



An
Bord
Pleanála

Inspector's Report

ABP 320891-24

Development

Construction of an attic conversion with rear dormer windows and single-storey side extension above ground floor storey; alterations & extension to hipped roof profile and gable elevation with a new gable window and change of use of playroom at ground floor level to bedroom.

Location

344 Orwell Park Close, Templeogue, Dublin 6W, D6W K540

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

SD24B/0308W

Applicant(s)

Colin Foley and Aoife Duffy

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Bernard & Joan Molloy

Observer(s)

None

Date of Site Inspection

10/12/2024

Inspector

Rosemarie McLaughlin

1.0 Site Location and Description

- 1.1. No. 344 Orwell Park Close, Templeogue, is a semi-detached, two storey, hipped roof house located on the west side of Orwell Park in a mature suburban residential area in southwest Dublin. A single storey element is attached to the south of the house which has a mono pitch roof and is used as a playroom. The side element wraps around the front elevation providing a tiled canopy over the front entrance. The house has a single storey rear extension.
- 1.2. To the northeast, is the attached dwelling, No. 345 which has a single storey extension. To the southwest is a semi-detached house No.343 which is the home of the appellants. No. 343 is separated from the appeal site by the c 1 m side passage on the appeal site. No. 343 has been altered by way of a dormer roof attic extension at the rear, a first floor side extension, a large rear single storey extension, sheds and a timber roofed structure, covering most of the rear amenity space. There is no side passage area available on No. 343 as it has been built up to the side boundary. A deck area is located adjacent to the appeal site party boundary accessed from the kitchen/living area of No.343.

2.0 Proposed Development

- 2.1. The application as advertised is for “The construction of an attic conversion with rear dormer windows and single storey side extension above existing ground floor storey. Alterations & extension to existing hipped roof profile and gable elevation with a new gable window. Change of use of playroom at ground floor level to bedroom.”
- 2.2. It may be noted that the proposed extension to the side is a first floor extension over the existing single storey element of the house.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Permission was recommended to be granted subject to four conditions. These are standard in nature apart from Condition No. 2 which required, in summary:

- The width of the proposed rear dormer structure to be reduced by 0.5m, to a maximum external width not greater than 5m.
- The rear dormer to be located at least 100mm below the ridge line of the main dwelling/roof, and at least 3 tile courses above the eaves line of the main dwelling.
- The first floor level window on the southwest elevation shall be fitted with obscure glazing.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The relevant planning history, relevant County Development Plan (CDP) zoning, objectives and policies are referred to. The objection is summarised. Having regard to the location of the house within the streetscape, the uniform building line in the immediate vicinity of the property, and overall form of the proposal, it was considered that the amended roof profile, the extension and the dormer were acceptable subject to amending conditions. The change of use of the bedroom was considered acceptable. Permission was recommended to be granted subject to conditions and amended as outlined above.

3.2.3. Other Technical Reports

None on file.

3.3. Prescribed Bodies

None on file.

3.4. Third Party Observations

3.4.1. One observation was received by the PA by the appellants. The observation made was very similar to the appeal grounds stated below but included an additional issue of fire hazard from the proposed side elevation window.

4.0 Planning History

4.1. Subject site: None

4.2. **Relevant history in area:** There is an extensive planning history on the adjacent house, No. 343 Orwell Park Close, but none in the last five year period. Given this is a large residential area, there are numerous residential related applications in the wider area. No. 342 Orwell Park Close, a corner house to the south of the adjacent house to the appeal site, received permission Ref. **SD23A/0312** to demolish existing garage/shed and construct a new house to the side garden.

5.0 Policy Context

5.1. Development Plan

- The South Dublin County Development Plan (CDP), 2022-2028 applies. The site is zoned 'RES' of the current CDP, which seeks "*To protect and/or improve residential amenity*". All lands within the surrounds of the subject site are also zoned 'RES'.
- Section 6.8.2 Residential Extensions, provides that domestic extensions allow for the sustainable adaptation of existing housing stock.
- Policy QDP7: High Quality Design
- Policy H14: Residential Extensions - support the extension of existing dwellings subject to the protection of residential and visual amenities.
- H14 Objective 1: To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenitiesand the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).
- H14 Objective 2: To review and update the South Dublin County Council House Extension Design Guide, 2010 during the lifetime of this Development Plan....

5.2. The South Dublin County Council House Extension Design Guide (2010)

The South Dublin County Council House Extension Design Guide (2010 Guide) supplements the policies and guidance of the CDP and addresses the design of front, side, rear, attic/dormer extensions and hipped roof alterations. These are repeated in full in the Planners report. In summary, extensions that are dominant or overlarge in relation to the scale and appearance of the house are to be avoided, materials are to match or complement the main house. A gap of at least 1m between a side extension and the side party boundary with the adjoining property to avoid creating a terraced effect it to be achieved. Dormer windows are to be below the ridge of the roof and as far back as possible from the eaves line (at least 3 tile courses). Section 4 provides that extending a hipped roof to the side to create a gabled end or half-hip will rarely be acceptable, particularly if the hipped roof is visually prominent and typical of other houses along the street.

