



An
Bord
Pleanála

Inspector's Report

ABP 320842-24

Development	Retention of extension to rear of property and permission for conversion of attic space and all associated site works
Location	1 Cruagh Close, Stepside, Dublin 18, D18 KW9
Planning Authority	Dun Laoghaire-Rathdown Co. Council
Planning Authority Reg. Ref.	D24A/0294
Applicant(s)	Bayan Jamil
Type of Application	Retention and Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Stephen Hayes & Others
Observer(s)	None
Date of Site Inspection	10/12/2024
Inspector	Rosemarie Mclaughlin

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. No.1 Cruagh Close is an end of terrace, semi-detached, 2 storey house with a fully hipped roof, located in a housing estate, c 500 m from the centre of Stepside village. The estate is one of a number of residential estates accessed from the Enniskerry Road.
- 1.2. The appeal site is located at the junction of two roads within the estate. The main entrance to the house is on the gable of the property facing Cruagh Court, to the southwest, and the other elevation faces Cruagh Close to the southeast and is attached to No.3 Cruagh Close. No.2 Cruagh Court, to the northwest, is forward of the side building line on the appeal site. A square of communal open space serving the estate is located west of the appeal site, enclosed by Cruagh Court. The private open space at the appeal site is behind a high boundary bounding Cruagh Court. The wall between the private amenity space and the semi-private open space in front of the gable elevation and entrance to the house has been removed, an extension has been constructed to the rear of the house, and the entrance to the house has been altered.

2.0 Proposed Development

- 2.1. There are two elements to the application.
 - Retention: Single and two storey extension to rear and relocation of entrance door at the side. The extension is stated as 30.4 sqm.
 - Permission: Conversion of attic space (31.5 sqm) to non-habitable area with a dormer type flat roof to rear, building up gable wall to half hip roof level and all associated site works.
- 2.2. The proposed development illustrates two ensuite bedrooms at first floor. The planning history illustrates that prior to the development sought to be retained, there were three bedrooms at first floor (one ensuite).
- 2.3. Further information (FI) was submitted (26/09/2024). A daylight and sunlight report was provided. The submitted FI retains the proposed first floor plans as submitted but only names one bedroom. It can be implied that 2 bedrooms, both ensuite, are proposed at first floor and a non habitable attic conversion/dormer. The FI also

included removing the existing parapet on the first floor extension to be retained, to tie in with the original eaves, to form a minimum overhang and to reinstate the wall bounding the private open space.

3.0 Planning Authority Decision

3.1. Decision

A notification to grant permission and grant retention dated 22/08/2024 issued subject to 9 standard type conditions.

3.2. Planning Authority Reports

3.2.1. Planning Report No.1 (21/06/24)

- The Planning history, relevant County Development Plan (CDP) zoning, objections and policies are referred to. The retention of the ground floor extension was considered acceptable, and the remaining private open space was considered adequate. The Planning Report noted other works had taken place to the southwestern boundary and further information (FI) should be requested.
- The first floor extension caused concern owing to the mass, the fact it exceeds the eaves of the parent dwelling and that it did not match the submitted drawings. FI was requested including a daylight and sunlight report. The proposed attic conversion and altered roof profile was considered acceptable. The proposed moving of the front door and hipped overhang was considered acceptable.

3.2.2. Planning Report No.2 (22/08/24)

- Revised drawings were considered satisfactory. The section of the wall that had been removed was to be replaced. The daylight/sunlight report was considered acceptable. The development was considered to be acceptable in terms of residential amenity of neighbouring properties. Permission was recommended to be granted subject to standard planning conditions.

3.2.3. Other Technical Reports

- Drainage Report(29/05/2024): This report had no objection subject to 2 standard conditions.

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

Four no. third party observations were received by the PA which objected to the development. The observations related to the following.

