



An
Bord
Pleanála

Inspector's Report ABP-311875-21

Development	Conversion of existing attic space comprising of modification of existing roof structure, raise existing gable c/w window; access stairs and flat roof dormer to rear.
Location	No. 29 Pinewood Estate, Clondalkin, Dublin 22
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD21B/0356
Applicant(s)	John Shields
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Simon Wang
Observer(s)	None
Date of Site Inspection	22 nd January 2021
Inspector	Donal Donnelly

1.0 Site Location and Description

- 1.1. The appeal site is located within Pinewoods, a residential estate that forms part of a wider suburban area situated to the east of Corkagh Demesne and to the south-west of Clondalkin. The surrounding area is dominated by 2-storey semi-detached dwellings in cul de sac layouts accessed off distributor roads.
- 1.2. Pinewoods contains approximately 85 no. dwellings situated around a, 'F' shaped cul de sac arrangement. No. 29 is located at the southern end of the estate within a row of 6 no. semi-detached dwellings. These dwellings face east towards an area of greenspace.
- 1.3. The stated area of the site is 0.01705 hectare and the existing dwelling has a floor area of 110.96 sq.m. A single storey extension has been erected to the rear of the property. The site is bounded to the rear by the side boundary of No. 31.

2.0 Proposed Development

- 2.1. Planning permission is sought for the conversion of an existing attic space to include the following:
 - Modification of existing roof structure from hip to gable profile;
 - Construction of flat roof dormer window on rear roof slope;
 - Installation of window at attic level on new gable.
- 2.2. The proposed development will increase the floor area of the dwelling by 25.19 sq.m. to include the use of the attic as non-habitable space. The proposed dormer will be set back from the eaves by approximately 1.2m and will be below the pitch by 100mm. The width of the dormer will be 3.8m.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Following submission of further information, South Dublin County Council issued notification of decision to grant permission for the proposed development.

3.1.2. Condition 2 attached to the Council's decision refers to external finishes, restrictions on use, drainage, dust and construction noise and hours.

3.2. **Planning Authority Reports**

3.2.1. The recommendation to grant permission, as set out in the final Planner's Report, reflects the decision of the Planning Authority. The main points raised under the evaluation of the proposal in the initial Planner's Report are as follows:

- Proposed development is permitted in principle within the 'RES' zoning objective subject to its design being in accordance with the relevant Development Plan provisions.
- Removal of hipped roof to be replaced by a flat roof gable extension is not acceptable as it does not match the roof design of the wider street – should be addressed by way of half hipped design.
- Proposed dormer is appropriately positioned and set in excess of 100mm below the ridge line and in excess of 100mm from the gable ends; however, dormer may require redesign to address half hipped roof design.
- 750mm gable window shall contain obscure glazing – appropriate planning condition will address this.
- Proposed works will not have an adverse impact on residential amenity of the adjacent property by way of overlooking.
- Proposal conforms with the South Dublin House Extension Design Guide and current Development Plan.
- Proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European Site and therefore Stage 2 Appropriate Assessment is not required.
- Need for EIA can be excluded at preliminary examination and a screening determination is not required.
- No previous extension and no development contributions (sic).

3.2.2. Further information was requested from the applicant seeking the inclusion of a half hipped design that shall be significant and not be token in nature. Accordingly, the

applicant submitted revised drawings as requested. It is considered by the Planning Authority that the revised half hipped roof design conforms with the appropriate policies of the Development Plan and guidelines and is now acceptable.

3.3. **Third Party Observations**

- 3.3.1. A third party observation was submitted by the same party who submitted the appeal.

4.0 **Planning History**

South Dublin County Council Reg. Ref: SD21B/0374

- 4.1. Permission granted at no. 40 Hazelwood Crescent to the south for conversion of existing attic space to non-habitable storage/office area with new revised roof profile (from hipped to half hipped gable roof) to side/rear with new dormer window extension to rear roof with 2 'Velux' rooflights to front roof elevation; new window to side gable; internal modifications and associated site works.
- 4.2. It was considered by the Planning Authority in this case that the proposed 'Token' 'Dutch' hip profile would not be in keeping with the character of the surrounding area and would not accord visually in this location. The applicant was requested to redesign the roof profile to incorporate an elongated 'Dutch' half-hipped roof.
- 4.3. However, the further information drawings show a full pitch, which was considered to be both out of keeping with the character of dwelling design in the area and contrary to policies and objectives of the current County Development Plan and guidance set out in the South Dublin County Council House Extension Design Guide (2010). The applicant was requested by way of condition to submit a half-hipped roof profile design and a full suite of drawings prior to commencement of development.

