



An
Bord
Pleanála

Inspector's Report ABP315464-23

Development	Convert existing attic space and install dormer window to rear
Location	2 Wainsfort Manor Drive, Terenure, Dublin 6w D6W DF10
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD22B/0454
Applicant(s)	James and Emma Mulhern
Type of Application	Permission
Planning Authority Decision	Grant Permission with conditions
Type of Appeal	Third Party
Appellant(s)	Bernard Mullins
Observer(s)	None
Date of Site Inspection	18 th May 2023
Inspector	Andrew Hersey

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1.0 Site Location and Description

- 1.1. The proposed development is located in a suburban estate in Terenure, Dublin. The site comprises of a 2 storey semi-detached dwelling with front and rear gardens. There is an area of public open space located to the south of the said dwelling.

2.0 Proposed Development

- 2.1. The proposed development comprises of an attic conversion, installation of internal stair to facilitate same, modifications to the existing roof and the provision of a flat roof dormer window facing towards the rear garden and a side window facing out towards the public open space to the south. The proposed additional floorspace is stated as being 25sq.m.

3.0 Planning Authority Decision

3.1. Decision

Grant Permission with conditions on the 12th December 2022

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer (dated 12th December 2022) reflects the decision of the Planning Authority. The following is noted from the report;

- That the proposed dormer would not have an adverse impact upon the residential and visual amenity of the subject site and adjacent properties.
- That the proposed roof profile should be amended so as to seamlessly integrate into the existing streetscape and to comply with the South Dublin House Extension Design Guide (2010). The planning officer recommends that this can be done by way of condition.
- Condition No 3 sets out details with regard to the alteration of the proposed roof

- Condition No. 1 stipulates the use of the said attic room i.e. that it will be for residential and not commercial purposes and that the house shall be used as a single dwelling unit only
- That the proposed development would not result in any required Development Contributions

3.2.2. Other Technical Reports

- Public Realm Planning Report - The report on file (dated 25th November 2023) recommends that conditions be imposed with respect of the protection of street trees and grass margins

3.3. Submissions/Observations

There is one submission on the planning file as follows:

- Bernard Mullins of 4 Wainsfort Manor Drive, Terenure, Dublin 6W (property adjacent to north) raises concerns with respect of overlooking from the proposed third floor dormer window and potential to overshadow his rear garden

4.0 Planning History

This Site

None on site

5.0 Policy and Context

5.1. Development Plan

5.1.1. South Dublin County Development Plan 2022-2028

- The site is zoned as RES in the above plan the objective of which is '*To protect and improve residential amenity*'

- Section 6.8.2 Policy H14 Residential Extensions seeks to *‘Support the extension of existing dwellings subject to the protection of residential and visual amenities’*.
- H14 Objective 1 *‘To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 12: Implementation and Monitoring and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines)’*

5.2. Natural Heritage Designations

The site is not located within or adjacent to any Natural Heritage Designations nor is there any hydrological link to the same

5.3. EIA Screening

Having regard to the nature and scale of the proposed development it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for EIA can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

One third party appeal has been received by Brendan Mullins of 4 Wainsfort Manor Drive, Terenure being the adjoining property to the site subject of this appeal.

6.1. Grounds of Appeal

- Overlooking to appellants rear garden patio from proposed dormer window
- Overlooking of appellants dining room through a roof window serving the same
- That the proposed development will potentially overshadow the appellants rear garden

- That the proposed development as a consequence of the above is contrary to development plan policy specifically with respect of Policy H14 Residential Extensions

6.2. **Applicant Response**

None

6.3. **Planning Authority Response**

None

6.4. **Observations**

None

6.5. **Further Responses**

None

7.0 **Assessment**

7.1. **Introduction**

7.1.1. I have examined the application details and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.

7.1.2. I am satisfied the substantive issues arising from the grounds of this third party Appeal relate to the following matters-

- Principle of Development
- Visual Amenities
- Residential Amenities

7.2. Principle of Development

- 7.2.1. The proposed development is located on lands zoned as RES in the South Dublin County Development Plan 2022-2028 the objective of which is *'To protect and improve residential amenity'*
- 7.2.2. Policy H14 Residential Extensions seeks to *'Support the extension of existing dwellings subject to the protection of residential and visual amenities.'*
- 7.2.3. The proposed development for an attic conversion to an existing residential dwelling with alterations to the roof, rear facing dormer window and window to the side therefore complies with the zoning objective for the site and complies with Policy H14 Residential Extensions as set out in the South Dublin County Development Plan 2022-2028. I am therefore of the opinion that the principle of a residential extension at this location is acceptable.