- Permission for development Ref. D23B/0168 was rejected, and this is similar application.
- The development took place without planning permission.
- Significant changes occurred to the existing look and feel of the estate, undermining its original architectural value and aesthetics. This is the most centrally located house within the estate, overlooking the green, elevated and highly visible. The development is a visually dominant and overbearing structure when viewed from adjacent dwellings and the public road and would negatively impact on the visual and residential amenity of neighbouring houses.
- Monetary loss to neighbouring properties.
- Extension on the first floor is too close to property borders and is overpowering in relation to other properties, enclosing and damaging neighbouring amenity spaces.
- Overlooking and overshadowing
- Unacceptable precedent and reduction of open space.

4.0 Planning History

4.1. **Subject site: D23B/0168:** Permission was refused, in summary, for an extension to the rear and side elevation to the existing ground and first floor, hip to roof to be removed and replaced with new A roof structure and newly extended gable end wall.

1. Due to the siting and overall scale of the proposed extension elements to the rear, including extensions at ground, first and attic level with the provision of a rear facing dormer extension, the subject development is considered to result in a visually dominant and overbearing structure when viewed from adjacent dwellings and the public road that would negatively impact on the visual and residential amenity of neighbouring houses. The development is deemed to be contrary to the provisions set out in Section 12.3.7.1(ii), and (iv) Extensions to the Rear and Alterations at Roof/Attic Level of Dún Laoghaire-Rathdown County Development Plan 2022-2028 and thereby contrary to the proper planning and sustainable development of the area.

4.2. **Relevant sites in area: D21B/0214:** Permission granted for alterations to existing hip roof to side to create a gable roof to accommodate attic stairs to allow conversion of attic into non habitable storage with dormer to rear and ancillary work at 2 Cruagh Court, Cruagh Manor, Dublin 18.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Dun Laoghaire Rathdown County Development Plan 2022-2028 (CDP) applies. The zoning objective is 'A' which seeks '*to provide residential development and improve residential amenity while protecting the existing residential amenities*'. Residential development is permitted in principle under this zoning objective.

- Chapter 12 of the CDP provides development management details.
- Section 12.3.7.1 relates to extensions to dwellings and relevant subsections are (i) Extensions to the Front: (ii) Extensions to the Rear: and (iv) Alterations at Roof/Attic Level.
- Section 12.3.7.5 relates to Corner/Side Garden Sites

- Section 12.8.3.3 relates to private open space. Table 12.10 requires 48 sqm for 1 and 2 bedroom houses, 60 sqm for a 3 bedroom house and 75 sqm for 4 bedrooms or more. The CDP provides that the provision of open space to the side of dwellings will only be considered where it is useable, good quality space. On infill and corner side garden sites, a relaxation in the quantum may be considered on a case-by- case basis.

The relevant sections of the CDP are expanded in the assessment below where relevant.

5.1.2. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities

- 5.1.3. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (SRDCSG) 2024 provide the private amenity standards for 2, 3 and 4 bedroom houses as 30 sqm, 40 sqm and 50 sqm respectively.

5.2. Natural Heritage Designations

- 5.2.1. The appeal site is not located in or immediately adjacent to a designated European Site, a Natural Heritage Area (NHA) or a proposed NHA.

5.3. EIA Screening

- 5.3.1. Having regard to the limited nature and scale of the proposed development, its location in a serviced built-up urban area, the absence of any connectivity to any sensitive location and the likely emissions therefrom, I have concluded that there is no real likelihood of significant effects on the environment arising from the proposed development having regard to the criteria set out in Schedule 7 to the Planning and Development Regulations 2001, as amended. I conclude that the need for environmental impact assessment can, therefore, be excluded. Please see completed Form 1 appended to this report.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. An appeal has been submitted by Stephen Hayes, Oonagh Ryan, Ivan Stonjanovic, Andrea Vukina Stojanovic, Eimer de Souza and Ian de Souza, the owners of No.s 5,7 and 9 Cruagh Close. The grounds of appeal are similar to the third party submissions to the PA.

- Disproportionate size of extension compared to others within the estate.
- The size and scale of the second floor extension and dormer roof window is overbearing.
- The proposal is incongruous and will detract from the visual coherence of the area.
- Precedent for similar developments too close to the boundaries with neighbours.
- A reasonable distance between the properties is required to maintain the overall aesthetic and to retain privacy.
- The proposal has a negative daylight and sunlight impact on adjoining properties including the internal space.
- A dormer is not required for a non-habitable attic space. The previous application showed two bedrooms at this level.