South Dublin County Council Reg. Ref: SD18B/0184 (ABP-302143-18)

- 4.4. Permission granted at No. 33 Hazelwood Crescent to the south-east for 1) change of existing hip roof profile to half/mini hip roof with conversion of existing attic space to non-habitable room with two 'Velux' roof lights to rear; (2) alterations to existing single storey rear extension, including increase of floor area to circa 30sq.m and change of roof profile from pitched roof to flat roof and internal modifications; (3)

alterations to existing porch including increase of floor area to circa 2.5sq.m and all associated site works.

5.0 Policy and Context

5.1. South Dublin County Development Plan, 2016-2022

5.1.1. The appeal site is zoned “RES” where the objective is *“to protect and/ or improve residential amenity.”*

5.1.2. Housing (H) Policy 18 states that the Council will support the extension of dwellings subject to the protection of residential and visual amenities. H18 Objective 1 states as follows:

“To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).”

5.1.3. The Design Guide states the following with respect to attic conversions and dormer windows:

- Use materials to match the existing wall or roof materials of the main house.
- Meet Building Regulation requirements relating to fire safety and stairs in terms of headroom on stairs and means of escape.
- Locate dormer windows below the ridge of the roof, even if the roof has a shallow pitch.
- Locate dormer windows as far back as possible from the eaves line (at least three tile courses).
- Relate dormer windows to the windows and doors below in alignment, proportion and character.
- In the case of a dormer window extension to a hipped roof, ensure it sits below the ridgelines of the existing roof and matches the materials used in the main house.

- Do not obscure the main ridge and eaves features of the roof, particularly in the case of an extension to the side of a hipped roof.
- Avoid extending the full width of the roof or right up to the gable ends – two small dormers on the same elevation can often be a suitable alternative to one large dormer.
- Avoid dormer windows that are over-dominant in appearance or give the appearance of a flat roof.
- Avoid the use of flat-roofed dormer window extensions on houses with hipped rooflines.
- Extending a hipped roof to the side to create a gabled end or half-hip will rarely be acceptable, particularly if the hipped roof is visually prominent and typical of other houses along the street.

5.2. Natural Heritage Designations

5.2.1. None nearby.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third party appeal against the Council's decision has been submitted by the resident of No. 30 Pinewood Estate, which adjoins the appeal site to the north. The grounds of appeal and main points raised in this submission are summarised as follows:

- Application should be rejected as being contrary to the Guidelines for Residential Extensions.
- Neighbour built very tall wall as part of a single storey extension to the rear which blocks the sunlight and is against regulations.
- Regulations for residential extensions should be followed – proposal goes too far in changing the character of the building and surrounding area.

- There are no hipped roof houses in the entire estate with a flat roof extension due to roof style.
- Proposed development would have adverse impact on the scale and character of the dwelling, would be dominant and overbearing when viewed from adjoining properties and fails to harmonise with the existing house and adjoining buildings.
- Roofline is one of the most dominant features of the building.
- People who have made attic conversions in the estate have followed the above rules by opening light windows on the rear and side roof slopes.

6.2. Applicant's response

6.2.1. The applicant's agent responded to the third party appeal with the following comments:

- As with all planning applications, the needs of the applicant and the needs of the Council must be considered.
- Applicant followed all the Council guidelines in relation to this planning application and when additional information was requested, the design was revised accordingly.
- There are many examples of attic conversion throughout South Dublin County Council and in the Dublin 22 area. These vary from standard conversions, gable raises, side dormers and rear dormers.
- South Dublin County Council have addressed all the issues raised in the appeal and have made the decision to grant permission which the applicant feels should be upheld.

6.3. Planning Authority Response

6.3.1. The Planning Authority responded with the following comments:

- The Planning Authority confirms its decision. Issues raised in the appeal have been covered in the Planner's Report.

- If an obligation under Part V of the Planning and Development Act, 2000 applies to the application under appeal, a condition stating the nature of the obligation should be included in the Board's decision.
- Cognisance should be had to whether South Dublin County Council Development Contributions Scheme applies and whether a condition should be attached accordingly.
- Development may be in the area for which supplementary development contributions are applicable.
- Condition relating to security under Section 34(4)(g) should be applied where appropriate.

