.

3.2.2. **Planning Report:** Subject and surrounding dwellings have relatively short gardens. The existing first floor windows are bathrooms, reducing overlooking to the north. The proposed full-width dormer of 2 no. bedrooms would cause high level overlooking of the rear gardens / dwellings at 5,6 and 7 Darley Lane. Proposed dormer 8.5m from the rear boundary, 15m from the adjoining dwelling at no. 6. The proposed replacement of the existing first floor bathroom with standard non-obscured would increase overlooking of the properties to the north. This would not accord with section 8.2.3.4(i) of the development plan and therefore is not appropriate. Strongly recommended that any attic conversion be with velux rooflights only. Proposed ground floor extension is acceptable. Recommendation for a split decision.

### 3.3. **Prescribed Bodies**

3.3.1. None on file.

### 3.4. **Third Party Observations**

3.4.1. None on file

## 4.0 **Relevant Planning History**

4.1.1. None on file.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

### 5.2. **Dun Laoghaire Rathdown County Development Plan 2016-2022.**

5.2.1. The operative Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The site is zoned objective A – to protect and/or improve residential amenity.

5.2.2. Relevant policies and objectives include section **8.2.3.4 Additional Accommodation in Existing Built-up Areas** which states that “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..... Particular care will be taken in evaluating large, visually dominant dormer window structures, with a balance sought between quality residential amenity and the privacy of adjacent properties. Excessive overlooking of adjacent properties should be avoided unless support by the neighbours affected can be demonstrated.

5.2.3. **Section 8.2.3.4 (i)** of the plan deals with extensions to dwellings. It states that 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.

More innovative design responses will be encouraged, particularly within sites where there may be difficulty adhering to the above guidance and where objectives of habitability and energy conservation are at stake.

### 5.3. **EIA Screening**

5.3.1. Having regard to nature and scale of the proposed development and the urban location of the site there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. An agent for the applicant has submitted an appeal against the decision of the Planning Authority to issue a split decision. The appeal states that while the Board is obliged to assess the application de novo, the appellant wishes the Board to note that they only seek to appeal that element of the decision that refers to a refusal of permission to convert the attic into two bedrooms with a rear dormer window.

6.1.2. The grounds of the appeal can be summarised as follows:

- No objections to the proposed development were submitted by any party. This must be accepted to mean the neighbour is not concerned.
- There are 3 no. precedent developments for similar dormer attic extensions in the estate.
- The subject dwelling needs to be extended to provide for a growing family. The applicants were not afforded the opportunity to respond to the Planning Authority's concerns.
- The proposed dormer was refused permission despite there being no directly opposing windows. This is contrary to guidance that planning assessments should be performance based and should allow flexibility to increase residential densities where needed.
- The subject dwelling is located to the south of no. 6 Darley Lane. No 6, with a large single storey extension to the rear appears as if it is very close to the subject dwelling. There is a setback of approx. 16m -18m between the two dwellings.
- The Planning Authority's focus on the minimum setback between the rear elevations and the applicants minimum garden depth is not representative of the relationship between the two properties. The setback of the proposed dormer windows from the rear boundary is 9.5 and 11m.
- To address the Planning Authority concerns of overlooking, it is proposed to omit the removal of the first floor en-suite and maintain the obscure glazed window.
- It is submitted that the decision of the Planning Authority does not take account of similar developments such as;

- Planning Authority reg. ref. D18B/0244, an attic conversion with dormer at 2 Fernhill Road, Belmont. The size and scale of the permitted dormer is almost identical to that currently proposed. The only difference is a garden depth of 11.836. Photo submitted.
- Planning Authority reg. ref. D19B/0152, attic conversion at no. 1 Fernhill Road. Almost identical dormer permitted. The only difference is the subject appellants garden is less than 11m.
- Planning Authority reg. ref. D21B/0014, attic conversion at 22 Belmont Drive. Almost identical attic conversion with dormer. As above, the only difference is the subject appellants garden is less than 11m.
- The appeal states that the above confirm that the siting, scale and bulk of the applicants dormer extension is in line with others granted in the estate and adjoining areas. As there are no directly opposing windows, the critical issue is the applicants rear garden depth and overlooking.
- The planning report refers to section 8.2.3.4(i) of the development plan. It is submitted that this policy is not as restrictive as has been interpreted by the Planning Authority.
- Section 8.2.3.4(i) does not include a minimum setback standard to the rear boundary. The requirement is to consider 'the privacy of adjacent properties', with a balance sought between quality residential amenity and the privacy of adjacent properties.
- The appellant submits that the proposed dormer windows would not cause any undue overlooking of the property to the rear no. 6 Darley Lane.
- The subject site has a maximum rear garden depth of 10.5m. the proposed windows are set back 0.5m so the setback of the windows would be between 9.5m and 11m with an average setback of 10m. The subject case therefore is marginal.
- The Belmont estate have gardens of varying depths. The applicant requests some flexibility on the rear garden depth standard.

