



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314101-22

#### Development

Permission is sought for the demolition of an existing conservatory and shed. In addition, permission is sought for the construction of extension, the widening of the existing vehicle entrance together with all associated works.

#### Location

No. 1 Dartry Park, Dartry, Dublin 6.

#### Planning Authority

Dublin City Council.

#### Planning Authority Reg. Ref.

WEB1374/22.

#### Applicant(s)

Paul & Dervla Gilmer.

#### Type of Application

Planning Permission.

#### Planning Authority Decision

Grant with conditions.

#### Type of Appeal

1. First Party
2. 1 No. Third Party

#### Appellant(s)

1. Paul & Dervla Gilmer (First-Party).
2. Gearoid & Catherine Bradley (Third-Party).

**Observer(s)**

Paul & Antoinette Doherty.

**Date of Site Inspection**

4<sup>th</sup> day of November, 2022.

**Inspector**

Patricia-Marie Young.

# Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Decision .....	5
3.1. Decision .....	5
3.2. Planning Authority Reports .....	5
3.3. Prescribed Bodies .....	6
3.4. Third Party Observations .....	6
4.0 Planning History.....	6
5.0 Policy Context.....	7
5.1. Development Plan.....	7
5.2. Natural Heritage Designations .....	8
5.3. EIA Screening .....	8
6.0 The Appeal .....	8
6.1. Grounds of Appeal .....	8
6.2. Planning Authority Response .....	10
6.3. Observations .....	11
6.4. Further Responses.....	11
7.0 Assessment .....	12
8.0 Recommendation.....	26
9.0 Reasons and Considerations.....	26
10.0 Conditions .....	27

## 1.0 Site Location and Description

- 1.1. No. 1 Dartry Park, the appeal site is situated on the southern side of Dartry Park, a cul-de-sac road, located c48m to the east of its junction with Dartry Road (R820) and c566m to the west of Milltown Luas Stop, as the bird would fly, in the mature residential suburban of Dartry, in south County Dublin. The site is also situated c2.5km to the south of Dublin's city centre.
- 1.2. The site, which has a stated site area of 560m<sup>2</sup>, contains an attractive period semi-detached 2-storey dwelling, which is called 'Akaroa'. This property is likely to date to the circa 1940s and is in the Garden City architectural style. At some point in time a single storey sunroom type structure was constructed onto its rear elevation.
- 1.3. No. 1 Dartry forms part of a once highly coherent residential cul-de-sac containing similar semi-detached pairs and detached two storey dwellings on generous sites addressing the tree lined street of Dartry Park. Like other semi-detached pairs No. 1 Dartry Park is setback from the roadside boundary by a once front garden area that now provides its residents off-street car parking. This is in addition to the garage structure to that forms part of the building envelope. A side passage provides access to the rear garden.
- 1.4. Its western side boundary runs alongside the rear of No.s 33 to 36 Dartry Road. In addition, the rear boundary of the site adjoins the car parking area that wraps around the 'Web Summit HQ' building. Inside of this boundary are a number of mature trees and hedge type planting. The mature rear garden has a depth of c22m.
- 1.5. The immediate setting has a mature predominantly residential period character.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for the demolition of existing single storey conservatory, existing single storey projection, existing chimney and existing shed to the rear of house and demolition of chimney to the front of existing two storey semi-detached house; the subsequent construction of a new part single storey/part two storey extension to the rear, converted attic with new dormer and rooflights to rear and side, conversion of existing garage to habitable room, replacement of all existing windows

and doors, modifications to existing window and door openings, widening existing vehicular entrance and all associated site works.

- 2.2. According to the accompanying planning application form the floor area to be retained within the site is 185m<sup>2</sup>; the new floor area is given as 106m<sup>2</sup>; the floor area to be demolished is given as 10m<sup>2</sup> and the proposed development would give rise to a cumulative gross floor area of 291m<sup>2</sup>. In addition, it sets out that the proposed plot ratio would be 0.52 and site coverage would be 31%.

### 3.0 Planning Authority Decision

#### 3.1. Decision

- 3.1.1. On the 16<sup>th</sup> day of June, 2022, the Planning Authority decided to grant permission for the proposed development subject to 10 no. mainly standard conditions. Including:

Condition No. 3(a): Requires reduction of the first-floor external depth to a maximum of 3.5m.

Condition No. 3(b): Requires the omission of the first-floor window on the north eastern facing side elevation that serves an ensuite that forms part of the master bedroom.

Condition No. 3(c): Requires the ground and first floor extension to be finished in pebble dash to match the existing dwelling.

Condition No. 4: Restricts the use of the attic to non-habitable uses unless it complies with Building Regulations.

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Reports

The Planning Officer's Report is the basis of the decision of the Planning Authority and includes the following comments:

- The proposed development would give rise to undue overlooking from the en-suite window.

- Concerns are raised in relation to the appropriateness of the material, treatments and finishes for the proposed extension.
- The remaining private open space of 220m<sup>2</sup> is acceptable.
- The Transportation's recommendation for the reduced width of the vehicle entrance is concurred with.
- No undue residential and/or visual amenity issues would arise from the proposed development.
- Concludes with a recommendation to grant permission.