5.3. Natural Heritage Designations

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

5.4. EIA Screening

- 5.4.1. 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

- The appellants reject the conditions as not going far enough to protect their property.
- The length of the dormer at 5545mm is in excess of the norm and does not comply with the SDCC House Extensions Guide. 70mm below the ridge is insufficient and should be lower.
- The proposed half hip is overbearing towards the appellants and out of character with the area. It should be a full hipped roof.
- The side elevation first floor window overlooks a bedroom in the appellants home and should be removed, not opaque.
- The rear window of bedroom 5 overlooks the private open space of the appellants and should be redesigned or removed.
- The sheet metal material on the dormer is out of character with the area and contrary to the Guidelines.
- The 1015 mm separation between the first floor side extension and the appellants house is insufficient, creating a dark tunnel, encouraging mould and damp which will be impossible to maintain. The rear garden of the appellant will be denied sunlight and will be overshadowed causing loss of amenity and devaluing the property.

6.2. Applicant Response

- A drawing illustrating compliance with the PA amending condition (No.2) is provided at A3 size which coincides with the response to the third party observation relating to the width of dormer, distance to ridge/eaves and obscure glazing on side elevation.
- The window on No. 343 side elevation is not opaque. The existing two gable windows will be reduced to one window which will be opaque.

- The gable wall of No. 343 has been built on the boundary line and should not have been permitted as a bedroom window on a gable wall and is zero distance from the boundary. That unorthodox window causes the invasion of privacy.
- The issue of fire risk (raised in third party observation) is more relevant to the appellants. A grant of permission would result in the Building Regulations being complied with on the application site.
- The windows in the dormer are not at the side and are the same as all dormers. The window is in the same position as the dormer on the appellant's roof. There is no more overlooking than normal.
- External finishes would be addressed by a compliance submission.
- The front of the applicant and appellant's property is southeasterly. The appellant has built onto the boundary line and has no side passageway to their rear, they must go through the house. The side passage is on the applicants property and therefore the condition of the passageway is of no concern to the appellant.
- The appellant has a side and rear extension which impacts their amenity space.

6.3. Planning Authority Response

- The Planning Authority (PA) confirms its decision and issues raised in the appeal have been covered in the CE report.

6.4. Observations

- None on file.

6.5. Further Responses

- None on file.

7.0 Assessment

7.1. I have read the documentation attached to this file, in addition to having visited the site. I am assessing the application de novo based on the plans and particulars received with the application and appeal. 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 main headings.

- Impact on residential amenity on adjacent properties.
- Visual impact on area.

7.2. Impact on residential amenity on adjacent properties

- 7.2.1. The proposed attic conversion and dormer window results in a change to the rear elevation of No.344 and this is objected to for the reasons outlined in the appeal. The impact must be assessed in conjunction with the proposed first floor side extension which is also strongly objected to in the appeal. The net result of the proposal changes the semi detached house layout to that of a double fronted dwelling similar in scale to the adjacent double fronted home of the adjacent No. 343 the home of the appellants.
- 7.2.2. Overlooking will occur from the proposed dormer but the level of overlooking of the rear of the appellant's property No.343, and the attached house No.345, will be similar to the available overlooking that occurs from the existing first floor windows. The proposed dormer is closer to the attached neighbour No.345. Mutual overlooking of the rear of properties is to be expected in urban areas and I consider the overlooking from the proposed dormer as acceptable. I also note that No. 343 has a dormer where similar overlooking occurs.
- 7.2.3. The proposed side extension will include a rear elevation first floor window that may increase the perceived overlooking of the deck area on the appellants site behind the party boundary. The overlooking will be oblique and from a bedroom and not a living room. I consider the increase of overlooking from the proposed first floor as similar to the existing overlooking and not significant in a suburban situation.

- 7.2.4. A gable bathroom window and a landing window exist at first floor on the appeal site. It is proposed to have just one hallway window on the new gable c 2.5 m closer to No. 343 than the current situation. No.343 is built onto the boundary between the properties with a window in the first floor gable and the appellants object to a hall window that will be obscured c 1.1 m from their gable. The appellants benefit from a gable window on their first floor extension directly onto the boundary, where the existing first floor on the appeal site is set back. I do not consider that there will be a significant loss of privacy as the proposed window is only to serve a hall and will be opaque. I do consider that the proposed first floor side extension will impact the side gable window in terms of reducing overall light to that room owing to the reduced separation between the first floors. Given the size of the appellants property, I consider that it is reasonable that the applicants also have the benefit of extending to the side on the existing footprint of their house.
- 7.2.5. In terms of overshadowing, the proposed development is northeast of the appellant's home and on the existing footprint. The private amenity area at No. 343 has been largely covered over and the remaining deck area is southwest of the party boundary. The proposed site plan does not illustrate the level of development that has occurred to the rear of No. 343 in the form of outbuildings. The private amenity area at No. 343 has been largely covered over and the remaining decked area is bounded by the 2 storey extended house, the boundary between the properties and a roofed structure (adjacent to the shed on the appeal site). I do not consider that the proposed development would cause any significant diminution of daylight or sunlight to the decked area owing to the orientation and existing structures on the property and the appeal site.
- 7.2.6. In relation to the passageway between the properties and the ground of appeal this will be damp, and maintenance will not be possible, the passageway already exists, and the proposed development is on the existing footprint. The proposal increases the height with an additional floor at the side. As No. 343 is built onto the boundary, the issue of maintenance to that property is a matter for the parties as the side passageway is within the red line boundary of the appeal site. I consider that the existing passageway functions as side access to the appeal site and there is no evidence that the proposed development will impact the adjacent house in terms of damp.

