



An
Bord
Pleanála

Inspector's Report ABP315181-22

Development

Retention of attic conversion (dormer roof extension), separate utility room, and gymnasium in rear garden, and garage at side of existing house, and all associated works.

Location

51, Foxdene Avenue, Lucan, Co. Dublin.

Planning Authority

South Dublin County Council.

Planning Authority Reg. Ref.

SD22B/0391.

Applicant(s)

Ms Amanda Bell.

Type of Application

Retention permission.

Planning Authority Decision

Split decision. Grant permission for utility room, gymnasium and garage. Refuse permission for dormer roof extension.

Type of Appeal

First Party

Appellant(s)

Ms Amanda Bell.

Observer(s)

None.

Date of Site Inspection

25th April 2023.

Inspector

Des Johnson.

1.0 Site Location and Description

- 1.1. The site is located at the southern end of Foxdene Avenue, Balgaddy. No. 51 is a two-storey end of terrace dwelling with a dormer extension to the rear. It is stepped forward from the adjoining dwelling to the east. To the south is a strip of open space crossed by electricity lines and pylons and this is separated from Thomas Omer Way by a wall.
- 1.2. This is a residential area characterised by two-storey terraced dwellings. Adjacent to the west of the subject site there are blocks of three storey apartments with varying roof designs.
- 1.3. I did not gain access to the inside of the subject premises at the time of inspection.

2.0 Proposed Development

- 2.1. Retention of an attic conversion, separate utility room and gymnasium in rear garden, and garage at the side of existing two storey dwelling. The gross floor area of the existing building is stated to be 160.51 square metres, the gross floor area to be retained is stated to be 87.5 square metres, and the site area is stated to be 0.02346 hectares.

3.0 Planning Authority Decision

3.1. Decision

By decision order no. 1349 (Register Reference SD22B/0391), dated 28th October 2022, in a split decision, the planning authority decided to grant permission to retain the separate utility room, gymnasium and side garage subject to 4 conditions, and to refuse permission to retain the attic conversion.

Conditions attached to the grant include a requirement to omit the bathroom from the gymnasium, and restriction to the use of the house and extension requiring that they be used jointly as a single dwelling unit for residential purposes with no sub-division or use for any commercial purposes.

The reason for the refusal for the retention of the attic space refers to the design which protrudes above the ridge line of existing dwellings, and states that the extension is visually obtrusive and out of character for this established residential area, seriously injurious to the amenity of property in the vicinity and contrary to the 'Res' zoning objective set for the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report identifies the main issues for assessment as zoning and Council policy, visual and residential amenity, services and drainage, Environmental Impact Assessment, and Appropriate Assessment. The report notes that there is no indication that the attic space is habitable, and that the design which rises above the ridge line of the dwelling has a negative impact on visual amenity given the prominent location adjacent to Thomas Omer Way and an area of open space. The design is contrary to the recommended requirement for dormers as set out in the House Extension Design Guide. The removal of the w/c and shower room from the gymnasium is recommended as the structure is ancillary to the main dwelling.

3.2.2. Other Technical Reports

The planners report records that Roads raised no objections, and that no reports were received from Water Services or Irish Water.

4.0 **Planning History**

No relevant planning history recorded on file.

5.0 **Policy and Context**

5.1. **Development Plan**

The zoning objective for the area is 'Res' – to protect and/or improve residential amenity.

Key policy/objectives include:

- Policy H14 – support the extension of existing dwellings subject to the protection of residential and visual amenities.
- 12.6.8 – the design of residential extensions should have regard to the permitted pattern of development in the immediate area

The South Dublin County Council House Extension Design Guide (2010) lists elements of good extension design including respecting the appearance and character of the house and the local area, and the prevention of overlooking, overshadowing and an overbearing appearance on adjoining properties.

5.2. **Natural Heritage Designations**

Having regard to the nature and scale of the development in a residential area, and the distance to any sensitive receptors, the development by itself, or in combination with other plans or projects, would not be likely to have a significant effect on any designated European site. As such, Appropriate Assessment is not required.

