



An  
Bord  
Pleanála

## Inspector's Report ABP-320172-24

<b>Development</b>	<i>Removal of rear sheds and conservatory, construction of extension, dormer roof windows and terrace, with all associated site works</i>		
<b>Location</b>	<i>17 Cluny Grove, Killiney, Co. Dublin A96 E302</i>		
<b>Planning Authority Ref.</b>	<i>D24B/0230/WEB</i>		
<b>Applicant(s)</b>	<i>Shane and Lorraine McKenna</i>		
<b>Type of Application</b>	<i>Permission</i>	<b>PA Decision</b>	<i>Grant Permission.</i>
<b>Type of Appeal</b>	<i>Third</i>	<b>Appellant</b>	<i>Kerry Mark and Eleanor McCarthy</i>
<b>Observer(s)</b>	<i>None</i>		
<b>Date of Site Inspection</b>	<i>25/09/2024</i>	<b>Inspector</b>	<i>Andrew Hersey</i>

### Context

**1. Site Location/ and Description.** The site is located at 17 Cluny Grove Co. Dublin being a low density suburb in south County Dublin The site comprises of a two storey detached gable fronted dwelling with front and large rear gardens all on a stated site area of 0.120ha. There are two sheds in the rear garden built adjacent to the northern party boundary which are proposed for demolition.

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

- Demolition of rear sheds and conservatory and side extension
- Construction of extension to the rear and side
- Construction of 2 x box dormers on the slope of each roof which will face towards the adjacent dwelling to the north and the dwelling to the south
- Redesign and relocation of windows on the front elevation including the removal of a balcony feature
- Final floorspace is to be 226sq.m. Existing is 184sq.m

### **3. Planning History.**

*None on site*

### **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 refers to extensions to dwellings

#### *Extensions to Rear*

- Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. The extension should match or complement the main house.
- First floor rear extensions will be considered on their merits, noting that they can have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:

- M Overshadowing, overbearing, and overlooking - along with proximity, height, and length along mutual boundaries.
- M Remaining rear private open space, its orientation and usability.
- M Degree of set-back from mutual side boundaries.
- M External finishes and design, which shall generally be in harmony with existing.

#### *Extensions to Side*

- Ground floor side extensions will be evaluated against proximity to boundaries, size, and visual harmony with existing (especially front elevation) and impacts on adjoining residential amenity.
- First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable. However, in certain cases a set-back of an extension's front façade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape, and avoid a 'terracing' effect. External finishes shall normally be in harmony with existing.
- Any planning application submitted in relation to extensions, basements or new first/upper floor level within the envelope of the existing building, shall clearly indicate on all drawings the extent of demolition/wall removal required to facilitate the proposed development and a structural report, prepared by a competent and suitably qualified engineer, may be required to determine the integrity of walls/structures to be retained and outline potential impacts on adjoining properties. This requirement should be ascertained at pre-planning stage.
- Side gable, protruding parapet walls at eaves/gutter level of hip-roofs are not encouraged.

#### *Alterations to Roof*

- 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
- 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. Natural Heritage Designations**

The nearest designated site is

- Dalkey Islands SPA (Site Code 004172) which is located 2.5km metres to the east of the site and
- Rockabill to Dalkey Islands SAC (Site Code 003000) is located 2.5km to the east of the site

## **Development, Decision and Grounds of Appeal**

**6. PA Decision.** Permission granted on 8<sup>th</sup> July 2024. Conditions of note include:

- Condition No. 2 The glazing within the 6 no. Dormer windows at the northern and southern elevations shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable. A skylight window shall be provided to the dormer roof above bedrooms 2 and 3 to ensure those bedrooms receive adequate levels of natural light.
- Conditions 7, 8 and 9 relate to development contributions

## **7. Submissions**

There is one submission on file from Kerry Mark and Eleanor McCarthy of 18 Cluny Grove (received 10<sup>th</sup> June 2024). The submission raises the following issues:

- That the dormer roof extensions are overly dominant and that the design and style is out of context with adjacent dwellings
- Overlooking from these dormer windows into their property, through their velux roof windows and front garden.
- That the height of the rear extension which is higher than the existing may result in overshadowing of their property specifically with respect to a ground floor bathroom.
- There is an existing ground floor window facing their property which currently has opaque glass and that if this is to be replaced then it should be replaced with a window with opaque glass

