



An
Bord
Pleanála

Inspector's Report ABP-319250-24

Development	<i>Attic Conversion with dormer to rear and velux windows to front, new gable end roof with new windows to south west side at attic level and all associated site works</i>		
Location	<i>81 Trimleston Gardens, Booterstown, Blackrock, Co. Dublin A94 HD45</i>		
Planning Authority Ref.	<i>D23B/0576/WEB</i>		
Applicant(s)	<i>Seamus Griffin</i>		
Type of Application	<i>Permission</i>	PA Decision	<i>Grant Permission.</i>
Type of Appeal	<i>Third</i>	Appellant	<i>Jennie & Colin Byrnes</i>
Observer(s)	<i>None</i>		
Date of Site Inspection	<i>13/05/2023</i>	Inspector	<i>Andrew Hersey</i>

Context

1. Site Location/ and Description. The site is located at 81 Trimleston Gardens, Booterstown, Blackrock, Co. Dublin which is an established low density suburb in south Dublin. The site comprises of a two storey semi-detached dwelling with front and rear gardens all on a stated site area of 0.026ha.

The proposed development site shares a rear garden boundary with 85 and 86 Trimleston Gardens. The rear garden of the property is relatively short the rear garden boundary being only 6.170 meters at the shortest point and 8.440 metres

at the longest point. Both 85 and 86 Trimleston Gardens also have relatively short rear gardens.

2. Description of development. *The proposed development comprises of Permission for:*

- Attic Conversion with dormer to rear and
- velux windows to front,
- new gable end roof with new windows to south west side at attic level and
- all associated site works

The proposed floorspace of the attic conversion is stated as 35sq.m. on top of an existing floorspace of 152sq.m.

3. Planning History.

None on site

In the vicinity

- D19B/0055 Permission granted for box dormer to rear elevation of dwelling along with other ancillary works at 38 Trimleston Gardens.

4. National/Regional/Local Planning Policy

- Dun Laoghaire Rathdown County Development Plan 2022-2028 is the statutory development plan in the area where the proposed development site is located.
- Within the plan the site is subject to zoning objective A, which seeks '*to provide residential development and improve residential amenity while protecting the existing residential amenities*'
- Chapter 12 Development Management. Section 12.3.7.1(iv) - Alterations at Roof/Attic Level

Roof alterations/expansions to main roof profiles - changing the hip-end roof of a semidetached house to a gable/ 'A' frame end or 'half-hip' for example - will be assessed against a number of criteria including:

- *Careful consideration and special regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures.*
- *Existing roof variations on the streetscape.*
- *Distance/contrast/visibility of proposed roof end.*
- *Harmony with the rest of the structure, adjacent structures, and prominence.*
- *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.*

5. Natural Heritage Designations

The nearest designated site is;

- The South Dublin Bay and River Tolka Estuary SPA which is located 400 metres to the north east of the site and
- Booterstown Marsh pNHA also located 400 metres to the east of the site

Development, Decision and Grounds of Appeal

6. PA Decision. Permission granted permission. Conditions of note include:

- Condition 2 which states: Prior to the commencement of development on site, the Applicant shall submit for the written agreement of the Planning Authority, revised drawings showing the proposed rear dormer roof extension modified as follows:
 - (a) The proposed rear dormer shall be reduced in width to 6m when measured externally and shall be centralised in the main roof area.
 - (b) That the proposed dormer extension to the rear shall be reduced from 4 no. windows to 2 no. Windows (dimensions of each window to remain the same as submitted within the initial application)
- No contribution applicable

7. Submissions

Two submissions were received from a:

- Jennie & Colin Byrnes of 85 Trimleston Gardens (located to the rear of the subject appeal site).
- David Fox of 81 Trimleston Gardens, Booterstown, Blackrock, Dublin, A94HD45 (

In summary the submissions raise issues of overlooking, their privacy being compromised as a consequence of the proposed development, and issues with regard to the inappropriate scale and design of the proposed extension

8. Internal Reports

None on file

9. Third Party Appeal.

A third party appeal was lodged by Jennie & Colin Byrnes of 85 Trimleston Gardens on the 11/03/24. In summary the grounds of the appeal are as follows:

- That the proposed dormer windows will directly overlook their children's bedrooms
- Privacy of their home is compromised
- The dormers will overlook their family area on the ground floor.

- The proposed dormer will block light to the rear of their property
- That the proposal is not in keeping with adjacent structures.

10. First Party Response (received 1st April 2024)

- That the applicant is very happy to take every possible measure to avoid any inconvenience to all of his neighbours
- That the houses are built at an angle so there will be no direct overlooking between existing windows
- The appellants have 4 Velux windows to the rear overlooking their neighbours and one Velux to the front of their three storey house.
- The proposed dormer and gable development will harmonise with the existing house and will have no overshadowing impact
- That the dormer windows will be fitted with stippled glass which will allow light in and ensuring privacy for everyone

11. Planning Authority Response (received 11th March 2024)

- That the Board should refer to the case planners report on file and
- That the grounds of the appeal do not raised any new matters that would justify a change of attitude to the proposed development

Environmental Screening

12. EIA Screening

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity 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.

