



An
Coimisiún
Pleanála

Inspector's Report PL-500668-DS-26

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| Development | For the raising of the existing gable wall and forming a new roof with dormer structure to the rear and associated works. There are 3 velux windows proposed on front elevation. |
| Location | 36 Lavarna Road, Terenure, Dublin 6W |
| Planning Authority | Dublin City Council |
| Planning Authority Reg. Ref. | WEB5503/25 |
| Applicant(s) | Oliver and Kathryn Pugh |
| Type of Application | Planning permission |
| Planning Authority Decision | Grant permission |
| Type of Appeal | First Party V Conditions |
| Appellant(s) | Oliver and Kathryn Pugh |
| Observer(s) | None |
| Date of Site Inspection | 13 th March 2026 |
| Inspector | Ronan O'Connor |

1.0 Site Location and Description

1.1. Number 36 Lavarna Road is a two-storey semi-detached house, attached to number 34 Lavarna Road. The house has a part single storey, part two storey rear extension to the rear. The site lies on the administrative boundary of Dublin City Council.

2.0 Proposed Development

2.1. For the raising of the existing gable wall and forming a new roof with dormer structure to the rear and associated works. There are 3 velux windows proposed on front elevation.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to Grant permission subject to 9 no. conditions. Of note, and the subject of this appeal is Condition No. 3 which states the following:

Condition 3 – Prior to the commencement of the development, the applicant shall submit amended drawings, for the written agreement of the planning authority, to show the following changes:

- a) The dormer window shall be reduced in width (externally) to no more than 4 metres wide and shall be centrally located on the roof.
- b) Only one velux roof light shall be permitted on the roof slope.
- c) Only one window shall be permitted in the rear dormer (of no more than 3 panels).
- d) All external finishes of the roof shall harmonise with the existing finishes on terms of materials and colour.

3.1.2. Reason: In the interests of visual and residential amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Proposed change in roof profile from hipped to gable is considered acceptable.
- Notes the third-party observation.
- No objections in principle, concerns in relation to the scale and width of the rear dormer/is considered to dominate the rear roof.
- Is considered contrary to Section 5 of Appendix 18.
- Recommended that the rear dormer be reduced to no more than 4 metres wide (externally) and be centrally located on the roof.
- The number of windows should be reduced to one only, with three panels.
- This would improve the setbacks from both boundaries and also reduce the impacts of overlooking.
- Recommended that one velux rooflight only be permitted over the stairs in order to reduce visual clutter to the front.

3.2.2. Other Technical Reports

- Engineering Department – Drainage Division: No objection subject to conditions.

3.3. **Prescribed Bodies**

3.3.1. None.

3.4. **Third Party Observations**

3.4.1. 1 no. third party observation was submitted from the adjoining property at No. 38.

This is summarised in Section 9 of the Planner's Report as follows:

- Request confirmation of the external dimensions for the proposed dormer windows and dormer structure as not available in the proposed planning.
- The proposed dormer windows are disproportionately large and do not comply with guidelines. Dormer windows should be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible. Dormer windows should relate to the shape, size, position and design of the existing doors and windows on the lower floors.

- The dormer windows do not relate in any respect when compared with the lower floors.
- Regarding the dormer structure, the proposed dormer is 80% of the width of the proposed roof which is excessive.
- The proposed dormer would allow for a view through the flat roof skylight and into their downstairs WC.
- Request that this is obscured glazing to the bathroom is conditioned in any grant of permission requesting a condition (condition no. 6) for the use of permanently obscured glass to prevent looking directly into No.36 ground floor level attic skylights.
- Velux windows to the front of the house. There are no other properties on Lavarna Road featuring Velux windows on the front elevation and the addition of Velux windows at the front of the proposed development would negatively impact the unique character of Lavarna Road.

4.0 Planning History

4.1. Appeal Site

2973/13: Planning permission granted at number 36 Lavarna Road to retain variations to the recently approved application now under construction (Decision Order Number P0445) to build a two-storey extension to the side and rear of their house. The variations proposed to retain, consist of omitting the front porch and front utility room extension, and to widening the car space and entrance gateway. These changes are elevation and plan changes to the proposed (P0445).

