



An
Bord
Pleanála

Inspector's Report

ABP-315976-23

Development	Removal of chimney, installation of 3 roof lights. Construction of extension to front, conversion of attic space into space, construction of attic dormer window to rear roof slope.
Location	23 Sutton Grove, Sutton, Dublin 13
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F22B/0249
Applicant(s)	Andrew Keegan
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Peter Murray
Observer(s)	None
Date of Site Inspection	04/06/23
Inspector	Adrian Ormsby

1.0 Site Location and Description

- 1.1. The site is an end of terrace two storey dwelling located at the southern end of Sutton Grove. The terrace includes 6 dwellings of similar design. The terrace is located at the end of a cul de sac and perpendicular to the access road. A pedestrian path is located along the southern boundary of the house connecting the Grove to Sutton Downs and Bayside Square South to the rear of the site.
- 1.2. The existing house is a typical two storey dwelling with its front elevation finished with white painted timber cladding and large panels of glazing. The house benefits from a front garden. Car parking is provided on the road.
- 1.3. The existing house has a stated floor area of 112 sq.m and the site has a stated area of 0.01 ha. There is a small area of public open space to the rear of the site.

2.0 Proposed Development

- 2.1. The development comprises of-
 - the removal of the existing chimney to rear of existing dwelling,
 - the construction of an attic dormer window to the rear roof slope
 - conversion of attic space into a non-habitable attic room 21 sq.m
 - two roof lights to the front roof elevation one to the rear
 - a ground floor single storey extension to the front elevation 7 sq.m and
 - all associated site works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission on the 09/02/23, subject to seven standard planning conditions.

4.0 Planning Authority Reports

4.1. Planning Reports

The Chief Executives' Order/ Planning Report (09/02/23) reflects the decision of the Planning Authority.

4.2. Other Technical Reports

- Water Services-
 - 23/02/23- No objections subject to conditions.

4.3. Prescribed Bodies

- None

4.4. Third Party Observations

- One third party observation was received and generally includes those matters raised in the appeal.

5.0 Planning History

- None recent

6.0 Policy Context

6.1. Development Plan

- 6.1.1. The Planning Authority assessed this application under the provisions of the Fingal County Development Plan 2017-2023 (CDP).
- 6.1.2. The Fingal Development Plan 2023 – 2029 was made on 22nd February 2023 and came into effect on 5th April 2023.
- 6.1.3. The site is zoned 'RS Residential' with an objective to *"Provide for residential development and protect and improve residential amenity"*. This zoning is described

in chapter 13 of the CDP with a vision to *“Ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.”*

6.1.4. Section 3.5.13.1 details that the need for people to extend and renovate their dwellings is recognised and acknowledged. Extensions will be considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area.

6.1.5. The following Policies and Objectives are relevant-

- Policy SPQHP41 – Residential Extensions
 - *Support the extension of existing dwellings with extensions of appropriate scale and subject to the protection of residential and visual amenities.*
- Objective SPQHO45 – Domestic Extensions
 - *Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.*

6.1.6. Chapter 14 sets out Development Management Standards-

- Section 14.10.2 deals with Residential Extensions and states-
 - *.....the design and layout of residential extensions must have regard to and protect the amenities of adjoining properties, particularly in relation to sunlight, daylight and privacy. The design of extensions must also have regard to the character and form of the existing building, its architectural expression, remaining usable rear private open space, external finishes and pattern of fenestration.....*
- Section 14.10.2.1 deals with Front Extensions and states-
 - *.....Front extensions will be assessed in terms of their scale, design, and impact on visual and residential amenities. Significant breaks in the building line should be resisted unless the design can demonstrate to the Planning Authority that the proposal will not impact on the visual or residential amenities of directly adjoining dwellings.....*

- Section 14.10.2.5 deals with Roof Alterations including Attic Conversions and Dormer Extensions and states-

- *Dormer extensions to roofs will be evaluated against the impact of the structure on the form, and character of the existing dwelling house and the privacy of adjacent properties. The design, dimensions, and bulk of the dormer relative to the overall extent of roof as well as the size of the dwelling and rear garden will be the overriding considerations, together with the visual impact of the structure when viewed from adjoining streets and public areas.*

Dormer extensions shall be set back from the eaves, gables and/or party boundaries and shall be set down from the existing ridge level so as not to dominate the roof space.

The quality of materials/finishes to dormer extensions shall be given careful consideration and should match those of the existing roof.

The level and type of glazing within a dormer extension should have regard to existing window treatments and fenestration of the dwelling. Regard should also be had to extent of fenestration proposed at attic level relative to adjoining residential units and to ensure the preservation of amenities.

Excessive overlooking of adjacent properties should be avoided.

6.2. Guidance

- BRE209 - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' 2022 edition.

