



An
Bord
Pleanála

Inspector's Report ABP319071-24

Development	Retention permission for dormer attic bedroom with en suite and link to first floor office area with W.C including courtyard area.
Location	9 Glenmore Road, Dublin 7, D07H1F6 .
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	4811/23.
Applicant(s)	Wayne Kenny & Nikita Murphy
Type of Application	Retention permission.
Planning Authority Decision	Refuse retention permission .
Type of Appeal	First Party
Appellant(s)	Wayne Kenny & Nikita Murphy.
Observer(s)	One observer (1) Claire Donohoe & Gregor Achatz.
Date of Site Inspection	15/04/2024.
Inspector	Anthony Abbott King.

1.0 Site Location and Description

- 1.1. No. 9 Glenmore Road is a double fronted single-storey terraced dwelling in a terrace of 7 similar houses comprising nos. 1,3,5,7,11& 13 Glenmore Road on the south side of the road.
- 1.2. There is a large two-storey extension to the rear of no. 9 Glenmore Road, which is the subject of this retention application.
- 1.3. The front garden of no. 9 Glenmore Road is hard paved and provides in curtilage parking for 2 cars.
- 1.4. Site area is given as 286 sqm.

2.0 Proposed Development

- 2.1. Retention permission for dormer attic bedroom with ensuite and link to first floor office area with W.C including courtyard area to the rear of no. 9 Glenmore Road.

3.0 Planning Authority Decision

3.1. Decision

The planning authority refused retention permission for the following reasons:

- (1) Having regard to the overall scale, height and bulk of the development to be retained and taking into consideration the context of its surroundings, located within a terrace of single storey dwellings, the development is out of character with the existing dwelling and surrounding residential area and is visually intrusive and overbearing when viewed from adjoining properties contrary to Section 1.1 General Design Principles and Section 4.0 Alterations at Roof Level / Attics / Dormers / Additional Floors Volume 2, Appendix 18 of the Dublin City Development Plan 2022-2028. The development to be retained, in itself and in the precedent it would set for similar developments in the area, would therefore be seriously injurious to the visual amenities of the area and to the proper planning and sustainable development of the area.

- (2) The development to be retained, by reason of its impact on adjoining properties in respect of their daylight / sunlight accessibility, would seriously injure the residential amenities of adjoining properties, contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the CEO of the planning authority reflects the recommendation of the planning case officer.

3.2.2. Other Technical Reports

No objection subject to condition.

4.0 Planning History

The following planning history is relevant.

Under Register Reference 2182/19 planning permission for car parking space to the front garden, attic bedroom in rear roof and two-storey extension to the rear attached to main house by a two-storey link accommodating a kitchen / dining room at ground level and bedroom at first floor level was granted permission subject to condition.

Condition 3 required the modification of the development proposal and reads:

The development hereby approved shall incorporate the following amendments:

- (a) The proposed corridor link and courtyard to the immediate rear of the dwelling shall be omitted.
- (b) The two-storey extension to the rear shall be provided to the immediate rear wall of the main dwelling and shall have a maximum height of 5m and a maximum depth of 6m from the rear wall of the main dwelling. The internal layout shall be amended accordingly.
- (c) The rooflight to be provided to the western elevation shall be positioned at a height to ensure that no overlooking will occur of the adjoining dwelling, no. 11 Glenmore Road.

(d) Prior of the commencement of development, revised plans and drawings shall be submitted to and agreed in writing by the Planning Authority.

Reason: To protect the residential amenities of adjoining properties.

Under Register Reference 2182/19Sub01 the applicant submitted compliance drawings, which were approved by the planning authority.

The approved compliance drawings were submitted by David Kelly Architectural Conservation and Planning on the 09/05/2019 and approved on the 02/07/2019 by the planning authority.

The authorised drawings provide for a two-storey (comprising a dormer bedroom above a single-storey ground floor kitchen) gable ended extension with a pitched roof that extends 6m from the rear elevation for the full 7m width of the house (internal dimension 5700mm x 6400mm).

