



An
Bord
Pleanála

Inspector's Report

ABP-316844-23

Development	Alterations to house including rear facing dormer
Location	11 Saint Luke's Crescent, Dundrum, Dublin 14, D14P032
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D22B/0530
Applicant(s)	Bianca Cerveto
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v Refusal
Appellant(s)	Bianca Cerveto
Observer(s)	None
Date of Site Inspection	13 th July 2023
Inspector	Joe Bonner

1.0 Site Location and Description

- 1.1. The site of the proposed development is a mid-terrace two storey house in a terrace of four houses and faces eastwards onto a central area of open space serving the small development of Saint Luke's Crescent, that in turn connects to the western side of the Dundrum Road (R117) via two separate access points at either end of the crescent.
- 1.2. The Dodder Valley Park runs along the rear (western) boundary of the site, with a row of mature trees and hedging c3m wide separating the rear boundaries of the houses from the park, which falls quickly from the boundary towards the Dodder River which is located c55m to the west of the rear boundary and Milltown Bridge is located c230 to the north of the site.
- 1.3. Saint Luke's Crescent consists of 30 houses of a similar scale and character predominantly composed of two-storey terraced dwelling houses, many of which have been extended and altered to the rear.
- 1.4. The subject site is narrow, is relatively rectangular in shape, has a stated area of circa 0.0213ha and a floor area of 102sqm over two floors including an existing ground floor extension at the rear. Private off-street parking is provided at the front of the site, within the site.

2.0 Proposed Development

- 2.1. The proposed development comprises seven separate amendments to the existing dwelling consisting of:
 - conversion of an attic space into a non habitable room
 - construction of a rear facing dormer
 - inclusion of three rooflights to the front roof
 - widening first floor rear window, servicing bathroom
 - window and door modifications to front entrance
 - alterations to an existing ground floor rear extension to include pitched conversion to a flat roof and modifications to fenestration.

- internal alterations and all associated site works
- 2.2. According to the submitted planning application form the proposed development would give rise to an additional 25sqm of floor area (at attic level) which together with the existing floor area would result in a cumulative gross floor area of 127sqm.
- 2.3. The roof of the four terraced houses consists of a single tiled roof and the sides of the proposed dormer window would be set back c150mm from the northern boundary and c1400mm from the southern boundary. It is also proposed to be set back 500mm from the eaves/wallplate at the rear and the roof would be 200mm below the ridge of the house.
- 2.4. Following a Request for Further Information, the applicant proposed to set back the proposed dormer element by a further 300mm from the rear eaves/wallplate, total setback 800mm. The window cill level would be raised to 750mm above the floor level. The glazed element of the window would also be reduced in width by 300mm from 2550mm to 2250mm. The roof height and the overall width of the proposed dormer would remain as originally proposed.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. A decision to refuse permission was issued by Dun Laoghaire Rathdown County Council on 3rd April 2022, for the following reason:

1 Having regard to the scale, height, and proximity to the boundary line of the dormer as well as the size of proposed window, it is considered that the proposed development would be out of character with the existing dwelling and surrounding area and as a result would have a negative impact on the visual and residential amenity of the area. The proposed development is therefore contrary to section 12.3.8.1 (Extensions to Dwellings) of the Dún Laoghaire Rathdown County Development Plan 2022 – 2028 and to the proper planning and sustainable development of the area.

- 3.1.2. In refusing permission, the Planning Authority took into consideration the revised proposal submitted by way of the response to the request for further information.

3.2. **Planning Authority Reports**

3.3. **Planning Officer's Reports**

3.3.1. The Planning Officer's second report is the basis for the Planning Authority decision.

3.3.2. In the **first report**, the Planning Officer, recommended:

- revised proposals for the proposed rear dormer to address concerns regarding the size, scale and bulk of the proposed dormer and associated glazing.

3.3.3. In the **second report**, the Planning Officer noted that the revised proposal did not alter the height of the dormer and did not address the proximity to No 10 (to the north). The dormer remained excessively dominant.

3.3.4. The report also concluded that no EIA /Screening is required, and that AA is not required for the proposed development.

3.4. **Other Technical Reports**

The Drainage Planning Report of 2nd February 2023 had no objection to the proposed development, but noted for reference to any future applications that the applicants garden is located within Flood Zone A and B and also contains a 300mm public combined sewer.

3.5. **Prescribed Bodies**

There are no reports from any prescribed bodies on the planning file.

3.6. **Third Party Observations**

None.

4.0 **Planning History**

4.1.1. No recent site-specific planning history. Relevant precedents referred to in the Planning Officer's Reports include:

- **P.A Ref. D21B/0247** - Permission granted on 30th September 2021 at No 7 St Lukes Crescent for: Retention permission for attic conversion for

study/playroom use with dormer projecting window to rear and single storey kitchen extension to rear.