3675/12: Planning permission granted at number 36 Lavarna Road to demolish the side garage, kitchen, utility, outhouses, a rear ground floor living room extension, and a rear first floor bedroom and to construct at ground floor level a front porch, a side utility room, a side passage, a kitchen/dining/living extension. At first floor level, to also construct a new rear bathroom, a side bedroom, a front side ensuite bathroom, an access staircase, to an attic conversion, internal modifications and all ancillary work. Appeal was withdrawn.

3890/22 RETENTION & PERMISSION Granted comprising retention of rooflight to the front slope, front porch, front bay window and lean-to roof and permission for new rear extension consisting of a ground floor rear extension, first floor rear extension, attic level dormer structure and first floor side window to the gable.

[Decision date 28th November 2022]

- Condition 4 The attic space hereby approved shall not be used for human habitation unless it complies with the current building regulations.

Reason: To provide for an adequate standard of development.

- Condition 5 All external finishes shall harmonise with the existing finishes of the house in respect of materials and colour.

Reason: To protect existing amenities

Surrounding Area

4700/18: Planning permission granted at number 40 Lavarna Road for construction of a first floor extension to the side over existing garage, ground floor extension to the rear, dormer attic extension to the rear, alterations to the front boundary wall including widening of existing vehicular access to an existing two storey semi-detached dwelling including all associated site works.

2041/14: Planning permission granted at number 38 Lavarna Road for conversion of attic to storage including a dormer window to the side at roof level.

3853/14: Planning permission granted at number 30 Lavarna Road for construction of a single-storey flat roofed 35 sq.m extension to the rear and side of the house along with the conversion of existing attic space to storage, including 1 no. roof light to front slope and dormer window to rear and widening of existing gated entrance to 3.2m.

5886/05: Planning permission granted at number 12 Lavarna Road for removal of an existing single storey extension at the rear of the 2 storey semi-detached property and the construction of a new single storey extension to the rear at ground floor level, a 2 storey extension to the side and rear and a flat roof dormer window to the rear at roof level, to serve an attic conversion.

5.0 Policy Context

5.1. Dublin City Development Plan 2022 – 2028

The appeal site and surrounding residential area are zoned Z1 ‘To protect, provide and improve residential amenities’.

Section 15.11 of the Development Plan states that “for guidance and standards relating to ancillary residential accommodation including: residential extensions, detached habitable rooms, porches, alterations at roof level/attics/dormers /additional floors [...] see Appendix 18”.

The following sections of Appendix 18 of the Development Plan, entitled ‘Ancillary Residential Accommodation’ are noted:

- Section 1.0: Residential extensions.
- Section 4.0: Alterations at roof level / attics / dormers / additional floors.
- Section 5.0: Attic conversions / dormer windows.

Appendix 18, Section 5.0 relates to Attic Conversions/Dormer Windows and states the following:

‘The conversion of attic spaces is common practice in many residential homes. The use of an attic space for human habitation must be compliant with all of the relevant design standards, as well as building and fire regulations. Dormer windows, where proposed should complement the existing roof profile and be sympathetic to the overall design of the dwelling. The use of roof lights to serve attic bedrooms will be considered on a case-by-case basis.

Where it is proposed to extend the ridge height to accommodate an increased floor-to-ceiling height, the design should avoid an overly dominant roof structure. The proposed scale of the roof should retain similar proportions to the building where possible.

Dormer windows may be provided to the front, side or rear of a dwelling’.

Dormer Window Guidance in Table 18.1 Guidance states the following:

- Use materials to complement the existing wall or roof materials of the main house.

