



An
Bord
Pleanála

Inspector's Report ABP-311521-21

Development	Changes to previously approved planning permission, Ref: D20B/0105, to include a new single storey extension at 1 st floor level to the front of the proposed dwelling.
Location	20 Balally Drive, Dundrum, Dublin 16.
Planning Authority	Dún Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D21B/0360
Applicant(s)	Simon Murray
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party v. Decision
Appellant(s)	Simon Murray
Observer(s)	None.
Date of Site Inspection	16 th November, 2021
Inspector	Robert Speer

1.0 Site Location and Description

1.1. The proposed development site is located at No. 20 Balally Drive, Dundrum, Co. Dublin, approximately 500m southeast of Dundrum Town Centre, in a well-established residential area predominantly characterised by single-storey, semi-detached housing with front & rear garden areas and off-street car parking. It has a stated site area of 0.0404 hectares, is broadly rectangular in shape, and is occupied by a single-storey, semi-detached dwelling presently undergoing redevelopment / extension works pursuant to PA Ref. No. D20B/0105. Notably, the wider curtilage of the property extends beyond the confines of the application site to include an additional expanse of private open space located beyond a small stream which bisects the rear garden area (with access obtained via a pedestrian bridge). The site is bounded by neighbouring housing to the east and west with the public road to the south and the aforementioned stream to the north (the rear boundary of the wider curtilage backs onto the Luas line).

2.0 Proposed Development

2.1. The subject proposal involves the amendment of the development previously permitted on site under PA Ref. No. D20B/0105 to include for the construction of an additional single-storey contemporary extension (incorporating a study and a relocated bathroom) at first floor level to the front of the dwelling house with associated revisions to the internal configuration of the approved works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 8th September, 2021 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following single reason:
- By reason of the massing, scale and form of the proposed dormer window to the front of the existing dwelling; the proposed development would be unduly dominant and imposing, resulting in a significant negative visual impact on the public road and also significantly detracting from the visual amenity of the

adjoining houses and from the character of the surrounding area in terms of visual amenity. The proposed development would not be in accordance with section 8.2.3.4(i) of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and, therefore, not be in accordance with the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

Details the site context, planning history, and the applicable policy considerations before analysing the proposal in the context of previous planning applications lodged on site, with particular reference to PA Ref. No. D20B/0105. In this regard, it is noted that Condition No. 2 of the grant of permission issued in respect of PA Ref. No. D20B/0105 omitted the first-floor dormer window originally proposed to the front of that extension while the subject proposal provides for the reinstatement of a dormer feature larger than that previously deemed unacceptable. Comparisons to other existing / permitted developments in the surrounding area (at Nos. 28 & 32 Balally Drive) are subsequently rejected and it is asserted that the proposal would be out of scale and context with neighbouring properties and would have a significant detrimental visual impact on the public realm. The report concludes by recommending that permission be refused for the reason stated.

3.2.2. Other Technical Reports:

Municipal Services Dept., Drainage Planning: No objection, subject to conditions.

3.3. Prescribed Bodies

None.

3.3.1. Third Party Observations

3.3.2. A single submission was received from an interested third party and the principal grounds of objection / areas of concern raised therein can be summarised as follows:

- The first floor windows proposed to the front of the development will have a detrimental impact on the residential amenity of the observer's property by reason of overlooking.

4.0 Planning History

4.1. On Site:

4.1.1. PA Ref. No. D21B/0090. Was refused on 26th April, 2021 refusing Simon Murray permission for changes to previously approved planning permission, ref: D20B/0105, to include a new dormer to the front of the proposed dwelling.

- By reason of the massing, scale and form of the proposed dormer window to the front of the existing dwelling, the proposed development would be unduly dominant and imposing resulting in a significant negative visual impact on the public road and also significantly detracting from the character of the surrounding area in terms of visual amenity. The proposed development would not be in accordance with section 8.2.3.4(i) of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and, therefore, not be in accordance with the proper planning and sustainable development of the area.

4.1.2. PA Ref. No. D20B/0105. Was granted on 26th November, 2020 permitting Simon Murray permission for the enlargement of the front windows, a new single storey extension to the front, a new dormer to the front, and a new two storey extension to the side and rear of the existing house, new rooflights, internal alterations and associated site works.

