



An
Bord
Pleanála

Inspector's Report ABP-314147-22

Development

Conversion and extension of the existing attic by the erection of a dormer extension to the rear of the main roof together with the insertion of 2 no. roof windows to the front roof slope all to provide a new bedroom and bathroom.

Location

5 Kill Avenue, Dun Laoghaire, Co. Dublin

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D22B/0243

Applicant(s)

Sarah and Stewart Taylor

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

First Party

Appellant(s)

Sarah and Stewart Taylor

Observer(s)

None

Date of Site Inspection

18/01/2023

Inspector

Lorraine Dockery

1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 244 square metres, contains a two-storey, mid-terrace dwelling.

2.0 Proposed Development

- 2.1. Permission is sought for conversion and extension of the existing attic by the erection of a dormer extension to the rear of the main roof together with the insertion of 2 no. roof windows to the front roof slope, all to provide a new bedroom and bathroom.

3.0 Planning Authority Decision

3.1. Decision

Permission GRANTED subject to 3 no. conditions

Condition No. 2

The following shall be adhered to in the proposed development:

- (a) The proposed rear dormer extension shall be reduced in width, to be no more than 4 metres (4m) wide externally and centred within the main roof
- (b) The roof of the proposed rear dormer extension shall be reduced in height, to be discernibly lower than the existing main ridge height

Reason: To protect the residential amenities of the area and in the interests of visual amenity and harmony

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points of the planner's report include:

- Recommends grant of permission, similar to that which issued from the planning authority

3.2.2. Other Technical Reports

None

3.3 Prescribed Bodies

None

4.0 Planning History

None

5.0 Policy and Context

5.1 Development Plan

The Dun Laoghaire County Development Plan 2022-2028 is the operative County Development Plan.

Zoning: Objective A' which seeks 'to provide residential development and improve residential amenity while protecting the existing residential amenities'.

Section 12.3.7.1(iv) Alterations at Roof/Attic Level

5.2 Natural Heritage Designations

The appeal site is not located in or immediately adjacent to a designated European Site, a Natural Heritage Area (NHA) or a proposed NHA.

5.3 EIA Screening

Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area which is served by public infrastructure and outside of any protected site or heritage designation, the nature of the receiving environment and the existing pattern of residential development in the vicinity, and the separation distance from the nearest sensitive location, 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 The Appeal

6.1 Grounds of Appeal

The main points of the appeal are:

- Appeal against Condition No. 2
- Amended proposal submitted for dormer- designed to cater for habitable space required to make home fit for purpose- reduced from 5.3m to 4.95m in width and maintains height of 2.4m to allow for accommodation of WC/shower room; height in keeping with dormers cited in submission
- Willing to alter materials and restrict window size- no gardens/residential dwellings backing onto 5 Kill Avenue to cause any concern for privacy or have any negative impacts on residential amenity

6.2 Planning Authority Response

A response was received which states that the grounds of appeal do not raise any new matter which in the opinion of the planning authority would justify a change of attitude to the proposed development.

6.3 Observations

None

6.4 Further Responses

None

7 Assessment

7.1 I have read all the documentation attached to this file including inter alia, the appeal and the report of the Planning Authority, in addition to having visited the site.

7.2 This is an appeal against Condition No. 2 only of the decision to grant permission of Register Reference D22B/0243, which issued from the planning authority on 29th

June 2022. In this regard, I consider it is appropriate that the appeal should be confined to Condition No. 2 only and I am satisfied that the determination by the Board of this application as if it had been made to it in the first instance would not be warranted and that it would be appropriate to use the provisions of Section 139 of the 2000 Act in this case.

Condition No. 2 (as detailed above), in summary, relates to the reduction in size of proposed dormer extension to rear- reduced in width to no greater than 4 metres and reduced in height to be discernibly lower than the existing main ridge height.

- 7.3 I highlight to the Board that a revised design has been submitted as part of the first party appeal and it is this revised design on which I am basing my assessment. The primary issues, as I consider them, are the impact on the visual amenity of the area arising from the proposed works.
- 7.4 The operative County Development Plan 2022-2028 is generally favourable to such extensions, subject to normal planning criteria and I note section 12.3.7.1(iv) in this regard.
- 7.5 In terms of visual amenity, I do not have issue with the extent or scale of the proposed dormer extension, as amended, and I consider that the proposed works would integrate satisfactorily with the existing dwelling and other properties in the vicinity. The proposed works are considered not to be visually incongruous in their context and I am of the opinion that any impacts on the visual amenities of the area are not so great as to warrant a refusal of permission or alteration to the revised design submitted. Details relating to materials, could be adequately dealt with by means of condition.
- 7.6 I do not anticipate the proposed works to result in significant impacts on the residential amenity of the area.
- 7.7 Having regard to the above, I am satisfied that the proposed development is in accordance with the provisions of the operative County Development Plan, is in keeping with the pattern of development in the area and is in accordance with the proper planning and sustainable development of the area.

8 Appropriate Assessment Screening

- 8.1 Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the physical separation distances to designated European Sites, and the absence of an ecological and/ or a hydrological connection, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

9 Recommendation

- 9.1 Having regard to the nature of the condition the subject of the appeal and based on the reasons and considerations set out below, I am satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and recommend that the said Council be directed under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND Condition No. 2 so that it shall be as follows for the reason and considerations set out:

10 Reasons and Considerations

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, it is considered that subject to compliance with the conditions set out below, the proposed alterations to Condition No. 2 attached to the grant of permission under planning register reference number D22B/0243 would not seriously injure visual amenities, established character or appearance of the area and would, otherwise, be in accordance with the proper planning and sustainable development of the area.

11 Conditions

1.	<p>The development shall be in accordance with Condition No.s 1 – 3 attached to the grant of permission under P. A. Reg. Ref: D22B/0243 on 29th June, 2022, as amended by drawings received by An Bord Pleanála on the 29th July 2022, except as may otherwise be required in order to comply with the following conditions.</p> <p>Reason: In the interest of clarity</p>
2.	<p>Condition No. 2 attached to the grant of permission under P. A. Reg. Ref. D22B/0243 on 29th June, 2022 shall be amended as follows:</p> <p>Details of the materials, colours and textures of all the external finishes to the proposed dormer shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual and residential amenity.</p>

Lorraine Dockery
Senior Planning Inspector

19th January 2023