- Meet building regulation requirements.
- 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.
- In the case of a dormer window extension to a hipped/ gable roof, ensure it sits below the ridgeline of the existing roof.
- Where a side dormer is proposed, appropriate separation from the adjoining property should be maintained.
- Side dormers should be set back from the boundary.
- Do not obscure the main ridge and eaves features of the roof, particularly in the case of an extension to the side of a hipped roof.
- Avoid extending the full width of the roof or right up to the gable ends.
- Avoid dormer windows that are over dominant in appearance or give the impression of a flat roof.
- Avoid extending above the main ridge line of the house.
- Side dormer windows shall not be located directly on the boundary of adjoining/ adjacent property

5.2. **Natural Heritage Designations**

- 5.2.1. The site is not within or close to any sites with a natural heritage designation.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- 6.1.1. The appeal is a 1st Party Appeal V Condition No. 3 (I refer the Commission to Section 3.1 for the wording of same). The grounds of appeal are as follows:

- Appealing 2 no. elements of Condition No. 3 as follows
 - *The dormer window shall be reduced in width (externally) to no more than 4 metres wide and shall be centrally located on the roof.*
 - *Only one window shall be permitted in the rear dormer (of no more than 3 panels).*
- Reference is made to Appendix 18, Section 5 of the Development Plan
- Of the opinion that criteria within same have been complied with noting setbacks from gable, party and rear walls, fenestration design and material choice for the proposed dormer.
- Is of the opinion that the proposal complies with the guidelines in Table 18.1 of the Development Plan
- Dormer window – Glazing on same is significantly less than the example used in the guidelines i.e. Image 3 of Figure 1
- Proposal achieves comparable setbacks to the example referred to above.
- Note that no specific limiting dimensions are prescribed in the Development Plan.
- Reference made to the more prescriptive South Dublin County Council Development Plan (SDCC) – is more prescriptive – requirement for a setback of at least 3 no. tile courses from the eaves line – proposed design achieves this.
- Have reviewed No. 38 Lavarna Road’s observation regarding potential overlooking/state that their WC skylight is positioned approximately 4m back from the rear of their property/is not visible from the nearest first-floor bedroom window of No. 36
- The same geometry applies to the proposed dormer window/supported by No. 38’s own aerial photograph which shows the skylight set deep within the roof profile and screened by existing structures.
- Attic levels windows at No. 38 face skyward and not towards No. 36
- Proposed dormer faced towards the rear and mirrors the viewing conditions of the existing first-floor bedroom windows.
- No.’s 34 contains similar roof lights and did not raise any concerns.

- The dormer is set back on both sides to achieve guidelines and will ensure that the proposed works do not read as a third story against the overall rear elevation of the property.
- Proposal is similar and setbacks consistent with Image 3 of Figure 1 of 'Good Examples of Dormer Extensions'.
- The amendments proposed on Condition 3(a) and 3(c) are subjective in nature and not based on specific guidelines or direction from the 2022-2028 DCC Development Plan and/or current Building Regulations.
- Other examples of permissions granted by South Dublin County Council [sic] are included in Appendix C (where the dormer exceeds 4m in width) – 10 No. examples are cited.
- Proposal are undertaking work to provide space for a growing family – such considerations have been cited in previous appeal 308126-20 (DCC Wed 1368/20).
- Proposal aligns with Government's Housing Strategy – Delivering Homes, Building Communities 2025-30 – supports small scale residential improvements such as attic conversions.
- Restrictions imposed by Condition 3(a) and (b) are not grounded in any explicit Development Plan standard, are inconsistent with established practice and would unnecessarily compromise the functionality of the attic space for a growing family.
- The requested amended would not yield any additional protection to visual or residential amenity beyond what the design already achieves.
- Request that ACP remove Conditions 3(a) and (c) and permit the dormer design as originally submitted.

6.2. Planning Authority Response

- 6.2.1. The Planning Authority request that their decision be upheld and that a section 48 development contribution condition be attached, if permission is granted.

6.3. Observations

6.3.1. None.

6.4. Further Responses

6.4.1. None.

7.0 Environmental Impact Assessment

7.1. 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 (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 Appendix 1 of report.

8.0 Assessment

8.1.1. This is a first-party appeal against Condition 3 (a) and (c) of the Planning Authority's decision. The issues raised in the appeal are limited to the following considerations:

Condition No. 3 (a) and (c)

8.1.2. Condition No. 3 (a) and (c) states the following:

a) The dormer window shall be reduced in width (externally) to no more than 4 metres wide and shall be centrally located on the roof.

c) Only one window shall be permitted in the rear dormer (of no more than 3 panels).

