



An
Bord
Pleanála

Inspector's Report

ABP-311661-21

Development	Construction of a new single storey extension and dormer to rear, dormer to side, the conversion of existing garage.
Location	38, Seafield Avenue, Clontarf East, Dublin 3
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	3223/21
Applicant(s)	Clare Leonard & Mark Kennedy
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Clare Leonard & Mark Kennedy
Observer(s)	None
Date of Site Inspection	7 th January 2022
Inspector	Alaine Clarke

1.0 Site Location and Description

- 1.1. The subject site is located on the eastern side of Seafield Avenue, a mature residential street in the north Dublin suburb of Clontarf. The street is characterised by large semi-detached dwellings, generally two-storey, on generous plots, some of which have been extended to the side, rear and into the roof space.
- 1.2. The subject site, no. 38 Seafield Avenue, comprises a previously extended brick-fronted hipped two-storey semi-detached dwelling with attic space. The site comprises a stated area of 579 sq.m. and has a long rear garden, bounded by a mature hedgerow along the north and south boundaries for the most part.
- 1.3. There is a recent flat roof ground floor extension to the rear which traverses much of the width of the garden. This extension leads onto a raised decking area, stepping down onto the lawn. The existing dwelling has a stated floor area of 213.2 sq.m. The area of the front of the dwelling is gravel-surfaced and used for parking.
- 1.4. No. 36 Seafield Avenue, to the south has a single storey extension along its northern site boundary. No. 40, to the north, has not been extended to the rear.

2.0 Proposed Development

- 2.1. The proposed development comprises:
 - the construction of a single storey flat-roof extension to the rear (east) at ground floor level, finished in brick and timber panelling and measuring c.20 sq.m.,
 - A dormer in the rear roof plane (east) externally finished in zinc serving an enlarged attic space with proposed en-suite,
 - A dormer to the side roof plane (south) and externally finished in zinc to serve reconfigured stairs,
 - Conversion of existing garage to an office and allowing for reconfiguration of stairs,
 - Alterations to the existing front façade which includes creation of a window in new office space at ground floor level, to be partly finished with a timber fin screen, and reconfiguration of window at first floor level.

2.2. Overall, an additional floor area of 28.4 sq.m. is proposed.

3.0 Planning Authority Decision

3.1. Decision

On the 27th July 2021 Dublin City Council issued a notification of decision to GRANT permission subject to 11 no. conditions. Condition nos. 8 and 11 are set out as follows:

“8. The attic space hereby approved shall not be used for human habitation unless it complies with the current Building Regulations.

Reason: To ensure a satisfactory standard of development.

11. The development hereby approved shall incorporate the following amendments:

a) The single storey ground floor rear extension shall be handed such that the new room is aligned with the southern side wall of the existing extension and the partly covered patio area is adjacent to the northern side boundary with no.40.

b) The rear dormer shall be reduced in width to have an external width no greater than 2.8m with this reduction being fully from the northern side.

Reason: To protect existing residential and visual amenities and to comply with the policies and objectives of the current Dublin City Development Plan.”

Condition no. 2 requires the payment of a development contribution of €3,214.29.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report notes that the principle of the development is generally acceptable. The report raises concern regarding the impact of the rear single-storey extension and considers it to be overbearing and could give rise to over-shadowing on no. 40 located to the immediate north of the site. The report notes that the rear dormer is marginally excessive; that the side dormer is acceptable and similar to side dormer on no. 40, and; that the proposed conversion of garage and alterations to the front façade are acceptable. The report recommends a grant subject to conditions, which

include modifications to the design of the single storey extension (condition no. 11 set out above).

3.2.2. Drainage Division Report

The Drainage Division has no objection to the proposed development subject to compliance with conditions, including a requirement that all drainage be located within the site boundary.

3.3. Prescribed Bodies

A referral was made to Irish Water – no report returned.

3.4. Third Party Observations

None received.

4.0 Planning History

4.1. Subject site

- WEB1144/13 – Permission granted for the construction of a single storey extension including rooflight to rear of house and internal alterations and demolition of existing single storey extension.
- 2343/10 – Permission granted to change flat roof to side of house to pitched roof to tie in with existing pitched roof and widening of existing vehicular entrance to front garden.

