



An  
Bord  
Pleanála

## Inspector's Report

### ABP-317734-23

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<b>Development</b>	Modifications to existing dwelling and associated site development works.
<b>Location</b>	4 Abbey Park, Monkstown, Blackrock, Co. Dublin, A94 N993.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D23B/0245
<b>Applicant(s)</b>	Warren Collins
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Paul Kehoe & Jocelyn Stephens Kehoe
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	22/09/2023
<b>Inspector</b>	Gillian Kane

## 1.0 Site Location and Description

- 1.1.1. Abbey Park is a residential cul-de-sac in the south Dublin suburb of Monkstown. The subject site, no. 4 is located at a bend on the road, with the result that the site has a large side garden and extensive frontage onto two sections of Abbey Park
- 1.1.2. Currently on site is a two-storey end of terrace dwelling with a series of smaller single storey extensions/ garage to the side. The site is bound to the west and south by similar dwellings on smaller terraced plots.

## 2.0 Proposed Development

- 2.1. On the 23<sup>rd</sup> May 2023 planning permission was sought for the demolition of existing garage and side extension, construction of a ground floor porch extension with first-floor bedroom extension to front, alteration of roof profile and provision of a gable wall with gable window, rooflight in the main roof and dormer to the rear.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. On the 11<sup>th</sup> July 2023, the Planning Authority issued a notification of their intention to GRANT permission subject to 7 no. standard conditions.

### 3.2. Planning Authority Reports

- 3.2.1. **Planning Report:** Site notices adequately describe the proposed development. Proposed development will not impact on the public realm or dwellings to the west. Proposed works to roof profile will have limited visibility and are considered acceptable. Due to proximity of subject dwelling to adjoining, no greater overlooking from dormer will occur than already experienced. Proposed rooflight and first floor window in the gable will not result in adverse impacts. Proposed development will not have any adverse visual impact and complies with section 12.3.7.1 of the development plan. Notes that third party's extension is not shown on the drawings but this is not considered to materially impact the assessment of the proposed development. Recommendation to grant permission.

### 3.3. Prescribed Bodies

- 3.3.1. None on file.

### 3.4. Third Party Observations

- 3.4.1. One submission on file. The matters raised are similar to those raised in the third-party appeal, discussed in section 6.0 below.

## 4.0 Planning History

- 4.1.1. **Planning Authority. reg. ref. D23A/0400:** Planning permission has been sought for two dwellings in the side garden of no. 4. Ten items of additional information were requested by the Planning Authority on the 8<sup>th</sup> August 2023. On the date of writing this report, this request has not been responded to.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. Under the 2022 development plan, the subject site is zoned Objective A Residential zoning, which has the stated objective ‘to provide residential development and improve residential amenity while protecting the existing residential amenities’. Residential use is permitted in principle in such zones.
- 5.1.2. **Section 12.3.7.1** of the development plan refers to extension to dwellings. Part 9i) refers to extensions to the front and part **(iv)** refers to alterations at roof / attic level. Regrading dormer extensions to roofs, the section 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. EIA Screening**

- 5.2.1. Having regard to nature and scale of the proposed development and the urban location of the site 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**

- 6.1.1. A third-party has appealed the decision of the Planning Authority to grant permission. The grounds of the appeal can be summarised as follows:

- Residents of no. 5 Abbey Park, which shares its boundary with the subject site. Proposed development will have an adverse and injurious impact on their amenities.
- No. 4 is 7m from the shared boundary. The proposed dormer at 8.5m from the boundary will have an imposing and dominant effect.
- The increase in height will significantly increase overlooking. The appellant disagrees with the Planning Authority statement that undue overlooking will not occur.
- Fencing and small trees between the properties reduces the overlooking from first floor windows. The proposed box dormer will be difficult to screen and will destroy the privacy of the garden and the extension windows.
- That the appellants extension was not shown on the drawings was noted by the Planning Authority. The angle between the roof of no. 4 is such that it looks directly into the extension. Photo attached.
- Due to the angle the proposed box dormer will not read as subordinate. It will be visually dominant and imposing.

- As the proposed attic space is not habitable, why is a dormer window necessary. Roof lights to the rear would suffice, given that two rooflights to the front and a gable window are proposed.
- The proposed development would set a precedent. A dormer at no. 3 would have a major negative effect.
- There are no other dormers in the area at such close proximity to a perpendicular dwelling. The rear dormer at no. 41 Abbey Road is 15m from the shared boundary and 30m from the appellants dwelling.
- The proposed development is part of a larger plan to construct two further dwellings on the subject site. The established amenities of the appellant are not being protected.
- Photos submitted. The application is accompanied by a copy of the submission to the Planning Authority.