### 3.2.2. **Other Technical Reports**

**Transportation (10/06/2022):** This report recommends that the width of the vehicle entrance is reduced to 3.2m. No further objections are raised.

**Engineering (12/05/2022):** No objection, subject to standard safeguards.

### 3.3. **Prescribed Bodies**

3.3.1. None.

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

3.4.1. Three Third Party Observations were received during the course of the Planning Authority's determination of this planning application. I have noted the comments contained therein and I consider that the substantive planning issues raised in them correlate with those raised by the Third Parties in this appeal case.

## 4.0 **Planning History**

### 4.1. **Site**

4.1.1. None.

### 4.2. **Setting**

4.2.1. **ABP Ref. No. 245458 (P.A. Ref. No. WEB1200/15)**

**No. 14 Dartry Park, c63m to the north east and fronting onto the northern side of Dartry Park.**

On appeal to the Board permission was **granted** subject to conditions for the demolition of existing single-storey rear, side and front extensions, demolition of 3 chimneys, extension to rear, side and front. Ancillary works to increase floor area (245sq.m to 338sq.m).

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The Dublin City Development Plan, 2022-2028, came into effect on the 14<sup>th</sup> day of December, 2022, under which the site is zoned 'Z1 – Sustainable Residential Neighbourhoods'.
- 5.1.2. Section 14.7.1 of the Development Plan in relation to 'Z1' zoned land states that the land use objective is: *“to protect, provide and improve residential amenities”* and that the vision is: *“for residential development in the city is one where a wide range of high quality accommodation is available within sustainable communities, where residents are within easy reach of open space and amenities as well as facilities such as shops, education, leisure and community services”*.
- 5.1.3. Section 15.5.3 of the Development Plan which deals with alterations and extensions. It sets out that works of alteration and extension should be integrated with the surrounding area, ensuring that the quality of the townscape character of buildings and areas is retained and enhanced, and environmental performance and accessibility of the existing building stock improved. It further sets out that: *“alterations and extensions will be sensitively designed and detailed to respect the character of the existing building, its context, and the amenity of adjoining occupiers. In particular, alterations and extensions should:*
- *Respect any existing uniformity of the street, together with significant patterns, rhythms, or groupings of buildings.*
  - *Not result in the loss of, obscure, or otherwise detract from, architectural features which contribute to the quality of the existing building.*
  - *Retain characteristic townscape spaces or gaps between buildings.*
  - *Not involve the infilling, enclosure, or harmful alteration of front lightwells.*

- *Incorporate a high standard of thermal performance and appropriate sustainable design features.”*

5.1.4. Section 15.6.13 of the Development Plan deals with boundary treatments, walls, fences, metal railings and gates.

5.1.5. Volume 2 – Appendix 18 of the Development Plan is relevant.

## 5.2. **Natural Heritage Designations**

5.2.1. The site is not located within any designated site. The closest Natura 2000 sites are the South Dublin Bay SAC (Site Code: 000210) and the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) which are located c3.7km to the east of the site at their nearest point.

## 5.3. **EIA Screening**

5.3.1. The subject appeal does not relate to a class of development which requires mandatory EIA. Having regard to nature, scale, and extent of the development, together with the brownfield serviced nature of the site and its setting, 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. The Board received the following appeal submissions:

- A First-Party Appeal was submitted by Paul & Darina Gilmore, to the Board on the 18<sup>th</sup> day of July, 2022.
- A Third-Party Appeal was submitted by Gearoid & Catherine Bradley, with an address of No. 35 Dartry Road, Dublin 6, on the 18<sup>th</sup> day of July, 2022.

For clarity I propose to summarise both submissions separately below.

6.1.2. The First-Party appeal can be summarised as follows:



- This submission relates to Condition 3(a) and 3(c) of the Planning Authority's notification to grant permission only.
- In relation to Condition No. 3(a) it is not accepted that the proposed extension would give rise to significant additional overshadowing of No. 3 Dartry Park to a degree that would warrant the reduction of its first floor component to 3.5m.
- The first-floor extension would not give rise to any visual overbearance.
- Consultation was had with the owners of No. 3 Dartry Park who raised no concerns in relation to the proposed development.
- The reduction in depth would only give rise to minimal benefit in overshadowing and visual overbearance on No. 3 Dartry Park but would have a significant impact on the useability as well as functionality of the proposed first floor level space.
- A similar first floor level extension with a projection of 4m was permitted by the Planning Authority under P.A. Ref. No. 3832/22, at No. 8 Dartry Park.
- They would be willing to accept a reduction of depth to 4m matching the precedence of P.A. Ref. No. 3832/22.
- In relation to Condition No. 3(c) the proposed materials sought to reflect the contemporary nature of the extensions design. It is noted that under P.A. Ref. No. 3832/22 brick finish was not considered an issue. Notwithstanding a revised mixture of pebble dash and smooth render is now proposed to address this concern. In addition it is proposed to revise the rear elevation to omit columns so as to reduce the amount of render.
- A suite of drawings showing their proposed amendments accompanies is attached.
- A Shadow Study is also provided.

6.1.3. The Third-Party Appeal can be summarised as follows:

- The Board is sought to have regard to the proposed developments impact on the adjoining property of No. 35 Dartry Road (Camross). It is noted to the Board that the length of this property's rear garden is 14.2m and not 22m as relied upon by the Planning Authority's Planning officer in their assessment of the proposed development.

