



An
Bord
Pleanála

Inspector's Report ABP-312533-22

Development	Construction of a single storey extension to rear and side of existing house, conversion of existing attic space including new flat roof dormer to rear of house and all associated site works.
Location	No. 1 Fosterbrook, Blackrock, Co. Dublin
Planning Authority	Dún Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D21B/0591
Applicant(s)	Niamh Prendergast & Kevin Jolley
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	First & Third Parties
Appellant(s)	1. Niamh Prendergast & Kevin Jolley 2. Neil & Catherine Scaife
Observer(s)	None
Date of Site Inspection	13 th April 2022
Inspector	Donal Donnelly

1.0 Site Location and Description

- 1.1. The appeal site is located in Fosterbrook, Blackrock approximately 5km south-east of Dublin city centre. Fosterbrook comprises an estate mostly of semi-detached 2-storey dwellings of similar design located off Stillorgan Road (N11). To the south-east of Fosterbrook are the grounds of the Radisson Blue St Helen's Hotel and to the east is Seamount Apartments.
- 1.2. No. 1 Fosterbrook is a detached dwelling situated at the western end of the row of dwellings near the entrance to the estate. The appeal site has an irregular shape that narrows to the rear. The western side boundary is shared with the rear of boundaries of No's. 23-29 Seafield Crescent. The stated site area is 0.0576 hectare and the existing dwelling on site has a floor area of 166 sq.m.

2.0 Proposed Development

- 2.1. Planning permission is sought for extensions and alterations to the dwelling to include the following:
 - Construction of a single storey extension to the rear and side of the existing dwelling with a total ground floor area of 29 sq.m.
 - Conversion of attic space including a new flat roof dormer to the rear with total proposed attic floor space of 25 sq.m.
 - Associated alterations, drainage and landscaping works within the curtilage of the site.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Dún Laoghaire Rathdown County Council issued notification of decision to grant permission subject to four conditions.
- 3.1.2. Condition 2 the subject of the first party appeal states as follows:

“The proposed dormer extension shall be reduced in width to a maximum of 4.5m and set down from the roof ridge by a discernible gap.”

Reason: In the interests of orderly development”

3.2. Planning Authority Reports

3.2.1. The recommendation to grant permission in the Planner’s Report reflects the decision of the Planning Authority. The following are the main points raised in the assessment of the proposal:

- Proposed development is permitted in principle under the zoning objective.
- Having regard to the size and overall finish of the proposed single storey extension to the rear and side of the existing house, and noting the light well element that extends above the proposed single storey side extension, it is considered that the proposed extension would integrate successfully with the house and would not have any negative impacts on adjacent properties in terms of overlooking, overshadowing or overbearing appearance.
- Proposed side and rear extensions would not have serious negative impacts on the character of the house or the streetscape.
- Flat roof design and finish of the proposed dormer extension is generally considered acceptable; however, width of the extension relative to the overall width of the roof is excessive, in particular noting the half hipped roof elements.
- Proposed dormer is not set down from the apex of the roof or set in from the half hipped roof edges – recommended that a condition is included in the event of a grant of permission requiring the setting down of the dormer and a reduction in width to 4.5m.
- Proposed distance of new dormer extension from the roof eaves is generally considered acceptable.
- Given location and orientation of dormer window towards neighbouring garden, it is not considered that undue overlooking of adjoining properties would occur.
- Proposed dormer (as amended) would be acceptable from a visual amenity perspective and would not have an overbearing appearance.

- Drainage Planning Report outlines requirements regarding surface water management – shall be included as conditions in the event of a grant of planning permission.

3.3. Third Party Observation

- 3.3.1. An observation on the application was received from the third party appellant outlining similar issues. The Planning Authority considered that blinker windows within the dormer are not required to prevent overlooking in this case.

4.0 Planning History

Dún Laoghaire Rathdown County Council Reg. Ref: D20A/0326

- 4.1. Permission granted at No. 23 Seafield Crescent for demolition of a shed to the side and construction of a new single-storey extension to the rear and side, loft conversion with 2 no. dormer windows to the rear, new external insulated smooth render to existing external walls, reconfiguration of selected existing window openings, new roof windows to the front and side hipped roof along with associated internal alterations, the widening of the vehicular access with new gate and associated landscaping works.

5.0 Policy Context

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

- 5.1.1. The site was zoned 'A' with the stated objective *'to protect and/ or improve residential amenity.'*
- 5.1.2. The principles of residential development are set out in Section 8 of the 2016-2022 Development Plan. Section 8.2.3.4(i) relates to extensions to dwellings.
- 5.1.3. The **Dún Laoghaire Rathdown County Development Plan 2022-2028** was adopted by the elected members on the 10th March 2022. The adopted Plan came into force 6 weeks after this date on the 21st April 2022.
- 5.1.4. The zoning of the site is now *"Objective A – To provide residential development and improve residential amenity while protecting the existing residential amenities."*

Section 12.3.7 provides guidance on additional accommodation in existing built-up areas. It is stated that *“ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. The extension should match or complement the main house.”*

5.1.5. The following is stated with respect to dormer extensions:

“Dormer extensions to roofs, i.e. to the front, side, and rear, 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. Dormer extensions should be set down from the existing ridge level so as to not read as a third storey extension at roof level to the rear.

The proposed quality of materials/finishes for dormer extensions will be considered carefully as this can greatly improve their appearance. The level and type of glazing within a dormer extension should have regard to existing window treatments and fenestration of the dwelling. However, regard should also be had to size of fenestration proposed at attic level relative to adjoining residential amenities.

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.”

