



An  
Bord  
Pleanála

## Inspector's Report

**ABP-315597-23**

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<b>Development</b>	Attic conversion and first floor extension to side of dwelling
<b>Location</b>	57 Dodder Road Lower, Dublin 14
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD22B/0364
<b>Applicant(s)</b>	Aidan McLaughlin and Maria McGrath
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to 5 no. conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Amhairgín Lee
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	22 <sup>nd</sup> May 2023
<b>Inspector</b>	Bernard Dee

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## 1.0 Site Location and Description

- 1.1. The appeal site is located on Dodder Road Lower which lies to the south of the River Dodder in Rathfarnham, Dublin 14. Rathgar High School lies due north of the appeal site across the Dodder at this location. The houses along this road are primarily semi-detached two storey houses with hipped roofs. The building could date back to the 1940s or 1950s.
- 1.2. The dwelling to which this appeal relates is a two storey dwelling with a single storey garage converted to residential use to the west side of the dwelling. The other house in the semi-detached structure lies to the east of No. 57. The ground floor is brick built with rendered blockwork at first floor level.
- 1.3. During the site visit it was not possible to gain access to the rear of No. 57 but access to the rear of the appellant's property, No. 55, was possible thanks to the consent of the sitting tenant.

## 2.0 Proposed Development

- 2.1. The development (following a request for Further Information and a design response from the applicant), will consist of: the construction of a first floor extension over the single storey element of the house and projecting c. 1.5m beyond the current building line; front bay window extension with pitched roof; single storey extension to rear (approx. 9m x 4m); attic conversion not for habitation with two rear dormers; 4 no. velux windows on the front roof; new front and side fencing 0.9m in height; and the widening of the existing gateway from 2.5m to 3.5m.
- 2.2. From the Further Information drawings submitted to the Planning Authority the additional space at first floor level will be used to accommodate two additional bedrooms. The extension is designed to match the original house in terms of roof height and construction finish. The single storey extension to rear will accommodate a living and dining area and necessitate the demolition of the existing single storey rear extension. On the drawings submitted a bedroom and bathroom are shown but planning permission has been sought for storage only in the attic space. Should the Board be minded to grant permission in this instance then a condition could be attached to confine the use of the attic to storage space only.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission for the proposed development was granted on 14<sup>th</sup> December 2022 subject to 5 no. conditions. None of the conditions are the subject of a First Party appeal.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planner's Report on file notes the residential zoning within which the site is located and that the design is compatible with the dwelling and other structures in the vicinity of the site. The planner also notes that the half-hipped design submitted as Further Information is more acceptable than the originally proposed gable design.

The planner has no issue with the velux rooflights, the single storey extension to the rear or the widening of the entrance subject to appropriate conditions

The planner notes that following screening neither EIA nor AA is required in relation to the proposed development.

#### 3.2.2. Other Technical Reports

Surface Water Drainage did not respond but the planner notes that standard conditions can be applied.

The Roads Department and the Parks Department have no objection to the proposed development subject to conditions.

#### 3.2.3. Prescribed Bodies

Irish Water did not respond but the planner notes that standard conditions can be applied.

#### 3.2.4. Observations

There was one observation received from Amhairgín Lee who is the Third Party appellant in this case. The submission points are similar to the grounds of the Third Party appeal which is detailed in paragraph 6.0 below.

## 4.0 Planning History

### 4.1. On the Appeal Site

None.

### 4.2. In the Vicinity of the Site

Ref. SD20B/0513 was a GRANT of permission for similar development at No. 58 Dodder Road Lower which is the other house in this semi-detached structure.

## 5.0 Policy and Context

### 5.1. Development Plan

The South Dublin County Development Plan 2022-2028 was made on 22<sup>nd</sup> June 2022 and came into effect on 3<sup>rd</sup> August 2022.

The site is zoned Objective RES - "To protect and/or improve Residential Amenity".

#### 6.8.2 Residential Extensions

Policy H14: Residential Extensions - 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).

#### 12.6.8 Residential Consolidation

Extensions - The design of residential extensions should have regard to the permitted pattern of development in the immediate area alongside the South Dublin County Council House Extension Guide (2010) or any superseding standards.

### 5.2. Natural Heritage Designations

There are no Natural Heritage designations located in the vicinity of the appeal site:

### 5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any 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 grounds of the First Party appeal prepared by Ailtireacht in summary states:

- By proposing extension work to one of the semi-detached pair of houses the symmetry will be upset and the rhythm on the streetscape will be disrupted and a terrace like street will result.
- The scale and massing of the front elevation, due in part to the 1.5m projection forward of the building line by the side extension, will be discordant, overbearing and of poor quality in aesthetic terms.
- Due to a poor design the resulting spaces, bedrooms, living and dining areas, will be substandard and result in poor residential amenity for the occupants and contrary to DHLGH Guidelines on Sustainable Residential Development and the Council's Development Plan policies and 'Residential Extension Design Guidelines 2010'.
- The extension to the side of the house and projecting forward from the building line is without precedent in the street, would cause overshadowing of the front garden of No. 55, would result in the loss of a roadside tree and devalue No. 55.
- The extensions to the front, side and back would cause overshadowing of the rear garden, living room, bedroom and kitchen of No. 55 with consequent negative impacts on heat retention and additional heating costs and also devalue No. 55 as a result.

- The rear window of the first floor extension would cause overlooking of No. 55 and lead to loss of privacy.
- The velux windows on the front elevation detract from the character of the building and should not be required if the attic area is being used for storage purposes as stated in the planning notices.

