



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321400-24

<b>Development</b>	Conversion of attic space and modification of existing roof structure.
<b>Location</b>	88 Barton Drive, Rathfarnham, Dublin 14, D14 WV96.
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD24B/0428W
<b>Applicants</b>	Seamus and Fiona Kelly
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Thomas & Joanne Sheedy
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	1 <sup>st</sup> February 2025.
<b>Inspector</b>	Peter Nelson

## **1.0 Site Location and Description**

- 1.1. The site is located on the northern side of Barton Drive. This section of Barton Drive is a cul-de-sac and is located approximately 1.5km from Rathfarnham Village. Barton Drive contains two-storey, semi-detached dwellings with off-street parking. Many of the properties, including the appeal site, have been extended to the side on the first floor. I note that No. 95 has a side dormer extension and No. 92 has a recently constructed half hip roof profile extension.
- 1.2. The application has a stated site area of 0.046 hectares. The semi-detached dwelling on site has been extended to the side and the rear. The dwelling at present consists of four bedrooms, with a living room and an open plan family/dining/Kitchen area to the rear in a new extension. The rear garden is just under 30 meters in length. No.86, directly adjoining to the west, and No.90, adjoining to the east, both have first floor side extensions.

## **2.0 Proposed Development**

- 2.1. Permission is sought for the conversion of the attic space comprising of, modifications to the existing roof structure, raising of the existing gable to include a side window, a new flat roof dormer containing two windows, a new access stair and two new roof lights to the front roof. The proposed attic space is a single room with no specified use.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

South Dublin County Council granted permission for the proposed development on the 11<sup>th</sup> November 2024 subject to two conditions.

### **3.2. Planning Authority Report**

#### **3.2.1. Planning Report**

The main points of the planner's report signed the 11<sup>th</sup> November 2024 can be summarised as follows:

- The site is subject to zoning objective “RES” – “To protect and/or improve Residential Amenity”.
- The development of a residential extension to an existing dwelling is ‘permitted in principle’ in this zoning.
- The attic conversion is acceptable in principle.
- The dormer as proposed would, by reason of its position, accord with the provisions of the Council’s House Extension Design Guide.
- The proposed finishes would harmonise with those of the main dwellings.
- The proposal would not adversely impact on the amenities of existing adjacent properties by way of significantly increased levels of overlooking, overbearing appearance or overshadowing.
- The proposed dormer would be acceptable with regard to the visual amenities and residential amenity of the area.
- Having regard to the location of the subject dwelling, it is considered that the amended roof profile as proposed would not significantly detract from the streetscape in this instance.
- The proposed front roof lights would not detract from the subject streetscape and would not adversely impact on the amenities of adjacent properties.
- As the proposed high-level side window is to be glazed in obscure glazing it would be acceptable with regard to the visual and residential amenities of the area
- In summary, the above amendments and extensions to the subject dwelling are considered acceptable with regard to the visual and residential amenities of the area and would accord with the relevant provisions of the 2022-2028 South Dublin County Development Plan.

### 3.2.2. Other Technical Reports

- None

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

A third-party observation was received from the appellant. The main points raised can be summarised as follows:

- The proposed side window would limit future development potential of their property.
- The raising of the existing gable would be contrary the Council's House Extension Guide.
- There is no precedent for such a roof on Barton Drive.
- The drawings submitted do not include the existing extension to No.90 Barton Drive.
- The proposed development is overbearing and will create overlooking of their property.

## 4.0 Planning History

### Subject Site

#### **P.A. Ref SD16B/0068**

Permission granted on the 25<sup>th</sup> April 2016 for alterations and additions to an existing 2-storey, semi-detached dwelling, comprising of the construction of a new first floor extension to gable end, the conversion of existing garage at ground floor level, the construction of a new single storey extension to rear, together with new entrance porch roof and modifications to front elevation and all ancillary site works.

**P.A. Ref S95B/0030**

Permission granted 29<sup>th</sup> May 1995 for a rear extension and front porch including various internal and frontal modifications.

No. 92

**P.A. Ref: SD23B/0157**

Permission granted on the 13<sup>th</sup> December 2023 for an attic conversion for storage with dormer window to the rear, raised gable to the side, two Velux windows to the front roof area, single- storey extension to the front, single-storey extension to the side, garage conversion for extended living. new shed to the rear, four new roof windows to the front and side single storey area and a new gable window.

## **5.0 Policy Context**

### **5.1. Development Plan**

The South Dublin County Development Plan 2022-2028 is the operational plan for the area. It came into effect on the 3<sup>rd</sup> August 2022.

The site is zoned 'RES', which seeks "To protect and/or improve residential amenity".

#### **Relevant Policies and Objectives:**

- **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 amenities and compliance with the standards set out in Chapter 12: Implementation and Monitoring and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

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

This guide supplements the policies and guidance of the CDP and addresses the design of front, side, rear, attic/dormer extensions and hipped roof alterations. 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. 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.

## **5.2. Natural Heritage Designations**

The appeal site is not located in or immediately adjacent to a designated European Site.

## **5.3. EIA Screening**

Having regard to the limited size 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 main points of the third-party appeal can be summarised as follows.

- The proposed development does not fulfil the protection of residential and visual amenities as required under Development Plan Policy H14.
- There is no example of a raised gable on Barton Drive.