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal against Condition 2 and a third party appeal against the Council’s decision were submitted by the applicant and the resident of the adjacent dwelling to the east respectively. The grounds of appeal and main points raised in each of these submissions are summarised as follows:

First party

- Proposed extensions are presented as a simple design in materials compatible with the existing elevations of No. 1 Fosterbrook and neighbouring houses.
- Proposed additions are proportional to the size of the site and pattern of development already permitted for houses of a similar type.
- Subject property is a detached house with total roof width of 8600mm – proposed dormer has an external width of 5278mm.
- North-east face of the proposed dormer has an offset distance of 2500mm from the boundary separating No. 1 & 2 Fosterbrook and the south-west face of the dormer facing Seafield Crescent would have an offset distance of 7000mm from the south-west boundary fence. Council typically permit offset distances of 1000mm from a party wall.
- Board should take into account the overall roof width and the overall site width in the assessment of the proposed dormer dimensions.
- Layout and success of the attic room and associated shower room heavily depend on the width of the dormer from a functionality and headroom perspective – reduction in width imposed by Condition 2 would render shower room unworkable.
- If Board deem it necessary to reduce the width of the dormer, a reduction to 5000mm would achieve a reasonable compromise that would reinstate the functionality of the shower room.
- Proposed dormer does not extend beyond the ridge junction of the half hip and main ridge.
- Dormer will be obscured from view in respect of the front elevation. No. 1 Fosterbrook is positioned at an angle away from the road and the view of the dormer will also be obscured on the approach from the estate entrance. Board should take account of the negligible visual impact the proposal will have on the streetscape.

- Applicant does not have an issue with the part of Condition 2 that requires the dormer to be set down from the main ridge by a discernible gap.
- Proposed dormer is proportional to the size of the detached house and proportional to the surface area of the existing roof.

Third Party

- Appellant has no issue with the principle of the property being extended, nor the majority of the proposals contained within the application.
- Appellant concerned about the potential for overlooking of their rear garden space.
- Board should review the planning decision and conditions should be included to incorporate the following alterations:
 - Alterations to the dormer to include for a 'blinker' to the dormer to prevent overlooking.
 - Clarification through condition of the exact dimension required for the dormer to be positioned below the ridge line – Board should set exact dimension.
- It is stated in Section 8.2.3.4 of the Development Plan that *“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.”*
- Appellant has the preference for the dormer to be omitted entirely on the basis that every other property in Fosterbrook with converted attic space has Velux windows which have less impact on neighbour's privacy.
- Applicant requested to Planning Authority that the size of the dormer window be reduced in width and a 'blinker' be conditioned – similar condition was attached to Reg. Ref: D17A/1032.

6.2. Planning Authority Response

6.2.1. No response.

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 'A' with the stated objective *"to provide residential development and improve residential amenity while protecting the existing residential amenities."* The construction of extensions to the dwelling would therefore 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. Planning permission is sought for ground floor extensions to the side and rear of an existing detached dwelling, as well as a dormer extension at attic level. As highlighted by the first party appellant, the proposed extension will not have any significant visual impact on the streetscape. The ground floor extension will be mostly obscured by an existing ground floor element to the front/ side of the dwelling. A new window forming part of a mono-pitched roof will not be readily discernible from the front and a new vertical window in the western gable will be appropriately scaled and positioned.

7.3.2. I would also be in agreement that the proposed dormer structure is proportionate to the roof plane to the rear. The structure is set back a reasonable distance from gable ends and is located well enough back from eaves. Furthermore, I do not

consider that the proposed dormer will appear overly scaled or obtrusive when viewed from rear. I would therefore be of the opinion that the width of the dormer, as applied for, is appropriate and Condition 2, which required the dormer to be reduced to a maximum width of 4.5m, should be omitted. The width of the dormer, as applied for, will improve the amenity value of the attic space for residents of the dwelling without undue additional visual impacts. In addition, I do not consider it necessary to reduce the width of the dormer to 5000mm as offered by the applicant.

- 7.3.3. Condition 2 also required the dormer to be set down from the roof ridge by a discernible gap. I do not consider that a non-prescriptive condition is appropriate, and thus I recommend that Condition 2 should be amended to state that the dormer shall be set down from the roof ridge by at least 100mm. In this regard, it is stated in the new Development Plan that *“dormer extensions should be set down from the existing ridge level so as to not read as a third storey extension at roof level to the rear.”*

7.4. Impact on residential amenity

- 7.4.1. It is stated in Section 12.3.7 of the new Development Plan that *“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.”*
- 7.4.2. The third party appellant has no issue with the principle of the property being extended; however, concern has been expressed about the potential for overlooking of their rear garden space. It is requested that the Board should review the planning decision and conditions should be included to incorporate a ‘blinker’ to the dormer to prevent overlooking. The Planning Authority had considered that undue overlooking of adjoining properties would not occur having regard to the orientation of the proposed dormer window towards the subject rear gardens.
- 7.4.3. I would be in agreement that the proposed dormer will not give rise to excessive overlooking of the appellant’s rear garden. It should be noted that Drawing No. PL-04 – Existing and Proposed Elevations labels the smaller window opening within the dormer structure as being fitted with frosted glass. I assume that this label also

applies to the entire glazed element of the dormer. Notwithstanding this, I recommend the attachment of a condition confirming same.

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. It is considered 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 and layout, it is considered that, subject to compliance with conditions below, the proposed extension would not seriously injure the visual amenities of the area or the residential amenities 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 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. The dormer window structure shall be set down from the ridge line by at least 100mm and all dormer window openings shall be permanently fitted with frosted glass.

Reason: In the interests of residential amenity.

3. The external finishes of the proposed extensions shall harmonise with those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

4. 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.

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

Donal Donnelly
Senior Planning Inspector

22nd April 2022