



An  
Bord  
Pleanála

## Inspector's Report

### ABP-313579-22

<b>Development</b>	Permission for development. The development will consist/consists of permission for the construction of a dormer window to existing attic room on second floor of existing end of terrace house and all associated site works.
<b>Location</b>	24 Larkfield Heath, Clay Farm, Dublin 18, D18TW5R
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D21B/0684
<b>Applicant(s)</b>	Bojana & Uros Djordjevic
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Bojana & Uros Djordjevic
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	13/10/2022
<b>Inspector</b>	Gillian Kane

## 1.0 Site Location and Description

- 1.1.1. The subject dwelling is located in Clay Farm, a residential development from 2016 in the south Dublin suburb of Ballyogan. The subject dwelling is a three-storey end-of terrace dwelling facing the Ballyogan road. It is bound to the east and west by identical dwellings. Further west is a six-storey apartment development, with balconies facing east towards the subject terrace.

## 2.0 Proposed Development

- 2.1.1. On the 16<sup>th</sup> December 2021, planning permission was sought for the construction of a dormer windows to an existing attic room.
- 2.1.2. Following a request for further information, the proposed former was amended to be “more consistent” with the dormer windows on the front facade of the house and to be centralised within the rear roof plane.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. On the 19<sup>th</sup> April 2022 the Planning Authority issued a notification of their intention to REFUSE permission for the following reason:

- 1 Having regard to the nature and extent of the development proposed, it is considered that, as the proposed rear dormer at second floor level would not be appropriately set back from the rear eaves level; would appear excessively sized in the roofscape with reference to the size of the rear gardens; and would create undue overbearing for the residential amenities to the rear in the vicinity and as such the proposal would not accord with policy Section 8.2.3.4(i) of the Dun Laoghaire Rathdown County Development Plan in relation to dormers. The development if permitted, would set an undesirable precedent for similar development in the area and would not be in accordance with the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

- 3.2.1. **First Planning Report:** size of the proposed dormer is excessive and out of keeping with first floor windows. Lack of set-backs and close proximity to adjacent terraced dwellings results in an excessive overbearing impact. Applicant should be requested

to clarify how proposed dormer complies with development plan policy and to provide second-floor floor-plan.

- 3.2.2. **Second Planning Report:** Revised position is not in accordance with development plan policy, excessive overbearing impact on residential amenities to the rear. Proposed dormer fails to harmonise with the rest of the structure and would be unduly visually prominent. Recommendation to refuse.

### 3.3. **Prescribed Bodies**

- 3.3.1. None on file

### 3.4. **Third Party Observations**

- 3.4.1. None on file

## 4.0 **Relevant Planning History**

- 4.1.1. None on file.

## 5.0 **Policy Context**

### 5.1. **Dun Laoghaire Rathdown Development Plan 2022-2028**

- 5.1.1. The 2022 Dun Laoghaire Rathdown development plan came into effect on the 21<sup>st</sup> April 2022, after the assessment of the subject application by the Planning Authority.
- 5.1.2. The zoning of the subject site did not change in the 2022 plan and it retains its Objective A Residential zoning, which has the stated objective 'to provide residential development and improve residential amenity while protecting the existing residential amenities'. Residential use is permitted in principle in such zones.
- 5.1.3. Section **12.3.7.1(iv)** refers to alterations at roof / attic level. Regrading dormer extensions to roofs, the section states: "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

## **5.2. Natural Heritage Designations**

- 5.2.1. The subject site is approx. 7.6km from the Rockabil to Dalkey Island SAC (003000), Dalkey Islands SPA (004172), 5.1km from the South Dublin Bay and River Tolka Estuary SPA (004024) & South Dublin Bay SAC (000210) and 5.6km from the Wicklow Mountains SAC (002122) and SPA (004040).

## **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 an appeal against the decision of the Planning Authority to refuse permission. The grounds of the appeal can be summarised as follows:
- The applicants need a higher quality home-office space
  - The proposed development is a fire-escapable window to an existing floor-area space that is used as a home-office.
  - The proposed dormer is centrally located in the rear roofscape, as dictated by the shape of the existing room. To set the dormer back from the eaves level would

require an insert into the attic space, reducing the floor area and decreasing the residential amenity of the room.

- The existing attic room is cramped. A balanced approach to residential amenity would place the amenity of the applicants home over the residential amenity of neighbouring properties.
- The residential amenity of neighbouring properties is not significantly reduced, due to the existing velux window,
- The design of the proposed dormer reflects the front dormer proportions.
- The proposed materials are high quality and consistent with the existing dwelling.
- The Board is requested to grant permission.

## 6.2. **Planning Authority Response**

- 6.2.1. The Board is referred to the previous Planners report. It is considered that the grounds of the appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change in attitude to the proposed development.

## 7.0 **Assessment**

- 7.1.1. I have examined the file and the planning history, considered national and local 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
- Residential Amenity

## 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 the proposed development is acceptable, subject to other planning considerations.

### **7.3. Impact on Residential Amenity**

- 7.3.1. As noted above, the application was assessed by the Planning Authority under section 8.2.3.4(i) of the 2016-2022 development plan. Under the 2022-2028 development plan, section 12.3.7.1(iv) refers to alterations at roof / attic level. The plan requires dormer to be considered with regard to impacts on existing character and form, and the privacy of adjacent properties.
- 7.3.2. In terms of protecting the residential amenity of adjoining properties, I note the relatively shallow depth of the rear gardens of the dwellings on the terrace and the proximity to the rear gardens of dwelling no. 16 and 11 to the south. I also note the six-storey apartment block to the west, the balconies of which face the private amenity spaces of the dwellings along the subject terrace (no.s 18-30). I am satisfied that the proposed dormer will not increase overlooking of the neighbouring properties relative to that which already exists from the first-floor windows along the terrace, or from the apartment block to the west.
- 7.3.3. The finish of the proposed dormer mirrors that of the dormer on the front façade and so, is in keeping with the style of dwellings. In terms of the size of the proposed dormer and its position in the existing roof, the proposed dormer will break the clean line of the roofscape along the terrace of seven dwellings. It is considered however, that the setting of the dormer below the ridge and the existing solar panels will serve to minimise the scale of the proposed development. It will also allow the development to be clearly read as a dormer rather than a third storey – as per the requirements of section 12.3.7.1(iv).
- 7.3.4. Notwithstanding that the proposed dormer is in line with the eaves / rear façade, it is centrally positioned within the roof, allowing for the greatest separation from the roof windows on the adjoining dwellings.
- 7.3.5. I am satisfied that the proposed dormer to an existing room 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 12.3.7.1(iv) of the Dun Laoghaire Rathdown County Council development plan 2016 -2022.

#### 7.4. **Appropriate Assessment**

7.5. 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. 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 proposed dormer window, 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><b>Reason:</b> In the interest of clarity.</p>
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Gillian Kane  
Senior Planning Inspector

18 October 2022