



An
Coimisiún
Pleanála

Inspector's Report

ACP 323133-25

Development

Replace 3 no. velux windows rooflights with a dormer roof extension with 3 no. windows, minor alterations to internal layout of dwelling, new wc at first floor and 4 no. solar panels to the rear roof and associated works.

Location

Portelet, 2 Ulverton Close, Dalkey. Co Dublin.

Planning Authority

Dun Laoghaire-Rathdown County Council

Planning Authority Reg. Ref.

D25B/0257/WEB

Applicant(s)

Mary Basquille.

Type of Application

Permission.

Planning Authority Decision

To Grant Permission

Type of Appeal

Third Party

Appellant(s)

Edward & Sine Dunne.

Observer(s)

None.

Date of Site Inspection

September 18thth, 2025.

Inspector

Breda Gannon.

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1.0 Site Location and Description

The site is located at 2 Ulverton Close, Dalkey. Co. Dublin. It accommodates a two-storey semi-detached dwelling with a single storey section on its west side. The house is set back from the public road, with a small open area to the front and an enclosed garden to the rear. The site shares a common boundary with Ulverton Lodge to the west, and No's 37 & 39 Ulverton Road to the east. The site boundaries are formed by concrete/stone walls, some of which are back planted with vegetation. Ulverton Lodge is accessed by a laneway that runs along the side of No 33 Ulverton Road and to the rear of the site.

The area is residential in character consisting of older uniform terraces interspersed with parapet fronted single-storey dwellings along Ulverton Road. In contrast, Ulverton Close which forms a cul-de-sac off Ulverton Road, accommodates more contemporary dwellings of varying scale, design and finish.

2.0 Proposed Development

The development as described in the public notices submitted with the application proposes the following:

- to replace 3 no. existing velux rooflights with a dormer extension with 3 no. windows,
- minor alterations to the internal layout of the dwelling, new wc at first floor,
- 4 no solar panels to the rear, and
- associated works.

3.0 Planning Authority Decision

3.1 Decision

The planning authority decided to grant permission for the development subject to 2 no. conditions:

Condition No 1: Development to be carried out in accordance with submitted plans and particulars.

Condition No 2: First floor bathroom window to be fitted and permanently maintained with opaque glass.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning officer notes that the site is subject to zoning objective 'A' under which residential development, including extensions to existing dwellings, is permitted in principle.

The provision of solar panels is consistent with the aim of reducing greenhouse gas emissions outlined in Chapter 3 of the Plan.

The dormer would be large in scale but is subordinate to the overall roof profile. The materials and finishes proposed are considered to match those of the existing dwelling. The roof design is not expected to have any significant visual impact when viewed from surrounding properties.

The proposed windows are orientated towards the rear garden of the site. Large vegetation and trees obscure vision into lands to the rear. The proposed dormer would be at least 14m from the rear boundary and no direct overlooking will arise. There may be some oblique views of neighbouring property to the side, these are not deemed unusual in a suburban environment and are not considered to result in negative impacts on residential amenity. The obscuring of the proposed bathroom window will address any perceived overlooking into neighbouring property.

It is not considered that the proposed dormer would result in any increased overshadowing of neighbouring properties as the overall height of the dwelling will not increase. The proposed works are considered appropriate in terms of the residential and visual amenities of the area.

The proposed development would not result in any significant impacts on the ACA. The site is located outside the ACA and the development would not be visible from the streetscape of Ulverton Road. The existing dwelling is contemporary in nature and does not follow the architectural character of the ACA.

3.2.2. Other Technical Reports

None.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

A submission was received from the appellants which raises similar issues to those raised in the appeal.

A submission was also received from Siobhan & Paul Mc Dermott who reside at No 33 Ulverton Road. Whilst not directly adjoining the appeal site, they raised issues regarding the impact of the development on the visual character of the area, impacts on the ACA, potential loss of privacy to surrounding gardens and precedent.