6.3. Natural Heritage Designations

- None relevant

7.0 The Appeal

7.1. Grounds of Appeal

One third party appeal has been received from Peter Murray of No. 25 Sutton Grove next door to the site. The grounds of appeal can be summarised as follows-

- Visual Impact of the development would break the coherent building line of six terraced properties. No houses in Sutton Grove have front extensions.
- The provision of 6.8 sq.m in the front extension does not justify breaking the coherent building line of these unique facades.
- The proposal materially contravenes the Development Plan 2017-23 and the new Plan to be adopted six weeks after the 24th of February. Reference is made to Objectives PM46, DMS44 and a section on Building lines on page 413. Proposals should respect overall character of an area.
- Section 14.10.2 of the new Plan requires Residential Extensions to have regard to and protect the amenities of adjoining properties, have regard to the character and form of the existing building and its architectural expression.
- Section 14.10.2.1 deals with front extensions where significant breaks in the building line should be resisted.
- Section 14.4.9 Building Lines within the public realm development should not be carried out in front of established building lines.
- The development would set a precedent for ad hoc extensions to the front of planned estates. This would devalue the entire look of the Grove setting a negative precedent for piecemeal extensions.
- The proposal will remove natural light from the front sitting room and reduce light in the front garden of No. 25.
- The house benefits from a rear extension and the walls should be investigated by planning enforcement officer.
- The dormer window will overlook the back garden of 25 Sutton Grove devaluing private space through overdevelopment.

- Photos included.

7.2. Applicant Response

The Applicants response to the appeal can be summarised as follows-

- The proposed front extension is small and would not seriously injure the existing residential amenities or the visual amenities of the area.
- There is precedent for similar extensions within the wider Bayside area with photographs and examples provided.
- A porch extension of 2 sq.m would otherwise be exempt and would impact in the same way on loss of daylight.
- Overlooking from dormer extension is not anticipated. There are already first floor windows in the house.

7.3. Planning Authority Response

The Planning Authority's response to the grounds of appeal can be summarised as follows-

- The scale and design of the development is consistent with the Development Plan and would not unduly impact on existing visual and residential amenities.
- If the decision is upheld the Bord is asked the Councils Section 48 Development Contribution Scheme as appropriate.

7.4. Observations

- None

8.0 Assessment

8.1. Introduction

- 8.1.1. I have examined the application details and all other documentation on file, including the Appeal and the response received. I have inspected the site and have had regard to relevant local/regional/national policies and guidance.

8.1.2. The following are considered the main issues relevant to the assessment of this appeal-

- Design and Visual Impact,
- Impact on Residential Amenity,
- Other Matters
- Appropriate Assessment.

8.2. Design and Visual Impact

- 8.2.1. The Appellant considers the ground floor extension to the front elevation as an unnecessary and visually incoherent addition to the character and visual amenity of the existing terrace of houses and breaches the existing building line. He considers the proposal materially contravenes the Fingal County Development Plan (CDP) with reference made to the previous plan and the adopted plan that was not operative at the time of making the Appeal. The Appellant does not raise concerns in relation to the design or visual impact of the dormer extension.
- 8.2.2. This appeal will be considered against the provisions of the operative CDP 2023-29 and in particular- Policy SPQHP41 Residential Extensions, Objective SPQHO45 Domestic Extensions and Development Management Standards set out in sections 14.10.2.1 Front Extensions and 14.10.2.5 Roof Alterations including Attic Conversions and Dormer Extensions.
- 8.2.3. The development generally proposes a c. 7 sq.m single storey extension to the front elevation of the house and an attic conversion with dormer window extension of 21 sq.m.
- 8.2.4. The front elevation extension protrudes c. 1.5m from the front elevation wall across the full width of the house at ground level only. It is designed with a pitched down roof profile ranging from 3.819m high to 2.519m high. It will be finished with three roof lights, roof tiles to match the existing house a render finish and the reuse of the existing double-glazed windows and front door. The extension provides for a 3 sq.m porch and a 4 sq.m extension to the living room.
- 8.2.5. The scale, design and projection of this extension from the front building line of the dwelling is not excessive and would not dominate the front elevation of the dwelling. I

do not consider this extension to be a significant breach of the building line¹ and it does not unduly impact upon public space. In this regard I am satisfied it is of an appropriate scale that does not negatively or unduly detract from the character or visual amenities of the area.

- 8.2.6. The application also proposes the removal of the existing chimney, the conversion of the attic space and provision of a dormer style roof extension to the rear elevation providing an attic space of 21 sq.m. The dormer extension is located centrally in the rear roof profile is 3.36m wide with 2m wide glazing. It is to be located 300mm below the main roof pitch and set back from the main roof eaves. It will be finished in zinc cladding or render finish. A roof light is also provided to the main roof.
- 8.2.7. The dormer extension will not be visible from Sutton Grove but would be visible from public spaces to the rear of the house along Bayside Square South. I am satisfied it is well designed relative to the overall extent of roof as well as the size of the dwelling and rear garden. It is set back from the eaves, gable, neighbouring property and below the existing ridge. It will not negatively or unduly detract from the character or visual amenities of the area.
- 8.2.8. Having considered the above in the context of design and visual impact, the proposal is considered in keeping with Policy SPQHP41- Residential Extensions, Objective SPQHO45- Domestic Extensions and the relevant Development Management Standards as set out above. The proposed development would not significantly detract from the visual amenities of the area to an extent that warrants refusing the proposal.