7.3. Visual Amenities

- 7.3.1. The proposed development comprises of internal modifications to the dwelling to include a stairs to the attic level of the existing house. Externally, it is proposed to alter the roof design and construct a flat roofed dormer window which faces the applicants rear garden. The proposal also comprises of the insertion of a window to the south side elevation at attic level.
- 7.3.2. In general I do not consider that the proposed external alterations will have a negative impact upon the appearance of the house subject of this appeal, and equally will not have a negative impact upon neighbouring properties nor the streetscape in general.
- 7.3.3. The local authority planning inspectors concerns regarding the design of the roof or noted but I am of the opinion that the design of the extension as proposed is appropriate in this context. The planning inspector has conditioned under condition 3 that the proposed dutch hip be increased in size. This condition has been imposed so as to comply with the South Dublin House Extension Design Guide (2010). I am of the opinion that imposing this condition will affect the proposed window on the south side elevation. I am of the opinion that the imposition of this condition is unnecessary in this context and that the extension as proposed is appropriate and will not impact significantly upon the visual amenities of the area.

7.4. Residential Amenities

- 7.4.1. This is the fundamental issue raised by the third party in the appeal whom is concerned with regard to overlooking and potential to overshadowing.
- 7.4.2. With respect of overlooking the appellant has concerns with regard to overlooking to a patio in his rear garden and overlooking through two roof windows on a single storey pitched roof extension to the rear of his property. I note that the said windows are located on the southern slope of this pitched roof. I note that the appellant has stated that the use of this room is as a dining room
- 7.4.3. Firstly, I am of the opinion that it would be extremely difficult to obtain views from the proposed dormer window at attic level through the said roof windows into the appellants dining room.
- 7.4.4. Secondly, I am of the opinion that views potentially will be afforded from the proposed window to the appellants rear garden. However, I am of the opinion that it is an accepted norm in suburban housing estates that there will be views of adjacent rear gardens from first floor and above rear windows on adjacent properties. The said dormer window faces directly towards the applicants rear garden and not the appellants rear garden. With respect of the same I am satisfied on this basis that overlooking to the appellants rear garden is not direct and will not be significant and therefore will not significantly impact upon the appellants residential amenities.
- 7.4.5. With respect of potential overshadowing, I note that the said proposed dormer window is located on the eastern slope of the roof and that the highest part of the said window is below the ridge of the roof. In this respect, therefore I do not consider that the said dormer window will cause any significant overshadowing impact.
- 7.4.6. There may be some shadowing impact as a consequence of the alteration of the roof profile associated with the proposed development – particularly in the mid to late afternoon when the sun is located in the south west and west. I am of the opinion that overshadowing impacts will be minor in nature and overshadowing, if any, will occur mostly to the applicants rear garden and not the appellants.
- 7.4.7. With respect of the above therefore I am of the opinion that impacts to the residential amenities of the adjacent properties will be negligible.

8.0 Recommendation

8.1. I recommend that permission is granted subject to the following conditions;

9.0 Reasons and Considerations

9.1. Having regard to the information submitted with the application and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with the zoning objective for the site and the policies with respect of residential extensions as set out in the South Dublin County Development Plan 2022 – 2028, would not be injurious to the visual or residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The external finishes of the proposed extension (including roof tiles) shall be the same as those on the existing dwelling in respect of colour and texture</p> <p>Reason: In the interests of visual amenity</p>

3.	<p>The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: To restrict the use of the extension in the interest of residential amenity</p>
4.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Monday to Fridays, between 0800 and 1400 hours on Saturday and not at all on Sundays and Public Holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: To safeguard the residential amenities of adjoining property in the vicinity</p>

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.

Andrew Hersey
 Planning Inspector

28th May 2023