6.2. Applicant Response

- None on file.

6.3. Planning Authority Response

- The PA (29/09/2024) referred to the previous Planner's report and that appeal does not raise any issue that would change the PA attitude.

6.4. **Observations**

- None on file.

6.5. **Further Responses**

- None.

7.0 **Assessment**

7.1. I have read the documentation attached to this file including the appeal, in addition to having visited the site. I am assessing the application de novo based on the plans and particulars received. I consider a residential extension as acceptable in principle in the applicable residential zoning objective, subject to the applicable policy considerations, assessment of impact on neighbouring properties and appropriate design. The assessment may be addressed under the following headings.

- Impact on residential amenity on application site and adjacent properties from proposed extensions.
- Visual impact on area.
- Other (precedent, reduction of values of property, previous refusal, use of attic)

7.2. **Impact on residential amenity on application site and on adjacent properties from proposed extensions.**

- 7.2.1. A single and two storey extension to the rear and relocation of a door is proposed to be retained. This results in the private open space being reduced to c 63 sqm excluding the shed. I consider the reduced private open space to be an acceptable level having regard to the SRDCSG and note only two bed rooms are proposed in the extended house, as the attic is proposed as non-habitable. The orientation of the remaining private open space benefits from not having a neighbouring property to the southwest and that the space is c 8.2 m wide, substantially larger than the neighbouring terrace gardens to the east.
- 7.2.2. The two storey element of the extension is slightly set back (c 200 mm) from the boundary of No. 3 Cruagh Close, and this is the most directly impacted neighbour.

The two storey element to be retained extends 2.52 m from the original house. The single storey element extends an additional c. 2 m beyond the first floor extension. I note that the finished floor level of No. 3 Cruagh Close is lower than the appeal site and the 3 m high single storey extension reads as higher from the garden of No. 3 as the terrace steps up from the northeast. The garden of No. 3 is smaller than the appeal site in size at c 4.8m wide at the rear of the house (c 11.8 m length) and contains a small shed.

7.2.3. The sitting room in No. 3 is directly connected to the rear garden. I consider that the rear amenity space has been transformed in a negative manner by the erection of the two storey and single storey development. Section 2.3.7 *Additional Accommodation in Existing Built-up Areas*, subsection 12.3.7.1 *Extensions to Dwellings* of the CDP applies. The CDP provides that first floor rear extensions will be considered on their merits, noting that they can have potential for negative impacts on adjacent properties, and will only be permitted where there will be no significant negative impacts on surrounding residential or visual amenities. The CDP notes several factors to be considered, including overshadowing, overbearing, and overlooking, along with proximity, height, and length along mutual boundaries. It may be noted that as a corner site, the rear extension also reads visually as a new side extension to the front elevation of the house. The CDP provides first floor side extensions built “over existing structures” and matching existing dwelling design and height will generally be acceptable.

7.2.4. The extension as built is clearly visible from the sitting room of No.3, is dominant over the small garden of No.3, and is in my opinion an overbearing structure. The location southwest of the boundary combined with the height has significantly altered the amenity value of the immediate outdoor amenity space to No.3 which also has a marginally lower floor level. This element of the application is to be retained with some minor alterations submitted in the FI (removal of parapet and tie in with eaves). Had this application been for planning permission and not retention, I would consider that it should be refused on the grounds of significant negative impact on the residential amenity of adjoining property and that a new design should have been contemplated availing of the corner site, and noting the adjacent house No.2 Cruagh Court is forward of the building line on the appeal site. I am of the same opinion for this application for retention. I do not consider that retention of the single and two

storey elements is acceptable in terms of the negative impact on adjacent residential amenities which is contrary to subsection 12.3.7.1 of the CDP, and accordingly, I recommend that this element be refused.

