



An
Bord
Pleanála

Inspector's Report

321074-24

Development

Attic conversion with dormer to front roof & 2 no. dormers to rear roof to accommodate attic stairs to allow conversion of attic into non-habitable storage with roof window to front roof, all with associated ancillary works

Location

4, Woodward Avenue, Dublin 18, D18 VYX0.

Planning Authority

Dun Laoghaire-Rathdown Co. Co.

Planning Authority Reg. Ref.

D24B/0350/Web

Applicant(s)

Oguz and Selin Cam.

Type of Application

Permission.

Planning Authority Decision

Grant Permission with Conditions

Type of Appeal

First Party v Conditions

Appellant(s)

Oguz and Selin Cam.

Observer(s)

- Niamh Boden,
- Foreign, Commonwealth & Development Office.

Date of Site Inspection

05.02.2025.

Inspector

Des Johnson

1.0 Site Location and Description

- 1.1. The site is located to the north-eastern side of Glencairn House (Protected Structure) and grounds in a newly constructed development of two-storey semi-detached dwellings, c.150m to the east of Murphystown Way and c350m south-west of Leopardstown Park Hospital (on the opposite side of the M50) in Dublin 18.
- 1.2. The appeal site is towards the north-western end of Woodward Avenue. No.4 is a two-storey semi-detached dwelling with car parking space to the side. Woodward Avenue has houses on its north eastern side, and the boundary wall of Glencairn House and lands (diplomatic premises) to the south west. The houses on Woodward Avenue back on to the rear gardens of houses on Woodward View. No4. Woodward Avenue has a stated rear garden of 8.240m in length, and the separation distance to houses on Woodward View is stated to be 18.280m.
- 1.3. No.4 has 3 small windows only at first-floor level serving en-suite, stairs, and bathroom. This appears to be for the avoidance of overlooking of properties on Woodward View.
- 1.4. There are 4-storey apartments to the north west on Murphystown Way which front to the south east and overlook the property of Glencairn House and grounds.

2.0 Proposed Development

- 2.1. The proposal is for development consisting of attic conversion with dormer to front roof & 2 No. dormers to rear roof to accommodate attic stairs to allow conversion of attic into non habitable storage, with roof window to front roof, all with associated ancillary works.
- 2.2. The gross floor area of existing buildings is stated to be 149.62sqm and the gross floor area proposed is 42.12sqm.
- 2.3. The site area is stated to be 0.023ha.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 6 conditions.

3.1.1. Conditions

1. Standard compliance
2. Omission of front dormer
3. a) rear dormer windows to be reduced in scale to match the existing first floor windows in the rear elevation.
b) two rear dormers to match in scale, height and width
c) rear dormers to be set down from the ridge by 0.2m
4. Entire dwelling to be used as a single dwelling unit
5. Mud, dust, debris, and building material requirement
6. Construction hours

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's report states that 6 submissions were made contending non-compliance with the Development Plan, overshadowing and reduction of sunlight, overlooking, overbearing appearance, loss of privacy, and undue precedent. The site is zoned 'A' and the proposed development is permissible under the zoning where it would be compatible with overall policies and objectives for the zone, would not have undesirable effects, and would be consistent with the proper planning and sustainable development of the area. The rear dormers appear to be set above ridge height. The existing houses on Woodward Avenue have narrow windows at first floor level to mitigate the possibility of overlooking. The proposed rear dormer windows are inconsistent with these. Any overlooking would be minimal due to the internal layout and the proposed non-habitable storage use. Regard was had to SPPR 1 of the Sustainable Residential Development and Compact Settlements Guidelines

which allows for a separation distance of at least 16m between windows serving habitable rooms at the rear of houses. There will not be a significant negative impact on the amenity of occupiers of existing residential properties. The proposed rear dormers are modest and not overbearing in appearance subject to a reduction in scale. The front dormer would be out of character with the existing streetscape.

Other Technical Reports

Drainage Department have no objection.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

6 submissions to the Planning Authority.

4.0 Planning History

None relating to the site of No.4, Woodward Avenue.

5.0 Policy Context

- 5.1. Sustainable Residential Development & Compact Settlement Guidelines.** These are Section 28 Guidelines and set out national policy. It is a specific planning policy requirement (SPPR 1) that statutory 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.

5.2. The Dun Laoghaire-Rathdown County Development Plan 2022-2028 came into effect on 21st April 2022, and is the relevant Plan.

The site is in an area with Zoning Objective 'A' – 'to provide residential development and improve residential amenity while protecting the existing residential amenities'.