- **P.A Ref. D16B/0427** - Permission granted on 2nd March 2017 at No 18 Saint Luke's Crescent for: Demolition of existing single storey rear extension and shed; Construction of new two storey and single storey extension to the side and rear; New front port; Conservation (conversion) of existing attic to study/storage space with velux rooflights to rear roofslope; All associated internal alterations.

4.1.2. The applicant's cover letter submitted with the application referred to two more similar precedent grants of permission that are not referenced in the Planning Officer's Report:

- **P.A Ref. D11B/0031** – Permission granted on 5th May 2011 for a roof dormer extension c570m to the northwest. The decision was not appealed.
- **(PL06D.239331) P.A Ref. D11B/0164** – Retention Permission granted by the Board on 2nd December 2011 for retention of a flat roof dormer and windows at rear c500m to the northwest. In granting permission, the Board decided not to accept the Inspector's recommendation to refuse permission and had particular regard to a previously permitted attic conversion and limited views of the dormer from the public realm.

4.1.3. There are also two current appeals under consideration by the Board in respect of developments at No 3 Saint Luke's Crescent, where the Planning Authority refused permission in both cases: -

- **ABP-310899-21 (D21A/0371)** - Construction of a first floor extension to the side of the existing dwelling including alterations to the exist single storey side extension, first floor extension and single storey extension to the rear of the existing dwelling.
- **ABP-313852-22 (D22B/0168)** - Retention of alterations to previously granted planning permissions register reference numbers D21A/0719, D21B/0438 and D21B/0458.

5.0 Policy Context

5.1. Dun Laoghaire Rathdown Development Plan 2022-2028

- 5.1.1. The relevant Development Plan is the Dun Laoghaire Rathdown Development Plan 2022-2028, which came into effect on 21st April 2022.
- 5.1.2. The site is zoned 'Objective A' with a stated objective *'to provide residential development and improve residential amenity while protecting the existing residential amenities.'* 'Residential' which is considered to include residential extensions, is classified as being 'Permitted in Principle' on lands zoned Objective A.
- 5.1.3. The following elements of Section 12.3.7.1 'Extensions to Dwellings' are considered relevant to the proposed development: -

(ii) Extensions to the Rear:

(iv) Alterations at Roof/Attic Level

- 5.1.4. Because of the stated refusal reason, the following is particularly relevant, where Section 12.3.7.1(iv) refers to 'Alterations at roof / attic level' and regarding dormer extensions to roofs, states: -

Dormer extensions to roofs, i.e., to the front, side, and rear, will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties. The design, dimensions, and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations. Dormer extensions shall be set back from the eaves, gables and/or party boundaries.

Dormer extensions should be set down from the existing ridge level so as to not read as a third storey extension at roof level to the rear.

The proposed quality of materials/finishes for dormer extensions will be considered carefully as this can greatly improve their appearance. The level and type of glazing within a dormer extension should have regard to existing window treatments and fenestration of the dwelling. However, regard should also be had to size of fenestration proposed at attic level relative to adjoining residential amenities.

Particular care will be taken in evaluating large, visually dominant dormer window structures, with a balance sought between quality residential amenity and the privacy

of adjacent properties. Excessive overlooking of adjacent properties should be avoided.

5.2. Natural Heritage Designations

5.2.1. None relevant.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The decision of DLRCC to refuse permission has been appealed by the applicant. The following is a summary of the main issues raised in the appeal:

- The purpose of the application is to provide additional living space in what is a small house, in an affordable manner, for a young family of four and for visiting family members, while it will allow the house to function better.
- The residential amenities of adjoining neighbours have been considered and they have been consulted as part of the design process. The neighbours have expressed interest in carrying out similar proposals in the future.
- The purpose of each of the seven individual elements of the application are briefly addressed.
- Beyond the changes proposed in response to the request for further information, the applicant questioned the value of making any further amendments that would result in the building of an unsatisfactory development.
- The form and positioning of the dormer provides sufficient head height over the attic stairs, is set back 800mm from the eaves and 200mm below the ridge, thereby reducing the visual impact and preserving the facades hierarchy.
- It is noted that six of the seven proposed amendments were '*acceptable to the planners*' and yet permission for the entire development was refused.

