



An
Bord
Pleanála

Inspector's Report ABP320777-24

Development

Rear extension at ground floor level to dining area, the construction of a dormer window to existing attic conversion to rear of roof and construction of a bay window extension to front of property including ancillary works.

Location

19 Finnsparck, Lucan, County Dublin, K78 R625.

Planning Authority

South Dublin County Council.

Planning Authority Reg. Ref.

SD24B/0144.

Applicant

Miriam O'Neill.

Type of Application

Permission

Planning Authority Decision

Permission with conditions.

Type of Appeal

Third Party

Appellants

D.P. McCarthy.

Observer(s)

None.

Date of Site Inspection

8th November 2024.

Inspector

Derek Daly.

`Site Location and Description

- 1.1. The appeal site is located within the established Finnstown Cloisters residential estate comprising primarily of two-storied semi-detached dwellings with a small number of detached properties in the suburb of Lucan in the west of County Dublin.
- 1.2. On the site is a two-storey semi-detached dwelling with a partial hipped roof profile. There are similar semi-detached type properties to the north and south of the appeal site, dwellings to the rear (west) of the appeal site and the estate road defines the eastern boundary of the site.
- 1.3. There is a small projection on the front elevation incorporating a bay window and a single storey annexe to the rear with a monopitch roof. The site is served by an existing vehicular access point and off-street parking to the front with amenity space in the remaining front area. There is an amenity area to the rear and a habitable living type structure in the rear garden area.

2.0 Proposed Development

- 2.1. The proposal as submitted to the planning authority on the 8th April 2024 provides for;
 - A rear extension at ground floor Level to dining area measuring a stated area of 2m². This extension will extend to the rear extent of an existing extension to the property referred to “living” on the submitted drawings with an extension of the roof to match the existing extension.
 - The construction of a dormer window to an existing attic conversion to the rear of roof measuring a stated area of 8.25m² and the height of the roof area dormer extension equates to the existing roof ridge height of the dwelling.
 - The construction of a bay window extension to front of the property measuring a stated area of 6.3m² incorporating a monopitch roof which will have a projection of the front building line by approximately 2 metres and extending over a stated frontage of 4.53 metres and not over the entire front elevation.
 - The overall floor area of the proposed extensions is a stated area of 16.55m².

- 2.2. Further information was submitted on the 19th July 2024 which reduced the front building line projection to 1500mm with a consequent reduction in floor area, the height of the roof on the front elevation extension is reduced to match the height of the adjoining dwelling and the height of the dormer window ridge heights of reduced to 100mm below the ridge height of the existing dwelling.

3.0 Planning Authority Decision

3.1. Decision

The decision of the planning authority was to grant planning permission subject to two conditions.

3.2. Planning Authority Reports

- 3.2.1. The planning report dated the 31st May 2024 refers to planning history, submissions received, the provisions of the County Development Plan (CDP) in particular in relation to extensions to residential development. Reference is made to the recent planning history of similar type development in the area.

The main issues for assessment are identified as zoning and council policy; residential and visual amenity; drainage; Appropriate Assessment and Environmental Impact Assessment. Issues are raised in relation to aspects of the design of the proposed development including the height of the dormer extension, the projection of the front building and the height of the front extension and potential overlooking. Further information was recommended.

- 3.2.2. The planning report dated the 13th August 2024 having assessed the further information submitted recommended permission.

4.0 Planning History

No relevant history in relation to the appeal site.

Sites in the immediate and general area.

P.A. Ref. No.SD22B/0297 - 2, Finns Park, Finnstown Cloisters, Lucan, Dublin.

Permission granted for the conversion of existing attic space for storage comprising

of modification of existing roof structure, raising gable C/W window and dutch hip, new access stairs and roof dormer to the rear.

P.A. Ref. No.SD21B/0131

21, Finnsgrreen, Finnstown Cloisters, Lucan, Co. Dublin. Permission granted for an attic conversion for storage; alterations to hipped roof; dormer window to rear.

P.A. Ref. No.SD20B/0011

25, Finnsgrreen, Finnstown Cloisters, Lucan, Co. Dublin. Permission granted for the conversion of existing attic space comprising of modification of existing roof structure; raising of existing gable c/w window and 'Dutch' hip; new access stairs and flat roof dormer to the rear.

P.A. Ref. No.SD19B/0290

11, Finnsgrreen, Finnstown Cloisters, Lucan, Co. Dublin: Permission granted for the change in roof profile from hipped end roof type to half hipped roof type; dormer roof window to the rear; converted attic space to storage room; new gable end window at attic floor level; removal of first floor gable end window.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. The relevant statutory development plan is the South Dublin County Development Plan 2022-2028.
- 5.1.2. The site is located within the RES zoning with the objective to provide and improve residential amenities.
- 5.1.3. Section 6.8.2 refers to Residential Extensions and indicates that domestic extensions allow for the sustainable adaptation of the County's existing housing stock.