## 6.2. Applicant Response

6.2.1. An agent for the applicant has responded to the third-party appeal, as follows:

- Dwelling as currently stands is in relatively poor conditions and requires renovation.
- The Planning Authority considered the proposed development not to have any adverse impacts on the amenities of existing dwellings in terms of overlooking, over shadowing or over bearing appearance.
- A number of dormer windows have been granted permission: 21 Abbey Park (ABP-302771-18), 23 Abbey Park (D22A/0646), 10 Abbey Park (D16B/0053)
- This demonstrates that the proposed development is consistent with the residential amenity of the area.
- The Board is requested to grant permission.

## 6.3. Planning Authority Response

6.3.1. The Board is referred to the previous planners report. It is considered that the grounds of appeal do not raise any new matter which in the opinion of the Planning Authority would justify a change of attitude to the proposed development.

## 6.4. Observations

6.4.1. None on file.

## 7.0 Assessment

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Residential Amenity

### 7.2. Principle of Development

7.2.1. The subject site is located in an area zoned to protect and / or improve residential amenity. The principle of the proposed development is acceptable, subject to other planning considerations.

7.2.2. I note that the appellants do not raise any objections to the proposed demolition or the porch extension or the first-floor bedroom extension, only the proposed dormer at attic level.

7.2.3. As noted above, planning permission has been sought for two dwellings in the side garden of no. 4 (D23A/0400 refers). Ten items of additional information were requested by the Planning Authority on the 8<sup>th</sup> August 2023. On the date of writing this report, this request has not been responded to.

### 7.3. Residential Amenity

7.3.1. The subject site, being located at a point where Abbey Park turns south, results in a site with a large side garden and a relatively short rear garden - 7.9m from the rear elevation of the dwelling to the shared boundary with no. 5. Combined with the perpendicular arrangement of no. 4 to no. 5, this results in a degree of overlooking from the first-floor windows of the subject to the appellant property. Screening exists at ground level between the two properties, which would afford some privacy.

- 7.3.2. The proposed dormer at attic level faces directly towards the private open space of the property to the south, no. 5 Abbey Park. It is considered that the overlooking that would arise would be significantly injurious to the privacy and enjoyment of this private amenity area. The proposed attic accommodation with an internal height of 2.1m is not sufficient to be used as a habitable room. The provision of roof lights on the rear roof elevation would provide illumination to the room without causing undue overlooking of the adjoining property to the south.
- 7.3.3. I note the examples given by the appellant of dormers permitted. No.s 21 and 23 Abbey Park overlook a large sportsground so no injury to residential amenity occurs. No. 10 Abbey Park has a separation distance of approx. 30m to the adjoining dwelling to the west. This is sufficient to protect the residential amenity of the adjoining dwelling.
- 7.3.4. All other elements of the proposed development, namely the demolition, the porch extension and the first-floor extension on the northern elevation area acceptable. Should the Board decide to grant permission, it is recommended that a condition be added which omits the proposed attic dormer on the southern elevation of the subject dwelling.

#### 7.4. **Appropriate Assessment**

- 7.5. Having regard to the nature and scale of the proposed development proposed in a fully serviced built-up urban area, no appropriate assessment issues arise, and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European 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**

- 9.1. Having regard to 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 as modified by the conditions below, would not seriously injure the visual amenities of

the area or residential amenity of property in the vicinity. The proposed development for which permission is sought 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><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Prior to the commencement of development, the applicant shall submit to and agree in writing with the Planning Authority, revised proposals showing the omission of the proposed box dormer at attic level on the southern roof plane and its replacement with rooflights.</p> <p><b>Reason:</b> In the interest of protecting the residential amenity of the dwelling to the south.</p>
3.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health and to ensure a proper standard of development.</p>
4.	<p>Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Classes 1, 3 and 5 of Schedule 2, Part 1 to those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.</p>

	<p><b>Reason:</b> In the interest of orderly development, and to allow the planning authority to assess the impact of any such development on the amenities of the area through the statutory planning process</p>
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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.

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Gillian Kane  
Senior Planning Inspector

25 September 2023