Section 12.3.7.1 refers to Alterations at Roof/Attic level. Section 12.3.7.1(iv) refers to dormer developments. It states that dormer extensions to roofs, i.e. to the front, side, and rear, will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties. The design, dimensions, and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations. Dormer extensions shall be set back from the eaves, gables and/or party boundaries. Dormer extensions should be set down from the existing ridge level so as not to read as a third storey extension at roof level to the rear. The proposed quality of materials/finishes for dormer extensions will be considered carefully as this can greatly improve their appearance. The level and type of glazing within a dormer extension should have regard to existing window treatments and fenestration of the dwelling. However, regard should also be had to size of fenestration proposed at attic level relative to adjoining residential amenities. Particular care will be taken in evaluating large, visually dominant dormer window structures, with a balance sought between quality residential amenity and the privacy of adjacent properties. Excessive overlooking of adjacent properties should be avoided.

5.3. Natural Heritage Designations

- South Dublin Bay SAC – c4.8km to the north-east
- South Dublin Bay & River Tolka River Estuary SPA & pNHA – c.4.8km to the north east
- Wicklow Mountains SAC & SPA – c.5.7km to the south west
- Rockabill to Dalkey Island SAC – c.7.9km to the east
- Dalkey Island SPA & pNHA – c.7.9km to the east.

EIA Screening

The proposed dormer extensions are not a Class of Development to which Schedule 5, Parts 1 or 2, of the Planning & Development Regulations 2000, as amended, apply.

6.0 The Appeal

6.1. Grounds of Appeal

These relate to Condition 2 and part of Condition 3, and may be summarised as follows:

Condition 2

- The ridge height is insufficient to create usable rooms without dormers. Without dormers available floor space would be significantly reduced.
- There are other front dormers within the estate at 9, Woodward Copse and 11, Woodward Way. They do not detract from the estate or streetscape.
- The house faces south and the dormer is needed to bring natural light in to the attic space.
- There would be no privacy concerns. Photos are submitted showing that the first floor windows already offers visibility into the facing property and the dormer would not alter this significantly. There are high apartment buildings nearby that already have a clear view of surrounding properties.

Condition 3

- It is accepted that the rear dormers be set down from the roof ridge and match in size. The window sizes should remain as proposed or at least match the scale of other dormers in the estate.
- The rear gardens of those raising concerns about privacy are already visible from nearby apartment buildings. These gardens are in full view from a higher vantage point than the proposed dormers (photo submitted).
- Even with the reduced window sizes, there would be insubstantial change into the living and dining areas of 3, Woodward View. Their south facing bedrooms already overlook the appellants property. Suitable size dormers are required to provide adequate light and usability for the attic space.
- The existing first floor windows are small and primarily serve bathrooms and staircases. Larger dormer windows would provide sufficient light for the rooms without unduly impacting the privacy of neighbouring properties.

6.2. Planning Authority Response

None on file.

6.3. Observations

Foreign, Commonwealth & Development Office

- The proposed front dormer would directly overlook the perimeter wall and principal entrance to the property at Glencairn diplomatic premises. The perimeter wall was deliberately constructed to ensure privacy of a high security site. The front dormer would introduce overlooking of a high security site.
- The proximity and relative orientation of the proposed development increases the level of impact
- The proposed attic space is intended solely for storage and not habitation, so omission of the dormer should be deemed suitable
- Granting permission would set a precedent along Woodward Avenue that would drastically affect the privacy and create additional challenges to the management of security at Glencairn diplomatic premises.

Niamh Boden (3, Woodward View)

- Condition 3 is required on privacy grounds.
- The proposed rear dormers should be omitted as they will overshadow the observers private open space, and will appear overbearing from her property
- Dropping the dormers 0.2 below the ridge will not prevent overshadowing and the overbearing impact, which will be of a 3-storey building
- The separation distance of 22m does not exist.
- The separation distance between the proposed development and opposing windows at No.3 Woodward View is 18.280m. It is only 8.240m away from the shared boundaries. There will be overlooking of bedrooms and kitchen dining and family room.
- The zoning objective for the area is 'A' to provide residential development and improve residential amenity while protecting existing residential amenities. The proposed development does not comply with this objective.

- The design, dimensions, and bulk of the proposal relative to the existing dwelling and short rear garden should be a consideration.

6.4. Further Responses

None on file.

7.0 Assessment

7.1. This is a 1st Party appeal against two conditions (2 and part of 3) of permission granted under Reg Ref: D24B/0350/WEB. There are two separate observations relating to the conditions, and the 1st party appeal. The proposed development is for front and two rear dormers as part of an attic conversion to create non habitable storage. The site is in an area zoned 'A' with the objective 'to provide residential development and improve residential amenity while protecting the existing residential amenities'. The proposed attic conversion development is permissible in principle under the zoning objective. In these circumstances, I recommend that the appeal be considered under Section 139 of the Planning and Development Act 2000, as amended.

7.2. Condition No.2 reads as follows:

The proposed dormer to the front of the dwelling shall be omitted from the proposed development.

REASON: In the interest of visual and residential amenity

The proposed front dormer with window faces south west towards the Glencairn property. It would have a metal cladding finish. The submitted drawings show the dormer the same height as the existing ridge and linking with a rear dormer of the same height. It would provide light for an attic conversion providing non-habitable storage. There are no other front dormers along this stretch of Woodward Avenue, but there are front dormers (below the ridge line) to nearby similar residential properties to the south east.

