



An
Bord
Pleanála

Inspector's Report

ABP-320586-24

Development	<i>Porch Extension, Attic Conversion and ancillary site works</i>		
Location	<i>14 The Rise, Boden Park, Rathfarnham Dublin 16 D16 T6N3</i>		
Planning Authority Ref.	<i>SD24B/0165W</i>		
Applicant(s)	<i>Karl Butler</i>		
Type of Application	<i>Retention & Permission</i>	PA Decision	<i>Grant Permission with Conditions.</i>
Type of Appeal	<i>Third</i>	Appellant	<i>Martin O'Shea</i>
Observer(s)	<i>None</i>		
Date of Site Inspection	<i>01/11/2024</i>	Inspector	<i>Andrew Hersey</i>

Context

1. Site Location/ and Description. The site is located at 14, The Rise, Boden Park being a suburb located to the west of Dublin. There is a 2 storey semi-detached hipped roofed dwelling on site with front and rear gardens There is access to the rear garden by way of a side passage which is located directly adjacent to the side passage associated with the house to the west, No 12 Boden Park.

2. Description of development. *The proposed development comprises of*

- *(Retention of) Construction of a single storey porch extension to front of existing house, -*
- *(Permission for) Attic conversion incorporating raising of side hip to form new Dutch hip*
- *Together with dormer windows to the rear and rooflights to front and modifications to existing first floor window to front and*
- *Ancillary site works to facilitate the proposed development*
- I note from the case planners report that it was noted that the front porch was constructed on the day of the visit carried out by the case planner. Further Information was sought with respect to the same and the applicant was made re-advertise the proposal as significant further information to reflect the on the situation the ground i.e. that the porch element which was already constructed required retention permission. I consider this approach reasonable as this enabled further opportunity for third parties to make submissions.
- The proposed development site comprises of 0.024ha. The retention aspect of the proposal i.e. the porch has a floorspace of 4.7sq.m. The proposed attic conversion has a proposed floorspace 26.3sq.m.

3. Planning History.

None on Site

Adjacent

- Planning Reg. ref. ABP300702-18 (SD17B/0328) granted permission of for attic conversion with dormer to the side and rear and rooflights to front at 13 Boden Park (across road from appeal site)

4. National/Regional/Local Planning Policy

- South Dublin 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 'RES' – 'To protect

and/or improve residential amenity’.

- Section 6.8.2 refers to Residential Extensions and Policy H14 which seeks to support the extension of existing dwellings subject to the protection of residential and visual amenities.
- The South Dublin County Council House Extension Guide (2010) sets out guidance for appropriate extensions on the south Dublin area

5. Natural Heritage Designations

The nearest designated site is

- The Glenasmole Valley Special Area of Conservation (SAC) (Site Code: 00120) c. 6.3km to the south west of the site.
- The South Dublin Bay and River Tolka Estuary Special Protection Area (SPA) (Site Code: 004024) and South Dublin Bay Special Area of Conservation (SAC) (Site Code: 000210) is located c 8.3km to the east of the site.

Development, Decision and Grounds of Appeal

6. PA Decision. Permission was granted on the 22nd July 2024 subject to 5 conditions. Conditions of note include for:

- Condition No, 2(b) The house and the extension(s) hereby permitted shall be jointly used as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes, and the extension shall not be sold, let (including short-term letting), leased or otherwise transferred or conveyed, by way of sale, letting or otherwise save as part of the single dwelling unit.
- Condition No. 3 relates to a stipulation that the gable window is to be of obscure glazing
- Condition No 4 omits WC at attic level to comply with Building Regulations
- Condition No. 5 relates to a development contribution under s48 of the P&D Act

7. Submissions

There is one submission on file as from a Martin O'Shea of 12 The Rise (dated 26th April 2024) who raises the following issues:

- That he is not opposed to the porch
- That the proposed dormer windows to the rear will reduce his privacy of his back garden
- The windows on his gable wall which serve a bathroom and hall have high levels of sunshine at the moment and there is concern that the proposed development will reduce the level of sunshine

There is a second submission on the file from Martin O'Shea of 12 The Rise dated 4th July 2024 which raises the following issues:

- That the porch has already been constructed
- That the space between the gable walls of his property No. 12 and the appeal site are in joint ownership
- That he is still opposed to the attic conversion

8. Internal Reports

None received

9. Third Party Appeal.

A third party appeal was lodged by Martin O'Shea on the 19th August 2024.

The appellant raises the following issues:

- That he is not opposed to the proposed porch
- The proposed attic conversion will have an overbearing and overshadowing impact on his property.
- That other properties who have done attic conversions have done them at the same time
- That the case planner has not included any measurements to ensure that there would be no loss of light to his property.
- That his bathroom and hall are habitable spaces contrary to what is stated in the planning report and that there will be a loss of light to these spaces.
- That policy with respect to residential extensions has not been adhered to as the proposed dormer windows to the rear do overlook his rear garden.