5.0 Policy and Context

5.1. Development Plan

The following policy objectives of the Dublin City Development Plan 2022-2028 are relevant:

Zoning

The zoning objective is 'Z1'(Map E): *'to protect, provide and improve residential amenities'*.

Residential is a permissible use.

Residential Extensions

Chapter 15 (Development Standards), Section 15.11 is relevant and states for guidance and standards *inter alia* for residential extensions see Appendix 18.

- Appendix 18, (Ancillary Residential Accommodation) Section 1 (Residential Extensions) is relevant. Section 1.1 (General Design Principles) *inter alia* states:

The design of residential extensions should have regard to the amenities of adjoining properties and in particular, the need for light and privacy. In addition, the form of the existing building should be respected, and the development should integrate with the existing building through the use of similar or contrasting materials and finishes.

- Section 1.1 (General Design Principles) provides the following assessment criteria for applications for extensions to existing residential units, which should:

- *Not have an adverse impact on the scale and character of the existing dwelling;*
- *Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, outlook and access to daylight and sunlight;*
- *Achieve a high quality of design;*
- *Make a positive contribution to the streetscape (front extensions).*

- Appendix 18, Section 1.2 (Rear Extensions) is relevant and *inter alia* states:

First floor rear extensions will be considered on their merits, noting that they can have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the planning authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:

- *Overshadowing, overbearing, and overlooking / along with proximity, height, and length along mutual boundaries*
- *Remaining rear private open space, its orientation and usability*
- *Degree of set-back from mutual side boundaries*
- *External finishes and design, which shall generally be in harmony with existing.*

- The Appendix 18, Section 1.4 (privacy) is relevant and *inter alia* states:

Extensions should not result in any significant loss of privacy to the residents of adjoining properties. Generally, windows overlooking adjoining properties (such as in a side wall) should be avoided. Where essential, the size of such windows should be kept as small as possible and consideration should be given to the use of high-level windows and/ or the use of obscure glazing where the window serves a bathroom or landing. Bedrooms in general should not be lit by obscure glazed windows as a means to prevent undue overlooking of adjacent properties.

- Appendix 18, Section 1.6 (Daylight) is relevant and states:

Large single or two-storey rear extensions to semi-detached or terraced dwellings can, if they project too far from the main rear elevation, result in a loss of daylight to neighbouring houses. Furthermore, depending on orientation, such extensions can have a serious impact on the amount of sunlight received by adjoining properties. On the other hand, it is also recognised that the city is an urban context and some degree of overshadowing is inevitable and unavoidable. Consideration should be given to the proportion of extensions, height and design of roofs as well as taking account of the position of windows including rooms they serve to adjacent or adjoining dwellings.

- Appendix 4, Section 4.0 (Alterations at Roof Level / Attics / Dormers / Additional Floors) is relevant and provides for 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.

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

Guidelines for attic conversions and the provision of dormer windows is set out as follows:

✓	✗
Use materials to complement the existing wall or roof materials of the main house.	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.
Meet building regulation requirements.	Avoid extending the full width of the roof or right up to the gable ends.
Be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible.	Avoid dormer windows that are over dominant in appearance or give the impression of a flat roof.
Relate to the shape, size, position and design of the existing doors and windows on the lower floors.	Avoid extending above the main ridge line of the house.
Be set back from the eaves level to minimise their visual impact and reduce the potential for overlooking of adjoining properties.	Side dormer windows shall not be located directly on the boundary of adjoining/ adjacent property.
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.

