



An  
Bord  
Pleanála

## Inspector's Report ABP-315083-22

### Development

Alterations to existing permission ref D21A/1001 to include reduction in overall ground floor to rear, alterations to rear roof to include addition of dormer with projecting windows in lieu of Velux type windows, and associated internal alterations.

### Location

8, Weirview Drive, Stillorgan, Co. Dublin

### Planning Authority

Dun Laoghaire Rathdown County Council

### Planning Authority Reg. Ref.

D22A/0575

### Applicant(s)

Sarah & Patrick Buckley

### Type of Application

Permission

### Planning Authority Decision

Split

### Type of Appeal

First Party

### Appellant(s)

Sarah & Patrick Buckley

### Observer(s)

None

**Date of Site Inspection**

23/03/2023

**Inspector**

Lorraine Dockery

## 1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 0.06 hectares, is located on the eastern side of Weirview Drive, Stillorgan, Co. Dublin. This is an established residential area, with dwellings of varying styles evident.

## 2.0 Proposed Development

- 2.1 Permission is sought for alterations to existing permission ref D21A/1001 to include reduction in overall ground floor to rear, alterations to rear roof to include addition of dormer with projecting windows in lieu of Velux type windows, and associated internal alterations.

## 3.0 Planning Authority Decision

### 3.1. Decision

SPLIT DECISION issued from the planning authority

Permission GRANTED, subject to 6 conditions, for reduction in overall ground floor to rear.

Permission REFUSED for the proposed rear dormer window, for one reason as follows:

1. Having regard to the scale, height and level of fenestration in the dormer, it is considered that the proposed development would be out of character with the existing dwelling and surrounding area and as a result would have a negative impact on the visual and residential amenity of the area. The proposed development is therefore contrary to section 12.3.8.1 (Extensions to Dwellings) of the Dun Laoghaire Rathdown County Development Plan 2022-2028 and to the proper planning and sustainable development of the area.

Further Information was requested by the planning authority in relation to the proposed rear dormer and how it meets the requirements the operative County Development Plan

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The main points of the planner's report include:

- Report reflects decision of planning authority; recommends split decision

### 3.2.2. Other Technical Reports

None

## 3.3 Prescribed Bodies

None

## 4.0 Planning History

D21A/1001

Permission GRANTED for refurbishment and extension of existing dwelling

## 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'.

Residential development is permitted in principle under this zoning objective.

Section 12.3.7.1 Extensions to Dwellings

## 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.

## 6.0 The Appeal

### 6.1 Grounds of Appeal

The main points of the appeal submissions received may be broadly summarised as follows:

- Appeal against decision to refuse permission for rear dormer and Condition No. 2 of decision to grant permission for remainder of proposed development
- Existing dwelling is single storey so proposed dormer could not result in creation of a third storey
- Number of precedents in immediate area
- Would not result in significant visual impact; would not result in overlooking of adjoining residential properties or impact on residential amenities; overlooking of rear garden areas from bedroom windows is a normal and accepted part of residential amenity in urban areas

- Willing to accept a design modification- would accept a condition to raise window cill level to a level of minimum 1m from the floor, which would reduce size of window and any overlooking by a person standing in the bedroom
- Proposal creates a contemporary design dwelling where streetscape is not affected, would enhance appearance of dwelling; not out of character with surrounding area

## 6.2 Planning Authority Response

A response was received which states that the grounds of appeal do not raise any new matters 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

## 7.0 Assessment

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

7.2 As stated above, a split decision issued from the planning authority in this instance for alterations to previously permitted development (D21A/1001) with permission refused for the rear dormer window and permission granted for the remainder of the works. This is an appeal against the decision to refuse permission for the rear dormer window and Condition No. 2 of the decision to grant permission which issued from the planning authority on 24/10/2022. In the interests of clarity, I shall assess the application de novo. The first party have submitted revised drawings as part of their appeal submission. I am basing my assessment on these revised drawings.

7.3 The primary issues, as I consider them, are the impacts of the proposed works on residential and visual amenity of the area.

7.4 The operative County Development Plan is generally favourable to such extensions, subject to normal planning criteria and I note section 12.3.7.1(ii) and (iv) in this regard.

#### Visual Amenity

7.5 In terms of visual amenity, I note the contents of the appeal submission and further response received. I do not have issue with the extent or scale of the proposed works, including the proposed rear dormer and consider that the proposed development would integrate well with the existing dwelling and other properties in the vicinity. I note a number of dormers in the immediate vicinity including on the side and front roofslope, which would have the potential to have a great impact on the character of the area than that proposed to the rear roofslope. I consider that the subject site has capacity to accommodate a development of the nature and scale proposed, without detriment to the amenities of the area. The proposal would not be excessively visually incongruous or dominant in this context nor would it detract from the character or urban morphology of the area to such an extent as to warrant a refusal of permission.

7.6 I note the varying house styles in the vicinity. I consider that the proposal is in accordance with Development Plan policy for such works. I am satisfied in this regard.

#### Residential Amenity

7.7 In terms of impacts of the proposal on residential amenity, I am cognisant of the relationship of the proposed development to neighbouring properties. Separation distances in excess of 65 metres exist between opposing first floor windows of the proposed development (proposed windows at roof level) and properties to its rear. Overlooking of neighbouring adjacent properties would be no greater than that from any bedroom window at first floor level and I concur with the first party in this regard. I am satisfied that any impacts are in line with what might be expected in an area such as this. The proposed works are of a scale, height, massing and design appropriate to its urban location and context. Given the layout and design rationale put forward, I therefore do not anticipate levels of overlooking to be excessive and I consider that such matters would not be so great as to warrant a refusal of permission.

7.8 The proposed works would not unduly overbear, overlook or overshadow adjoining properties, and would not seriously injure the amenities of property in the vicinity of the site. I am satisfied that impacts on privacy would not be so great as to warrant a refusal of permission. The proposal is considered to be in accordance with national and local policy in this regard.

### Conclusion

7.9 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.

## **8.0 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.

## **9.0 Recommendation**

9.1 I recommend that permission be GRANTED for the development in its entirety, subject to conditions.

## **10.0 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, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities or residential amenity of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area



## 11.0 Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by drawings received by An Bord Pleanála on 11th day of November 2022, 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>
2.	<p>Save for the amendments granted on foot of this permission, the development shall be completed in strict accordance with conditions of Register Reference D21A/1001, save as may be required by other conditions attached hereto</p> <p><b>Reason:</b> In the interests of clarity</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<p>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</p>

	<p>matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> 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</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Lorraine Dockery  
Senior Planning Inspector

28<sup>th</sup> March 2023