Width and Positioning on the Roof Plain

8.1.3. In relation to the width of the dormer, the proposed width is 5.3m in width and is set back 0.66 m from the ridge, 0.95m from main rear roof slope on the south-western side, 0.7m from the main rear roof slope on the north-eastern side, and 0.85m from the eaves.

8.1.4. Condition No. 3(a) requires the width of the dormer to be reduced to 4m. The first party appellant is of the view that this reduction in width is unnecessary, and the

plans as submitted comply with the guidelines and criteria as set out in the Dublin City Development Plan.

8.1.5. In relation to said guidance and criteria, the applicable guidance is set out in Appendix 18 'Ancillary Residential Accommodation' of the Development Plan. Table 18.1 of same is of particular note. In relation to same, said table states that the dormer should be

- *Be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible.*
- *Be set back from the eaves level to minimise their visual impact and reduce the potential for overlooking of adjoining properties.*
- *In the case of a dormer window extension to a hipped/ gable roof, ensure it sits below the ridgeline of the existing roof.*
- *Do not obscure the main ridge and eaves features of the roof, particularly in the case of an extension to the side of a hipped roof.*
- *Avoid dormer windows that are over dominant in appearance or give the impression of a flat roof.*
- *Avoid extending above the main ridge line of the house.*

8.1.6. I am of the view that the plans, as submitted, comply with the criteria above, with setbacks from all elements of the roof, as described above, with a large proportion remaining visible. The dormer is set back from eaves level. The proposal is for a hipped to gable roof, and the dormer sits below the ridgeline in the plans as proposed. In my view, the proposed dormer, as submitted, is not overly dominant in appearance, noting those setbacks referred to. I would not also that the Development Plan guidance is not prescriptive in relation to setbacks required, and in this regard, I am of the view that each case can be considered on its merits. In this instance, the proposed hipped to gable room extends the roofspace to such an extent that the dormer, as proposed, can sit within this space, and not dominate same, leaving much of the roof still visible, yet allowing for the additional floorspace and facilities that is required by the applicant.

Number of Windows (Condition 3c)

- 8.1.7. Condition 3(c) limits the number of windows to the rear dormer, and the reasoning behind would appear to relate to potential overlooking of the neighbouring property, as well as providing additional set back from the boundaries. I am not of the view that this is warranted, for the following reasons.
- 8.1.8. The windows as proposed to the rear dormer comprise a 3 panelled window serving a bedroom area. There is an additional obscured window serving an ensuite bathroom. This WC window does not allow any overlooking from same. I am of the view that, should Condition 3(c) be retained, the level of overlooking would remain the same, as it is likely that the unobscured 3 panelled bedroom window would be retained, with the obscured WC window removed. As such, there is no perceived or actual benefit, in terms of preserving residential amenity, or preventing overlooking, from removing the obscured bathroom window. In this regard I would concur with the views of the first party appellant, in that this condition would unduly restrict the appellant, for reasons which are not justified.
- 8.1.9. I have considered the issue of setbacks from the boundaries above.
- 8.1.10. In terms of a design justification for the removal of the second window, from a reading of the planner's report, the concern of the council does not relate to how the windows relate to the existing windows below, and solely relate to the issues of scale (and setback) and overlooking. Notwithstanding, I do not consider that there is a fundamental design justification for the removal of the second window to the dormer, and said windows relate satisfactorily to the existing windows of the property, in my view.
- 8.1.11. In conclusion then, I am of the view that the proposal as submitted, and the proposal as amended by condition 3(c), would result in the same level of actual or perceived overlooking. I note that the adjoining property at No. 38 Lavarna Road has raised the issue of overlooking, at application stage, in particular the potential for overlooking of a clear glazed rooflight serving a WC, close to the boundary with No. 36.
- 8.1.12. The first party appellant has stated that the angles are such that no overlooking of same will result, and notes that, given this WC skylight is not visible from the first floor of No. 36, equally it will not be visible from the dormer windows. It is also stated that the WC windows face skyward, and not towards No. 36.

