



An
Bord
Pleanála

Inspector's Report ABP-311712-21

Development	Demolition of a single storey extension to side & construction of a detached house plus converted attic with dormer window to rear.
Location	No. 49 Broadford Crescent, Ballinteer, Dublin 16.
Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D21A/0129.
Applicant(s)	Gearoid O'Callaghan.
Type of Application	Planning Permission.
Planning Authority Decision	Refusal.
Type of Appeal	First Party.
Appellant(s)	Gearoid O'Callaghan.
Observer(s)	None.
Date of Site Inspection	21 st day of January, 2022.
Inspector	Patricia-Marie Young.

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1.0 Site Location and Description

1.1. No. 49 Broadford Crescent, the appeal site has a stated site area of 0.02ha, it forms part of a larger residential scheme that dates to c1970s and is located in the Dublin city suburb of Ballinteer, which is situated over 10km to the south of the city centre. The site is comprised of a 2-storey semi-detached dwelling that forms part of a group of originally matching semi-detached pairs. It is situated on the north western corner of T-junction c250m to the west of Broadford Road and c200m to the east of Stone Masons Way, both as the bird would fly. The surrounding area has a mature residential character.

2.0 Proposed Development

2.1. Planning permission is sought for the demolition of a single storey extension to side & construction of a detached 3-bedroom house plus converted attic with dormer window to rear & associated site works.

2.2. According to the documentation on file the proposed gross floor space of works is 142m² and the gross floor space of demolition is 30m². The site is served by an existing connection to public water and foul drainage.

2.3. On the 25th day of August, 2021, the Planning Authority received the applicant's further information response. This revised the design and layout of the dwelling proposed so that 60m² of private open space for both the existing and proposed dwelling; and, the first-floor level rear elevation has been moved back to match that of the existing dwelling. The dormer rear window has not been omitted.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 21st day of September, 2021, the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following single stated reason:

"1. Having regard to the zoning objective of the site, which is to protect and / or improve residential amenity as well as to the policies and objectives as set out in the

DúnLaoghaire-Rathdown County Development Plan 2016-2022; it is considered that the proposed development would result in an incongruous addition to the streetscape that would significantly detract from the area in terms of visual amenity. In addition, the shallow garden depth, coupled with the design and scale of the proposed dormer would significantly detract from existing residential amenity in the vicinity by way of overlooking and by way of perceived overlooking and which could compromise future development to the property to the rear. The proposed development would therefore contravene Section 8.2.3.4(v) Corner/Side Garden Sites and Section 8.2.3.4(vii) Infill of the Dún Laoghaire Rathdown County Development Plan, 2016-2022 and would be the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **final Planning Officers report** recommended refusal as set out in the manager's order.

The **initial Planning Officers report** recommended additional information to address the following matters:

- 1) Compliance with Section 8.2.8.4(i) of the Development Plan, which sets out the private open space provision is requested.
- 2) The applicant is sought to reduce and amend the ridge and eaves height of the front and rear of the proposed dwelling. In addition, the applicant is sought to amend the rear building align so that it aligns with the parent dwelling and to omit the projecting element to the front elevation.
- 3) Revised drawing showing that a minimum of 22m separation distance at first floor level is sought. In addition, it is advised that the Planning Authority are not in favour of the large dormer window proposed.

3.2.2. Other Technical Reports

Transportation: No objection, subject to safeguards.

Municipal Services Department: No objection, subject to safeguards.

3.3. Prescribed Bodies

3.3.1. **Irish Water:** No objection, subject to safeguards.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

4.1. Site

4.1.1. None.

4.2. Setting

4.2.1. There are no recent and/or relevant planning history appeal cases in the visual setting or within the larger residential scheme the site forms part of.

5.0 Policy & Context

5.1. Development Plan

5.1.1. The site is located in an area zoned A which has a land use zoning objective: “*to protect and/or improve residential amenity*”, in the Dun Laoghaire Rathdown County Development Plan, 2016-2022.

5.1.2. Other Relevant Sections / Policies:

- Chapter 8: Principles of Development:
- Section 8.2: Development Management:
- Section 8.2.3.4(v): Residential - Corner/Side Garden Sites
- Section 8.2.3.4(vii): Residential - Infill
- Section 8.2.3.5: Car Parking Standards
- Section 8.2.8.4(i): Private Open Space Standards
- Section 8.2.8.4(ii): Separation Distances
- Section 8.2.4.9: Vehicular Entrances and Hardstanding Areas

5.1.3. Section 5.1.1 of the Development Plan sets out general commitments on the part of the planning authority to meet water quality standards.