- The rear garden depth is considered to be an inadequate separation distance to mitigate impacts that would arise from the proposed development.
- The proposed two storey element is positioned 2m from the common boundary of their property. Thus, it would negatively impact upon their private amenity space by way of overshadowing, overbearance and overlooking.
- The 1m separation distance of the ground floor extension and the boundary of their property is inadequate.
- The 106m<sup>2</sup> of additional space proposed under this application is similar to the provision of a three bedroom two storey dwelling to the rear of their property.
- The present boundary contains attractive planting and adds to the amenity value. This would be substantially lost.
- The proposed extension would erode the careful balance as well as placement of buildings and spaces within this carefully designed garden city scheme.
- The proposed development would give rise to a 63% increase in the floor area and such an increase is disproportionate in its context.
- The level of glazing would give rise to direct overlooking of their property.
- A construction environmental plan/assessment is necessary to deal with matters of dust and noise nuisance.
- The mitigation measures suggested by the Planning Authority are inadequate and do not overcome the proposed developments adverse residential and visual amenity outcomes.
- The proposed development is contrary to the land use zoning of the site as well as the provisions set out in the Development Plan for this type of development.
- The Board is requested to overturn the Planning Authority's decision.

## 6.2. Planning Authority Response

6.2.1. The Planning Authority's response can be summarised as follows:

- The Board is sought to uphold its decision.
- It is requested that a Section 48 condition be attached.

### 6.3. Observations

6.3.1. An observation was received by the Board on the 12<sup>th</sup> day of August, 2022, from Paul & Antoinette Doherty, of No. 34 Dartry Road, which can be summarised as follows:

- The scale of the proposed attic is visually overbearing.
- The proposed development would seriously detract from their residential amenity and the value of their property.
- The dormer window would overlook their entire back garden and the rear of their property resulting in excessive overlooking as well as adverse visual intrusion.
- The excessive scale of the dormer does not take into account the character of the existing building, its context or the amenity of their property.
- The need for a dormer is questioned.
- The dormer fails to be visually subordinate to the roof slope with little of the roof remaining visible.
- No mitigation measures or account was had in the design of the proposed development to minimise adverse impact arising on their property.
- The precedents referred to are not relevant.
- The mitigation measures provided by the Planning Authority in their grant of permission are not adequate.
- The proposed attic dormer would result in significant visual overbearing and overlooking.
- The Board is requested to make the necessary amendments to this proposal to mitigate the adverse residential amenity impacts that arise from the proposed development.

### 6.4. Further Responses

6.4.1. On the 8<sup>th</sup> day of August, 2022, Gearoid & Catherine Bradley provided their response to the First Party appeal. It can be summarised as follows:

- There is no justification for the First Party to appeal the grounds of Condition No. 3(a) and 3(c). The requirements that they are objecting to are modest in nature.
- The First Party's unwillingness to comply with these conditions reflect their lack of willingness to provide mitigation measures to address this proposals negative residential and visual amenity impacts.
- The First Party has no regard to the overshadowing, visual overbearance and/or overlooking that would arise for the proposed extension.
- There are no grounds to support the excessive scale, massing, height and built form of the proposed extension.
- The Board is sought to overturn the decision of the Planning Authority in this case.

6.4.2. On the 15<sup>th</sup> day of August, 2022, the Board received a response from the First Party to the Third-Party appeal submission. It can be summarised as follows:

- There is adequate separation distance between the proposal and No. 35 Dartry Road.
- It is not accepted that the proposed extension would be visually overbearing or that it would give rise to undue overlooking and/or overshadowing.
- A sunlight and overshadowing analysis is provided.
- No. 8 Dartry Park was permitted a similar scaled and size extension to that proposed under this application.
- The extension is informed by the applicants' requirements for their need to work from home and their large growing family.

## 7.0 **Assessment**

### 7.1. **Preliminary Comment**

7.1.1. I consider that the issues of the appeal can be dealt with under the following headings:

- Principle of the Proposed Development
- Amenity Impact – Residential & Visual
- Depreciation of Property Values

- 7.1.2. The matter of '*Appropriate Assessment*' also requires examination.
- 7.1.3. Before I commence this assessment I firstly raise a concern to the Board that the details provided with this application fail to satisfactorily illustrate and detail the amendments to the roadside boundary sought under this application for planning permission.
- 7.1.4. In relation to this proposed amendment to the roadside boundary, I observed that the vehicle entrance, in terms of its width and being flanked by brick piers with stone capping that contains the given name for the individual property, is a feature that characterises semi-detached properties that align the cul-de-sac of Dartry Park that reflect its garden city design.
- 7.1.5. Whilst I am cognisant that the Planning Authority raise no objection to the widening of this entrance subject to the widening being reduced to a maximum width of 3.2m, notwithstanding, I am not of the view that the Board would have reached the same conclusion based on a number of factors.
- 7.1.6. Including, the alterations to the subject properties roadside boundary would firstly diminish the visual unity and coherence of the semi-detached pair it forms part of. In turn it would add to the adverse cumulative impact where a number of properties along this residential cul-de-sac containing an attractive once highly uniform garden city design and layout in terms of its buildings, structures, and spaces, have lost or altered the original roadside boundary's. In particular, in the streetscape context where wider vehicle openings were provided.
- 7.1.7. In this case the proposed widening of an existing vehicle entrance from 2.7m to 3.5m in a situation where this vehicle entrance accommodates one-off street car parking space. With the amendments providing no additional off-street car parking for occupants of this dwelling. It is therefore difficult to see how the visual diminishment of this garden city semi-detached pair as appreciated from the public domain, a public domain that also includes a number of similar pairs, would be justified simply by the provision of an out of context and excessively wide 3.5m vehicle opening that would not facilitate access to any improved off-street car parking space. Alongside given the lack of clarity as to how the amendments would be carried to lessen the adverse visual amenity that would arise from the loss of this original pier and the cap stone over.