#### **8. Internal Reports**

Drainage (20<sup>th</sup> June 2024) – no objection subject to conditions

#### **9. Third Party Appeal.**

A third party appeal was lodged by Kerry Mark and Eleanor McCarthy of 18 Cluny Grove on the 12<sup>th</sup> July 2024. The appeal in summary states

- That they feel that the Planning Authority did not take into account their concerns raised in their submission
- Their principal concern is with respect to the flat roof dormer window extensions are overly dominant and will overlook their property.
- There is no precedent for side dormer extensions in the area similar to the ones proposed
- The appellant cites Planning Reg. Ref. D21B/0260 which was for a similar development to what is now being proposed by the applicants and which was refused permission by Dun Laoighre Rathdown Co. Council
- The appellants refer the Board to the South Dublin County Council design guide which states that dormer extensions and flat roofed overly dominant structures are not encouraged.

- Section 12.3.7.1 of the Dun Laoighre Rathdown County Development Plan states that overly dominant structures which are not in harmony with the streetscape are discouraged.
- That the two first floor flat roof dormers exceed the height of the roof and comprise of 84% of the roof and they are too close to the ridge of the roof which is in direct contravention of Section 12.3.7.1 (iv)
- The windows on the dormer facing their property will cause overlooking and that the condition to use obscure glazing on these windows will not remove light emitting from these windows and shadows will be visible through the same.
- These windows are only 1.9 metres away from the party boundary.
- That the ground floor extension to the rear which is higher than the existing will cause overshadowing of a ground floor rooms by reason of the proximity of the extension to the party boundary

#### **11. Planning Authorities Response**

A response was received by the Planning Authority on the 30<sup>th</sup> July 2024. The response refers to the previous Planners Report on file and that the appeal does not raise any further material that would justify a change of attitude to the proposed development.

#### **12. First Party Response to Appeal**

A response from the first party was lodged by Fergus Flanagan Architects obo Shane & Lorraine McKenna on the 30<sup>th</sup> July 2024. The response in summary states:

- That the grant of permission issued by Dun Laoighre Rathdown County Council should be upheld.
- That the street exhibits a wide range of architectural styles as a consequence of extensions constructed.
- That the proposed box dormers are intentionally set back from the roof ridge and side boundaries so as to be not overly dominant.
- The proposal is comparable with that of No. 18 which has a similar dormer rooflight of comparable height.

- That obscure glazing on these windows will prevent overlooking to adjacent properties. Additionally, these windows are located so as to avoid any direct line of sight into neighbouring properties.

## **Environmental Screening**

### **13. 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.

### **14. AA Screening**

Having regard to the modest nature and scale of development, its 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
  - Residential Amenities
  - Visual Amenities

## **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 extension to an existing house is an acceptable form of development within this land use zoning designation.

## **2.3. Residential Amenities**

- 2.3.1. This is one of the principle issues raised in the appeal specifically that the proposed development will result in overlooking and overshadowing of the appellants property.
- 2.3.2. With respect to overlooking the appellants state that a box dormer which faces their property contains 3 windows which looks directly towards their property.
- 2.3.3. These windows I note serve a bedroom, a stairwell and a walk in wardrobe.
- 2.3.4. These windows face the opposing sloped roof of No 18 Cluny Grove where there are some rooflights and a ridge light.
- 2.3.5. Contrary to the appellants concerns, I am of the opinion that it would be difficult for the applicants to see into these opposing windows from the proposed windows in the dormer. I also consider that it would be difficult to see into the front garden of the appellants property from these windows and in any rate the front garden of the appellants property is on view to everyone using the street.
- 2.3.6. I note that condition of the grant of planning issued states that these windows are to be obscured.
- 2.3.7. I consider that this will prevent any potential to overlook the opposing property. Concerns are raised with respect to light at night time from these windows and shadows within the same. I do not consider that this would result in a significant impact upon the residential amenities of the appellants property.
- 2.3.8. Concerns are also raised in the appeal with respect to the rear extension proposed which is higher than the existing conservatory which is to be demolished.