H14 Objective 1: To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 13 Implementation and Monitoring and the guidance set

out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

H13 Objective 5: To ensure that new development in established areas does not unduly impact on the amenities or character of an area.

5.1.4. Chapter 12 Implementation and Monitoring Section 12.5.8 Residential Consolidation Extensions The design of residential extensions should have regard to the permitted pattern of development in the immediate area alongside the South Dublin County Council House Extension Guide (2010) or any superseding standards.

5.1.5. The South Dublin County Council House Extension Design Guide (2010) supplements the policies and guidance of the Development Plan and offers guidance in relation to extensions including attic extensions.

Elements of Good Extension Design:

- Respect the appearance and character of the house and local area.
- Do not overlook, overshadow, or have an overbearing affect on properties next door.

For attic conversions and dormer windows:

- Use materials to match the existing wall or roof materials of the main house.
- Meet Building Regulation requirements relating to fire safety and stairs in terms of headroom on stairs and means of escape.
- Locate dormer windows below the ridge of the roof, even if the roof has a shallow pitch.
- Locate dormer windows as far back as possible from the eaves line (at least 3 tile courses).
- Relate dormer windows to the windows below in alignment, proportion, and character.
- In the case of a dormer window extension to a hipped roof, ensure it sits below the ridgelines of the existing rood and matches the materials used in the main house.

- Avoid the use of flat-roofed dormer window extensions on houses with hipped rooflines.
- Do not obscure the main ridge and eaves features of the roof, particularly in the case of an extension to the side of a hipped roof. Avoid extending the full width of the roof or right up to the gable ends – two small dormers on the same elevation can often be a suitable alternative to one large dormer.

Rear Extensions:

- Match or complement the style, materials, and details of the main house unless there are good architectural reasons for doing otherwise.
- Match the shape and slope of the roof of the existing house, although flat roofed single storey extensions may be acceptable if not prominent from a nearby public road or area.
- Make sure enough rear garden is retained.
- The roofline of large extensions to the rear of single storey bungalows should not be visible from public view to the front or to the side of the bungalow.

Front extensions:

- Avoid extensions that are dominant or over-large in relation to the scale and appearance of the house.
- Avoid building an extension more than 1.5m in front of the existing front wall of the house if there is a regular building line along the street.
- Keep the extension simple and complementary to the style of the house by reflecting the style and details of the main house, e.g., window location, shape, type, proportion, and sill details.
- Reflect the roof shape and slope of the main house.
- Match or complement the materials used in the main house.
- Try to maintain a minimum driveway length of 6m.

Overbearing impact:

- Locate extensions, particularly if higher than one storey, away from neighbouring property boundaries. As a rule of thumb, a separation distance of approximately 1m from a side boundary per 3m of height should be achieved.
- Use light coloured materials on elevations adjacent to neighbouring properties.

Overlooking and loss of privacy

- Where a new window could result in overlooking or loss of privacy to neighbouring properties, consider alternative design solutions (but always ensure the design complies with necessary fire regulations)
- Reposition the window so it is not facing directly into a window in the adjoining property,
- If the window is at ground floor level, provide a fence or wall to screen it.

5.2. Natural Heritage Designations

Not relevant

5.3. EIA Screening

- 5.4. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the appellant with an address adjoining the appeal site in summary refer to;

- Reference is made to the extent of the proposed extension to the front elevation, this extension would have an external area of 6.8m² and constitute an increase of over 444% on the existing bay window extension with side windows.

- The window which was referred to in the request of further information is being retained.
- There is no precedent for modifying the front elevation in the manner proposed in the estate.
- Issues arise in relation to overlooking into the front of the appellants property and living room.
- Issues of overshadowing and light obstruction are raised.
- Issues are raised in relation to the rear extension and impacting on the amenities of the appellants property and new footpaths will increase the impact on the property.
- The property is used for commercial purposes and issues are raised in relation people using the shared passageway between the properties.
- The alteration and loss of the current uniformity in relation to form and finish is raised.
- Issues are raised in relation to the reduction of parking area arising from the proposed development.
- Potential impact in relation to existing utilities are referred to.
- Concern is raised in relation to the impact of the attic living space and the intrusion on privacy arising from the dormer extension window.
- The right to privacy light and non-obstruction are basic rights.

6.2. Planning Authority Response.

The planning authority in a response indicate that the issues raised in the grounds of appeal are addressed in the Chief Executives Order and confirms its decision to refuse permission.

7.0 Assessment

- 7.1. The main issues in this appeal are largely those raised in the grounds of appeal. Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- Principle of the development.
- Design and impact on residential amenities.
- Appropriate Assessment

7.2. Principle of the development

- 7.2.1. The site is located within a residential area with a residential zoning. The proposed development is therefore acceptable in principle. The development plan outlines policies and guidance to be considered and adhered to in relation to extensions to dwellings to the front and rear of dwellings, extensions in the roof area and general principles of design which are taken into account in assessing any proposals in this regard.