- The refusal of permission was based on the size of the proposed rear dormer only.
- The term ‘visual and residential amenity’ is not defined in the Dun Loaghaire Rathdown County Development Plan, but the Dublin City Council Development Plan 2022-2028 states that the amenities of neighbouring properties include privacy, outlook, daylight and sunlight and they then proceeded to address each of those issues.
- Privacy – having consulted with their neighbors and received letters of support from them, the appellant does not consider that there is any additional impact on the privacy of their neighbors. They also cite a recent planning application for three storey houses to the south of Saint Luke’s Crescent currently under construction as the houses have rear facing terraces at second floor level and rear gardens of c6m in length (ABP-300519-17 and P.A Ref. D17A/0873 refer). They continue that as privacy is not seen as an issue in that case, it should not be raised as problematic in respect of their proposed development.
- Outlook – would not be affected as the viewing angle from the adjacent houses is too narrow.
- Daylight and sunlight – would not be affected.
- The proposed structure is not visible from the public realm in Saint Luke’s Crescent, it backs onto a parkland with a stand of mature trees on the boundary and the impact on the surrounding area is negligible.
- Photographs of nearby houses and their extensions are provided to support the applicant’s case.
- Larger extensions have been permitted to the side and rear of other houses within Saint Luke’s Crescent and considering the varied and non-uniform nature of these extensions, the proposed development would not injure the visual and residential amenity of the area.
- With respect to Section 12.3.7.1 (iv) of the Development Plan, the appellant is satisfied that: -

- The dormer is at the rear and is not visible and there is no impact on the character and form of the building.
- The existing windows at first floor level mean no additional overlooking.
- The size of the dormer is balanced with the need for usable space and the required location of the stairs, because of the restricted footprint of the house.
- While the dormer is close to the boundary of No 10, it is in excess of 1.4m from the boundary of No 10.
- The dormer element is set down 200mm from the ridge, and any further reduction would make little difference when viewed externally. A contradictory and recent decision under D22B/0507 conditioned that the ridge of the dormer be lowered so that it would be 200mm from the ridge, the same as was proposed in this case, but the Planning Authority wanted a further reduction in this instance.
- The proposed metal clad finishes are typical of dormer windows.
- The appeal highlights nine further examples of permission being granted for attic conversions and dormer extensions to the rear of houses and while most of the cited cases were decided under a previous Development Plan, the wording in the relevant section of the plan regarding alterations and roof level is almost completely unchanged.
- The form of development proposed represents a method of 'compact growth which is supported by the Development Plan.
- The grounds of the first party appeal are appended by two identical letters of support that were prepared by the first party (appellants) and are signed by each of the stated owners of the adjacent houses at 10 and 12 Saint Luke's Crescent. The letters, set out the appellant's intention to appeal the decision to refuse permission and asked for the support of their neighbours in the form of signing the letters, which they did.

6.2. **Planning Authority Response**

- The Planning Authority referred the Board to the previous Planner's Report and stated that in its opinion the grounds of appeal do not raise any new matters which, would justify a change of attitude towards the proposed development.

6.3. **Observations**

- None, although letters of support are appended to the appeal from the immediately adjacent neighbours.

6.4. **Further Responses**

- None

7.0 **Assessment**

7.1.1. Having examined the application details and all other documentation on file, including the response to further information and information received in relation to the appeal, having inspected the site, and having regard to the relevant local planning policies, I am satisfied that the main issues in this appeal are those raised in the Planning Authorities reason for refusal and the grounds of appeal. These issues can be dealt with under the following headings

- Introduction
- Dormer Element
- Appropriate Assessment

7.2. **Introduction**

7.2.1. No concerns were raised in the decision of the Planning Authority or in the grounds of the appeal in respect of six of the seven individual elements of the proposed development and I am satisfied that the proposed modifications are acceptable.

7.2.2. In the event of a grant of permission being issued, a condition should be attached requiring that the proposed widened first floor bathroom window would be fitted with obscure glazing.

7.3. Rear Facing Dormer

- 7.3.1. The key issue in this application and the subject matter of the refusal and consequently this appeal, is the nature, extent, and impact of the proposed dormer at the roof/attic level at the rear of the house. I considered that the proposal for a rear facing dormer window is acceptable in principle.
- 7.3.2. This assessment is based on the revised plans and elevations submitted following the request for further information. The refusal reason referred to scale, height and proximity to the boundary, the size of the window, the development being out of character and negative impact on the visual and residential amenity of the area. All of these elements are addressed below.
- 7.3.3. Scale, height, and proximity to the boundary
- 7.3.4. The height of the proposed dormer is 200mm below the ridge level of the house and it will not be visible from the public realm at the front of the site. I am satisfied that the height of the proposed dormer is acceptable and would not read as a third storey extension at roof level to the rear, as is required by Section 12.3.7.1 (iv) of the Development Plan.
- 7.3.5. The site is 6.171m wide in the rear garden before narrowing to 5.754m. The proposed dormer is 4.228m in width, representing c73% of the width of the roof. Due to the limited internal floorplate that is available at first floor level, where a third bedroom would be added as part of the internal alterations, options for relocating the stairs are limited.
- 7.3.6. The proposed dormer will be located c1.4m from the southern boundary with No 12. The northern edge of the proposed dormer is located close to but not on the boundary with No. 10 to the north. Based on a review of the drawings, it is estimated to be 150mm from the boundary, but no measurement of the separation distance is provided on the drawings. Section 12.3.7.1(iv) of the Development Plan requires dormer extensions to be set back from the eaves, gables and/or party boundaries. It does not however quantify a required setback distance and the applicant has set the proposed dormer element back from the party boundary with No. 10 as required by the Development Plan.