- 7.1.8. Further, having regard to the local planning provisions arguably the existing 2.7m width is consistent with the vehicular openings as provided for under Section 4.3.1 of Volume 2, Appendix 18 of the Development Plan, which states that: “*for a single residential dwelling, the vehicular opening proposed shall be at least 2.5 metres or at most 3 metres in width and shall not have outward opening gates*”.
- 7.1.9. On this basis I am not satisfied from the information provided with this application and on appeal that the proposed widening of the vehicle entrance as proposed, would not give rise to any undue visual diminishment to the host dwelling, its semi-detached pair and the overall immediate streetscape scene it forms part of.
- 7.1.10. Thus, the Board should it be minded to grant permission for the proposed development should omit this component of the proposed development in the interest of proper planning and sustainable development of the area.
- 7.1.11. This matter I consider to be a **NEW ISSUE** in the context of this appeal case despite the remit of the Board being the *de novo* consideration of the proposed development in accordance with the proper planning and sustainable development of the area given the fact that no party to this appeal raise this matter as a concern.
- 7.1.12. I also note that the First Party submit drawings with their response which are indicated to be compliance drawings with Condition No. 3 (a) and 3 (c). These drawings seek that the Board in the case of the requirements of Condition No. 3(a) permit the proposed development but instead of the reduction in depth of the first-floor external to a maximum of 3.5m allow a maximum external depth of 4m. For clarity my assessment below is based on an assessment of the proposed development as submitted to the Planning Authority in their application to the Planning Authority and the Boards remit in this appeal case is *de novo* consideration of the proposed development and whether or not it is consistent with the proper planning as well as sustainable development of the area.
- 7.1.13. I am therefore of view that the proposed development outside of the broad headings set out above does not raise any other substantive planning issues.

## 7.2. Principle of the Proposed Development

- 7.2.1. The appeal site forms part of a larger parcel of suburban land zoned ‘Z1: *Sustainable Residential Neighbourhoods*’ where the objective is to protect, provide and improve

residential amenities and where residential developments are considered to be generally acceptable development in principle, subject however, to the acceptance or otherwise of site specifics / other policies within the development plan and government guidance.

### **7.3. Residential & Visual Amenity Impact**

- 7.3.1. By way of this application planning permission is sought for the demolition of existing single storey conservatory, existing single storey projection, existing chimney and shed to the rear of house and demolition of chimney to the front of existing two storey semi-detached house.
- 7.3.2. The demolition works would have limited impact in terms of the overall appreciation of the host dwelling from the public realm outside of the loss of the chimney from the front slope of the roof.
- 7.3.3. A feature that is mirrored in the adjoining semi-detached property in the subject pair, i.e., No. 2 Dartry Park, and that is present as a surviving feature of this garden city in architectural design and layout resolution of other similar semi-detached pairs within the residential cul-de-sac of Dartry Park.
- 7.3.4. It would appear that its loss is to facilitate the internal reconfiguration of the ground and first floor levels that the proposed development also includes.
- 7.3.5. I also observed the loss of this secondary side chimney on the front slope of semi-detached properties is a type of development that has arisen in the past with many examples within the immediate and wider streetscape scene of the subject property.
- 7.3.6. Further, No. 1 Dartry Park, its adjoining semi-detached pair and other properties in its context are not afforded any specific protection nor is its streetscape scene. I also note that the overall area given for demolition is 10m with the single storey conservatory and shed structure later additions that are in themselves of no architectural or other merit.
- 7.3.7. The demolition would give rise to short term noise and dust nuisance to properties in the vicinity. Notwithstanding, it is standard practice to deal with the potential nuisances that would arise from this type of development in a sensitive site setting like this established residential suburban cul-de-sac by way of a number of standard conditions in the event of a grant of permission. Including requiring the preparation and

agreement with the Planning Authority in writing of a Demolition and Construction Environmental Management Plan prior to the commencement of any development. In addition to imposing conditions that restrict construction hours and other nuisances that are expected to arise from this type of development prior to the completion of works.