- 7.2.5. I consider that the level of overlooking from the upper floor windows over the rear garden of No.3 Cruagh Close as similar to the original overlooking and it is directed towards the rear of the adjacent garden. As the windows are located over 2 m forward of the previous rear building line, this increases the perceived overlooking of the adjacent garden at No.3 and if this were the only issue in the appeal, I would consider those windows as acceptable. I consider the distance to other properties as acceptable. The proposed window in the dormer would allow further and additional overlooking and increase the perception of being overlooked in the adjacent garden but it is acknowledged that it is similar to what is available from the original layout from the first floor. No windows are located on the side elevations of the upper floor extension. I do not consider any other properties to be significantly impacted.
- 7.2.6. While not sought in the FI, the submitted shadow report also illustrates the impact on the appeal site. The rear garden of the appeal site is impacted by the development to be retained as illustrated on 21st March and the submission does not include the built shed structure in the appeal site garden. As the appeal site has an additional amenity space that will be behind the reinstated wall, this mitigates the adverse impact on the rear space at the appeal site on 21st March.
- 7.2.7. In terms of overshadowing, the orientation of the dwellings results in an increase of shadow by the addition of the extension southwest of the party boundary which extends the shadow on the rear garden of No. 3 Cruagh Close at certain times. A daylight and sunlight report provided by FI, states that the increase in shadow of the adjacent attached rear garden is within the parameters of the BRE, Site Layout Planning for Daylight and Sunlight, A guide to good practice 2nd Edition. There are inconsistencies in the submitted report with the dates and times, no inclusion of the shed structures and the report omits that the appeal site is elevated above No. 3. The report is confined to a shadow analysis and does not address light from the sky to the rear windows and patio door of No. 3 as the vertical sky component is not provided.

7.2.8. While the parameters may be met on 21st March, (excluding the shed that is present at No.3), I consider the overbearing impact combined with the additional shadow in the modest garden of No.3 as unacceptable owing to the design, layout and location of the extension to be retained. I do not consider any other properties to be significantly impacted.

7.3. Visual Impact

- 7.3.1. Section 12.3.7.1 of the CDP applies, (iv) to *Alterations at Roof/Attic Level*. The CDP refers to several considerations including that dormer extensions shall be set back from the eaves, gables and/or party boundaries and be set down from the existing ridge level. While the proposed dormer extension is limited to within the existing roof profile, it is just marginally below the ridge. I have reservations about the combined visual impact of the dormer in addition to the two storey extension. The 2 two storey extension facing Cruagh Court reads as a flat roofed side extension with a heavy parapet at odds with the roof profile. It was proposed by way of FI to reduce the parapet and tie the extension into the eaves. As this is a corner site, and taken in addition to the proposed dormer, I consider that visually the proposal to be retained in addition to the proposed dormer is visually an overdevelopment of the site that reads as incongruous within the general area.
- 7.3.2. The proposed alteration to the roof involves the creation of a half hip rather than a full hipped roof. In the context of the location on a corner site, and the distance from No.2 Cruagh Court, I would normally consider the proposed roof profile as acceptable. However, for the reasons outlined in this assessment, I consider the overall proposal as an overdevelopment of the site resulting in a negative impact on neighbouring property and in this regard, the proposal needs to be reconsidered. Accordingly, it would not be appropriate to permit the proposed half hipped roof profile in the absence of permitting the dormer extension.
- 7.3.3. It is proposed to retain the removal of the canopy over the door and recentre the door and install a modern grey metal canopy over the front door area. This is considered visually acceptable.

7.4. Other (precedent, reduction of values of property, previous refusal, use of attic)

- 7.4.1. While it is acknowledged the housing estate and wider area contain many different design types, I consider that the proposed development would set an undesirable precedent as there are similar corner sites within the area. While each application would be assessed having regard to the specific context, the development as proposed is not in my opinion consistent with the proper planning and development of the area and residential amenity of the adjacent property.
- 7.4.2. No specific case has been made to illustrate how property values in the vicinity would be diminished but from my inspection of the site and the garden area of No.3, I consider that the adjacent property has been damaged by the overbearing impact of the development to be retained and that garden is not as attractive as the gardens to the northeast that do not have two storey extensions adjacent.
- 7.4.3. The appeal refers to the previous refusal of permission by the Council. That decision was not appealed. The previous application and the current application were different in several aspects. The previous application proposed had a larger extension and different roof profile and accordingly, this application should be assessed on its merits.
- 7.4.4. I note from examining the planning history, that the original house had three bedrooms at first floor with one ensuite. The current application is for two bedrooms ensuite at first floor. The use of the attic is stated in the planning application as non-habitable use and the section illustrates the height of the dormer extension as 2.2 m, excluding the ceiling. Given the configuration of the proposed attic space/size, proposed large dormer window and that the enlarged house is actually reducing the number of available bedrooms from three to two, I concur with the appellants that the conversion of the attic has the appearance of an area that could be used by some occupants in the future as a habitable space. Whilst the building regulations fall outside of the planning code, I am of the view that the use of the attic as a bedroom would not be appropriate and could have a negative impact on the residential amenities of the occupants.