7.0 **Assessment**

7.1. I consider that the key issues in determining this appeal are as follows:

- Development principle;
- Visual impact;
- Impact on residential amenity;
- Appropriate Assessment.

7.2. **Development Principle**

7.2.1. The appeal site is zoned "RES" where the objective is "*to protect and/ or improve residential amenity.*" The proposed attic conversion with rear dormer window and mini-hipped roof would be acceptable in principle subject to an assessment of the impact of the proposal on residential amenity and compliance with other relevant Development Plan policies and objectives.

7.3. **Visual impact**

7.3.1. The Planning Authority considered that the original proposal to replace the existing hip end of the roof with a gable is unacceptable, as it does not match the roof design of the wider street. The applicant was invited to amend the roof profile to include a

half hipped design. It was also noted in the Planner's Report that the dormer may require redesign to address this amendment.

- 7.3.2. The amended proposal submitted by way of further information includes a mini-hip end that allows for the dormer structure of the same dimensions to be maintained. The dormer is positioned 100mm below the ridge line and is set back approximately 1.2m from the eaves. The structure is also set back from the gable end and from the adjoining boundary to the north.
- 7.3.3. It is an objective of the Development Plan (H18 Objective 1) *“to favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).”* The third party appellant considers that the advice contained in the Design Guide should be followed and that the proposal goes too far in changing the character of the building and surrounding area.
- 7.3.4. It is stated in the Design Guide with respect to side extensions that *“extending a hipped roof to the side to create a gabled end or half-hip will rarely be acceptable, particularly if the hipped roof is visually prominent and typical of other houses along the street.”* It is also recommended that the use of flat-roof dormer extensions should be avoided on houses with hipped rooflines.
- 7.3.5. Clearly, the proposal is at variance with certain recommended standards for this type of development. The proposed mini-hip is visible from the front over an area of green space and also from the cul de sac to the rear. Notwithstanding this, there is precedent for this type of development overlooking the green space to the south at the rear of Hazelwood Crescent. The Board granted permission at No. 33 under ABP-302143-18 to change the roof profile to a mini-hip design and to convert the attic space to a non-habitable room with velux roof lights. South Dublin County Council also granted permission at No. 40 for a development with flat roof rear dormer on condition that the proposed gable end be amended to a half-hipped profile.
- 7.3.6. Having regard to the fact that there is visible precedent for the proposed development, and to the difficulty in providing reasonable attic accommodation

without alteration of the roof profile, I consider that the proposed development is acceptable in this case. This form of development has become widely accepted and is necessary to provide access to attic space whilst maximising the use of the internal space.

- 7.3.7. The Board may wish to consider the omission of the dormer element of the proposed development so that it is similar to the proposal granted under ABP-302143-18; however, I note that this structure would appear to in compliance with the criteria set out in the House Extension Design Guide pertaining to dormer extensions. The dormer is not overly dominant on the roof slope and is finished in materials matching those of the existing dwelling in respect of colour and texture.

7.4. Impact on residential amenity

- 7.4.1. I am satisfied that there will be no undue overlooking from the proposed dormer owing to the setback from eaves to the rear. I note the recommendation in the Planner's Report to fit the proposed window to the side with obscure glazing that was not conditioned. I do not consider that there will be significant overlooking from this window or indeed from the dormer itself.
- 7.4.2. I consider that the proposed dormer or increase gable height will not give rise to undue overshadowing of adjoining properties. The gable will face directly towards the side wall of the adjoining property to the south and will not give rise to any diminution of daylight to side windows. Issues raised by the appellant relating to any overshadowing of the property to the north do not concern the development in question.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise.

8.0 Recommendation

- 8.1. I recommend that the proposed development should be granted for the reasons and considerations hereunder and subject to the conditions below.

9.0 Reasons and Considerations

Having regard to the zoning objective for the site and pattern of development in the area, together with the design, scale, layout and appearance, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity and would provide for a satisfactory standard of accommodation for residents of the dwelling. 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 revised plans and particulars received by the Planning Authority on 15th 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 external finishes of the proposed extensions shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interests of visual amenity.

3. Site development and building works shall be carried out only between the hours of 07.00 to 19.00 Mondays to Fridays inclusive, between 09.00 to

13.00 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.

4. 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.

Donal Donnelly
Senior Planning Inspector

24th January 2022