4.2. Adjoining site: No. 36

- 3679/11 – Permission granted for alterations comprising a two storey extension to the side and front of the existing house and widening of the existing driveway.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

5.1.1. The Dublin City Development Plan 2016-2022 is the County Development Plan for the area. The site is located within Zoning Objective Z1, 'to protect, provide and improve residential amenities'.

5.1.2. Section 16.10.12 of the Development Plan relates to Extensions and Alterations to Dwellings and states that:

The design of residential extensions should have regard to the amenities of adjoining properties and in particular the need for light and privacy. In addition, the form of the existing building should be followed as closely as possible, and the development should integrate with the existing building through the use of similar finishes and windows. Extensions should be subordinate in terms of scale to the main unit. Applications for planning permission to extend dwellings will only be granted where the planning authority is satisfied that the proposal will:

- *Not have an adverse impact on the scale and character of the dwelling*
- *Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.*

5.1.3. Appendix 17 of the Development Plan relates to Guidelines for Residential Extensions. Relevant excerpts include:

- *It is important to make sure that any extension does not unacceptably affect the amenities of neighbouring properties. This includes privacy, outlook, daylight, and sunlight.*
- *Extensions should not result in any significant loss of privacy to the residents of adjoining properties.*
- *Extensions should be designed so as not to dominate or appear overbearing when viewed from adjoining properties.*
- *Consideration should be given to the proportion of extensions, height and design of roofs as well as taking account of the position of windows including rooms they serve to adjacent or adjoining dwellings.*

- *Dormer windows should be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible.*
- *Dormer windows should be set back from the eaves level to minimise their visual impact and reduce the potential for overlooking of adjoining properties.*

5.2. Natural Heritage Designations

The site is located c. 800m west of the following designated sites:

- North Dublin Bay proposed Natural Heritage Area (pNHA) (site code 000206)
- North Bull Island Special Protection Area (SPA) (site code 004006)
- North Dublin Bay Special Area of Conservation (SAC) (site code 000206).

5.3. EIA

A pre-screening exercise has been carried out. The proposed development is not of a class (Schedule 5, Part 1 or 2 of the Planning and Development Regulations, 2001 (as amended)). No EIAR is required.

6.0 The Appeal

6.1. Grounds of Appeal

The first party appeal has been prepared by the applicant's agent, Architectural Farm, and includes revised drawings for the Board's consideration. The grounds of appeal can be summarised as follows:

- Consider that condition no. 11a would have a significant impact on the usability and layout of new and existing spaces and propose an alternative design. Changes proposed as follows:
 - Single storey extension moved 600mm from the northern boundary;

- Height of proposed extension reduced by 580mm (from to 4m to c.3.4m);
- Considers that condition no. 11b which seeks to restrict the width of the dormer to 2.8m (from 3.5m) is at odds with other decisions made by Dublin City Council and An Bord Pleanála and references other permissions in the area that have permitted dormers circa / in excess of 3.5m; request that condition no. 11b be omitted.

6.2. **Planning Authority Response**

No submission was received from Dublin City Council in respect of the appeal.

6.3. **Observations**

No observations were received in respect of the appeal.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the appeal, and having inspected the site, and having regard to the relevant local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Principle of the development,
- Condition no. 11a – separation of extension from northern site boundary,
- Condition no. 11b – rear dormer width,
- Privacy – New Issue,
- Appropriate Assessment.

7.2. **Principle of Development**

7.2.1. The appeal site is located on a site that is zoned Z1 under the provisions of the Dublin City Development Plan, 2016-2022 with the stated objective 'to protect,

provide and improve residential amenities'. An extension of the existing house is therefore considered to be acceptable in principle and consistent with the residential zoning of the site, subject to the detailed considerations below.

7.2.2. While the first party appeal seeks to restrict the Board's consideration to a condition only appeal, I consider that the application ought to be assessed 'de novo' having regard to what I consider to be a new issue – that relating to privacy. This issue relates to potential/degree of overlooking arising from the proposed rear and side dormer windows. This issue is assessed in detail at section 7.5 below.