- The proposed roof extension is not in keeping with the streetscape character of Barton Drive.
- The half hip roof extension on No.92 Barton Drive is not a comparable example as it has no side extension.
- The raised gable would negatively impact on any future development of the appellant's property, especially an attic conversion.
- The proposed development does not fulfil the promotion of high standard of privacy.
- The proposed dormer extension and windows will have a serious impact on the appellant's sense of privacy and sense of being overlooked in their main living area.
- The proposed side gable window will limit future development to the appellant's property as any dormer window to allow for internal stairs will necessitate blocking the proposed side window.
- Guidelines for above floor side windows states that they must be at least 11m away from the boundary it faces which in this case it is not.
- Any proposed development should be designed so that it does not have a negative impact on neighbouring property.

## 6.2. **Applicant Response**

The main points of the applicant's response can be summarised as follows:

- All the council guidelines were followed.
- There are a number of house styles on Barton Drive that have been extended.
- No 90 Barton Drive has a first-floor side extension.
- The proposed development will not negatively impact the future development.
- As the dormer is set back and there will be no impact in relation to privacy and security.

### 6.3. **Planning Authority Response**

- None

### 6.4. **Observations**

- None

## 7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Impact on residential amenity of adjoining properties.
- Impact on the visual amenity of the area.

### 7.2. **Impact on the residential amenity of adjoining properties.**

- 7.2.1. The appellant considers that the proposed dormer extension and windows will have a serious impact on the appellant's sense of privacy and sense of being overlooked in their main living area which has a skylight.
- 7.2.2. The proposed dormer window will create overlooking to the rear of the adjoining properties; however, this will be similar to the available overlooking from the first-floor windows. Mutual overlooking of the rear of the properties is to be expected in urban areas. I do not consider that the introduction of dormer windows will significantly increase overlooking of the adjoining rear amenity space.
- 7.2.3. The proposed dormer windows are set back from the existing eaves. I also do not consider that there will be a significant increase in overlooking of the sky light to the living room of No.90 Barton Drive.
- 7.2.4. The appellant states that the raised gable would negatively impact on any future development of the appellant's property, especially an attic conversion. There is a parapet wall between the first-floor extensions of the subject site and No.90. I do not



consider that the raised gable would prevent an attic conversion to No.90. A window is proposed in the side gable. As this window is on the site boundary, I do consider that this may limit design options for No.90 if they were to alter their roof profile. If the board is minded to grant permission, I recommend that a condition be attached omitting the side gable window.

### **7.3. Impact on the visual amenity of the area.**

- 7.3.1. The appellant contends that the proposed roof extension is not in keeping with the streetscape character of Barton Drive and it would be contrary to Development Plan Policy H14.
- 7.3.2. It is the policy as contained in H14 of the council to favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in the South Dublin County Council House Extension Design Guide, 2010. The guidance document states that dormer windows should be below the ridge line of the roof. It can be seen from the side elevation (Dwg, No. D-11) that the dormer is set marginally below the existing roof ridge line.
- 7.3.3. The guidelines recommend that a dormer window is set back at least three tile courses from the eaves line. It can be seen from the rear elevation (Dwg, No. D-10) that the proposed rear dormer is set back from the existing eaves level by more than three tile courses.
- 7.3.4. The guidelines state 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.
- 7.3.5. Many of the properties on Barton Drive have first floor side extensions with a variety of roof types. I note that No.92 which the appellant points out is an end of terrace has a newly constructed half hip roof extension. I also note that No.95 has a side dormer extension.
- 7.3.6. Also of note is the existing raised parapet between the first-floor extension of the subject site and No.90.

- 7.3.7. With the variety of alterations to the roof profiles along Barton Drive I therefore do not consider that this half-hipped roof will be visually prominent or will be out of character with the streetscape of Barton Drive
- 7.3.8. As the appeal site is not visually prominent in any way, and as there are a variety of extensions in the wider area, I consider that proposed altered roof profile is acceptable and will not be seriously harmful to the visual amenity of the area.

## **8.0 AA Screening**

- 8.1. I have considered the proposed conversion of attic and modification to existing roof structure in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The subject site is not located within nor within close proximity to a European Site.
- 8.3. The proposed development comprises of the conversion of the attic space and alteration to the existing roof, including a dormer window extension.
- 8.4. No nature conservation concerns were raised in the planning appeal.
- 8.5. 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:
- Nature of works e.g. small scale and nature of the development
  - Location-distance from nearest European site and lack of connections
- 8.6. 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.
- 8.7. 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**

Having regard to the above, it is recommended that planning permission be granted subject to conditions for the reasons and considerations set out below.

## **10.0 Reasons and Considerations**

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. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

- (a) The proposed window on the side gable shall be omitted.

Reason: In the interests of residential amenity.

3. 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.

Reason: To safeguard the amenity of property in the vicinity

4. 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.

Reason: In the interest of public health.

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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Peter Nelson  
Planning Inspector

4<sup>th</sup> February 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	321400-24		
<b>Proposed Development</b> <b>Summary</b>	Conversion of attic space and modification of existing roof.		
<b>Development Address</b>	88 Barton Drive, Rathfarnham, Dublin 14, D14 WV96		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	<b>X</b>
		<b>No</b>	Tick if relevant. No further action required
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>		State the Class here.	Proceed to Q3.
<b>No</b>	<b>X</b>		<b>No further action required</b>
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
<b>No</b>	Tick/or leave blank		Proceed to Q4

<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	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)

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	Tick/or leave blank	<b>Screening determination remains as above (Q1 to Q4)</b>
	Tick/or leave blank	<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_