5.2. **Natural Heritage Designations**

5.2.1. The site does not form part of, it does not adjoin nor is it in the immediate to wider setting of any Natura 2000 sites. The nearest Natura 2000 site is the Wicklow Mountains SPA (Site Code: 004040) which is located c4.8km to the south of the site as the bird would fly.

5.3. **EIA Screening**

5.3.1. Having regard to the nature of the development comprising subdivision of an existing residential plot and permission for the construction of a new dwelling house together with its associated works, the site's location in a built-up area zoned for residential development where public water mains and sewerage are available the need for environmental impact assessment can be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. The grounds of this appeal can be summarised as follows:

- The Board are sought to overturn the decision of the Planning Authority in this case.
- The proposed development is consistent with similar developments within the housing scheme the site forms part of.
- Given the precedent for this type of development and the varying architectural approaches which have included higher ridged heights together with the precedent for large dormer windows it is considered that the Planning Authority's design did not have adequate regard to the pattern of development in this area.
- A number of precedents are cited.

- This development, if permitted, would not prevent the property to the rear of it to be developed in a similar manner in future.

6.2. **Planning Authority Response**

6.2.1. The Planning Authority Response can be summarised as follows:

- The grounds of appeal do not raise any new matter which would justify a change in attitude to the proposed development.

6.3. **Observations**

6.3.1. None.

6.4. **Further Responses**

6.4.1. None.

7.0 **Assessment**

7.1. Having inspected the site and its setting, having had regard to the information presented by the parties to this appeal and all relevant planning provisions, I consider the key planning appeal case are:

- *Principle of the Proposed Development*
- *Compliance with Planning Provisions*
- *Amenity Impact – Residential & Visual*

7.2. In addition, the matter of 'Appropriate Assessment' requires examination.

7.3. I propose to deal with these key issues in turn in my following assessment with the matter of 'Appropriate Assessment' dealt with under a separate heading at the end of my assessment.

7.4. For clarity I also note that my assessment is based on the proposed development as revised by the applicant's further information response received by the Planning Authority on the 25th day of August, 2021. This is based on this response including

revisions that lessen the residential and visual amenity impacts of the proposed development.

- 7.5. In particular, it improves the residential amenity for occupants of the existing dwelling and proposed dwelling by ensuring that the private open space provision for each dwelling is consistent with the Development Plan standards set out under Section 8.2.8.4(i). With each dwelling being served by at a minimum 60m² of private amenity open space.
- 7.6. In addition, the design has been amended to pull back the first-floor level rear elevation of the proposed dwelling so that it matches that of the existing dwelling No. 49. In so doing it reduces the potential impact of the proposed development to give rise to serious injury to the established residential amenities of properties in its vicinity. In particular the semi-detached pair of No.s 77 and 78 Broadford Drive.
- 7.7. Further amendments to overall design include a reduction in the proposed dwellings height to achieve better visual assimilation with No. 49 and the streetscape scene of originally matching semi-detached pairs it forms part of and the pulling back of the first-floor level rear component. This further reduces the level of impact the proposed development would give rise to properties to the rear but also reduces the visual bulk, massing and scale of the proposed dwelling unit as viewed from the public domain.
- 7.8. For clarity I also note to the Board that I concur with the Planning Authority that the proposed development outside of the residential and visual amenity concerns which are the basis for refusal, the revised scheme is otherwise acceptable in terms of it being consistent with the development management standards set out in the Development Plan for this type of development. Including but not limited to the private amenity space provision for the existing and proposed dwelling, the car parking provision through to the lateral separation distance at first floor level between the proposed and existing properties to the rear are all consistent with Development Plan standards.
- 7.9. The site forms part of the Broadford residential scheme which under the Development Plan is zoned 'A'. The land use objective for such lands is: "*to protect and/or improve residential amenity*" and on such zoned lands the principal of residential development is deemed to be generally acceptable subject to safeguards.