- 7.3.8. Based on the above considerations I concur with the Planning Authority, subject to appropriate safeguards, that the demolition component of the development sought would not give rise to any residential and/or visual amenity impact that would warrant or support the refusal of the proposed development sought under this application.
- 7.3.9. In addition to the demolition sought under this planning permission the applicant also seeks permission for a vehicle entrance which I have already examined the substantive issues arising from the same under the previous section of this assessment and I therefore do not propose to discuss this component of the proposed development further.
- 7.3.10. The main component of the development sought under this application relates to permission for a new part single storey and part two storey extension to the rear; the conversion of the attic space which includes the provision of a rear dormer and rooflights; the conversion of existing garage to habitable room; replacement of all existing windows and doors; modifications to existing window and door openings on existing elevations together with all associated site works.
- 7.3.11. Concerns are raised by the Third-Party Appellants and the Observer in this appeal case that the proposed development would give rise to significant and adverse residential and visual amenity impacts on their properties by way of overlooking, overshadowing and visual overbearance. Outside of the overall quantum of additional habitable floor area that would arise from these components of the proposed development. Which I note is considered by the Third-Party Appellants to be excessive and out of scale with the host dwellings as well as other properties in its setting. No concerns are raised in relation to the conversion of the garage structure and alterations to the host dwelling. Including the replacement of all windows and doors through to the provision of rooflights. I note that the Planning Authority also raise no particular concerns on these particular components associated with the



proposed alterations and additions sought for No. 1 Dartry Park by the Planning Authority.

- 7.3.12. In relation to these components of the proposed development according to the drawings submitted the replacement windows and doors appear to follow the fenestration detailing of the existing windows. Which I note include more decorative glazing in the front bay and front door as currently presenting to the streetscape scene of Dartry Park. In addition, the frames proposed are timber/powder coated aluminium windows and doors.
- 7.3.13. Whilst I consider that there is no justification provided for the replacement of these in their entirety, particularly given that they appear to be in good structural condition and add to the period charm as well as patina of age of this semi-detached garden city property. Notwithstanding, they and the host dwelling are not afforded any specific protection. Nor is the overall surviving coherence of its streetscape scene that No. 1 Dartry Park forms part of. A streetscape scene where I observed that these type of interventions and loss of original built fabric have occurred likely from the deterioration of wood and glazing over time through to the need for improvements to dwellings to improve their capacity to retain heat and prevent heat leakage as part of providing comfortable internal spaces through to reducing the cost and level of home heating inputs required.
- 7.3.14. As such similar interventions have occurred in many of the original semi-detached dwellings aligning Dartry Park of varying quality and varying sympathy to the charm of these period buildings. It is notwithstanding unfortunate that repair and secondary glazing is not considered as a viable option for the existing windows and door openings that are to be retained *in situ*.
- 7.3.15. In the case of the design resolution presented for the replacement doors and windows under this application I consider that unlike other similar alterations this proposal as presented appears to retain the intrinsic character of the original glazing detailing and are sympathetic in their fenestration detailing. Subject to these alterations being carried out as per the submitted drawings I raise no substantive concerns to this component of the proposed development.
- 7.3.16. In relation to the conversion of the habitable space, this is a common type of intervention that has occurred to many of the semi-detached properties addressing

Dartry Road and the dimensions of the window as well as the carrying through of this intervention in a manner that is respectful of the detailing of the main façade is in my view an acceptable intervention. With the conversion of attached and integrated garages into the building envelope of a period building like this a practical solution to providing additional internal floor space.

7.3.17. I also note that no particular concerns are raised by the Planning Authority to this component of the proposed development.

7.3.18. I therefore raise no residential and/or visual amenity concerns in relation to this component of the proposed development subject to this intervention being carried out in accordance with the submitted drawings.

7.3.19. In relation to the rear extension, I raise the following concerns.

7.3.20. The first relates to the depth of the first floor level extension and the Planning Authority's and the Third Party Appellants and Observers concerns that it would give rise to undue overshadowing and visual overbearance on properties in its vicinity.

7.3.21. The Planning Authority as part of lessening the residential and visual amenity impacts that would arise under Condition No. 3(a) sought that its maximum external depth be to 3.5m, i.e. a reduction of 0.890m.

7.3.22. I note that the Planning Authority were of the view in imposing this condition that the reorganisation of the spaces associated with the overall master bedroom which includes a substantial walk-in wardrobe and a separate en-suite could accommodate this reduction given the size of this overall space that includes also part of the first floor level of the original dwelling.

7.3.23. The First Party in their appeal submission to the Board seek that a lesser reduction of 0.390m instead is imposed as this would not result in the same functional and useable impact of the first-floor level extension for the applicants.

7.3.24. Thus, they seek a maximum external depth of 4m be imposed instead under Condition No. 3(b) and as part of supporting this a shadow analysis is submitted which shows that at 4m there is little significant reduction in overshadowing as well as loss to daylight that would occur.

7.3.25. Having regard to the orientation of the host dwelling and its relationship to other properties including the Third Party and Observer's property which sit perpendicular

to it I am of the view that the level of overshadowing between the two scenarios is not significantly different from one another.