- 2.3.9. I note that the height of the rear extension at its highest point is 3.484 metres and its side wall is proposed to be almost directly adjacent to the party boundary. The conservatory which is currently present on the site and which is proposed to be demolished has similar height but is set back almost 3 metres from the boundary.
- 2.3.10. The appellants are concerned with loss of light to their property through existing ground floor windows as a consequence and specifically a bathroom.
- 2.3.11. I note that the depth of the proposed extension is only 2.4 metres out from the back of the existing property.
- 2.3.12. The window on the appellants property is barely visible from the applicants property at present and is located in close proximity to the wall of the applicants existing house and a fence on the party boundary. Light into the said window is already restricted.
- 2.3.13. While the proposed extension, which is not overly deep is likely to result in further loss of light to that bathroom due to the height of the extension
- 2.3.14. However, I would consider that a bathroom is not used to the same extent as say a living room or kitchen and that natural light within this room is not as important
- 2.3.15. With respect to the foregoing it is considered that the degree of loss of light in this instance would have a negligible impact on the residential amenity of the adjacent appellants property.
- 2.3.16. Having regard to the foregoing, it is considered that the proposed development would not result in any significant overshadowing or overlooking of adjacent properties and as such no residential amenity impacts will result.

## **2.4. Visual Amenities**

- 2.4.1. The appellants also raise concerns with respect to the dormer extensions to each side of the roof which they consider are overly dominant and are contrary to Section 12.3.7.1 of the Dun Laoighre Rathdown County Development Plan 2022-2028.

- 2.4.2. Section 12.3.7.1, in part, states that;

*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*

2.4.3. It is noted that the proposed dormers are set down from the ridge of the roof and are set back from the front wall of the house.

2.4.4. Section 12.3.7.1 further, in part, states that;

*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.*

2.4.5. While I do consider that the proposed dormers will be a significant addition to the dwelling, I do not consider that they will impact upon the residential amenities of adjacent properties.

2.4.6. The overall appearance of the house will be altered as a consequence of the dormer windows and as a consequence of other alterations, but I do not consider that this change is negative and will not erode the character of the house or the street for that matter.

2.4.7. Box dormers have been used in other properties on the street. I note No's 15 and 16 Cluney Grove have similar box dormers though it is accepted here that they face towards the street. But what is important is that they do not detract from the character of the area.

2.4.8. I note that the appellant has referred to Planning Reg. Ref D21B/0260, ABP311098-21 at No. 56 Avondale Road, Killiney, Co. Dublin which was refused by Dun Laoghaire Rathdown County Council and by the Board on appeal

2.4.9. The said application was for side dormers much the same as the dormers subject of this appeal but I consider that these dormers were of a much larger scale than the ones currently proposed under this application.

2.4.10. On the basis of the above, it is considered that the proposed development is acceptable in terms of visual amenities.

## 2.5. Other Issues

- 2.5.1. The demolition of the sheds may result in damage to the party boundary wall. This should be made good at the expense of the applicant
- 2.5.2. I note that the planning authority imposed a stipulation under condition no 2 that rooflight windows are added to bedrooms 2 and 3. I do not consider that such a condition is necessary.
- 2.5.3. I note that the Dún Laoghaire-Rathdown County Council Development Contribution Scheme 2023-2028 takes into consideration floorspaces for extensions which are greater than 40sq.m. The proposed extension is 42sq.m. and therefore contributions apply

## 3.0 Recommendation

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

## 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 DunLaoighre 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.	The development shall be carried out 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
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	<p>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>The glazing within the 6 no. Dormer windows at the northern and southern elevations shall be of opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable</p> <p><b>Reason:</b> To protect residential amenities.</p>
3	<p>Details, including samples, of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<p>Any damage to the party boundary that would result as a consequence of any demolition works shall be made good at the expense of the applicant.</p> <p><b>Reason:</b> In the interest of clarity.</p>
5	<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><b>Reason:</b> To restrict the use of the extension in the interest of residential amenity</p>
6.	<p>Surface water drainage arrangements 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</p>
7.	<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.</p> <p>Deviation from these times will only be allowed in exceptional</p>

	<p>circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> To safeguard the residential amenities of adjoining property in the vicinity</p>
8.	<p>The developer shall ensure that the site is appropriately maintained and that the public road remains free of any dirt and debris during the construction phase of development.</p> <p>Reason: In the interest of proper planning and orderly development.</p>
9.	<p>The developer shall pay to the planning authority a financial contribution 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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.</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>

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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Andrew Hersey

Planning Inspector

27<sup>th</sup> September 2024