4.0 Planning History

No details of any relevant planning history relating to the site have been forwarded by the planning authority.

5.0 Policy Context

5.1 Development Plan

The operative development plan is the **Dun Laoghaire-Rathdown County Development Plan 2022-2028**.

The site is located in an area zoned A (Map 4) with the following objective:

‘To provide residential development and improve residential amenity while protecting the existing residential amenities’

The site is located with Dalkey Architectural Conservation Area ACA. The following is relevant:

Policy Objective HER13: Architectural Conservation Area-seeks to protect the character and special interest of such areas and ensure that all development proposals are appropriate to their character.

Chapter 12 sets out Development Management standards.

Section 12.11.4 sets out the requirements relating to new development within an ACA.

Section 12.3.7(iv) Sets out standards for Alterations at Roof/Attic level

5.2. Architectural Heritage Protection, Guidelines for Planning Authorities (2011) .

Section 13.8 of the Guidelines refers to development affecting an Architectural Conservation Area. It advises that applications for development outside on ACA and which have the potential to impact on their character, should be given similar consideration as proposed development within attendant grounds.

The extent of the potential impact of proposals will depend on the location of the new works and the character and quality of the ACA. Proposals should not have an adverse effect on the character of the ACA.

5.3. Natural Heritage Designations

The site is not located within or proximate to a European site. The closest European sites are as follows:

- Dalkey Island SPA (Site code: 004172), located off the coast, c.1km to the south east.
- Rockabill to Dalkey Island SAC (Site code 003000), located off the coast c 1km to the east/south east.

6.0 EIA Screening

The development is not of 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 (or Part V of the 1994 Roads Regulations). 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 this report.

7.0 The Appeal

7.1 Grounds of Appeal

The appellants reside at No. 37 Ulverton Road, a property that adjoins the appeal site to the rear. The grounds of appeal are summarised as follows:

- Non-compliance with Section 12.3.7.1 (iv) of the development plan which results in a dormer that is not visually subordinate and appears as a dominant feature of the roof.
- The excessive bulk of the dormer is inconsistent with the intent of Section 12.3.7.1(iv). The planner cites a setback of c 0.35m from the eaves and 0.4m from the roof edge. While the set back is acknowledged it is minimal, and the dormer's bulk remains visually significant.
- With a height of c 1.5 to 1.7m and spanning the full width of the rear slope, the structure's visual mass is not effectively mitigated.
- The development plan (section 12.3.7.1(iv)) requires that *'particular care be taken in evaluating large, visually dominant dormer window structures, with a balance sought between quality residential amenity and the privacy of adjacent properties.'*
- The proposed site layout plan shows the dormer to be c 3m from the rear garden boundary of No 37 Ulverton Road. The presence of three rear-facing windows introduces direct overlooking into the private rear garden, creating a material loss of amenity.
- The proposal is for 'three additional windows to replace 3 velux windows' This is inconsistent with drawing 0007, which proposes six additional glass panes with a large expanse of glass.
- The drawing submitted by the applicant (0002) suggests that the lower Velux windows at No 2 Ulverton Close are already larger than those at No 1, which is inaccurate. While this may appear minor, it is another example of how the drawings are presented to downplay the impact of the development.
- It is understood that Nos 1 and 2 Ulverton Close were designed without dormers to avoid overlooking, as the rear view from the second floors would have been directly overlooking the entire length of No 37's garden. This design logic is now being overridden without sufficient justification.