- 7.3.26. I further note that the reduction of ground levels to the rear alongside the use of a flat roof over the first floor level component together lessens the overall overshadowing impact that would arise from the proposed extension.
- 7.3.27. Alongside this I am cognisant that the Board under ABP Ref. No. 245458 the Board under Condition No. 2 (a) permitted a first-floor rear maximum depth of 4.6m for the first-floor level component of the proposed development sought at No. 14 Dartry Park, a detached property to the north east of the subject site.
- 7.3.28. This property I note had a northerly aspect rear elevation and was not bound by properties orientated perpendicular to it on either side.
- 7.3.29. The latter is the situation for No. 1 Dartry Park that is bound by No.s 33 to 36 on its western side boundary. With the rear gardens of these properties not being of the same generous depth of the subject property.
- 7.3.30. I further note that in this case the first-floor level projected similarly above the original rear eaves height with a maximum height of 6.13m given.
- 7.3.31. Moreover, of note the dormer window to the rear of the attic had a width of 3m, height of 2.7m and maximum depth of 1.59m.
- 7.3.32. Of note since the Board determined appeal case ABP Ref. No. 245458 planning provisions have significantly changed with the local planning provisions having being superseded by two Development Plans. With the current Development Plan providing more detailed criteria for this type of development for their consideration.
- 7.3.33. Whilst the Board as the higher planning authority is not bound by the precedents set by the Planning Authority. Notwithstanding, I note that recently they permitted a new two storey rear extension and two dormer windows to the rear of No. 8 Dartry Park under P.A. Ref. No. 3832/22.
- 7.3.34. This particular planning application was considered under the previous Development Plan with the recently adopted plan that supersedes it containing more robust requirements for the type of development sought under this application.
- 7.3.35. Notwithstanding, I note that this particular property is located on the opposite side of Dartry Park to the north east of the subject site.

- 7.3.36. Unlike No. 14 Dartry Park it relates to a similar semi-detached property and unlike the contemporary design chosen for the extensions and alterations to No. 14 and to the host dwelling subject of this planning application a more traditional in appearance design resolution was chosen.
- 7.3.37. Of note the first-floor level extension as permitted had a maximum depth of 4m, the double hipped roof over had a maximum ridge height of 7.44m, its width was 7.2m and the dormer insertions consisted of two more modest in width placed on either side of an existing chimney than the single dormer structure proposed under this application.
- 7.3.38. Against this context and considering the marginal improvement in the reduction of overshadowing that would arise between the 3.5m depth and the 4m depth in comparison with the existing context I am of the view that the depth of 4m is not unreasonable.
- 7.3.39. In addition, the first-floor level is setback 2.075m from the western site boundary and 3.08m from the eastern site boundary. With the main volume of additional habitable space contained in the converted garage, the ground floor extension and at attic level.
- 7.3.40. Moreover, a level of overshadowing is to be expected in this type of urban context. Together with given the pattern of development that prevails in the immediate context of the site in this built-up residential suburban area, I am of the view that the level of overshadowing that would arise, is not such that would warrant refusal of permission.
- 7.3.41. Moreover, in terms of the aspect from the Third Party and Observer's property to the west I note that the concerns raised that the first-floor extension would compromise views from their property.
- 7.3.42. On this point I note that there are no rights to views. Further, this particular concern, given that the proposed design puts forward a light weight contemporary design that is setback from the boundary with a qualitative palette of materials, treatments, finishes and respectful coloration, not in my view give rise to a visually intrusive insertion into this suburban cityscape where a level of change is to be expected.
- 7.3.43. In terms of overlooking arising from the first-floor level extension the omission of the side window. Despite the use of opaque glazing in my view it is reasonable given its proximity to No. 3 Dartry Park and given that the en-suite it would be served by a not

inconsiderable in dimensions window on its southern elevation that it should be omitted in order to safeguard the adjoining property from overlooking and/or the perception of overlooking. Should further light be required for this en-suite a rooflight in the roof structure over would in my view be more appropriate as it would not give rise to these concerns.

7.3.44. In relation to the southern elevation of the first-floor level rear elevation, as noted the en-suite is served by a window from this elevation with powder coated aluminium fins incorporated as for primarily visual screening purposes. Of concern is the dimensions of the first floor level window on the southern elevation serving the master bedroom. Given the solid to void ratio that characterises glazing to the rear of adjoining and neighbouring properties I consider the height and width of this window excessive. While I consider that there is merit in terms of adding a light weight character to the southern elevation the level of glazing that would arise from this window in my view is such that it would give rise to undue overlooking and perception of being overlooked for adjoining properties.

7.3.45. In particular properties bounding the western boundary of the site.

7.3.46. In the case of these properties I consider that their privacy would be significantly compromised by this level of glazing and as such I consider it is reasonable that mitigation measures are requested as part of any grant of permission.

7.3.47. In this regard, I consider there are a number of options as to how this could be reasonably be achieved in order to achieve balance between the improvements sought by the applicants of this residential property and, in particular, the protection of the established residential amenities of adjoining properties to the west and east.

7.3.48. At a minimum I consider that the height of this window be reduced so this firstly addresses the potential of this window in time to be used to directly access the flat roof over the ground floor level extension below.

7.3.49. I also consider that either the width of the glazing is reduced or if maintained at the same width that opaque glazing and/or the carrying through of the aluminium fins to lessen the level of overlooking that would arise from it.

7.3.50. I note to the Board that in relation to extensions to the rear of an existing dwelling Section 1.1 of Volume 2, Appendix 18 of the Development Plan sets out that there

design: “*should have regard to the amenities of adjoining properties and in particular, the need for light and privacy*” and that they should: “*not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, outlook and access to daylight and sunlight*”.

