



An  
Bord  
Pleanála

## Inspector's Report

### ABP-320945-24

<b>Development</b>	Attic Conversion and dormer window to the rear for use as home office and storage		
<b>Location</b>	38 Casimir Road, Dublin 6W D6W HV20		
<b>Planning Authority Ref.</b>	4079/24		
<b>Applicant(s)</b>	Barry and Emily Traynor		
<b>Type of Application</b>	<i>Permission</i>	<b>PA Decision</b>	<i>Grant Permission with Conditions</i>
<b>Type of Appeal</b>	<i>Third</i>	<b>Appellant</b>	<i>Eamon Thornton</i>
<b>Observer(s)</b>	<i>Philip O'Reilly</i>		
<b>Date of Site Inspection</b>	<i>11/12/2024</i>	<b>Inspector</b>	<i>Andrew Hersey</i>

#### Context

**1. Site Location/ and Description.** The site is located at 38 Casimir Road being a suburb located in Terenure Dublin City. There is a semi-detached two storey period property on site with front and rear attendant gardens.

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

- Permission for an attic conversion with rear dormer window for use as storage and home office
- Internal works and associated site works

- The proposed development site comprises of 0.019ha. The proposed attic conversion comprises of just 14sq.m.

### 3. Planning History.

*None on site*

*Adjacent*

- WEB1106/23 granted permission for rear extension and attic conversion and rear dormer at 52 Casimir Road

### 4. National/Regional/Local Planning Policy

- Dublin City 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 'Z2' – To protect and/or improve the amenities of residential conservation areas
- Section 14.7.2 Residential Neighbourhoods (Conservation Areas) – Zone Z2 Residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. A Zone Z2 area may also be open space located within or surrounded by an Architectural Conservation Area and/or a group of protected structures. The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.
- Appendix 18 of Volume 2 of the plan, *Ancillary Residential Accommodation* sets out guidance with respect to residential extensions and Attic Conversions/Dormer windows

### 5. Natural Heritage Designations

The nearest designated site is

- Grand Canal pNHA (Site code 002104) is located 1km to the north of the site

- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) is located 5km to the east of the site.
- South Dublin Bay SAC (Site Code 000210) is located 5km to the east of the site

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

**6. PA Decision.** Permission was granted on the 17<sup>th</sup> September 2024 subject to 7 conditions. Conditions of note include for:

- Condition No, 2: The attic space hereby permitted shall not be used for human habitation unless it complies with current building regulations

Section 48 Development Contributions have not been applied.

## **7. Submissions**

There are two submissions on file as follows;

Eamon Thornton of 64 Kenilworth Park raises the following issues:

- That his back garden backs directly onto the garden of the applicant and the proposed office and dormer window will look directly onto his garden
- The proposed dormer window will look directly into his kitchen
- There are no other rooftops in the vicinity where there are dormer windows and that granting permission for this would set a poor precedent.
- He is not objecting to the attic conversion but is objecting to the dormer window.

Patrick & Margaret Byrne of 66 Kenilworth Park who raises the following issues:

- That they object to the proposed development on the grounds that it will overlook their house and conservatory
- That back gardens are short and the proposed dormer window would have a panoramic view of many of the houses on Kenilworth Park
- That the proposed window is far too large to be socially acceptable

## **8. Internal Reports**

- Engineering Department Drainage (dated 7<sup>th</sup> August 2024) - no objection

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

A third party appeal was lodged by Eamon Thornton on the 1<sup>st</sup> October 2024.

The appellant raises the following issues:

- That the proposed dormer would significantly alter the existing roofline and the character of the property which is currently in keeping with the surrounding architecture.
- That the proposed dormer window may not be in line with the local development plan which seeks to protect the character and appearance of the built environment.
- The proposed dormer will result in significant overlooking to his garden which is short at 7.0 metres long. It will also overlook his living spaces
- That the applicants asked him to cut down an evergreen tree at the boundary which he did. This tree would have protected his residential amenities if it were not removed.
- All of the adjacent properties have used velux windows in their attics.
- That a grant of permission would set an undesirable precedent.

### **11. Observations**

One observation has been received from a Philip O'Reilly of 68 Gandon Close, Harolds Cross (received 17<sup>th</sup> October 2024) who raises the following issues:

- That the dormer is far too large for the hosting roof profile and is an overwhelming element both in terms of its architectural setting and visual amenity and will result in a retrograde precedent for the entire area.
- The proposed dormer would dominate the entire neighbourhood and would be seriously visually obtrusive.
- The proposal would result in overlooking of the rear gardens and rear rooms of residents of Kenilworth Park
- A dormer is not necessary as the attic space is non-habitable. A velux window would suffice.
- The provision of frosted glass is not sufficient to protect the residential amenity as the window can still be opened.