- The frosted glazing (to bathroom) alone does not adequately address concerns regarding overlooking and visual dominance.
- The proposal is inconsistent with Policy HER 13, as it fails to preserve the setting and roofscape coherence of the ACA.
- Policy Objective HER 13 refers explicitly to area immediately adjoining the ACA. The dormer would be clearly visible from the rear garden and upper rooms of No 37 and No 33 Ulverton Road, which lie within the Dalkey ACA.
- The structure would also be visible from the laneway referenced in the Dalkey ACA Statement (pgs 25-27).
- The proposal is inconsistent with Policy PHP20 and was not assessed in relation to the correct adjoining property (No 37 Ulverton Road). Ulverton Lodge is also not listed as part of the site boundary. No sunlight/daylight, shadow or visual impact assessments were submitted.
- There is no separation or screening between the dormer and the primary rear garden space of No 37. There is a direct line of sight to the proposed large dormer from the garden and the first-floor living room of No 37. The assessment of impacts on the property is materially flawed due to reliance on inaccurate contextual information.
- The development is inconsistent with established planning precedent and poses a cumulative precedent risk. It would also set a precedent for No 1 Ulverton Close.
- Several precedent decisions by ABP reinforce refusal in comparable cases (ABP 321856-25, ABP 301322-18 and ABP 306761-20). While issues relating to precedent were raised in the original submission these were not addressed in the planner's report.
- Requests that the Coimisiún overturns the planning authority's decision to grant permission on the grounds that it materially contravenes the policies of the development plan, adversely affects residential amenity and creates an undesirable precedent for further similar development in the area.

7.2. Applicant Response

None.

7.3. Planning Authority Response

The Planning Authority refers the Coimisiún to the planning officer's report. It is not considered that the grounds of appeal raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

7.4. Observations

None.

8.0 Assessment

8.1. Introduction

Having examined all the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site and its environs, and having regard to the relevant national and local policies and guidance, I consider the substantive issues to be considered in this appeal relate to the following:

- impacts on visual and residential amenities
- impacts on Dalkey ACA, and
- precedent.

8.2 Impacts on residential and visual amenities

The appellants reside at No 37 Ulverton Road to the east and a substantial part of their rear garden shares a common boundary with the appeal site. There is a bay window at first floor level facing the appeal site. I was unable to gain access to the rear of appellants property at the time of inspection. However, there are photographs showing views from the rear garden attached to the appeal. I did gain access the appeal site and was able to assess impacts on adjoining property from the existing velux windows at first floor level, and potential impacts from the proposed dormer extension.

Ulverton Lodge, a substantial detached dwelling on a large site faces south with a gable facing the appeal site. Views in both directions are screened by existing vegetation.

The development plan (Section 12.3.7.1(iv)) is positively disposed to alterations at roof level/expansion of the main roof profile, subject to considerations relating to impacts on the existing character and form, and the privacy of adjacent dwellings.

The appellants main concern is associated with the dormer extension. It is their contention that the mass and bulky of the extension would be excessive and form a dominant feature within the roof space, which would not be visually subordinate.

While the dormer extension will occupy a substantial part of the overall roof space, it accords with the requirements of the development plan in that it will be set down from the ridge line and set back from the eaves and gables of the house. The materials and finishes proposed will match those of the existing dwelling, which will minimise its visual impact.

The proposal would change the outlook from appellants property, however, I do not accept that it would be excessively dominant. The extension would be contained within the existing roof space and while it will alter its profile, I consider that it can be accommodated without resulting in significant adverse visual impacts when viewed from adjoining properties.

The existing velux roof lights are large and located close to floor level. This provides greater potential for overlooking than would normally be associated with rooflights positioned at a higher level. However, I observed that the direct line of sight is south and into the rear garden of the appeal site. There are limited oblique views towards adjoining properties on either side.

The appellants are incorrect in stating that the development would bring the dormer to c 3m from their rear garden boundary. It would bring the windows marginally forward on the roof and provide a larger glazed area. The windows would be positioned vertically rather than embedded within the roof. Having regard to the marginal reduction in the separation distance to appellants property and the oblique nature of potential views, I do not consider that there would be a significant diminution of appellants residential amenity. Furthermore, I am cognisant that the

proposal is located in a built-up suburban area, where, as noted by the planning officer, a degree level of overlooking is not unusual. I would also accept that the attachment of a condition requiring that the bathroom window be fitted and permanently maintained with obscure glass would further mitigate the potential for overlooking from the window closest to the boundary.

