



An
Bord
Pleanála

Inspector's Report ABP-312564-22

Development	Permission for alterations to the existing attic dormer element to rear to increase width and height and all associated internal alterations, drainage and ancillary works.
Location	14 Kill Avenue, Dun Laoghaire, Co. Dublin, A96 XD79
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D21B/0615
Applicant(s)	Martin Reddington
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Martin Reddington
Observer(s)	None
Date of Site Inspection	04/03/2022.
Inspector	Gillian Kane

1.0 Site Location and Description

- 1.1. The subject site is located on the northern side of Kill Lane, a residential road running from Glenageary to Deansgrange in south Dublin. The area comprises mature semi-detached dwellings on the northern side, with high density dwellings to the south. The Honey Park residential development is located to the south of the subject site.
- 1.2. The site is bound to the east and west by similar dwellings. No.s 11-14 Kill Lane have long rear gardens, stretching north to the dwellings on Monkstown Farm.

2.0 Proposed Development

- 2.1. On the 28th November 2019, permission was sought for alterations to the existing attic dormer to increase width and height and all associated works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 31st January 2020, the Planning Authority issued a notification of their intention to REFUSE permission for the following reason:
 1. The proposed rear dormer extension by reason of its size, scale and bulk fails to comply with Section 8.2.3.4 (i) of the Dun Laoghaire Rathdown County Development Plan (2016-2022). It is considered overly dominant on the roof and would be out character with the existing dwelling and dwellings in the immediate area. In addition, the proposed rear dormer would appear visually intrusive when viewed from the neighbouring properties. This would seriously injure the amenity and depreciate the value of the property in the vicinity. The proposed development would therefore be contrary to the proper planning and development of the area.

3.2. Planning Authority Reports

- 3.2.1. **Drainage Planning:** No objection.
- 3.2.2. **Planning Report:** Existing dormer is 2.7m wide and 2m high. Proposed dormer is 4.2m wide. Existing dormer is modest relative to roof. Proposed dormer is out of scale, would appear overly dominant and would not accord with section 8.2.3.4(i) of the development plan. Recommendation to refuse permission.

3.3. Prescribed Bodies

3.3.1. None on file.

3.4. Third Party Observations

3.4.1. None on file.

4.0 Planning History

4.1.1. None on subject site.

5.0 Policy Context

5.1. Dun Laoghaire Rathdown County Development Plan 2016-2022.

- 5.1.1. The operative Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The site is zoned objective A – to protect and/or improve residential amenity.
- 5.1.2. Relevant policies and objectives include section **8.2.3.4 Additional Accommodation in Existing Built-up Areas** which states that “Dormer extensions to roofs will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties. The design, dimensions and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations. Dormer extensions shall be set back from the eaves, gables and/or party boundaries..... Particular care will be taken in evaluating large, visually dominant dormer window structures, with a balance sought between quality residential amenity and the privacy of adjacent properties. Excessive overlooking of adjacent properties should be avoided unless support by the neighbours affected can be demonstrated.
- 5.1.3. **Section 8.2.3.4 (i)** of the plan deals with extensions to dwellings. It states that first floor rear extensions will be considered on their merits, noting that they can often have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:

- Overshadowing, overbearing and overlooking - along with proximity, height and length along mutual boundaries.
- Remaining rear private open space, its orientation and usability.
- Degree of set-back from mutual side boundaries.
- External finishes and design, which shall generally be in harmony with existing.

More innovative design responses will be encouraged, particularly within sites where there may be difficulty adhering to the above guidance and where objectives of habitability and energy conservation are at stake.

5.2. Natural Heritage Designations

- 5.2.1. The South Dublin Bay SAC (000210) and the South Dublin Bay and River Tolka Estuary SPA (004024) are 1.7km to the north of the subject site.

5.3. EIA Screening

- 5.3.1. Having regard to nature and scale of the proposed development and the urban location of the site there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. An agent for the applicant has submitted a first party appeal against the decision of the Planning Authority to refuse permission. The grounds of the appeal can be summarised as follows:
- By virtue of previous works undertaken on the dwelling, the existing dwelling is already out of character with its neighbours. The works are in place for so long they have blended into the neighbourhood. The proposed alterations carry on the natural evolution of the neighbourhood.
 - A neighbouring dwelling includes a dormer extension.
 - The existing dormer provides for a steep unusable staircase. The proposed dormer will allow for the creation of home office accommodation within the house

- The proposed dormer is over 1m from the boundary, cannot be seen from any public road or public areas.
- No overshadowing will arise from the proposed development.
- The proposed development complies with section 8.2.3.4(i) of the development plan as it: is not visible, will remain more than 1m from the boundary, will not create any visual impact issues, is in scale with the existing dwelling, is in keeping with the design of the existing dwellings, does not overlook adjoining properties and provides for a more effective use of the dwelling.
- The board is requested to grant permission.

6.2. Planning Authority Response

6.2.1. Refer to the planning report on file.

7.0 Assessment

7.1.1. I have examined the file and the planning history, considered all policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Appropriate Assessment

7.2. Principle of Development

7.2.1. The subject site is located in an area zoned to protect and / or improve residential amenity. The principle of extending an existing dwelling is acceptable, subject to other planning considerations.

7.2.2. The proposed dormer at 4m is just under twice the width of the existing dormer. The scale of the existing dwelling is such however, that it can readily absorb a larger dormer. The existing dormer sits comfortably on the roof plane. Nos 13 and 14 Kill Avenue sit slightly obliquely to their immediate neighbours, with the result that none of the dwellings directly overlook each other's private amenity space. The extensive private gardens of the dwellings are mature, with a high level of screening to the west and the north.

- 7.2.3. I am satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In terms of section 8.2.3.4(i) of the development plan: The proposed dormer will not increase overlooking or overshadowing of the neighbouring property to the east or west, relative to that which already exists. The dwellings to the north are in excess of 60m away and will not be overlooked. The height of the proposed dormer is the same as the existing. The proposed dormer is greater than 1m from all boundaries. The semi-detached dwellings have long narrow gardens – in excess of 40m from the rear elevation. The final criteria of the policy is external finishes and design. The proposed dormer is considered to be in keeping with the existing dwelling.
- 7.2.4. The proposed dormer extension at attic level will not cause overlooking of or injury to the residential amenity of adjoining properties and is considered to be in accordance with section 8.2.3.4 of the Dun Laoghaire Rathdown County Council development plan 2016 -2022.

7.3. Appropriate Assessment

- 7.3.1. Having regard to the nature and scale of the proposed development to be retained in a fully serviced built-up urban area, no appropriate assessment issues arise, and it is considered that 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

- 8.1. I recommend permission be GRANTED for the following reasons and considerations and subject to the following conditions.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the zoning objective of the area, the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the development would not seriously injure the visual amenities of the area or residential amenity of property in the vicinity. The proposed development for which permission is sought would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
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Gillian Kane
Senior Planning Inspector

07 March 2022