- 7.3.7. I am satisfied that the proposed dormer window as per the revised plans and elevations submitted to the Planning Authority on the 13th of March 2023 by way of further information 'Drawing No 350 – RFI – Plan, Section and Elevations' is an acceptable form of development. It is also noted that the purported owners of No's 10 and 12 have signed letters of support in respect of the proposed development.
- 7.3.8. In terms of visual amenity, I do not have issue with the height, scale, or proximity to the boundary of the proposed dormer extension and consider that it would integrate satisfactorily with the existing dwelling and other properties in the vicinity. I do not consider it to be visually incongruous or excessively overbearing in its context. In terms of impacts on residential amenity, I consider that any impacts would not be so great as to warrant an alteration to its overall size or its omission from the proposal. It is of a scale and design appropriate to its urban location.
- 7.3.9. The size of the window
- 7.3.10. The revised width of the dormer window following further information would be 2.25m, while the existing first floor bedroom window is 1.75m in width. The height of the proposed window would also be higher than that of the existing first floor bedroom window. The cill level would be 750mm above the floor level and I consider that the width and height of the dormer window should be reduced to match that of the existing first floor rear bedroom window by lowering of the cill height. This can be addressed by way of a condition.
- 7.3.11. Out of character
- 7.3.12. Having visited the site and reviewed the planning precedents referenced in the planning application, the Planning Officer's report and in the appeal, I am satisfied that the proposed development is not out of character with other developments in the area.
- 7.3.13. Negative impact on the visual and residential amenity of the area
- 7.3.14. The proposed attic dormer window would overlook the open space areas at the rear of neighbouring houses. However, all houses on the terrace have existing first floor rear facing bedroom windows that directly overlook the private open space of the rear of the neighbouring houses. I am satisfied that, in terms of impacts on residential amenity, any impacts would not be so great as to warrant the omission of

the dormer window. Given the use of the dormer space as a stairwell and a non-habitable room, and subject to a condition requiring modifications of the window I do not anticipate levels of overlooking to be excessive and I am satisfied in this regard that the privacy of adjacent dwellings will not be negatively affected.

- 7.3.15. The rear of the terrace is not visible directly from the public park located immediately to the rear of the site due to the presence of the rear boundary wall, the height of and thickness of mature vegetation both within and outside the site boundary and the rapid fall in ground levels from the rear in a westwards direction towards the Dodder River. An opening in the vegetation to the south of the site within the adjacent park permits a limited view of the side of No. 12 and the collective roofs of the terrace containing No's 9-12. While the proposed dormer would be visible from this viewpoint, it would be set against a backdrop of mature trees, and the proposed dormer would not have any significant effect on any views into or out of the site or the wider area. I am satisfied in this regard that the proposed dormer would not have a negative impact on the visual and residential amenity of the area.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the proposed development within the footprint of an existing structure, the availability of public services, the nature of the receiving environment, and the separation distance between the site in question and the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

- 8.1. I recommend permission be GRANTED for the following reasons and considerations and subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the site location within an existing terrace of housing, the zoning objective of the area, the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area or residential amenity of property in the vicinity. 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 as amended by the further plans and particulars submitted to the planning authority on the 13th day of March 2023, 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>Prior to the commencement of development, revised plans, elevations, and sections shall be submitted to and agreed in writing with the Planning Authority showing the following amendments to the window on the proposed rear attic dormer:</p> <p>a) the width and height of the window will be revised to be consistent with the width and height of the existing first floor bedroom window on the rear of the house, to include the lowering of the lintel height of the window.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>The window on the widened first floor bathroom shall be fully glazed with obscure glass.</p>

	Reason: In the interest of privacy.
4.	Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 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 amenities of property in the vicinity.
5.	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 and surface water management.
6.	. That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works. Reason: To protect the amenities of the area

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.

Joe Bonner
Senior Planning Inspector

1st August 2023