7.2.3. Aside from matters relating to condition no. 11 and the issue of privacy, the remaining elements of the proposed development i.e., the conversion of the existing garage and alterations to the existing front façade are generally acceptable having regard to the nature and scale of works proposed.

7.3. Condition no. 11a – separation of extension from northern site boundary

7.3.1. Condition no. 11a of Dublin City Council's decision requires that the extension be 'flipped' from the northern boundary to the southern boundary to protect residential and visual amenities and to comply with Development Plan policies.

7.3.2. The proposed single storey rear extension would extend a further c.5.4m beyond the rear wall of the existing single storey extension and would result in an overall rear return of c.10.6m beyond the original rear elevation, protruding along the northern site boundary adjoining no. 40 Seafield Avenue.

7.3.3. Given the depth, height and proximity of the proposed extension I have concerns that the development would be overbearing on the residential amenities of the adjoining residence to the north resulting from the 4m high wall abutting its southern boundary over a distance in excess of 10m.

7.3.4. I have considered the impact of the proposed development against Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice (BRE, 2011) in particular, section 2.2 Existing Buildings. Using the '45° approach', the 1.6m reference point for the adjoining patio door lies within the 45° lines in plan and elevation such as the extension may cause a significant reduction in the skylight

received by the window. However, as the proposed extension will adjoin an existing extension, it is considered that daylight on the neighbouring window of no. 40 is compromised or reduced in any case.

- 7.3.5. The first party appeal includes amended drawings for the Board's consideration. Turning to these amended drawings received, the applicant proposes to reduce the height of the extension and pull the extension 600mm from the northern boundary. The floor area of the ground floor extension remains the same as originally applied for. I have assessed the amended drawings against the BRE Guidance, again using the '45° approach' and note that the 1.6m reference point for the adjoining patio door (on the elevation) would lie outside the 45° line. The proposed amendments to the drawings would be an improvement on the daylight enjoyed by the adjoining residence than that applied for. It is noted, however, that as the proposed extension will adjoin an existing extension, it is considered that daylight on the neighbouring window is compromised in any case.
- 7.3.6. I have considered the impact of the proposed development on the rear garden of no. 40. The BRE Guidance (section 3.3) recommends that for a garden to appear adequately sunlit throughout the year, at least half of the garden should receive at least two hours of sunlight on 21st March. The proposed extension, being directly south of the garden of no. 40 will create some shadowing. However, more than half of the garden of no. 40 will remain unaffected by the proposed extension and will be adequately sunlit throughout the year, thus meeting the BRE recommendation in this regard.
- 7.3.7. On balance and having regard to the amended drawings submitted with the appeal which reduces the height of the extension and off-sets it from the northern boundary, I consider the amended drawings submitted with the appeal are an improvement in terms of residential amenity for the residents of no. 40 than that originally proposed and are thus acceptable. Similarly, I consider the concern raised by the planning authority with regard to an overbearing impact on no. 40 would be reduced to an acceptable standard with the proposed amended drawings.