7.3. Design and impact on residential amenities.

- 7.3.1. Central to this appeal is the grounds of appeal where the appellant has specifically raised concerns in relation to impact on his property and issues in relation to the design as submitted. Reference is made to the extent of the proposed extension to the front elevation, a side window which was referred to in the request of further information is being retained, issues of overlooking, overshadowing, loss of light, loss of privacy, there is no precedent for modifying the front elevation in the manner proposed in the estate and the alteration and loss of the current uniformity in relation to form and finish and the property is used for commercial purposes and issues are raised in relation people using the shared passageway between the properties.
- 7.3.2. In considering these issues it is proposed to consider the development in the context of the revised proposals submitted on the 19th July 2024 in response to a request of further information.
- 7.3.3. The response of the 19th July 2024 were submitted primarily to comply with the design principles outlined in the development plan and related design guidance. It is proposed to consider each of the elements in turn.
- 7.3.4. Flat roof dormer to the rear.

The proposal is an extension at the rear which will extend an existing attic conversion and a window is proposed. The revised proposal submitted on the 19th

July 2024 provides for a ridgeline which is a minimum of 100mm below the ridgeline of the main dwelling. This revision is acceptable. In relation to overlooking and impact on adjoining properties it is considered that the proposed dormer would not appear to be over dominant or overbearing retaining a separation distance of 11.20 metres to the nearest rear dwelling boundary line and this separation distance is considered acceptable to avoid overlooking/ loss of privacy between these properties. It is considered that the proposed dormer as amended would not have an adverse impact on the residential or visual amenity of the area and is visually acceptable.

7.3.5. Extension to the rear

The proposed rear extension in effect would infill a 2m² recess in the existing ground floor rear building line accommodating an expanded open plan living space. The proposal would immediately adjoin the shared boundary with no.20 and in relation to design and finish would match that of the height, roof profile, and massing of the existing rear single storey extension. Given the scale of the development and that it continues the profile of an existing monopitch roof I do not consider that impacts in relation to overshadowing and daylighting arise and the proposal as submitted is visually acceptable.

7.3.6. Front extension.

The proposed single storey front extension of the revised proposals submitted on the 19th July 2024 would have a maximum height of 3.43m, a maximum depth of 1.5m and a maximum width of 4.53m the revised proposal retains windows to the side in addition to a window on the front elevation.

In the revised proposal the height of the front extension has been reduced so that it mirrors the height of the existing ground floor roofline of the immediately adjoining property (no.20 Finnsparke). This reduction is largely to comply with the House Extension Design Guide which recommends to avoid building an extension more than 1.5m in front of the existing front wall of the house if there is a regular building line along the street is reasonable and considered visually acceptable in the context of the guidance.

The reduction in the projection of the front elevation above that of the established ground floor roofline of the immediately attached dwelling while noting the concerns

raised in the grounds of appeal to this in relation to loss of the current uniformity is also reasonable and considered visually acceptable in the context of the guidance.

In relation to the side windows of the front extension the side windows would be setback approximately 1 metre from the shared property boundary with no.18 to the north and approximately 1.1 metres from shared property boundary with no.20 to the south. It is noted that the existing bay window has side glazing panels facing north and south. It is also noted that there is a wall extending from shared front boundary between properties 18 and 19 screening the area in front of the front door of both properties. The front elevations and gardens of all the properties are readily visible from the public road.

Having regard to the current orientation of windows, its location and visibility from public areas, the relatively minor level of increased scale and setback of this window from the appeal site's common northern boundary with No. 18 Finnsparck, it is considered that the side windows would not result in an unacceptable level of overlooking onto the front amenity space and the adjoining dwelling.

- 7.3.7. It is noted that there is reference to the property is used for commercial purposes and issues are raised in relation people using the shared passageway between the properties. The matter of this use is a matter of enforcement and for the planning authority to determine. I would however note that the extension to the rear would still provide for the retention of in excess of 60m² of rear amenity space which would be consistent with the requirements of the SDDC Household Extension Design Guide.

7.4. Appropriate Assessment Screening

- 7.4.1. I have considered the proposal for extensions to a dwelling house in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in an established residential area and the subject site is not located within nor within close proximity to a designated European site. The proposed development comprises extensions to a dwelling house as outlined in section 2 in the Inspectors report. 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 small scale and nature of the development and the absence of a pathway to the European site

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

8.0 Recommendation

- 8.1. I recommend that planning permission be granted.

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, the matters raised in the grounds of appeal it is considered that the proposed development accords with the proper planning and sustainable development of the area and would not adversely impact or detract from the visual and residential amenities 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 received by the planning authority on the 8th day of April 2024 and as amended by Further Information received on 19th of July 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>

	Reason: In the interest of visual amenity.
3.	<p>The house and the extensions 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.</p> <p>Reason: To prevent unauthorised development and in the interests of orderly development and residential amenities</p>
4.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</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 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>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: In order to safeguard the residential amenities of 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.

Derek Daly
Planning Inspector

5th December 2024