- 7.10. I also note that the Development Plan in a manner consistent with regional to national planning provisions and guidelines seeks densification of residentially serviced lands under Policy RES4.
- 7.11. I therefore consider that the proposed development which seeks an additional dwelling unit on what is essentially a corner side garden of No. 49 Broadford Crescent is consistent with this local planning policy provisions. I am also cognisant the proposed development is consistent with national planning provisions which seek to channel residential developments to settlements with this achieving more compact as well as sustainable patterns of residential development whilst making more efficient use of services, amenities, and other infrastructure synergistic with residential development including public transport provisions.
- 7.12. The site has a stated site area of 0.02ha and comprises of a 2-storey semi-detached that contains a single storey side extension with the main dwelling dating to c1970s. It occupies a corner position within Broadford Crescent with a modest in length access road running along its eastern boundary in a northerly direction to where it meets Broadford Drive. It is accessed off Broadford Crescent with its front garden area being predominantly used for off-street car parking. To the rear there are a number of outbuildings in proximity to the rear boundary that adjoins with No. 77 Broadford Drive. No. 77 Broadford Drive occupies noticeably lower ground levels to that of No. 49 and has not been extended to the side and to the rear it has been extended by way of single storey additions. As such views from Broadford Drive and Broadford Drives access road that connects to Broadford Crescent result in the rear of No. 49 being highly visible above ground floor level despite the presence of tall dense evergreen hedging.
- 7.13. Section 8.2.3.4(v) of the Development Plan sets out various criteria for consideration for applications for additional dwelling units on corner/side garden sites.
- 7.14. The most relevant being those that relate to design, layout, and relationship with the existing well as well as adjoining properties, amenity impact on adjoining properties, residential amenity of future occupants of the proposed additional dwelling unit, the ability to meet relevant Development Plan standards ranging from car parking through to private amenity space provision through to the proposals ability to respect and harmonise with the visual amenity of its setting.

- 7.15. The proposed design of the dwelling is one that includes an attic space with large rear dormer window.
- 7.16. I therefore note that 8.2.3.4 of the Development Plan provides some guidance on dormer elements in roof structures and indicates that these will be considered with regard to impacts on existing character and form of the dwelling together with the privacy implications of such structures on adjoining properties residential amenities. It also indicates that the design, dimensions, and bulk of these elements shall be relative to the overall size of the dwelling, and they shall be set back from the eaves, gables and/or party boundaries.
- 7.17. In terms of finishes it sets out these should be carefully considered and that regard to existing window treatments and fenestration of the dwelling should be had. It states that *“particular care will be taken in evaluating large, visually dominant dormer window structures, with a balance sought between quality residential amenity and privacy of adjacent properties. Excessive overlooking of adjacent properties should be avoided unless support by the neighbours affected can be demonstrated”*.
- 7.18. In relation to the character and pattern of development in the area, the streetscape scene that includes No. 49 Broadford Crescent was once one that had a strong uniformity in its appearance, use of external materials, through to building to space relationship. Since its completion in c1970s over the subsequent decades to the present day it and the larger residential scheme of Broadford itself has been subject to a variety of alterations and additions.
- 7.19. I observed that these have mainly taken the form of single and two storey rear additions and I observed limited alterations above eaves level.
- 7.20. I also observed where examples of new dwellings having been built, they were situated on mainly corner type sites where existing dwellings had more generous front, side, and rear amenity space provision to that of the subject site. Notwithstanding on the opposite side of the Broadford Crescent junction there is an example of a recent detached dwelling constructed on a similar sized site. There is no consistency in the design approach for these interventions and they are of varying quality. With some having a limited positive contribution to their streetscape scene.
- 7.21. I therefore consider that these later built insertions when taken together with other alterations and additions to the original matching semi-detached pairs that this

residential scheme is comprised of has diluted the once visual integrity of built forms within this residential scheme as appreciated from the public domain. But one of the features that has remained largely unchanged is the roof structure over the original dwelling units within this residential scheme.