- 8.1.13. In relation to same, I concur that it is unlikely that views towards the WC in question would be gained by the proposed dormer window, and notwithstanding, and as noted above, the removal of a window from the dormer (which is obscured in any case) would not reduce any apparent overlooking in my view.
- 8.1.14. More generally, I am of the view that such dormer elements are commonplace in residential areas such as this one, and while dormer windows allow for potentially longer views, by virtue of being higher up, they do not tend to give rise to any material additional overlooking of directly adjoining gardens, over and above that which is gained from existing first floor windows. In my view, this is the case with this proposed dormer, and I am satisfied that dormer as proposed would not give rise to any adverse impacts on residential amenity by virtue of overlooking.
- 8.1.15. Having regard to the above considerations, and having regard to the relevant provisions of the Dublin City Development Plan, I am of the view that Condition No. 3 should be amended to remove the requirement to reduce the width, and to remove the requirement to restrict the number of windows on the Domer to one.
- 8.1.16. I note that the appeal does not relate to any other part of Condition No. 3 and as such I am not proposing to consider parts b) or d) in this report.

9.0 Appropriate Assessment Screening

- 9.1.1. I have considered the proposed development in light of the requirements of s.177U of the Planning and Development Act 2000 as amended.
- 9.1.2. The appeal site is located in a serviced suburban area in Dublin, and the proposed development comprises an extension and other works to an existing house.
- 9.1.3. No nature conservation concerns were raised in the planning appeal.
- 9.1.4. 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:
- Nature of the works: e.g. small scale and nature of the development.
 - Location in a suburban area at a remove from the nearest European site and with a lack of potential connections.

- 9.1.5. 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.
- 9.1.6. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

- 10.1.1. The appeal site is located in a serviced suburban area in Dublin, a considerable distance from any surface water feature. The proposed development comprises an extension and other works to an existing house.
- 10.1.2. No water deterioration concerns were raised in the planning appeal.
- 10.1.3. I have assessed the proposed 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 water waterbodies in order to reach good status (meaning both good chemical and good 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 and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:
- Nature of works: e.g. small scale and nature of the development.
 - Location-distance from nearest Water bodies and/or lack of hydrological connections.
- 10.1.4. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on 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

- 11.1. Having regard to the nature of the conditions that are the subject of the appeal, I am satisfied that the determination by the Board, of the relevant application as if it had

been made to it in the first instance, with attachment of said conditions, would not be warranted and based on the reasons and considerations set out below, I recommend that the Board direct the Planning Authority under subsection (1) of section 139 of the Planning and Development Act, 2000, as amended, to:

Amend Condition 3 to read as follows:

(a) Only one velux roof light shall be permitted on the roof slope.

(b) All external finishes of the roof shall harmonise with the existing finishes on terms of materials and colour.

Reason: In the interests of visual amenity.

12.0 Reasons and Considerations

Having regard to: (1) The planning policies and objectives under the Dublin City Development Plan 2022-2028, in particular the provisions as relates to attic conversions and dormer windows as set out in Sections 4, 5 and Table 18.1 of Appendix 18: Ancillary Residential Accommodation.

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.

Rónán O'Connor
Senior Planning Inspector

18th March 2026

Form 1 - EIA Pre-Screening

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| Case Reference | PL-500668-DS-26 |
| Proposed Development Summary | For the raising of the existing gable wall and forming a new roof with dormer structure to the rear and associated works. There are 3 velux windows proposed on front elevation. |
| Development Address | 36 Lavarna Road, Terenure, Dublin 6W |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? | |
| <input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. | |
| <input type="checkbox"/> No, No further action required. | |
| 2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)? | |
| <input type="checkbox"/> Yes, it is a Class specified in Part 1. | |
| EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP. | |
| <input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3 | |
| 3. Is the proposed development of a CLASS specified in Part 2, 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? | |
| <input checked="" type="checkbox"/> 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. | |
| <input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. | |
| EIA is Mandatory. No Screening Required | |
| <input type="checkbox"/> 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 <input type="checkbox"/> | Screening Determination required (Complete Form 3) |
| No <input checked="" type="checkbox"/> | Pre-screening determination conclusion remains as above (Q1 to Q3) |

Inspector: _____

Date: _____