5.3. **EIA Screening**

The development proposed is not of a class to which the EIA Directive applies, and does not include any works which, by themselves, come with any class to which the

EIA Directive applies. Furthermore, there is no likelihood of significant effects on the environment arising. As such, the need for environmental impact assessment can be excluded at preliminary examination stage and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The appellant grew up in this house and the extensions were carried out by her parents. She is seeking to have all elements of the development authorised in full. The refusal of permission to retain the dormer is preventing the sale of the property. The grounds of appeal may be summarised as follows:

- The developments have been in place for approx. 15 years, and there have been no objections to the proposed retention.
- Many of the houses in the Balgaddy estate feature sharp mono-pitched roofs and could be considered as equally visually obtrusive. The area is characterised by a range of roof types. The interruption of the ridge line (by the attic conversion) is minor and does not interfere with the cohesion of adjoining properties, which are set back and do not have the same ridge line.
- The SDCC House Extension Design Guide (2010) was published after the construction of the dormer roof and, as such, there is no undesirable precedent set.
- The bathroom in the gym, which is omitted under condition 2(a) of the permission, was in regular use by family members. The provision of these facilities was of great benefit. Condition 3(b) restricts the use of the premises as a single dwelling unit and prevents use for commercial purposes. Condition 2(a) is needless and the restrictions of Condition 3(b) are fully accepted.

6.2. **Planning Authority Response**

None on file.

6.3. **Observations**

None on file.

7.0 **Assessment**

- 7.1. This assessment relates to the total development to be retained as applied for to the planning authority. The development is stated to have been in place for approximately 15 years and there is no recorded enforcement history on file.
- 7.2. Having regard to the existing pattern of development in this residential area, and to the configuration of the appeal premises relative to adjoining development, I consider that the retention of the utility room and gymnasium to the rear, and the garage to the side, as indicated on the plans and particulars submitted, are acceptable in principle, are not injurious to the amenities of property in the vicinity, and are in accordance with the proper planning and sustainable development of the area. Subject to restricting the use of these extensions and the house as a single dwelling unit and the exclusion of any commercial use, I consider that there is no convincing planning reason to exclude the small bathroom attached to the gymnasium as required by the planning authority for reason of protecting the amenities of the area.
- 7.3. The attic conversion extends 500mm above the ridge line of the dwelling, and provides attic space of 26.25 square metres served by a staircase. The subject premises is end of terrace but is stepped forward of the adjoining dwellings to the east by approximately 1.6m. As such, the ridge line of the subject premises is not a continuation of the ridge line of the adjoining premises. The subject premises faces on to a strip of open space separated by a wall from Thomas Omer Way. Development in the wider area includes three-storey apartments with varying roof types.
- 7.4. On balance, considering the configuration of the subject premises relative to the adjoining housing to the east, and to the pattern of residential development in the

vicinity, I consider that the retention of the attic extension is visually acceptable and in accordance with the proper planning and sustainable development of the area.

8.0 Recommendation

8.1. I recommend that planning permission be granted for the retention of all elements of the development included in the application.

9.0 Reasons and Considerations

Having regard to the nature and scale of the development, the configuration of the subject premises relative to adjoining residential development, and to the existing pattern of development in the area, it is considered that the development, subject to compliance with the following conditions, is visually acceptable and not out of character, is not seriously injurious to the amenities of property in the vicinity and is acceptable in terms of the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be in accordance with the plans, particulars and specifications submitted with the application for permission to the planning authority date stamped 2 nd September 2022. Reason: In order to clarify the nature of the development hereby permitted.
2.	The house, including the extensions hereby permitted, shall be used solely as a single dwelling unit, and shall not be sub-divided or used in part or in whole for any commercial purposes. Reason: In the interests of residential amenity and the proper planning and sustainable development of the area.

10.3. Des Johnson
Planning Inspector

18th May 2023.