Table 18.1 : Dormer Window Guidance

5.2. EIA Screening

5.3. The proposed development is not within a class where EIA would apply.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are summarised below:

- The appellants received planning permission for the refurbishment and extension of the subject house under Register Reference 2182/19 (February, 2019). Revised drawings were subsequently approved for a two-storey extension omitting the courtyard under Register Reference 2182/19Sub01 (26th June, 2019).
- The courtyard facilitated earth and drainage works and was included in the initial development proposal, prepared by David Kelly Architects, in order to incorporate a functioning drainage system and allow natural light into the original property. The courtyard facilitated light, ventilation and safety requirements in line with building regulations. No. 4 Glenmore Road adjacent included a courtyard in their approved submission prepared by Robert Bourke Architects. The courtyard addition is the subject of the retention application.
- The addition of the courtyard also reduced the impact on immediate neighbouring properties at no. 7 and no. 11 Glenmore Road, as they did not need to be added to pump system unsettling landfill outside boundaries. The upgraded drainage system within the site boundaries has been approved by the Dublin City Council drainage division.

- The daughter of the appellants has a medical condition requires predominantly at home daily therapy under supervision and the house has been designed to incorporate the challenges of open plan play areas, continued floor flow and a dedicated ground floor bedroom.
- A letter from Temple Street Hospital is attached with the appeal statement. The substantive matter is the requirement for 'Occlusian' therapy, which requires the daily patching of the unaffected or better seeing eye. The appellants request special consideration to the on-going medical condition undergoing vision therapy within the home.
- The appellants both work from home, which requires the need for additional storage and office space. The courtyard facilitates additional internal floor space. The Board is asked to consider the needs of a growing family with both parents in full-time employment performing duties within the home.
- The courtyard retention application is not opposed by the resident of no. 11 Glenmore Road who has the only immediate view of the courtyard. A letter of support is attached. A signed statement from the entire block of adjoining properties fully support the retention application (nos. 1,3,4,5,6,7,8,10,11,12 & 13 Glenmore Road).
- Bin storage is located within the in-curtilage parking area to the front of the house, which also accommodates two car parking spaces.
- The appeal statement includes photographs of the two-storey extension to the rear. The appellant illustrates the impact of the development to be retained, comprising an A-frame roof containing the office / study space constructed in 2023, located above the 40 sqm extension completed in 2020 from a number of proximate viewing points. The viewing points include no. 9 Glenmore Road itself and adjoining properties including the immediate adjoining properties to the west and east at no. 11 Glenmore Road and no. 7 Glenmore Road, respectively.
- The appeal statement includes a photograph with imposed measurements that illustrates the impact on the adjoining property to the east at no. 7 Glenmore Road.

- The appellants would like to apologise for any inconvenience caused to the planning department as a result of ignorance. The intention was not to create additional or unnecessary workload. The appellants will make any changes at the judgement of An Bord Pleanála with immediate effect including the addition of opaque glass, removal of windows, velux addition / removal, render, panelling or cladding preferences, profiles changes and any other suggestions.

6.2. Planning Authority Response

The planning authority response is summarised below:

- The planning authority request the Board to uphold its decision to refuse planning permission
- If a permission is granted a Section 48 development contribution should be attached by way of condition.

6.3. Observations

There is one observation submitted by the resident of no. 6 Glencar Road. The observation is summarised below:

- The appellants in their appeal note a number of personal and technical reasons to support the appeal as well as the support of some of their neighbours on Glenmore Road. However, this does not justify ignoring a planning permission. The planning permission enabled the applicant's ambition to have a two-storey extension while respecting context. It is claimed that to give permission in retrospect would set a negative precedent for future building works of similar or even bigger scale;
- The development to be retained is out of character and scale with the receiving environment and is overbearing. The unfortunate combination of a flat-roof two-storey volume, which connects the original pitched roof house with the newly constructed two-storey pitched-roof extension does not demonstrate the necessary sensitivity;

- The development overshadows and substantially overlooks adjacent gardens and buildings. The development facilities overlooking of properties in Glencar Road. The scale and fenestration location of the development would set a negative precedent for future similar developments and could ultimately result in the remaining rear gardens turning into enclosed courtyards.
- The observation includes an aerial photograph of a single-storey rear extension attached to the main dwelling house at no. 9 Glenmore Road by a short link corridor providing for a lightwell between the rear elevation of the main house and the rear extension. The photograph also shows a conventional dormer window located in the rear roof plane of the subject house. The photograph is not dated. The photograph is entitled 'aerial view of the constructed new One-storey extension, garden room at the laneway plus dormer prior to the addition of the 2nd floor.