11. Planning Authorities Response

A response from the Planning Authority was received on the 3rd September 2024. The response in summary states that the Planning Authority confirms its decision and that the issues raised in the appeal have been covered in the Chief Executives Order

12. First Party Response

A first party response to the appeal was lodged by Karl Butler obo of the applicants (by email on the 20th September 2024) The response in summary states:

- That SDCC House Extension Design Guide states that 'habitable rooms' should be considered when assessing overshadowing but that it excludes hall, bathrooms and corridors. The appellants concerns with respect to the loss of light into his hall and bathroom are therefore not relevant.
- That other houses in the area e.g. 16 and 18 The Rise have been granted similar type developments.
- That the proposed dormer windows are in accordance with the SDCC House Extension Design Guide
- That the only window facing the appellants property is to be opaque.
- That the appellants property has been derelict for over 20 years and that the concerns raised in the appeal are vexatious in nature

Environmental Screening

13. EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

13. AA Screening

I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located 8.3km from the South Dublin Bay and River Tolka Estuary Special Protection Area (SPA) (Site Code: 004024) and the South Dublin Bay Special Area of Conservation (SAC) (Site Code: 000210) and 6.3km from Glenasmole Valley SAC (Site Code 001209)

The proposed development comprises of domestic alterations in the form of a front porch extension and an attic extension to an existing private residential property in a suburban area. No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The minor nature of the works proposed
- The distances to the nearest Natura 2000 site and the absence of any hydrological connect from the site to the same and
- Having regard to the screening report/determination carried out by the Planning Authority

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

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 Amenities
- Residential Amenities
- Other Issues

2.2. Principle of Development

- 2.2.1. The proposed development site is located within an area designated with zoning objective RES, in the South Dublin County Development Plan 2022-2028. Zoning objective RES seeks *'to protect and improve residential amenity'*
- 2.2.2. Policy H14 Residential Extensions seeks to *'Support the extension of existing dwellings subject to the protection of residential and visual amenities.'*
- 2.2.3. The proposed development comprises of the retention of a front porch extension and the conversion of the attic which includes for the raising of the existing hip of the roof to form a Dutch hip and to insert a window onto the side gable of the house and for dormer windows facing into the rear garden
- 2.2.4. Having regard to the proposal as set out above and having regard to the zoning objective for the site and Policy H14 Residential Extensions as set out in the South Dublin County Development Plan 2022-2028, I consider that the principle of the residential extension as proposed at this location is acceptable.

2.3. Visual Amenities

- 2.3.1. It is noted from the planners report that the case planner was satisfied with the proposed development from a visual amenity perspective and that the design of the various elements of the proposal complied with development plan policy and specifically the South Dublin County Council House Extension Guide (2010). I concur with the case planner in this respect and I consider that there will be no visual amenity impacts as a consequence of the proposed development.

2.4. Residential Amenities

- 2.4.1. This is the fundamental concern raised by the appellant whom states from submissions on the file that he lives in the adjacent premises at No. 14 The Rise.
- 2.4.2. I note the first parties comment with respect to this in their submissions stating that the said property has been vacant for 20 years. However, it is considered that the property exists and therefore impacts to residential amenity should be examined whether it is lived in or not.
- 2.4.3. While the appellant has no issue with the front porch that is now constructed, he has a serious concern with respect to the roof alterations proposed which he states will result in the loss of sunlight to windows on his opposing gable which serve a bathroom and a hall.
- 2.4.4. He also raises the issue that the area between the two gables of the houses is in joint ownership. However, the application does not include for any works on this area so this issue is irrelevant.
- 2.4.5. The proposal includes for the raising of the roof from an existing full hip to a half dutch hip roof profile which will facilitate further head space in the attic. The appellant states that this will result in the loss of light to the two windows of his house.
- 2.4.6. The rooms which the appellant refers to in the appeal, a bathroom and a hall were not considered to be habitable rooms by the case planner. The South Dublin County Council House Extension Guide (2010) defines 'habitable rooms' as *'The main liveable rooms in a house such as a kitchen, living room, dining room and bedroom. This term excludes the hall, bathroom, corridors, storeroom and utility'*.
- 2.4.7. The design guide also seeks to *Locate and design an extension so that it will not significantly increase the amount of shadow cast on the existing windows or doors to habitable rooms in neighbouring properties.*(page 12 of Design Guide)
- 2.4.8. I consider that any overshadowing impact upon the adjacent property specifically to the opposing windows which are non-habitable rooms will be negligible having regard to the orientation of the proposed development to the appellants property
- 2.4.9. I also note that there will be no overlooking to the side of the appellants property as the proposed gable window is to be of opaque glass a stipulated by condition No. 4.

2.4.10. With respect to the dormer windows on the rear roof, again I do not consider that these will result in overlooking as they face towards the applicants rear garden space as opposed to the appellants.

2.4.11. I am therefore satisfied that there will be no impact to the residential amenities of the appellants property as a consequence of the proposal.

2.5. Other Issues

2.5.1. I note that the case planner has recommended that the proposed WC in the proposed attic level is to be omitted by way of condition as the room heights are below what is required under Building Regulations (2.2 metre room height proposed at attic level).

2.5.2. I consider that such a condition is reasonable.

2.5.3. With respect to development contributions, I note that the case planner has imposed a contribution for the porch element of the proposal on the basis of the retention aspect of this element. I concur with 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 South Dublin 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 retained and carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 26th day of June 2024, 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>All external finishes to the development permitted shall harmonise in colour or texture that is complementary to the house or its context.</p> <p>Reason: In the interests of visual amenity</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>
6.	<p>The proposed gable window on the eastern elevation shall be fitted with obscure glazing, and such obscure glazing shall be maintained in perpetuity.</p> <p>Reason: In the interest of residential amenity.</p>
7.	<p>The proposed w/c at attic level shall be omitted from the proposed development.</p> <p>Reason: In order to comply with Building Regulations</p>
8	<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</p>

	the Development Contribution Scheme made under section 48 of the Act be applied to the permission.
--	----------------------------------------------------------------------------------------------------

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

19th December 2024