- 7.22. I am cognisant that the site and its setting are not afforded any specific protection and/or deemed of any significant merit for their coherence to be preserved and safeguarded for future generations enjoyment. Notwithstanding, the Development Plan generally seeks that such developments respect and harmonise with the character of their setting.
- 7.23. The application proposes a detached part two and part single storey dwelling house with an amended maximum ridge height of 8.021m. The design includes a projecting ground and first floor level bay windows; a stepped lower side 2-storey and single storey rear projections through to a dormer attic component over. The design is not one that could be considered as contemporary and is one that appears to take elements from the original built form and finishes of the existing dwellings within the Broadford residential scheme.
- 7.24. This I consider is evident in the main roof over having a gable shape, the principal façade has an asymmetrical solid to void expression and the predominant external materials being comprised of brick at the ground floor level of the principal façade and render above, side and rear.
- 7.25. Whilst I have no objection in principle to the placement of the proposed dwelling slightly forward of the principal building line of the main dwelling and the group of semi-detached pairs it forms part of as it together with the bay window element staggers the change in building line. I do share the Planning Authority's concern with regards to the overall maximum ridge height of the 2-storey dwelling and the nature, scale as well as bulk of the rear dormer attic insertion. These when viewed together particularly from the side and rear would, if permitted, result in the proposed dwelling having a definite 3-storey visual appearance as appreciated from the public domain.
- 7.26. With the level of glazing proposed for the attic dormer in my opinion adding to its visual overtness in what is a 2-storey residential scheme where its gable roof shape and coherence of ridge height is one of this residential scheme's original design features.

But concerningly also giving rise to additional overlooking and more significant perception of being overlooked than the existing context.

- 7.27. I note that the appellant in this case seeks to argue that this design approach is not out of character with other examples in this residential scheme and does not give rise to any adverse residential and/or visual amenity concern.
- 7.28. I did not observe the presence of similar examples of later constructed dwellings within the streetscape scene of the site nor are the similar in design corner/side garden and/or infill dwelling houses permitted by the Board on appeal within the Broadfield residential scheme.
- 7.29. Indeed, on the opposite side corner site there is a later 2-storey detached corner dwelling. Though the design does not match the two storey semi-detached pair immediately adjoining it and within its visual setting I did observe that its maximum ridge height and gable roof over was very similar to one another and to the existing buildings within its streetscape scene.
- 7.30. Moreover, to the rear this addition was legible as a two-storey new built insertion within its streetscape scene and with this property occupying a higher ground level to its adjoining properties it does not give rise to any significant additional overlooking or perception of being overlooked for the adjoining and neighbouring properties to the rear. With its glazing above ground floor also being consistent with the rear elevations of the original semi-detached group it forms part of.
- 7.31. In terms of the wider setting, I did observe a number of varying in design, built form, height, mass, scale, and architectural approach dwellings within the Broadfield residential scheme. From what I observed their design resolutions predominantly reinforce the two-storey built character of the Broadford residential scheme and do not include a discernible 3rd floor level. In addition, they also appear to take cognisance of the changing ground levels within this estate.
- 7.32. I am also cognisant that the Board in appeal case ABP Ref. No. PL06D.249094 (P.A. Ref. No. D17B/0268) which related to a development that essentially consisted of an attic dormer extension permitted this insertion subject to its reduction in width to 3m. The reasons for so doing were visual and residential amenity based. This particular appeal case related to No. 69A Broadford Avenue a 2-storey corner dwelling that was permitted by the Planning Authority in 1998 under P.A. Ref. No. D98A/0690 and local

planning provisions in the intervening years have become more robust alongside provide greater guidance and direction for this type of development in terms of what is considered to be acceptable. The Board, however, considered the proposed attic dormer extension proposed development subject of appeal case ABP Ref. No. PL06D.249094 under the current applicable Development Plan and deemed it to be acceptable subject to safeguards.

- 7.33. The Planning Authority in this case sought as part of their additional information request amendments to the height and they advised the applicant that they were not supportive of the dormer component of the proposed development.
- 7.34. By way of the applicants further information response the maximum ridge was reduced to a maximum height of 8117mm.
- 7.35. I note that the height of No. 49 is given as 7589mm.
- 7.36. As such the ridge height is 528mm above that of No. 49 the main dwelling, the semi-detached pair it forms part of and as a result of the relatively flat topography of the site setting it is similarly 528mm above that of the semi-detached pairs that characterise its visual setting.
- 7.37. The additional information has reduced the eaves level of the main front and rear two storey element to sit below the eaves level of No. 49 and the semi-detached pair it forms part. In theory this should give rise to a level of subservience between the existing dwelling, the semi-detached pair, and this new built insertion.
- 7.38. Instead, when taken together with the visual heaviness of the roof structure over when compared with the original gable roofs in the streetscape scene does not achieve subservience or reduce the visual overtness of the attic component of the proposed dwelling but draws attention to the differences in design and height which if permitted would reduce its ability to be assimilated in a respectful and harmonious manner with its streetscape scene.
- 7.39. I also consider the proposed attic dormer and the accompanying additional height proposed for the new dwelling when compared with its setting fails to take account of the noticeable change in ground levels between Broadford Crescent and Broadford Drive. With the properties on Broadford Crescent occupying higher ground levels and thus a third floor level rear dormer addition with a significant level of glazing like that