## 6.2. Planning Authority Response

The Planning Authority has not responded to this appeal.

## 6.3. Further Responses

The First Party has submitted a response prepared by Jim Brogan, Planning and Development Consultant which, in summary, makes the following points:

- It is acknowledged that the Dodder Road Lower has a distinctive and identifiable character notwithstanding the many extensions and alterations to the individual houses that have been granted planning permission over the years. The proposed development is in line with previous alterations to houses along this road and will not appear incongruous in its setting nor upset the established architectural harmony of the area.
- By way of Further Information the design of the first floor extension was modified to blend in with the streetscape of the area. It should be noted that the houses are set back from the road and No. 57 has a 9.5m setback.
- Other houses on the road have side extensions that project forward of the building line, e.g. No. 53.
- The First Party refutes that the additional rooms will be substandard and that the spaces are in conformity with all relevant guidelines and standards.
- The rear bedroom will not directly overlook the rear garden of No. 55 and therefore no loss of privacy will occur.
- The use of the attic will be for storage purposes and there are plenty of examples of velux windows on the front roof slope in houses along Dodder Park Lower.

## 7.0 Assessment

- 7.1. Having examined all the application and appeal documentation on file, and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise.
- 7.2. The primary planning issue therefore is whether or not the proposed first floor extension is appropriate in this context. Additional issues such as the rear extension, the front bay extension and the issue of velux windows are secondary to the primary issue but will be assessed below also.
- 7.3. The issue of AA Screening is also addressed in this assessment.
- 7.4. It should be noted by the Board that No. 57 is not a protected Structure nor is located within the setting or curtilage of a Protected Structure. No. 57 is not located in an Architectural Conservation Area (ACA) nor in close proximity to any designated ACA.
- 7.5. First Floor Extension
  - 7.5.1. The proposed extension to the side of the existing structure has a gable end facing out from the front façade but the main roof is a continuation of the existing roof at the same height and terminating in a half-hipped gable. The proposed construction materials are intended to match the original structure. While this extension projects 1.5m from the building line regard must be had to the fact that there is in excess of a 9m setback from the public footpath and that the trees planted in the roadside verge offer a degree of screening of the house.
  - 7.5.2. Currently the façade of No. 57 is plain and functional but could not be said to be of the highest architectural merit. I believe that the addition of the half-hipped roof, while throwing the symmetry of the semi-detached structure out of line, does not have an adverse impact on the visual amenities of the area. In addition, the front facing gable on the first floor extension does, I believe, add to the architectural interest of the façade. Similarly, the bay window extension with hipped roof and the 1.5m projection of the extension give a degree of three dimensionality which the current flat façade does not possess.



- 7.5.3. Therefore, I am of the opinion that the proposed side and front extensions as well as the roof extension do not harm the architectural integrity of the building itself or the character of the wider streetscape in general.
- 7.5.4. Comments by the First Party regarding the substandard nature of the extensions are, I believe based on a misunderstanding about the DHLGH Guidelines on Sustainable Residential Development which are intended for new build developments and not extensions to existing houses. Similarly, the House Extension Design Guide 2010 does not contain any minimum or maximum areas for bedroom or any other room sizes. I find therefore that the Third Party argument on this issue is without substance.
- 7.5.5. As to the issue of overlooking from the rear first floor window in the proposed extension, the Board should note that directly west of No. 57 is No. 56 Dodder Road Lower. West (and part of a semi-detached unit) of No. 56 is No. 55 which is the appellants home. It would be physically impossible for an occupant of the first floor bedroom to overlook the garden of No. 55. This ground of appeal is completely without foundation in fact.
- 7.5.6. The appellant also takes issue with the fenestration to the rear and the 4 no. velux windows on the front roof slope. Regarding the rear elevation, as this is not visible from the public realm I have no issues with recommending their retention to the Board. With regard to the 4 no. velux windows on the front roof slope, again, as the building is not a protected structure and having regard to the setback and screening at the site I would recommend to the Board their retention.

#### 7.6. AA Screening

Having regard to the relatively minor development proposed within an existing housing estate and the distance from the nearest European site being approximately 2km, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

I recommend that planning permission be granted for the reasons and considerations set out below and subject to the following conditions.

## 9.0 Reasons and Considerations

Having regard to the provisions of the South Dublin County Development Plan 2022-2028, including the RES zoning objective for the site which seeks to protect and/or improve the residential amenity of the area; it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, or of property in the vicinity, would provide an acceptable design in its architectural context and would not, by virtue of overlooking lead to loss of privacy in neighbouring properties. The proposed development 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 on the 12<sup>th</sup> August 2022, as amended by drawings received on 2<sup>nd</sup> December 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>Reason: In the interest of clarity.</p>
2.	<p>Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>

	Reason: In the interest of visual amenity.
3.	<p>Surface water from the site shall not be permitted to drain onto the adjoining public road.</p> <p>Reason: In the interest of traffic safety.</p>
4.	<p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. 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: In order to safeguard the residential amenities of property in the vicinity.</p>
5.	<p>Prior to commencement of development, the developer shall agree tree protection details with the planning authority to secure the satisfactory protection of street trees during the construction of the development.</p> <p>Reason: To protect trees and planting during the construction period in the interest of visual amenity.</p>
6.	<p>The developer shall pay to the planning authority a financial contribution of 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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p>

	<p>Reason: 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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**Bernard Dee**  
**Planning Inspector**

**24<sup>th</sup> May 2023**