**12. Planning Authorities Response**

None received

**13. First Party Response**

A response was received outside of the deadline and was therefore deemed invalid

**Environmental Screening****14. 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.

**15. 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 within the vicinity of the following Natura 2000 sites;

- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) is located 5km to the east of the site.
- South Dublin Bay SAC (Site Code 000210) is located 5km to the east of the site

The proposed development comprises of domestic alterations 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

### **2.2. Principle of Development**

2.2.1. The proposed development site is located within an area designated with zoning objective Z2, in the Dublin City Development Plan 2022-2028. Zoning objective Z2 seeks *'To protect and/or improve the amenities of residential conservation areas'*

2.2.2. Having regard to the above zoning objective, I consider that the principle of the proposed residential extension which comprises of an attic conversion with roof dormer at this location is acceptable.

### **2.3. Visual Amenities**

- 2.3.1. The only proposed external modifications which will result as a consequence of the proposed development are to the rear roof profile of the existing dwelling on site.
- 2.3.2. The proposed dormer has a box type profile and is formed with a zinc exterior cladding. The drawings submitted show that the proposed dormer is marginally set down from the ridge of the roof by 150mm. The dormer is 2.4 metres wide.
- 2.3.3. The proposed attic room is for the purposes of storage, an office and a WC.
- 2.3.4. I refer to guidance with respect to roof dormers as set out in Appendix 18 of Volume 2 of the Dublin City Development Plan 2022-2028 and in particular table 18.1 which sets out recommendations for dormer windows. In this regard the table states that dormers;
- Be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible.
  - Relate to the shape, size, position and design of the existing doors and windows on the lower floors.
  - Be set back from the eaves level to minimise their visual impact and reduce the potential for overlooking of adjoining properties
- 2.3.5. With respect to the above, I note that the window is visually subordinate to the existing roof and the drawings show that a large proportion of the roof will still be visible.
- 2.3.6. The windows on the rear elevation of the subject building are not uniform in terms of size and appearance and therefore I consider that the proposed dormer will not detract from the appearance of this elevation
- 2.3.7. The proposed dormer is set well back from the eaves.
- 2.3.8. In general therefore I consider that the proposed dormer is compliant with the guidance as set out in Appendix 18 of the statutory development plan serving the area.
- 2.3.9. I note that a similar sized dormer window was granted to the rear of 52 Casimir Road under Planning Reg. Ref. WEB1106/23

2.3.10. I also consider It would be difficult to see the dormer from the adjoining streets and as such I do not consider that the development of a dormer window on this roof profile will have a significant impact upon the visual quality of the area which I note from the statutory plan is designated as a Residential Conservation Area.

2.3.11. Having regard to the foregoing, I consider that the proposed development is acceptable in terms of visual amenities.

## **2.4. Residential Amenities**

2.4.1. This is the fundamental concern raised by the appellant whom resides in the adjoining residential unit to the south west and his garden backs onto that of the proposed development site.

2.4.2. The proposed dormer window is located approximately 15.5 metres from the rear party boundary. The appellant states that his garden is short at 7 metres long. I note from photographs submitted with the appeal that there are bamboo plants planted on the boundary which appear prolific.

2.4.3. There is at least 22.5 metres approximately between the dormer and any opposing windows (taking account of the appellants ground floor windows)

2.4.4. I refer to the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities which sets out policy with respect of separation distances between properties in Chapter 5. Policy SPPR 1 with respect of separation distances states that:

*It is a specific planning policy requirement of these Guidelines that statutory development plans shall not include an objective in respect of minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level. When considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable*



*rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces*

- 2.4.5. Having regard to the above and in particular the separation distances between opposing windows on adjacent properties and having regard to the planting on the appellants boundary, I am satisfied that overlooking is within acceptable parameters and will not significantly impact upon the residential amenities of the appellants property.

### **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 Dublin City Development Plan 2022 – 2028, would not be injurious to the visual or residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **5.0 Conditions**

1.	The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 26 <sup>th</sup> day 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.
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	<b>Reason:</b> In the interest of clarity.
2.	The attic extension hereby approved shall not be used for human habitation unless it complies with current building regulations  <b>Reason:</b> In the interests of orderly development
3.	Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.  Reason: In the interest of public health
4.	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.  <b>Reason:</b> To safeguard the residential amenities of adjoining property in the vicinity

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Andrew Hersey

Planning Inspector

28<sup>th</sup> December 2024