- 7.2.7. No evidence has been provided in relation to devaluing property in the vicinity.
- 7.2.8. In conclusion, subject to the amending conditions imposed by the Planning Authority, I consider the impact on neighbouring properties from the proposed development is acceptable in this suburban context.

7.3. Visual impact

- 7.3.1. I consider the proposed dormer window as amended by the planning conditions and as illustrated in the response to the appeal to be visually acceptable to the rear of the property. The appeal site is not a corner site and is slotted in among other houses. The amended dormer size, and distance from the eaves and ridge, reads as a subservient structure while providing additional floor area to a family home. The amending condition imposed as illustrated in the response to the appeal is in accordance with the CDP and the 2010 Guide and is considered reasonable.
- 7.3.2. The appellants object to the amended hipped roof as it is out of character with the area and should remain a fully hipped roof. It may be noted that No. 343 has a built up gable wall into the hipped roof. The 2010 Guide which the appellants refer to is 15 years old and will be replaced during the life of the current CDP. As the appeal site is not visually prominent in any way, and as there are a variety of extensions in the wider area and including a new detached house two houses away, I consider that proposed altered roof profile as acceptable.
- 7.3.3. The objection to the materials on the dormer is noted but the dormer is to the rear and not generally visible from the public area. I consider that the proposed material is acceptable and can be agreed with the PA by way of condition.
- 7.3.4. In conclusion, subject to the amending conditions imposed by the Planning Authority, I consider that the proposed development is acceptable in a suburban context having regard to the local area where it is situated. The issue of the change of use of the playroom to a bed room did not arise in the appeal and I consider the use of the room as a bed room as acceptable.

8.0 Appropriate Assessment Screening

- 8.1.1. I have considered the proposed residential extension in light of the requirements S177U of the Planning and Development Act 2000 as amended. The nearest

designated site is the Glenasmole Valley Special Area of Conservation (SAC) (Site Code: 001209) c. 5.9km to the southwest. The proposed Natural Heritage Area (pNHA) (Site Code: 000991), Dodder Valley is located c. 1.5km to the southwest.

- 8.1.2. The proposed development comprises an extension and alterations to an existing house.
- 8.1.3. No nature conservation concerns were raised in the planning appeal.
- 8.1.4. 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 nearest European site and lack of connections.
- 8.1.5. 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.
- 8.1.6. 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 it is recommended that planning permission be granted subject to conditions for the reasons and considerations set out below.
- 9.2. While the applicant has submitted drawings illustrating that they can comply with the amending condition imposed by the Planning Authority, owing to the scale of the submission, I consider that the amending condition should be re-stated to be agreed with the Planning Authority.

10.0 Reasons and Considerations

- 10.1. Having regard to the residential zoning objective for the area, and compliance with the development standards of the South Dublin County Development Plan 2022-2028, the House Extension Design Guide, 2010, the specific characteristics of the site and the pattern of development in the surrounds, it is considered that the

proposed development, subject to compliance with the conditions below, would not detract from the character of the area, would not seriously injure the residential or visual amenities of the area and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars submitted with the planning application except as may be otherwise required by the following conditions.</p> <p>Reason: To clarify the plans and particulars for which permission is granted.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) The width of the proposed rear dormer structure shall be reduced by 0.5m, to a maximum external width not greater than 5m.</p> <p>(b) The proposed rear dormer shall be located at least 100mm below the ridge line of the roof of the main dwelling, and at least 3 tile courses above the eaves line of the main dwelling.</p> <p>(c) The glazing to first floor gable window 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.</p> <p>Revised drawings to a suitable scale showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.</p>

4.	<p>Site development and building works shall be carried out between the hours of 07.00 to 19.00 Mondays to Fridays inclusive, between 09.00 to 13.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.</p> <p>Reason: To safeguard the amenity of property in the vicinity.</p>
5.	<p>The disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: In the interest of public health.</p>
6.	<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.

Rosemarie McLaughlin
Planning Inspector
17th December 2024/2024

Appendix 1 - Form 1
EIA Pre-Screening
[EIAR not submitted]

An Bord Pleanála Case Reference	ABP 320891-24		
Proposed Development Summary	Attic conversion with rear dormer windows and side extension above ground floor storey; alterations & extension to hipped roof profile and gable elevation with a new gable window and change of use of playroom to bedroom		
Development Address	344 Orwell Park Close, Templeogue, Dublin 6W, D6W K540		
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	No further action required
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)
Conclusion			
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:** _____