7.4. Condition no. 11b – rear dormer width

- 7.4.1. The proposed attic extension includes a dormer projection with a width of 3.5m and includes a large window to ‘attic space’ and a shower facility as part of an en-suite. The dormer is proposed to project 3.5m from the roof centre-line and sits just below the ridge line and c.600mm above the eaves. The window is c.1m in height and c.900mm from the floor level.
- 7.4.2. As per the report of the Planning Officer, the planning authority consider the rear dormer is “marginally excessive in width and dominates the rear roof plane contrary to Appendix 17.11” (of the City Development Plan) and advises that the width should be reduced to 2.8m from the northern side of the roof, giving a greater separation between the dormer and the chimney stack.
- 7.4.3. I note that the rear of the house is not visible from the surrounding public streets. Immediately to the north, the adjoining semi-detached property has a dormer window in the rear roof profile, adjacent to the chimney stack with a width of c.1.9m, although it is noted that the proposed rear dormer will project beyond the dormer window of no. 40 Seafield Avenue. There is some disparity over the extent of the projection, insofar as the proposed section B-B (drawing no. P 02) indicates that the dormer would extend c.1.5m beyond the adjoining dormer of no. 40, while the proposed roof plan and attic floor plans (also on drawing no. P 02) indicate that the dormer would project c.1m beyond the dormer window of no. 40 or 400mm beyond the intervening chimney. Having regard to the roof plan and attic floor plan, I conclude that section B-B is inaccurate.
- 7.4.4. I consider a rear dormer projection of not more 400mm beyond the intervening chimney is acceptable, as indicated on the proposed attic floor plan and proposed roof plan. Should the Board be minded to grant permission, a condition is attached, in the interests of clarity, which sets out the extent of the rear projection.
- 7.4.5. There are a number of examples of rear dormers along the street and dormers have become a form of development that is to be visually expected, such that I consider a dormer is not out of keeping with the character or appearance of the area when viewed from the rear gardens of adjacent properties. I consider the rear dormer developments at nos. 40 and 37 Seafield Avenue and No. 47 Mount Prospect

Avenue have been constructed without any detriment to the visual amenities of the area.

- 7.4.6. As the dormer would sit below the ridgeline of the roof and would be set back from the eaves, together with the fact that it would only be visible from rear gardens of adjoining and neighbouring properties I am of the opinion that the proposed development would not impact the visual or residential amenities of the area and is acceptable having regard to the location of the dormer in the overall context of the roof structure.

7.5. Privacy – New Issue

- 7.5.1. The use of the dormer room is indicated as ‘attic space’ with ensuite. It is noted that condition no. 8 of the Notification of Decision to Grant Permission requires that the attic space shall not be used for human habitation unless it complies with Building Regulations. I have no objection to the use of the dormer room as a habitable room, subject to it meeting the requirements of the Building Regulations.
- 7.5.2. I consider that the proposed east (rear) facing window would create additional overlooking in an area of two storey residential properties however there are existing first floor east facing windows and it is considered an additional window on the eastern elevation, albeit at second floor, is acceptable.
- 7.5.3. I also consider that the proposed southern (side) dormer window which introduces a window on an elevation where none currently exists would likely result in overlooking of properties to the south. In this regard, I consider it is appropriate to require that the south-facing dormer window be permanently fitted with opaque glazing and should only be capable of being opened above at least 1.8 metres over the finished floor level.
- 7.5.4. A similar development which included second floor dormer windows was considered in appeal reference 29N.248514 and relates to alterations to a house at no. 39 Seafield Avenue. It is noted that the side roof windows were conditioned to be permanently fitted with opaque glazing.

7.6. Appropriate Assessment

Having regard to the proposed modifications and extension to an existing house in a built-up suburban area, the duration of construction which would be limited, and having regard to the location of the development c. 800m from the nearest European site, it is concluded that 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

In light of the above assessment, I recommend that planning permission be granted in accordance with the following conditions for the following reasons and considerations.

9.0 Reasons and Considerations

9.1. Having regard to the residential zoning objective for the area and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development 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 13 th October 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
----	--

	<p>development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) The proposed 2nd floor dormer window, facing south, shall be permanently fitted with opaque glazing and shall be only capable of being opened above at least 1.8 metres over the finished floor level.</p> <p>(b) The proposed 2nd floor dormer, facing east, shall extend no more than 400mm beyond the existing chimney.</p> <p>(c) The proposed dormer's elevations including any rainwater goods, fascia and soffits shall be finished in a dark colour in order to blend with the roof finish.</p> <p>(d) The external finish of the alterations to the front elevation shall match the existing house in respect of materials and colour, and any rainwater goods, fascia and soffits shall be finished in a dark colour in order to blend with the roof finish.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
3.	<p>No flat roofed area shall be used or accessed as a roof garden or patio.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: To restrict the use of the extension in the interests of residential amenity.</p>

5.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
6.	<p>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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
7.	<p>The developer shall pay to the planning authority a financial contribution of €3,214.29 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. The application of any indexation required by this condition 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.</p> <p>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.</p>

Alaine Clarke
Planning Inspector

18th January 2022