



An
Bord
Pleanála

Inspector's Report ABP315184-22

| | |
|-------------------------------------|--|
| Development | Retain obscure glazed screen to north elevation providing natural light to stairwell in lieu of approved circular window in same location. |
| Location | Woodley Lodge, Washington Lane, Dublin 14. |
| Planning Authority | South Dublin County Council. |
| Planning Authority Reg. Ref. | SD22B/0398. |
| Applicant(s) | Anthony Duffin. |
| Type of Application | Retention permission. |
| Planning Authority Decision | Grant permission for retention. |
| Type of Appeal | Third Party |
| Appellant(s) | Mr. & Mrs. David Mellon. |
| Observer(s) | None. |
| Date of Site Inspection | 25 th April 2023. |
| Inspector | Des Johnson. |

1.0 Site Location and Description

- 1.1 The site is located on the west side of Washington Lane, approximately 40 metres to the south of its junction with Butterfield Avenue, Rathfarnham, Dublin 14. Stated to be 0.0863ha in area, it is located within the garden of Orchardstown House, which is a Protected Structure.
- 1.2 Woodley Lodge (applicant's) is a modern dormer type dwelling sited to the south of the appellants' property (Washington House). The subject glazed screen is rectangular in shape, on the north-western elevation, and is 1.5m from the boundary between the two properties. The screen has obscure glazing, is non-opening and provides light for a stairwell in the applicant's property. The appellants' property is on a large corner site and has a modern conservatory on its south side facing the applicant's dwelling.
- 1.3 I inspected both properties.

2.0 Proposed Development

- 2.1 Retention of non-opening obscure glazed screen (1600 x 740mm) in north-western elevation providing natural light to stairwell of existing dwelling in lieu of approved circular window.

3.0 Planning Authority Decision

- 3.1 Under Register Reference SD22B/0398 (Decision Order No. 1369), the planning authority decided to grant permission subject to one standard condition that the development be in accordance with the plans and details submitted, and be retained and completed fully in accordance with the plans, particulars and specifications lodged with the application.

3.1.1 Planning Authority Reports

3.1.2 Planning Report

The planning report refers to one objection submission, the key grounds of which relate to overlooking, perception of overlooking, proximity of window to

boundary, light pollution and impact of private amenity, and devaluation of property. The report states the issues raised were considered in the making of the decision to grant. The report lists the main issues for assessment as zoning and policy, residential and visual amenity, green infrastructure, screening for Appropriate Assessment, screening for Environmental Impact Assessment, and SEA Sensitivity screening.

3.1.3 Other Technical Reports

None on file.

4 Planning History

4.1.1 Under Reference PL 06S.244270 An Bord Pleanála granted permission for the construction of a three-bedroom dormer type dwelling within the curtilage of Orchardstown House, a Protected Structure, at Washington Lane. The decision is subject to six standard type conditions. This decision permitted the construction of a circular window in the north-western elevation of the proposed dwelling.

4.1.2 Under Reference S01B/0150, the planning authority granted permission for the removal of a 20th Century porch at the front of Orchardstown House (Grade 1 listed building).

4.1.3 There is a live enforcement case relating to Orchardstown House requiring the discontinuance of use of the gable window in the north-west elevation, the removal of the window and closure of the window opening.

5 Policy and Context

5.1.1 Development Plan

The site is in an area with the zoning objective 'Res' – 'to protect and improve Residential Amenity'. Policies relevant to this case include:

- NCBH13 – to protect and enhance sites listed in the Record of Monuments and Places ... and ensure development does not detract from the setting of the site, monument, feature or object and is designed appropriately.
- H14 – support the extension of existing dwellings subject to the protection of residential and visual amenities.

The planning authority's House Extension Guide (2010) gives broad guidance in relation to house extensions. This includes the prevention of overlooking, overshadowing and an overbearing effect, and includes the provision of frosted or opaque glass to windows ... in bathrooms, halls and stairways.

5.2 Natural Heritage Designations

The site is not located within designated European site. Having regard to the nature and scale of the development in a residential area, and the absence of any pathway to any designated European site, 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, themselves, come within 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 The Appeal

6.1 Grounds of Appeal

These are generally similar to the grounds submitted by way of objection to the planning authority and may be summarised as follows:

- The application is made in response to an Enforcement Notice issued on 9th June 2022
- The side elevation and attic plan are significantly different to those approved by ABP
- The application details are vague and inaccurate, and the subject window is in no way similar in terms of height above ground level, shape, size or position
- Overlooking and perception of overlooking
- Proximity of the window to the site boundary
- Light pollution effecting private amenity and enjoyment of the appellant's property
- Window is north facing and little natural light penetration is achieved
- The window could be replaced with Velux windows with which the appellants would have no issue.

6.2 Applicant Response

This may be summarised as follows:

- The proposal is not for a window but for a fixed non-opening obscure glazed screen on a half landing to provide for natural daylight into a hall and stairwell.
- The glazing is manufactured obscure glass (specification submitted).
- The proposed screen is at half landing level and is not at first floor level. It is common practice to locate obscure glazing on sides/gables of houses. North facing windows are called 'North Lights'

- There are three gable clear glazed windows overlooking the appellant's property.
- The light transmitted through the obscure glazing is greatly diffused and not offensive. There is already bright public lighting to two sides of the appellant's property, which is located on the corner of a main road and by-road.

6.3 Planning Authority Response

Issues raised in the appeal were covered in the planner's report.

6.4 Observations

None.

7 Assessment

- 7.1 This is a third party appeal against the decision of South Dublin County Council to grant permission for the retention of a glazed screen in the north-western elevation of Woodley House subject to one standard condition.
- 7.2 The planning history relating to the applicant site indicates that under Register Reference 06S. 244270 An Bord Pleanála decided to grant permission for a three-bedroom dormer dwelling subject to six standard type conditions. The submitted drawings on which the decision was based show a circular window in the north-western elevation of the dwelling providing lighting to a staircase.
- 7.3 The proposed screen for retention is rectangular in shape and in broadly similar position to the permitted circular window. On inspection I noted that the subject screen is of obscure glazing, is non-opening, and provides lighting for a staircase at half landing level. The screen is 1.5m setback from the boundary with the appellants property and can be clearly seen rising above the boundary wall when viewed from the appellants' gardens and conservatory.
- 7.4 Having regard to the obscure glazing and the non-opening nature of the screen to be retained providing light to a stairwell at half landing level, it does not and cannot give rise to overlooking of the adjoining property. While the design of the screen to be retained differs from the circular window previously permitted

under Reference 06S.244270, I submit that it does not give rise to increased impact on the amenities of the appellants' property in terms of perceived overlooking or light pollution compared with the previously permitted window.

8 Recommendation

8.1 I recommend that planning permission be granted.

9 Reasons and Considerations

Having regard to the nature, size and positioning of the glazed screen, and to the permission granted under Reference 06S.244270, it is considered that the retention of the glazed screen does not give rise to overlooking or injury to the amenities of property in the vicinity, and is in accordance with the proper planning and sustainable development of the area.

10 Conditions

| | |
|----|--|
| 1. | <p>The development shall be in accordance with the plans, particulars and specifications submitted with the application for permission to the planning authority on 6th September 2022.</p> <p>Reason: In order to clarify the nature of the development hereby permitted.</p> |
|----|--|

Des Johnson
Planning Inspector
18th May 2023