proposed would result in the proposed dwelling unit, if permitted, being legible as having a 3-storey level particularly when viewed from its side and rear. This in my view further adds to the visual incongruity and the potential overlooking that would be over and above that which characterises this 2-storey residential scheme. A streetscape scene that in my view still maintains a strong level unity, harmony through to legibility of the original design intent when appreciated from its visually prominent location from the public domain.

- 7.40. I am of the view that the design approach does not achieve the architectural integration advocated under Section 8.2.3.4 on smaller sites such as this one where integration can be achieved through the use of appropriate built forms and their features in order to create a sense of visual harmony alongside ensuring no adverse impacts arise on neighbouring properties.
- 7.41. In addition, the ridge height and attic dormer are visually overbearing in their context with the attic dormer giving rise to serious diminishment of the residential property to the rear which it and its neighbouring properties on Broadford Drive occupying sites with lower ground levels. The difference in ground levels add to the visual incongruity of these components of the proposed dwelling and, if permitted in the built form proposed would give rise to material residential and visual amenity diminishment of its setting that also would create a precedent for other similar built insertions, particularly in terms of dormer extensions.
- 7.42. In my view in the absence of meaningful amendments to the height and roof structure the proposed dwelling would not comply with the design considerations provided in the Development Plan for corner/infill sites development. In addition, it would result in an undesirable precedent for similar developments in this residential area.
- 7.43. Based on these considerations I recommend that the Board permit the proposed development subject to the reduction in ridge height to match that of No. 49 and omit the attic dormer. Subject to these amendments the proposed development would assimilate with its streetscape scene, and it would not seriously injure the residential amenities of properties in its vicinity.

8.0 **Appropriate Assessment**

8.1. Having regard to the nature and scale of the proposed development, the brownfield and serviced nature of the site, the significant lateral separation distance between the site and the nearest European site, the lack of any connectivity between the two together with the nature of the receiving environment, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 **Recommendation**

9.1. I recommend planning permission be **granted**.

10.0 **Reasons and Considerations**

10.1. Having regard to the zoning objective for the area as set out in the Dublin City Development Plan, 2016-2022, the established pattern of development in this serviced suburban area and the nature, scale and design of the proposed dwelling together with its associated works, that the proposed development would not seriously injure the established character or visual amenities of the parent dwelling or of properties in the vicinity, it would not seriously injure the amenities of nearby dwellings, and it would, therefore be, in accordance with the proper planning and sustainable development of the area.

11.0 **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further plans and particulars submitted on the 25th day of August, 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 proposed development shall be amended as follows:

(a) A two-storey ridge height of the proposed dwelling shall be reduced to match that of No. 49 Broadford Crescent.

(b) The dormer roof structure shall be omitted.

(c) The first-floor level bathroom window shall be permanently fitted with opaque glazing.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

3. 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.

Reason: To restrict the use of the extension in the interest of residential amenity.

4. The external finishes of the proposed extension shall match those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, protection of the public roads and public footpaths, and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

6. Site development and building works shall be carried out only between the hours of 07.00 to 19.00 Mondays to Fridays inclusive, between 07.00 to 13.00 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.

7. Drainage arrangements including the attenuation and 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.

8. a) All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the applicant's/developers own expense.

b) The applicant/developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road arising from the construction work and shall either make good any damage to the satisfaction of Dun Laoghaire Rathdown County Council, or pay the Council the cost of making good any such damage upon issue of such a requirement by the Council.

Reason: To protect the amenities of the area.

9. 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.

Patricia-Marie Young
Planning Inspector

24th day of January, 2022.