4.2. Other Relevant Files (at No. 28 Balally Drive):

4.2.1. PA Ref. No. D20B/0166 / ABP Ref. No. ABP-308085-20. Was granted on appeal on 11th November, 2020 permitting Brian Purcell and Sinead McArdle permission for the demolition of existing: (i) north and eastern elevation walls, (ii) south elevation wall, (iii) part of existing pitched roof to north, south and eastern elevations, (iv) adjoining flat roof side extensions to the eastern elevation and (v) existing chimney. The construction of a new part two-storey extension to the east. The design includes associated internal modifications, elevation changes, changes in level, 4 No. rooflights to north and south slopes of existing pitched roof, 2 No. new ground floor windows to north elevation, hard and soft landscaping and all associated site development works.

5.0 Policy and Context

5.1. *Dún Laoghaire Rathdown County Development Plan, 2016-2022:*

5.1.1. *Land Use Zoning:*

The proposed development site is zoned as 'A' with the stated land use zoning objective '*To protect and-or improve residential amenity*'.

5.1.2. *Other Relevant Sections / Policies:*

Chapter 8: Principles of Development:

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

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.

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.

The proposed quality of materials/finishes for dormers will be considered carefully as this can greatly improve their appearance. The level and type of glazing within a dormer structure should have regard to existing window treatments and fenestration of the dwelling.

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.

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.

5.2. Natural Heritage Designations

5.2.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Fitzsimon's Wood Proposed Natural Heritage Area (Site Code: 001753), approximately 1.7km south of the site.

5.3. EIA Screening

5.3.1. Having regard to the minor nature and scale of the development proposed, the site location in an established built-up area outside of any protected site, the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, 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

- The Planning Authority has failed to properly assess the merits of the application as evidenced by the repeated references to the proposed development as comprising a 'dormer' as opposed to the single-storey first floor extension for which permission has been sought.
- Inadequate consideration has been given to the precedent set by other developments approved along the same stretch of road or the decision of the

Board to grant permission for similarly scaled proposals in the surrounding area (i.e. PA Ref. No. D20B/0166 / ABP Ref. No. ABP-308085-20).

- The Planning Authority appears to be engaging in semantics when deciding that a grant of permission for a two-storey extension was not relevant to the subject application by referring to the proposal as a 'dormer window' despite permission having been sought for the construction of a first floor extension as an alteration of a permitted development.
- There are inconsistencies in the decision-making of the Planning Authority given that its original assessment of PA Ref. No. D20B/0105 raised concerns that the extension as then proposed would result in the property having the appearance of a 'two storey dwelling' whereas the rationale for the subsequent refusal of the 'dormer' feature under PA Ref. No. D21B/0090 was that the precedent set by PA Ref. No. D20B/0166 / ABP Ref. No. ABP-308085-20 was irrelevant as it concerned a 'two-storey dwelling' and not a 'dormer'.
- The Planning Authority is incorrect in its assertion that there is a uniformity of house designs along Balally Drive with this position having already been rejected by the Board in its determination of PA Ref. No. D20B/0166 / ABP Ref. No. ABP-308085-20 at No. 28 Balally Drive.
- Contrary to the Planning Authority's reference to the existing houses along Balally Drive as 'cottages', the housing in question comprises poorly constructed bungalows dating from the 1960s which are of little or no architectural merit.
- The applicant has been unable to engage in pre-planning discussions with the Local Authority with a view to ascertaining an acceptable design.
- The proposed development satisfies Section 8.2.3.4(i): '*Extensions*' of the Development Plan as follows:
 - The 'dormer' extension will not have a negative impact on existing character or form. The overall appearance of the dwelling house has been altered as per PA Ref. No. D20B/0105 and the proposed new first floor extension has been designed in the same style and detail.