As noted by the appellants the proposal will not result in any increase in floor area. Its main advantage is that it will provide additional headspace. This would significantly improve the quality of the first-floor accommodation and the overall residential amenity of the dwelling. I consider that this can be achieved without impacting on the privacy or amenity of adjacent dwellings.

Having regard to the location and extent of the dormer extension, there would be no significant increase in overshadowing which would impact of the residential amenity to adjacent properties.

I would point out to the Coimisiún that Policy Objective PHP 20 referred to in the appeal relates to the protection of residential amenity of existing houses in the built up area where they are adjacent to proposed higher density and greater height infill developments, which is not directly applicable to the subject site.

8.3 Impact on Dalkey ACA

The Dalkey Village ACA encompasses a substantial area and includes a large number of streets and thoroughfares, including parts of Ulverton Road. The boundary is delineated on Zoning Map 4 and Section 11.4.2 of the development plan notes that appraisals of each ACA can be accessed online.

Ulverton Road is described as a wide 19th century thoroughfare running on a north-south axis, with a varied building typology. The existence of mid-19th century villa style cottages to the south which display typical characteristics of houses from this period is noted. There is also reference to the larger in scale No's 31 & 33, a pair of semi-detached two-storey rendered houses dating back to the 1880's and the narrow laneway adjacent to No. 33 which provides access to Ulverton Lodge.

The dwellings fronting onto Ulverton Road close to the site (which includes appellants) and Ulverton Lodge to the west are within the ACA. While the rear of the properties are included within the ACA, this would appear to be designed to

align with site boundaries rather than an expression of any architectural quality or character. Most buildings within an ACA are important in the context of their contribution to the streetscape or character of the area. The special interest of the ACA in the vicinity of the site is associated with the uniformity and character of the buildings on Ulverton Road and their intrinsic qualities. In contrast, the dwellings in Ulverton Close are more modern and varied in terms of scale, design and finish and would not be considered to have special architectural interest or character which would contribute to the character of the ACA.

The proposed dormer and solar panels will not be visible from the public realm or streetscapes within the ACA. While the development would be visible from the rear of a limited number of properties, and from the laneway providing access to Ulverton Lodge, there will be no material alteration that would impact on street facing elevations within the ACA. Therefore, I would concur with the planning authority that the proposed development would not detract from the special character, quality, interest, or setting of the ACA. The proposed development would not, therefore, be contrary to Policy Objective HER 13 of the development plan.

8.4 **Precedent**

The appellants refer to a number of An Coimisiún decisions, stating that it has consistently refused applications involving dominant roof structures and privacy loss, especially near ACA boundaries.

ABP 321856-25 relates to ABP's decision to refuse permission for the erection of a single-storey flat roof structure to serve as a home office and gym at 4 Vesey Mews, Dun Laoghaire. In its reason for refusal the Board noted the unique design and architectural expression of the mews dwelling and its formal relationship with the main house at 4 Vesey Place, a Protected Structure. It also referenced the coherent design motif along Vesey Mews northern building line, an exemplar of the Victorian architectural style that contributed to the character and setting of the Protected Structure and the Architectural Conservation Area.

In contrast the subject site is located at the rear of a contemporary building, which is located outside the ACA and there are no Protected Structures in the vicinity. It

clearly does not match the sensitivity of the site at 4 Vesey Mews and accordingly, I would conclude that direct comparisons cannot be made between the two sites.

ABP 301322-18. In this case the Board refused permission for the retention of alterations to a dormer window and an additional 5.82 sq.m of floor area to attic conversion at 82, Dodder Park. Rathfarnham. The reason for refusal related to the height and scale of the dormer and its location breaking the eaves line of the main roof. The constructed structure continued up from the rear wall of the house and was constructed contrary to the requirements of the development plan. I would also conclude in this case that comparisons cannot be made with the subject proposal, which I consider is compliant with the development plan guidelines for dormer extensions.

