



An
Bord
Pleanála

Inspector's Report

321125-24

Development

Conversion of existing attic space comprising of modifications of existing roof structure, new access stairs, roof windows to the front and flat dormer roof to the rear.

Location

14, Thornberry Close, Woodside, Stepside, Dublin 18, D18 V9X8.

Planning Authority

Dun Laoghaire Rathdown Co. Co.

Planning Authority Reg. Ref.

D24B/0362/WEB

Applicant(s)

Brian Hannon.

Type of Application

Permission.

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant(s)

Melissa Moloney

Observer(s)

None.

Date of Site Inspection

5th February 2025.

Inspector

Des Johnson

Site Location and Description

- 1.1. The site is located in Stepside, Dublin 18. It is in a modern housing development (Belmont) on the northern side of Thornberry Close, off Atkinson Drive.
- 1.2. No.14 Thornberry Close is a large two-storey, semi-detached dwelling incorporating carport. It has a steep roof profile. The rear garden of No.14 backs on to the rear garden of No.3 Hyde Road. No.3 Hyde Road property is at right angles (facing east) to the appeal premises which fronts to the south. No.5, Darley Lane (appellant) is separated from the rear garden wall of 3, Hyde Road by a short access, and fronts northwards with a rear garden facing south, south east.
- 1.3. No.12 Thornberry Close has a dormer extension to the rear.

2.0 Proposed Development

- 2.1. The proposal is for the conversion of existing attic space comprising modification of existing roof structure, new access stairs, roof windows to the front and flat roof dormer to the rear.
- 2.2. The gross floor area of existing buildings is stated to be 118.44sqm, the gross floor area of proposed works is stated to be 37.68sqm, and the site area is stated to be 0.017ha.

3.0 Planning Authority Decision

3.1. Decision

Planning Authority decided to grant permission subject to 6 conditions.

3.1.1. Conditions

The conditions relate to the following:

1. Standard compliance
2. Glazing requirements

3. Velux rooflight requirements
4. Entire dwelling to be used as a single dwelling unit
5. Mud, dirt, debris or building material requirements
6. Hours of construction

3.2. Planning Authority Reports

- 3.2.1. Planner's report states that the site is zoned 'A' with the objective *to provide residential development and improve residential amenity while protecting the existing residential amenities*. Extensions to existing dwellings are permitted in principle. The separating distance between the proposed dormers and the nearest 1st floor windows to the rear is c.20m. This is considered sufficient as windows are not directly opposing. There would be no significant overlooking, overshadowing or overbearing appearance. Two submissions were received and considered relating to overshadowing, overlooking, overbearing appearance, visual obtrusion, and out of character with existing development in the area.
- 3.2.2. Drainage Report – no objection.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

D23B/0397 – Permission granted at 11, Thornberry Close for conversion of existing attic space comprising modification of existing roof structure, new access stairs, roof windows to front and flat dormer to the rear.

ABP 311515-21 – Permission granted on appeal for development comprising attic conversion for two bedrooms with rear dormer window, rear single storey extension. Three Velux windows to the front at 12, Thornberry Close.

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. Development Plan

The Dun Laoghaire-Rathdown County Development Plan 2022-2028 came onto effect on 21.04.2022 and is the relevant Plan.

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.

Section 12.3.7.1 (iv) refers to Alterations at Roof/Attic Level: It refers to dormer extensions to roofs, i.e. to the front, side, and rear, and states that they 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 to not read as a third storey extension at roof level to the rear.

5.3. Natural Heritage Designations

- Wicklow Mountains SAC – c.5km to East

- Wicklow Mountains SPA – c. 5km to East
- South Dublin Bay SAC – c. 5.3km to South West
- South Dublin Bay & Tolka River Estuary SPA – c. 5.3km to South West

Environmental Impact Assessment

- 5.4. The proposed development is not of a Class contained in Schedule 5 and, as such, the need for screening or EIA does not arise.

6.0 The Appeal

6.1. Grounds of Appeal

These are submitted by the occupants of 5, Darley Lane, and may be summarised as follows:

- A similar extension with fewer dormer windows was refused under Reference D23B/0559
- The proposed extension is not in keeping with the existing character and form of the house, and adjacent properties. Other attic conversions have been completed with Velux windows.
- There would be a loss of privacy for four properties. There would be significant negative impacts on surrounding residential amenities, including the appellants garden.
- The proposed windows would not be in keeping with existing windows. The houses on Thornberry Close were originally designed so that all the rear windows above ground level were shower/bathroom windows with frosted/opaque glazing to prevent overlooking.
- The proposed development, due to its overbearing size, overlooking, and perceived overlooking, would significantly depreciate the value of adjacent properties.

The grounds of appeal include a copy of the submission to the Planning Authority.

6.2. Applicant Response

This may be summarised as follows:

- The proposed development complies with the Planning Authority's guidelines and is similar to other applications permitted within Thornberry Estate.