- The report of the case planner has acknowledged that *‘on the basis of the location of the dormer and the orientation of the dwelling, no significant concerns arise in terms of negative impacts on the residential amenity of adjacent dwellings’*.
- The proposed extension is not overly large or bulky in relation to the overall size of the roof and cannot be described as ‘dominant’ considering it measures 5.5m in length when compared to a dwelling 17m long.
- The proposed extension will be set back from the eaves, gable and party boundaries (although the precedent set by PA Ref. No. D20B/0166 / ABP Ref. No. ABP-308085-20 at No. 28 Balally Drive did not require that first floor extension to be set back from the gable wall).
- Section 8.2.3.4(i): *‘Extensions’* of the Development Plan clearly implies that *‘large, visually dominant dormer window structures’* can be granted permission provided they do not detract from the residential amenity or privacy of adjacent properties. No such concerns were raised by the Planning Authority with the case planner stating:

‘On the basis of the location of the dormer and the orientation of the dwelling, no significant concerns arise in terms of negative impacts on the residential amenity of adjacent dwellings’.

- By way of comparison of the developments proposed at Nos. 20 & 28 Balally Drive, the Board is requested to note the following points:

The Permitted Development at No. 28 Balally Drive:

- The proposed house was 20m wide and the two-storey extension as viewed from the front is c. 10m wide which accounts for 50% of the proposed elevation facing Balally Drive.
- 50% of the proposed front elevation is two-storey with a flat roof.
- 50% of the proposed front elevation is single storey with a flat roof.
- The distance of the two-storey element to the front boundary is c. 11m.

The Proposed Development at No. 20 Balally Drive:

- The proposed house is 17m wide and the dormer element as viewed from the front is c. 5.5m wide.
- The dormer element is 45% narrower than the two-storey element granted permission at No. 28 Balally Drive.
- 66% of the proposed front elevation is single storey with a flat roof.
- 11.8m of the front elevation is single storey with a flat roof.
- The distance of the dormer to the front boundary is c. 9.2m.

The accompanying graphic allows for a direct comparison of the permitted and proposed developments at the respective properties.

- With respect to the concerns raised by a third party that the proposed development will overlook her property, the Planning Authority has determined that the proposal will not result in any undue loss of privacy.
- The proposed extension has been designed to be as compact as possible and any reduction in its size would compromise the design of the study area resulting in a substandard development and rendering the study unfit for purpose.

6.2. Planning Authority Response

- A dormer window is generally defined as a roof structure that often contains a window and projects vertically beyond the plane of a pitched roof. In this regard the proposed development is considered to be a dormer and the policies on dormer roof extensions are considered relevant.
- With regard to No. 28 Balally Drive, it is important to note the full comments of the case planner as follows:

'In the planning documents submitted with this application (as with the previous refusal), the applicant goes on to reference two properties in the vicinity that are considered relevant precedents under which the subject proposal should be considered. The first of those properties is No. 28 Balally Drive, which recently received permission from the Board for an extension to

the side. Again, as previously remarked upon under D21B/0090, despite the applicant's contention, this does not appear to be a relevant precedent given that no dormer windows are proposed in this application. A narrow window is shown in the front elevation of the extension at first floor level and also a full-size window with timber louvre screening proposed to an element linking the main dwelling with the permitted extension, this link, whilst including extended glazing, is set back from the front roof line and below the ridge height. Therefore, it is not considered to have the same prominent presence as that proposed'.

By way of clarity, the reason for the refusal of the subject proposal did not reference No. 28 Balally Drive.

- There is a uniformity in the appearance of housing along this stretch of road which includes the single storey form, the use of red brick below the lower window cills, high pitched roofs, the 'A' - frame forward projections, and the low-rise boundary walls to the front, amongst other features.
- In relation to the application for a pre-planning consultation (Ref. No. PAC/64.20), this was lodged shortly before the pandemic and the applicant subsequently lodged two planning applications.
- It is of relevance to note that the applicant has referred to the development as a 'dormer' in his concluding remarks.

6.3. Observations

None.

6.4. Further Responses

None.