ABP 306761- Involved an appeal against a condition which is not considered relevant in the context of the subject appeal.

While I recognise the appellants concerns regarding the potential for a precedent to be established for similar development, I accept that improvements to the amenity of the existing dwelling can be achieved without significant adverse impacts on the visual or residential amenities of adjoining property, or on the character or setting of the ACA. I accept that any potential future proposals for similar development must be considered on their individual merits.

9.0 AA Screening

I have considered the proposal to construct a dormer extension, solar panels and minor alteration to internal layout of dwelling and connection to services in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located at No 2 Ulverton Close. Dalkey. Co. Dublin. It is located c 1km to the north west of Dalkey Island SPA (Site code: 004172) selected for 3 no bird species (Roseate Tern, Common Tern and Arctic Tern) and c 1km west/north west of Rockabill to Dalkey Island SAC (Site code 003000) selected for 2 no habitats/species (Reefs and Harbour Porpoise)

No nature conservation issues have been raised in the appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows.

- the limited scale and nature of the development and its location within a built up area and connected to existing public services,
- the distance from the nearest European sites, and
- lack of connections.

I conclude, 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.

10.0 Water Framework Directive

The subject site is located in Dalkey. Co. Dublin.

The proposal is to provide a dormer extension, solar panels and minor alteration to internal layout of dwelling and connection to services.

No water deterioration concerns were raised in the appeal. There are no water bodies close to the site.

I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground waterbodies in order to reach good status (meaning both good chemical and ecological status), and to prevent deterioration.

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 surface water and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- the small scale and nature of the development

- The separation distance from the nearest Water Bodies and lack of hydrological connections.

Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration of any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

On the basis of the above assessment, I recommend that permission be granted for the development for the reasons and considerations set out below.

12.0 Reasons and Considerations

Having regard to the established use of the site for residential purposes, and its location outside the boundaries of the Dalkey Architectural Conservation Area, it is considered that subject to compliance with the conditions set out below, the proposed development would not impact negatively on the visual or residential amenities of the area, would not impact on the character or setting of the Architectural Conservation Area and would not, therefore, be contrary to Policy Objective HER 13 of the Dun Laoghaire-Rathdown County Development Plan 2022-2028. The proposed development would not, therefore, be contrary to the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out 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 and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interests of clarity

2. Details of the external finishes of the development to include details of materials, texture and colour shall be submitted to and agreed in writing with the planning authority prior to commencement of the development.

Reason: In the interests of visual amenity

3. The proposed bathroom window (W01) shall be permanently fitted and maintained in obscure glass

Reason: To protect the amenity of adjoining properties.

4 Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays including, between 08.00 to 14.00 on Saturdays 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/

Reason: In order to safeguard the amenities of 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.

Breda Gannon
Planning Inspector

13th, October 2025.

Appendix A: Form 1 EIA Pre-Screening

Case Reference	ACP 323133-25
Proposed Development Summary	Replace 3 no. velux windows rooflights with a dormer roof extension with 3 no. windows, minor alterations to internal layout of dwelling, new wc at first floor and 4 no. solar panels to the rear roof and associated works.
Development Address	Portelet, 2 Ulverton Close. Dalkey Co. Dublin
IN ALL CASES CHECK BOX /OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes , it is a Project.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1 . EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in <u>Part 2</u>, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed	

road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?

☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.

No Screening required.

☐ Yes, the proposed development is of a Class and meets/exceeds the threshold.

EIA is Mandatory. No Screening Required

☐ Yes, the proposed development is of a Class but is sub-threshold.

Preliminary examination required. (Form 2)

OR

If Schedule 7A information submitted proceed to Q4. (Form 3 Required)

4.Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?

Yes ☐

No ☒

Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____