7.0 Assessment

- 7.1. The following assessment covers the points made in the appeal submission and in the observation of third parties. It is noted there are no new substantive matters for consideration.
- 7.2. Under register reference 2182/19 planning permission was granted for a dormer attic conversion the construction of a two-storey extension to the rear. Condition 3 of the permission required significant amendment of the submitted development proposal including the omission of a proposed courtyard and link corridor between the main house and the proposed extension. Subsequent to compliance the authorised drawings provide for a two-storey (comprising a dormer bedroom above a single-storey ground floor kitchen) gable ended extension with a pitched roof that extends 6m from the rear elevation for the full 7m width of the house (internal dimension 5700mm x 6400mm).
- 7.3. The development to be retained includes the subject courtyard and a two-storey link corridor between the main house and the two-storey rear extension constructed in the rear garden of no. 9 Glenmore Road. The two-storey extension extends approximately 10m (9600mm) along the east shared property boundary with no. 7 Glenmore Road. The link corridor at first floor level connects the attic conversion

within the roof pitch of the main house with the first floor of the recently constructed rear extension. The link corridor at first-floor level extends the dormer beyond the eaves of the rear roof plane of the main house. There is a first-floor window in the west elevation of the link corridor that is located approximately 3m from the boundary with no. 11 Glenmore Road.

- 7.4. The extension to the rear to be retained is constructed with a set-back (400mm) from the shared property boundaries with no. 11 Glenmore Road to the west and no. 7 Glenmore Road to the east. The footprint of the combined extension and courtyard measures 9600mm in length and 6465mm in width. The link corridor has an internal dimension of 3220mm x 2350mm. The kitchen ground floor extension has an internal dimension of 6000mm x 5745mm. The external courtyard or lightwell between the rear elevation of the main house and the north elevation of the two-storey extension has an internal dimension of 2860mm x 3795mm. The first floor of the rear extension is designated as an office and storage space.
- 7.5. Appendix 18, Section 1.1 (General Design Principles), of the Dublin City Development Plan 2022-2028 provides principles for the extension of dwelling houses. I consider that the scale, height and bulk of the extension as constructed, extending almost 10m from the rear elevation of the main house at a ridge height of 5.5m, would be inconsistent with the principles of good design provided for in the development plan to guide appropriately scaled extensions to existing dwelling houses.
- 7.6. I consider that the development to be retained would have an adverse impact on the scale and character of the existing dwelling, would adversely affect the amenities enjoyed by the occupants of adjacent buildings in terms of privacy, including the residential amenity of the houses immediately adjoining to the west and east at no. 11 Glenmore Road and no. 7 Glenmore Road, respectively, would adversely impact outlook and access to daylight and sunlight and would not achieve a high quality of design. These matters are interrogated in more detail below.
- 7.7. Appendix 18, Section 1.6 (daylight) provides that large single or two-storey rear extensions to semi-detached or terraced dwellings can, if they project too far from the main rear elevation, result in a loss of daylight to neighbouring houses. Notwithstanding that No. 9 Glenmore Road and the adjoining houses in the terrace

have a north-south orientation enjoying south facing rear gardens, I consider that the two-storey height and excessive projection of the extension (9600mm) proximate to the shared property boundaries with no. 11 Glenmore Road and no. 7 Glenmore Road would have a significant adverse impact in terms of overshadowing.