7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues raised by the appeal are:

- Overall design and visual impact
- Appropriate assessment

These are assessed as follows:

7.2. Overall Design and Visual Impact:

- 7.2.1. The subject proposal involves the amendment of the development previously permitted on site under PA Ref. No. D20B/0105 through the construction of an additional single-storey contemporary extension (incorporating a study and a relocated bathroom) at first floor level to the front of the dwelling house with associated revisions to the internal configuration of the approved works. In this regard, it is of relevance to note that the extension originally proposed under PA Ref. No. D20B/0105 included for the provision of a box dormer window to the front of the property, however, that element of the proposal was required to be omitted from the permitted development for reasons of visual amenity through the attachment of Condition No. 2 to the subsequent grant of permission. Accordingly, the subject proposal effectively amounts to the reinstatement of a dormer feature (albeit of a larger size) in the same location as that which was previously omitted.
- 7.2.2. In its assessment of the proposal, the Planning Authority has sought to use the dormer window previously omitted from the development approved under PA Ref. No. D20B/0105 as a benchmark by which to consider the new extension with reference being made to the increased width of the new construction when compared to the original proposal. It has also been asserted that the prevailing pattern of development in the locality is characterised by single-storey, semi-detached 'cottages' and that the presence of front dormer features along this section of roadway is limited with any extant examples being of only modest dimensions. On this basis, the Planning Authority has determined that the proposed development, by reason of its overall massing, scale and form, would appear as a visually dominant and imposing feature within the streetscape which would in turn detract from the visual amenity of adjoining properties and the surrounding area.

- 7.2.3. With respect to the applicant's assertion that support is lent to the proposed development by reference to an existing dormer-type window installed to the front of No. 32 Balally Drive and the Board's determination of PA Ref. No. D20B/0166 / ABP Ref. No. ABP-308085-20 (which approved the construction of a contemporary two-storey extension to the front, side & rear of No. 28 Balally Drive), the Planning Authority has rejected any such suggestion and is of the opinion that neither of the aforementioned examples is directly comparable to the subject proposal or could be considered to set a favourable precedent for the development proposed.
- 7.2.4. Having conducted a site inspection, and following a review of the available information, including the grounds of appeal, whilst I would accept the need to ensure the appropriate control / regulation of dormer extensions etc. through adherence to specified design criteria, it is my opinion that Section 8.2.3.4(i) of the Development Plan provides for some degree of flexibility in the application of same, particularly as more innovative design responses are to be encouraged. In this respect, I am inclined to concur with the applicant that parallels may be drawn between the subject proposal and the development previously permitted by the Board under ABP Ref. No. ABP-308085-20 given that there are broad similarities in the overall scale, massing, height and form of the contemporary designs proposed and permitted at Nos. 20 & 28 Balally Drive respectively. I am also cognisant that the subject proposal (albeit at a reduced scale) was originally intended to form an integral part of the architectural design of the extension as approved and thus should be considered in that context.
- 7.2.5. Furthermore, although the introduction of the new dormer construction will be somewhat at variance with the prevailing pattern of development in the area, which is predominantly characterised by single storey semi-detached properties, I would agree with the previous reporting inspector in their assessment of ABP Ref. No. ABP-308085-20 that the variety of front gables, roof forms, extensions and external finishes etc. along this section of Balally Drive diminishes the broader uniformity in house designs and provides scope for an alternative and contemporary response to the extension of property.
- 7.2.6. On balance, it is my opinion that the proposed dormer feature is in keeping with the contemporary design of the approved extension and will serve to enhance the overall appearance of the permitted development by providing a visual break within the

expanse of pitched roof and by further distinguishing the new construction from the original dwelling. I am further satisfied that the proposal is generally comparable to the development previously permitted on appeal under ABP Ref No. ABP-308085-20 at No. 28 Balally Drive and that the new dormer extension will not be unduly visually prominent and will make a positive contribution to the character of the wider streetscape.

7.3. Appropriate Assessment:

- 7.3.1. Having regard to the minor nature and scale of the development under consideration, the site location within an existing built-up area outside of any protected site, the nature of the receiving environment, the availability of public services, 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 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 foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission for the proposed development be granted for the reasons and considerations, and subject to the conditions, set out below:

9.0 Reasons and Considerations

- 9.1. Having regard to the pattern of development in the area, to the scale, form and design of the proposed development, and to the provisions of the Dún Laoghaire Rathdown County Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the character of the streetscape and would not seriously injure the amenities of nearby dwellings. 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, 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. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on the 26th day of November, 2020 under planning register reference number D20B/0105, and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. 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 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 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.

Robert Speer
Planning Inspector

25th November, 2021