13. AA Screening

Having regard to the modest nature and scale of development, location in an urban area, connection to existing services and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as

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.

2.0 **Assessment**

2.1. **Introduction**

2.1.1. 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.

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

- Principle of Development
- Visual Amenity Issues
- Residential Amenity Issues

2.2. **Principle of Development**

2.2.1. The proposed development site is located within an area designated as zoning objective A, in the Dun Laoghaire Rathdown County Development Plan 2022-2028. Zoning objective A seeks *'to provide residential development and improve residential amenity while protecting the existing residential amenities'*

2.2.2. With respect of the above, it is considered that the proposed development which comprises of an attic conversion to an existing house is an acceptable form of development within this land use zoning designation.

2.3. **Visual Amenities**

2.3.1. It is noted from the planners report that the case planner was satisfied with the proposed development in terms of visual amenity and that the proposal generally complied with policy as set out in Chapter 12 Development Management. Section 12.3.7.1(iv) - Alterations at Roof/Attic Level as stated above under Section 4 subject to:

- (i) The box dormer width being reduced to 4 metres
- (ii) The proposed gable end being replaced with a hipped roof to match other houses in the area.

2.3.2. I agree with the above recommendations and subject to these alterations to the extension being conditioned, it is considered that the proposed development is acceptable in terms of visual amenity and complies with development plan standards.

2.4. Residential Amenities

- 2.4.1. The fundamental issue raised in the third party appeal is with respect of residential amenities and specifically that the proposed dormer windows on the proposed rear roof profile will result in overlooking of their garden (85 Trimleston Gardens).
- 2.4.2. The rear garden of the proposed development site is short, being only 6.170 meters at the shortest point and 8.440 metres at the longest point.
- 2.4.3. Equally the rear garden of the appellants property 85 Trimleston Gardens, is less than 5 metres at the longest point.
- 2.4.4. The shortest distance therefore between opposing above ground floor windows is therefore less than 11.170 metres.
- 2.4.5. I refer to the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities which sets out policy with respect of separation distances between properties in Chapter 5. Policy SPPR 1 with respect of separation distances states that:

It is a specific planning policy requirement of these Guidelines that statutory development plans shall not include an objective in respect of minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level. When considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable

rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.

- 2.4.6. Separation distances of just over 11 metres is only available between the proposed development site and the appellants property. This distance is therefore below the limitation as set out in the Compact Settlement Guidelines.
- 2.4.7. It is noted however that the rear garden of 85 Trimleston Gardens is not directly opposite the rear garden of the appeal site but is at angle to the same. Any overlooking from the proposed development will therefore be at an angle to opposing first floor windows rather than directly.
- 2.4.8. I note that the case planner, as a compromise and in order to reduce the impact of overlooking recommended that the box dormer be reduced in size horizontally by half and the number of windows in the dormer reduced to two (from four as proposed)
- 2.4.9. While this would reduce the level of potential overlooking it will not prevent potential overlooking.
- 2.4.10. I further note that the applicant in response to the appeal has stated that the glass can be stippled so as to avoid any overlooking potential.
- 2.4.11. I note from the plans that these dormer windows are not shown to be openable.
- 2.4.12. On the basis of the information submitted with the application and having regard to the proximity of the proposed development site to adjacent properties and in particular No. 85 and No. 86 Trimleston Gardens which is less than the 16 metres as set out in the Compact Settlement Guidelines, and while it is considered the proposed attic conversion is acceptable it is recommended in this instance that the number of windows on the box dormer be reduced to two windows only which serve the bathroom and stairwell and that these windows be of opaque glass and not openable so as to prevent overlooking to adjacent properties.
- 2.4.13. With respect of overshadowing, I do not consider that there will be a significant loss of light to adjacent properties as a consequence of the same.

3.0 Recommendation

- 3.1. I recommend that permission for the development be granted permission.

4.0 Reasons & Considerations

- 4.1. 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 DunLaoghaire Rathdown 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.

5.0 Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 14th day of December 2023, except as may otherwise be required in order to comply with the following conditions.</p> <p>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 on site, the applicant shall submit for the written agreement of the Planning Authority, revised drawings showing</p> <ul style="list-style-type: none">(i) the windows serving Bedroom 5 and 6 on the third-floor box dormer omitted and(ii) the windows serving the WC and stairwell to be of opaque glass which shall remain in perpetuity. These windows shall not be openable.

	<p>(iii) The proposed rear box dormer structure reduced to a maximum of 4 metres</p> <p>(iv) The proposed extension to the side modified so that the proposed gable ended roof profile is omitted and replaced with a hipped roof profile</p> <p>Reason: In the interests of visual amenity and to protect the residential amenities of adjacent properties</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. 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

21st June 2024