- 7.8. Appendix 18, Section 4.0 (Alterations at Roof Level / Attics / Dormers / Additional Floors), of the Dublin City Development Plan 2022-2028, requires that dormer windows / extensions should complement the existing roof profile and be sympathetic to the overall design of the dwelling. It is considered that the proposed dormer would have a significant adverse visual impact on the rear roof plane of the main house by reason of the extension of the dormer beyond the main house roof eaves by approximately 3m extending from the ridge height of the house to the recently constructed two-storey extension by 7m.
- 7.9. The dormer extension would directly overlook the adjoining property at no. 11 Glenmore Road by reason of the location of a window in the west side elevation of the dormer extension lighting the link corridor. It is considered that the dormer extension would be inconsistent with the provisions of Section 4.0 and with the guidance for dormer extensions provided by Table 18.1 (Dormer window Guidance) of Appendix 18 of the development plan.
- 7.10. Furthermore, Section 1.4 (privacy) provides that extensions should not result in any significant loss of privacy to the residents of adjoining properties. It requires that windows overlooking adjoining properties (such as in a side wall) should be avoided. It is considered the first-floor window opening to the link corridor facing west proximate to the property boundary (3m) with no.11 Glenmore Road notwithstanding the incorporation of opaque glass would have a significant adverse impact on the privacy of the adjoining property in terms of overlooking and the perception of overlooking.
- 7.11. I note the support for the retention application from the adjoining neighbouring properties evidenced in a signed statement from the residents on Glenmore Road (including the residents of nos.1,3,4,5,6,7,8,10,11,12 & 13 Glenmore Road). Furthermore, I note the letter from the resident of the adjoining property at no. 11 Glenmore Road, who welcomes the residence of a family at no. 9 Glenmore Road and has no objection to the overall development, courtyard and drainage works next

door. I also note the observations of the resident on no. 6 Glencar Road, which objects to the development to be retained on the grounds of over development and the consequent adverse impacts on residential amenity.

7.12. In conclusion, the cumulative scale, height and bulk of development to be retained to the rear of this terraced house, located in a terrace of single-storey dwellings, would have significant visual, overbearing and overshadowing impacts on adjoining residential properties and would be out of character with the existing dwelling house, as such, would be inconsistent with the proper planning and sustainable development of the area.

7.13. **Appropriate Assessment Screening**

The proposed development comprises retention of a rear domestic extension in an established urban area.

Having regard to the nature and scale of the proposed development it is possible to screen out the requirement for the submission of an NIS.

8.0 **Recommendation**

8.1. I recommend a refusal of retention permission for the reasons and considerations set-out below.

9.0 **Reasons and Considerations**

Having regard to the grounds of appeal, the reasons for refusal, the residential zoning objective, which seeks to protect, provide and improve residential amenities, the policy framework provided by the Dublin City Development Plan 2022-2028, including Appendix 18, Section 1.1 (General Design Principles) and Section 4.0 (Alterations at Roof Level / Attics / Dormers / Additional Floors) of the Plan, it is considered that the dormer extension at roof level within the attic of the main house in combination with the first floor link corridor by reason of the cumulative scale, height and bulk of development to the rear of this terraced house, located in a terrace of single-storey dwellings, would have significant visual, overbearing and overshadowing impacts on adjoining residential properties, would be out of character

with the subject dwelling house and, as such, would be inconsistent with the proper planning and sustainable development of the area.

10.0 Refusal

1.	<p>Having regard to the overall scale, height and bulk of the development to be retained and taking into consideration the context of its surroundings, located within a terrace of single storey dwellings, the development is out of character with the existing dwelling and surrounding residential area would have significant adverse visual, overbearing and overshadowing impacts on adjoining properties contrary to Section 1.1 General Design Principles and Section 4.0 Alterations at Roof Level / Attics / Dormers / Additional Floors Volume 2, Appendix 18 of the Dublin City Development Plan 2022-2028.</p> <p>Therefore, the development to be retained, in itself and in the precedent it would set for similar developments in the area, would therefore be seriously injurious to the visual and residential amenities of the area and to the proper planning and sustainable development of the area.</p>
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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.



Anthony Abbott King
Planning Inspector

19 April 2024