8.0 Appropriate Assessment Screening

- 8.1. I have considered the proposed retention of an extension to rear of a dwelling house and permission for conversion of attic space and all associated site works in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The subject site is located c 4.5 km from Knocksink SAC (000725), the closest European Site. The proposed development comprises an extension and alterations to an existing house. No nature conservation concerns were raised in the planning appeal.
- 8.3. 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:
- Small scale and nature of the development.
 - Distance from the nearest European site and lack of connections.
- 8.4. 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.
- 8.5. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

- 9.1. Having regard to the above assessment, I recommend a **SPLIT DECISION**.
- 9.2. I recommend that a split decision be issued where retention of the relocated door on the gable and the proposed restatement of the wall bounding the private open space of the property be GRANTED based on the reasons and considerations marked (1) under and subject to the conditions set out below and planning permission for the remaining development be REFUSED, subject to conditions, for the reasons and considerations marked (2) set out below.
- 9.3. For the avoidance of doubt, the wall that was removed bounding the private open space which was not included in the public notices and indicated to be reinstated in the Further Information is also permitted under (1).

10.0 Reasons and Considerations

10.1. Reasons and Considerations No. 1 (GRANT)

Having regard to the provisions of the Dun Laoghaire-Rathdown County Council County Development Plan 2022–2028, it is considered that, subject to compliance with conditions set out below, the **proposed retention of the relocation of entrance door at the side and the reinstatement of the wall bounding the private open space** would not seriously injure the character of the area or the residential or visual amenities of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

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 26th day of September 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>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p>

10.5. Reasons and Considerations No. 2 (REFUSAL)

1. Having regard to the proximity to the party boundary and the location of the main living area in the adjoining attached property, it is considered that the **single and two storey extension proposed to be retained**, by reason of mass and height, is overbearing and has a negative impact on the ground floor rear elevation on the adjacent property and has unacceptable additional overshadowing of the of the adjoining private amenity space. Having regard to the provisions of Section 12.3.7.1 of the Dun Laoghaire-Rathdown County Council County Development Plan 2022–2028, the design and layout proposed to be retained, and the pattern of development in the vicinity, it is considered that, the proposed development would constitute overdevelopment, would be overbearing to adjacent property, would seriously injure the residential amenities of the adjoining property and would depreciate the value of the adjacent property and, would be contrary to the proper planning and sustainable development of the area.
2. The proposed conversion of attic space with a dormer type flat roof extension and building up gable wall to a half hip roof, by reason of its scale and design, on a prominent corner site, is overly dominant visually when taken in conjunction with the proposed extension sought to be retained. The proposed development and proposed development to be retained are considered visually obtrusive and would seriously injure the visual amenity of the area. Furthermore, it is considered that the proposed development would set an undesirable precedent for similar types of development and would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

Rosemarie McLaughlin
Planning Inspector
14th December 2024

Appendix 1 - Form 1

EIA Pre-Screening [EIAR not submitted]

An Bord Pleanála Case Reference	ABP 320842-24		
Proposed Development Summary	Retention of extension to rear of property and permission for conversion of attic space and all associated site works		
Development Address	1 Cruagh Close, Stepside, Dublin 18, D18 KW9		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No	X	N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4
4. Has Schedule 7A information been submitted?			
No		Preliminary Examination required	
Yes		Screening Determination required	

Inspector: _____ Date: _____