7.3. The 1st party contends that the ridge height is insufficient to create usable room without dormers, and that without dormers the floor space would be significantly reduced. The observers question the need for dormers for non-habitable storage

space, and contend that the proposed development would result in overlooking of a high security diplomatic property.

7.4. Glencairn property is overlooked by the nearby apartments, and can also be overlooked by the first-floor windows in the appeal premises. The proposed dormer is to provide light to non-habitable attic space. In these circumstances, I do not consider that the proposed development would cause excessive overlooking.

7.5. I consider that the proposed design, with front dormer at ridge level, would be seriously injurious to the visual amenities of the area and that condition 2 should be retained.

N.B. In the event of the Board deciding that the front dormer may be retained, I recommend that Condition 2 be amended requiring that the dormer be set down from the ridge level of the roof by 0.2m.

7.6. Condition 3 reads as follows:

Prior to the commencement of development on site, the Applicant shall submit for the written agreement of the Planning Authority, fully detailed and dimensioned revised drawings showing the proposed rear dormers modified as follows: a) The windows to the rear dormer reduced in scale, to match the heights and widths of existing, first-floor windows below on the main rear elevation. b) The two rear dormers matching in scale, height and width. c) The proposed dormers to the rear set down from the ridge level of the roof by 0.2m.

REASON: In the interest of visual and residential amenity.

7.7. The 1st Party accepts that the rear dormers be set down from the roof ridge and that the dormers match in size. They argue that the window sizes should remain as proposed or at least match the scale of other dormers in the estate. The 1st party contends that the rear gardens of the observers are already overlooked by the apartments at a higher level. I note that a four-storey apartment block does look south east over the rear gardens of dwellings on Woodward View

7.8. The existing houses on Woodward Avenue are designed with three windows at first-floor level serving en-suite, stairs, and bathroom respectively. The potential for overlooking from these windows to the rear gardens of Woodward View is significantly minimised by this design.

- 7.9. The observers contend that the proposed dormers would give rise to overshadowing and loss of sunlight to residential properties in the vicinity. I consider that, having regard to the design of the dormers and their orientation, no serious overshadowing or loss of sunlight would occur. The observers contend that the proposed rear dormers would be visually overbearing. I consider that the dormers would effectively create a three-storey appearance and be injurious to the visual amenities of property in the vicinity. The visual prominence of the dormers would be reduced by requiring the dormers to be set down from the ridge by 0.2m, as required in Condition 3.
- 7.10. The observers state that the proposed development would give rise to overlooking of the Kitchen/Dining/Family room of No.3 Woodward View.
- 7.11. The proposed dormers would provide light to non-habitable attic rooms. The separation distance between the proposed development and opposing windows at No.3 Woodward View is 18.280m. SPPR1 of the Sustainable Residential Development & Compact Settlement Guidelines requires that statutory development plans not include an objective in respect of minimum separation distances that exceed 16m between opposing windows serving habitable rooms at the rear of dwellings. When considering a planning application for residential development, a separation distance of at least 16m is to be maintained, but separation distances below 16m may be considered where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent overlooking of habitable rooms and private amenity spaces.
- 7.12. I consider that the proposed dormer windows (effectively at 2nd floor level), because of their design would seriously overlook the rear of properties on Woodward View. For this reason, I recommend the retention of Condition 3 in its entirety.

8.0 AA Screening

- 8.1. I have considered the permitted development 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, separated from designated European sites as detailed in Section 5 of this report. The proposed development consists of the construction of attic conversion with dormer extensions to provide lighting for non-habitable rooms. No nature conservation concerns are raised. Having regard to the

nature and scale of development, location in an existing residential area, and separation from and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act 2000, as amended to

(a) attach condition number 2 and the reason therefor

(b) attach condition number 3 and the reason therefor.

Reasons and Considerations

Having regard to the residential zoning as out in the Dun-Laoghaire-Rathdown County Development Plan 2022-2028, the pattern of development in the area, and the location with respect to existing property in the vicinity, it is considered that the design of the proposed front dormer is excessive and would be out of character with existing development on Woodward Avenue, and the two dormers to the rear of the dwelling, as proposed, are excessive in scale and window design, and would seriously overlook property the rear of properties on Woodward View.

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.

Des Johnson
Planning Inspector

20 February 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	321074-24		
Proposed Development Summary	Attic conversion		
Development Address	4, Woodward Avenue, Dublin 18, D18 VYX0.		
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	Yes	
	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)?			
Yes			
No	No		
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No	Tick/or leave blank		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			

No	Tick/or leave blank	Screening determination remains as above (Q1 to Q4)
Yes	Tick/or leave blank	Screening Determination required

Inspector: _____ **Date:** _____