- The attic conversion at No.12 is located a similar distance from 5, Darley Lane but no observation or appeal was lodged in relation to that property.

6.3. **Planning Authority Response**

The grounds of appeal do not raise any new matters that would justify a change of attitude to the proposed development.

6.4. **Observations**

None.

6.5. **Further Responses**

None.

7.0 **Assessment**

7.1. The proposal is for the conversion of existing attic space comprising modification of existing roof structure, new access stairs, roof windows to the front and flat roof dormer to the rear. The gross floor area of existing buildings is stated to be 118.44sqm, the gross floor area of proposed works is stated to be 37.68sqm, and the site area is stated to be 0.017ha.

7.2. I consider that the key issues to be addressed are as follows:

- Policy Issues
- Residential and Visual Amenity
- Devaluation
- Appropriate Assessment

Policy Issues

7.3. National policy is set out in the *Sustainable Residential Development & Compact Settlement Guidelines*. These are Section 28 Guidelines. SPPR1 states that, in considering a planning application for residential development, a separation distance of at least 16m between opposing windows should be provided but that separation

distances of less than 16m may be considered acceptable 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. I submit that in the case of the proposed development there are no directly opposing windows serving habitable rooms, with the site of No.5 Darley Lane staggered relative to the rear of the appeal premises and a separation distance of c.20m.

7.4. The Dun Laoghaire-Rathdown County Development Plan 2022-2028 (CDP) is the operable Plan. The site is in an area zoned 'A' with the objective to provide residential development and improve residential amenity while protecting existing residential amenities. The CDP states that dormer extensions will be considered with regard to impacts on the privacy of adjacent properties. In principle, dormer extensions are permissible in 'A' zones areas.

7.5. I consider that, in principle, the proposed development is acceptable on policy grounds.

Residential and Visual Amenities

7.6. The existing pattern of development includes a dormer extension to No.12 Thornberry Close. This extension has 3 windows facing north and to the rear of houses on Darley Lane. The houses on Darley Lane follow the curvature of the road and are not straight-on back to back with the houses on Thornberry Close. Overlooking occurs to varying degrees as the houses on Darley Lane and Thornberry Close are at a slight angle to each other.

7.7. The appeal premises is designed with two windows at first floor level to the rear. These windows serve an en-suite and bathroom respectively, reducing the potential for overlooking of surrounding properties. The proposed development would have 3 windows at second floor level with standard glazing. This would greatly increase the potential for the overlooking of surrounding property. To reduce the potential for overlooking, I recommend that the central of the 3 windows proposed, which provides lighting for the proposed stairs, should be fixed and fitted with obscure glazing, and that the other 2 windows should be redesigned so that they are fitted

with obscured glazing on the lower half of each panel. This would protect the privacy of surrounding properties.

- 7.8. The appellant contends that the proposed development is not in keeping with the character and form of the dwelling. The applicant states that the development is similar to other similar developments in the estate. I submit that there are other similar forms of development, including No.12, and that the proposed development would not be injurious to the character and form of the existing dwelling, or injurious to the visual amenities of the area.

Devaluation of Property

- 7.9. The grounds of appeal contend that the proposed development would give rise to the devaluation of adjacent property. I submit that no convincing evidence has been submitted to support this contention. Based on the information on the file, and having regard to the existing pattern of development in the vicinity, I conclude that there is no basis to conclude that the proposed dormer would devalue property in the vicinity.

8.0 AA Screening

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 a first-floor extension to an existing single storey, detached dwelling. 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

- 9.1. I recommend that planning permission be granted.

10.0 Reasons and Considerations

Having regard to the nature and scale of the development, the zoning for the site as set out in the Dun Laoghaire-Rathdown County Development Plan 2022-2028, and the existing pattern of development in the area, it is considered that the proposed development, subject to compliance with the attached conditions, is consistent with the provisions of the Development Plan, would not be seriously injurious to the residential or visual amenities of the area, and would 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, particulars and specifications submitted with the application to the planning authority, save as may 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 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 to ensure a proper standard of development.</p>
3.	<p>Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, as amended, no development falling within Classes 1, 3 or 5 of those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.</p>

	Reason: In the interest of orderly development, and to allow the planning authority to assess the impact of any such development on the amenities of the area.
4.	<p>The central proposed window at attic level, providing light to the stairs, shall be fixed, and fitted with obscure glazing. The other two windows at attic level shall be fitted with obscured glazing on the lower half of each panel. Details of the design of these windows shall be agreed with the planning authority.</p> <p>Reason: in the interest of protecting the residential amenity and privacy of surrounding dwellings.</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.

Des Johnson
Planning Inspector

20 February 2025.

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	321125-24		
Proposed Development Summary	Attic conversion		
Development Address	14, Thornberry Close, Woodside, Stepside, Dublin 18, D18 V9X8		
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:** _____