- 7.3.51. My concerns in relation to overlooking and perception of being overlooked carries through from the excessive level of glazing that would arise from the 4.54m width dormer window proposed at attic level.
- 7.3.52. The remaining ridge of the host dwellings roof structure measures c5.5m with the proposed dormer at its maximum height positioned 0.51m below and with it having a maximum depth of 2.02m, a height of c2m and setback from the eaves of c1.6m.
- 7.3.53. Of note for the most part its southern elevation consists of clear glazing (Note: c3.8m in width, c1.3m in height and with the glazing broken into four glazing frames).
- 7.3.54. I also note that the eaves height of the subject property measures c8.2m.
- 7.3.55. Having regards to the above and despite the fact that I accept that there is an established level of overlooking in the context of this site setting as well as for the residential properties bounding it. Notwithstanding, this proposal seeks an attic conversion that is in itself a built feature that would result in the rear elevation as observed in its setting as containing a third floor.
- 7.3.56. The site context is one that is characterised by the two-storey built forms with examples of dormer window insertions in the immediate and wider setting having different site attributes.
- 7.3.57. In particular, not being bound by the rear of properties whose orientation is perpendicular to them which is the case for the four properties running along the western boundary of the site.
- 7.3.58. Further, where permitted by the Board and more recently by the Planning Authority the dormer insertions have not been as wide significant in their dimensions and not being an overly dominant feature that leaves little of the original roof structure remaining.
- 7.3.59. I am therefore of the view that, if permitted, the level of overlooking and perception of overlooking is out of context for its setting, the pattern of development and would

significantly diminish the residential amenities of properties in its vicinity. Particularly those bounding its western and eastern boundaries.

- 7.3.60. Moreover, it would also result in an undesirable precedent for a type of attic conversion that is contrary to the guidance and specifications set out under the Development Plan.
- 7.3.61. In particular Volume 2, Appendix 18 Section 5.1 which sets out that dormer windows should complement the existing roof profile and be sympathetic to the overall design of the dwelling and that the design should avoid overly dominant roof structures with the design should avoid an overly dominant roof structure. The proposed scale of the roof should retain similar proportions to the building where possible.
- 7.3.62. Further, it sets out in its accompanying guidelines for this type of development that they: 1) be visually subordinate to the roof slope, enabling a large portion of the original roof to remain visible; that they are not overly dominant in their appearance; 2) be compliant with Building Regulations; and, 3) that the shape, size, position, and design of their windows relate to the lower floors.
- 7.3.63. In order to overcome the substantive concerns arising from the dormer window there are two issues that in my view require addressing. Firstly, its excessive width and secondly its excessive level of clear glazing. In this regard the drawings show that it is proposed to use the attic as a den/study but also to include en-suite. The width of 4.54m of the dormer is less than a meter in the difference between the width of the ridge over this semi-detached property. This together with the depth of the den/study together with the en-suite results in a sizeable attic room.
- 7.3.64. I therefore recommend to the Board that the external maximum width be reduced to 3.5m and with the glazing reduced to no more than half of the southern elevation of the dormer window. Together these reduce the level of overlooking, overshadowing and visual overbearance that would arise from this structure. Alongside ensuring that the dormer window remains more subservient in scale with the main roof structure.
- 7.3.65. On the matter of subservience regard should be had, in my view, to the cumulative impacts of the first-floor level extension and the dormer. This is on the basis that both structures cumulatively have the potential to obscure large sections of the rear roof structure of the host dwelling.

- 7.3.66. Further, similar principles apply in relation to other glazing interventions into the roof structure under the current Development Plan.
- 7.3.67. I therefore raise concern that the positioning of the western side rooflight is excessive in its proportions and fails to have regard to the proportioning of glazing of the lower floors.
- 7.3.68. In addition, I raise a concern that its position relative to the stairway serving the attic level and the lack of clear glazing though minimally used it has the potential to give rise to overlooking and the perception of being overlooked as viewed from properties to the west.
- 7.3.69. I therefore recommend that the Board reduce the level of glazing by a minimum of one third of its dimensions as shown in the submitted drawings.
- 7.3.70. In relation to the modifications to the window openings on the western elevation at first floor level the amendments would not result in additional glazing at first floor level but rather a slight reduction. Internally this window would serve a hallway. I therefore raise no substantive concerns in relation to this intervention.
- 7.3.71. In relation to the glazing at ground floor level of the western side elevation I raise no substantive concern from the high-level windows. I am not satisfied that they would give rise to any actual overlooking having regard to their height relative to the internal floor areas.
- 7.3.72. In relation to the external materials set out in the submitted drawings. Whilst I consider the documentation provided do not provide any realistic visualisation to make a fully informed assessment on their impact it is quite clear that the design approach is contemporary in nature. The provision of a clearly distinct and of its time design resolution and palette of materials to differentiate the buildings evolution in terms of its various building layers and additions is generally deemed an acceptable approach for extensions to existing buildings. On the proviso that they harmonise and are respectful with the host dwelling and their setting.
- 7.3.73. On this latter point I also note that the use of brick is a material already present within external envelope of the host dwelling.