- The dormer rooms will not be occupied during the day and would have curtains closed at night. Views from the window would be outward, not down.
- The proposal is in line with emerging patterns of 3-storey dwellings.
- The proposed development is in line with the National Planning Framework to densify residential areas.
- The suggested alternative of velux rooflights would not offer an innovative design response to the need to provide attic accommodation.
- The applicant proposes two options to mitigate overlooking – wooden painted louvres on the dormer windows or obscured glazing on the lower half of each window.
- The Board is requested to grant permission.

## 6.2. **Planning Authority Response**

- 6.2.1. The grounds of the 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**

- 6.3.1. None on file

## 6.4. **Further Responses**

- 6.4.1. None on file

## 7.0 **Assessment**

- 7.1.1. I have examined the file and the planning history, considered all policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Residential Amenity
- Appropriate Assessment

## **7.2. Principle of Development**

- 7.2.1. The subject site is located in an area zoned to protect and / or improve residential amenity. The principle of extending an existing dwelling is acceptable, subject to other planning considerations.
- 7.2.2. The appellant states that they welcome the decision of the Planning Authority to grant permission for the proposed ground floor extension and seek only to overturn the decision of the Planning Authority to refuse permission for the proposed attic conversion with dormer windows.
- 7.2.3. Notwithstanding the above, the Board must assess the entire development de novo and any decision that arises must address the entire development as described in public notices.

## **7.3. Residential Amenity**

- 7.3.1. I concur with the assessment and conclusion of the Planning Authority that the ground floor extension is acceptable and would not cause injury to residential amenity of the existing dwelling or any surrounding properties.
- 7.3.2. The proposed attic conversion was refused permission on the grounds that it would cause overlooking of the property to the north and would be visually obtrusive. Development plan policy on first floor extensions state that they will only be permitted where there will be no significant negative impacts on surrounding residential or visual amenities.
- 7.3.3. The pattern of development in this high density development is a mix of two and three storey dwellings, most with relatively small rear gardens. The dwellings are not arranged in a standard straight-on back to back layout, but instead they address the curvature of the road. This results in houses not being directly opposing, but instead at a slight angle to each other. Further, the length and depth of gardens are such that overlooking already occurs from all first floor windows.
- 7.3.4. It is considered that the introduction of two further windows, albeit at roof level would not increase that overlooking to an extent that would cause any injury to residential amenity. Certainly no more than already occurs from those surrounding dwellings that have roof lights in their attic accommodation. I note that the applicant has suggested that the lower half of windows could be of obscured glazing or could have



a louvered finish. Should the Board decide to grant, it is considered that obscured glazing would provide additional privacy to the existing and surrounding dwellings.

- 7.3.5. The need to refurbish and upgrade existing dwellings, even those recently constructed to accommodate current requirements must be balanced against the need to protect the residential amenity of adjoining properties in this high-density area. To that end, I am satisfied that the proposed development is in keeping with the pattern of development in the area and would not cause injury to the privacy or residential amenity of neighbouring properties.
- 7.3.6. The proposed extension at ground and attic level will not cause overlooking of or injury to the residential amenity of adjoining properties and is considered to be in accordance with section 8.2.3.4 of the Dun Laoghaire Rathdown County Council development plan 2016 -2022.

#### **7.4. Appropriate Assessment**

- 7.4.1. Having regard to the nature and scale of the proposed development to be retained in a fully serviced built-up urban area, no appropriate assessment issues arise, and it is considered that 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**

- 8.1.1. It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

### **9.0 Reasons and Considerations**

- 9.1 Having regard to the zoning objective of the area, the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the development would not seriously injure the visual amenities of the area or residential amenity of property in the vicinity. The proposed development for which permission is sought 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 the 29<sup>th</sup> September 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. The three proposed windows in the dormer extension at attic level shall be fitted with obscured glazing on the lower half of each panel, as proposed in the drawings received by An Bord Pleanála on the 29<sup>th</sup> September 2021

**Reason:** in the interest of protecting the residential amenity and privacy of surrounding dwellings.

3. Water supply and 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 and to ensure a proper standard of development.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Classes 1, 3 and 5 of Schedule 2, Part 1 to those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

**Reason:** In the interest of orderly development, and to allow the planning authority to assess the impact of any such development on the amenities of the area through the statutory planning process

- 5 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. 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 planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

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Gillian Kane  
Senior Planning Inspector

21 February 2022