8.3. Impact on Residential Amenity

- 8.3.1. The Appellant has raised concerns relating to the impact of the proposed development on existing residential amenity. In particular, he highlights the following-
- Loss of daylight to the front living room
 - Loss of sunlight to the front garden

¹ The appellants reference to section 14.4.9 of the CDP appears to relate to section 14.4.8 of the current CDP. This deals with breaches to building lines within the public realm. The extension is not proposed within the public realm.

- Overlooking from the dormer window

8.3.1.1. Daylight

- To assess the impacts of the proposed development on loss of 'Daylight' to the Appellants property it is appropriate to consider the provisions of BRE209 - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' 2022 edition.
- Section 2.2 of BRE209 titled 'Existing Buildings' details it is important to safeguard daylight to nearby buildings. The guidelines are clear in that they relate to rooms in adjoining dwellings where daylight is required including living rooms, kitchens and bedrooms.
- Section 2.2.16 and 2.2.17 deals with domestic extensions which adjoin the front or rear of a house and provides a 'quick method' to assess diffuse daylight impacts on the houses next door. Figure 17 and 18 of BRE209 illustrates the application of 'the 45° approach' to determine if such impacts are likely to be significant.
- Using the drawings submitted, I have applied the methodology from figure 18 of BRE209 to the proposed development as follows-
 - A measurement from halfway down the pitched roof extension c. 0.75m
 - A height of 1.6m for the affected window i.e. it is full length and similar to a patio door (as per BRE209)
 - The centre point of the window width is estimated at c. 1.65m.
- I found a point 1.6m high at the centre of the affected window of No. 25 lies **outside** the 45° angle from the roof of the proposed front extension on both plan and elevation. As per BRE209 a significant amount of daylight to the living room of No. 25 is therefore **not likely** to be blocked by the proposed development.

8.3.1.2. Sunlight

- Section 3.3 of BRE 209 also considers the impact of development on sunlight to existing amenity spaces such as private gardens. Section 3.3.7

recommends that at least half of such amenity spaces should receive at least two hours of sunlight on March 21st and in scenarios where detailed calculations cannot be carried out it is suggested that the centre of the area should receive at least two hours of sunlight on March 21st.

- b) The Appellants concerns relate to the impact of the front extension to his front garden which would not share the same considerations of sunlight to private amenity space such as a back garden.
- c) The proposed development will project 1.5m forward from the existing building line. The depth of the front garden of these properties are c. 6m from the front elevation. The proposed development will not detract unduly from the Appellant's access to sunlight in his front garden.

8.3.1.3. Overlooking

- a) The Appellant considers the proposed dormer extension will lead to overlooking of his private amenity space and a subsequent loss of privacy.
- b) The site is in a built-up suburban area. The appellant's house is located in between two other houses as part of a terrace. Each house has rear facing first floor windows and a degree of oblique overlooking of neighbouring amenity spaces is inevitable and generally accepted in such contexts.
- c) The proposed dormer extension at roof level higher and further away than existing first floor windows will not lead to undue overlooking or loss of privacy to the Appellants rear amenity space.
- d) It will however provide passive surveillance to the area of public open space at the rear of the site and thereby can be seen as having a wider benefit to residential amenity in the area.

8.3.1.4. Conclusion

- a) Having considered the above in the context of impacts upon existing residential amenity, the proposal is considered in keeping with Policy SPQHP41- Residential Extensions, Objective SPQHO45- Domestic Extensions and the relevant Development Management Standards as set out

above. The proposed development would not significantly detract from the residential amenities of the area.

8.4. Other Matters

- 8.4.1. Concerns raised in relation to planning enforcement are not ones for the Board.

8.5. Appropriate Assessment

- 8.5.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no Appropriate Assessment issues arise, and it is not considered that the proposal would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

9.0 Recommendation

- 9.1. I recommend that permission is granted subject to the following conditions-

10.0 Reasons and Considerations

- 10.1. Having regard to the nature and scale of the proposed development, the 'RS' zoning objective for the site to '*provide for residential development and protect and improve residential amenity*', the pattern of development in the area and the provisions of the Fingal County Development Plan 2023-2029, it is considered that the proposed development would not seriously injure the residential and visual amenities of the area and would therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 20th day of December 2022, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

3. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

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.

Adrian Ormsby
Planning Inspector

04^h of June 2023