- 7.3.74. It is also a material that subject to a qualitative choice of brick including texture and coloration requires little maintenance as well as can improve as it ages as its patina develops.
- 7.3.75. I am therefore not convinced in the Planning Authority's reasoning to incorporate pebble dash as the predominant external material of the proposed extension in this case and I am not convinced that it achieves a more satisfactory visual outcome.
- 7.3.76. In saying this I note that the First Party have submitted a revised elevational treatment that seeks to incorporate the use of pebble dash in the western side of the proposed ground floor extension. In relation to the same I am not of the view that these result in significant improvements and at first floor level I consider that the breakdown of pebble dash and render whilst breaking up somewhat the western elevation is visually blurring in a non-sympathetic matter the original and new building layers.
- 7.3.77. I am therefore of the view that should the Board be minded to grant permission that Condition No. 3(c) of the Planning Authority's notification should not be imposed as it is not warranted in terms of achieving a more qualitative visual outcome.
- 7.3.78. Based on the above considerations, subject to recommended amendments to the proposed development which I consider achieve an appropriate balance in terms of protecting the residential amenities of properties in the vicinity of this development and improving the residential amenities of the host dwelling.

#### **7.4. Depreciation of Property Values.**

- 7.4.1. Concerns are raised that the proposed development, if permitted, would result in a depreciation of their property value. This concern has not been substantiated by any professional expert examination and as such I do not have adequate information on this file to assess whether or not this would be the case.

#### **7.5. Other Matters Arising**

- 7.5.1. **Building Regulations:** In relation to Building Regulations and, also I note Fire Safety, such issues are subject to other regulatory control / legislative provisions and thus are not pertinent to the consideration of the subject appeal. However, I note the Development Plan, under Section 5.1 Volume 2, Appendix 18 sets out that dormer extensions shall be compliant with Building Regulations. I also note that the Planning Authority, in their notification to grant permission imposed a condition in this regard.

7.5.2. **Development Contribution:** Under the current Dublin City Council Section 48 Development Contribution Scheme, the proposed development is liable to pay a financial contribution.

## 7.6. **Appropriate Assessment**

7.6.1. The subject site is located in an established serviced residential area and is not located adjacent to nor in close proximity to any European sites, as defined in Section 177R of the Habitats Directive. Having regard to the nature and scale of the proposed development and/or the nature of the receiving environment and/or proximity to the nearest European site, 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.

## 8.0 **Recommendation**

8.1. I recommend a planning permission be granted.

8.2. Condition No. 2 as set out below includes the omission of the widening of the vehicle entrance by way of a sub-condition in the interest of protecting residential amenities of properties in the vicinity of the proposed development from undue adverse impacts. This is a **NEW ISSUE** in the context of this appeal.

## 9.0 **Reasons and Considerations**

9.1. Having regard to the residential 'Z1' land use zoning of the site under the Dublin City Development Plan, 2022-2028, to the character of the site and its setting, the pattern of development in the area through to the design, layout, nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, that the proposed development would not seriously injure the residential amenities of surrounding dwellings or the visual amenities of the area. 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, 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 revised as follows:
  - (a) The widening of the vehicle entrance shall be omitted.
  - (b) The first-floor rear extension shall have a maximum external depth of 4 metres.
  - (c) The dormer window shall have a maximum external width of 3.5 metres and no more than half of its southern elevation width shall be glazed and the glazing height as well as fenestration shall respect that of the original lower rear elevation.
  - (d) The first-floor window on the north-east facing side elevation of the extension to the ensuite of the master bedroom shall be omitted in entirety.
  - (e) The height and width of the first floor level rear window glazing shall be reduced by a minimum of one-third. This shall include raising up of this windows cill level. No access is permitted from this window onto the adjoining flat roof structure.
  - (f) The flat roof over the rear ground floor level extension shall not be used for amenity use by occupants of the dwelling. Access to this roof shall be restricted to that required for its maintenance only.
  - (g) The rooflight on the western sloping roof shall be reduced in its dimensional width by a minimum of a third.

Prior to the commencement of development, the applicant shall submit, for the written agreement of the planning authority, revised drawings complying with these requirements.

**Reason:** To protect the residential amenity of the adjoining properties.

3. The attic space hereby approved shall not be used for human habitation unless it complies with the current building regulations.

**Reason:** To provide for an adequate standard of development.

4. The demolition and construction phases of the proposed development shall be managed in accordance with a Demolition and 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 traffic management and access, hours of working, noise management measures, dust management measures, protection of site boundary measures, off-site disposal of demolition and construction waste storage of materials including measures taken to deal with hazardous materials.

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

5. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

6. Water supply and 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.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

8. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 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.

9. The site development works shall be carried out in such a manner as to ensure that the public roads and footpaths are kept clear of debris, soil, and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

**Reason:** To ensure that the adjoining roadways are kept in a clean and safe condition during demolition and construction works as well as in the interests of orderly development.

10. During the construction and demolition phases, the proposed development shall comply with British Standard 5228 'Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control'.

**Reason:** In order to ensure a satisfactory standard of development, in the interests of residential amenity.

11. 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.

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Patricia-Marie Young  
Planning Inspector

31<sup>st</sup> day of January, 2023.