



An
Bord
Pleanála

Inspector's Report

ABP-305868

Development	New Dormer window extension to rear and two roof light to front.
Location	44 Clontarf Park, Clontarf, Dublin 3
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	3837/19
Applicant(s)	Tiernan O'Dwyer.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party v conditions
Appellant(s)	Tiernan O'Dwyer
Observer(s)	None
Date of Site Inspection	22 nd December 2019.
Inspector	Suzanne Kehely

1.0 Site Location and Description

- 1.1. The site is that of a modest mid terrace two storey three bedroom house in a mature housing development – Clontarf Park that circles around an enclosed private park. The houses back onto a lane from where there is vehicular and pedestrian access. there is a mature terrace of Victorian cottages that also back onto the lane on the opposite side.
- 1.2. The house has a rear garden that extends 17.28m at its deepest. A shed occupies about 13 sq.m. and the original vehicular entrance has been blocked up.
- 1.3. Two dwellings in the immediate terrace have large dormer extensions as does another end of terrace to the west.

2.0 Proposed Development

- 2.1. It is proposed to insert 2 roof lights to the front slope of the roof and to convert and extend the attic by way of a large flat roofed dormer into the rear slope – with a matching ridge height and extending 4.7m across the width of a 5.7m wide house. It is off centre – with a 1m set back from no.43. It is set back 400mm from the eaves. Zinc cladding is proposed.
- 2.2. In revised plans submitted with the appeal the dormer has been scaled down.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority issued a decision to grant permission subject to 7 conditions

- 3.1.2. Condition 2 states

The development shall incorporate the following amendments

- a) The dormer shall have a maximum external width of 3metres and shall be centred as much as possible on the rear facing roof plane.

- b) The dormer shall not exceed the height of the ridge line of the main roof structure.
- c) The dormer shall be set back at least 1m from the eaves level of the main roof structure
- d) All fascia/soffits, rainwater goods, window frames, glazing bars shall be finished in a dark colour so as to blend with the existing roof.

Reason: In the interest of visual and residential amenity.

3.2. Planning Authority Reports

3.2.1. Planning Report: This refers to:

- Development Plan criteria in sections 16.2.2.3 extensions and alteration section 16.10.12 extensions and alteration to dwellings and Appendix 17. Section 17.11 roof extensions.
- There are concerns regarding the design and scale of the rear dormer in the context of the proportions relative to existing roof plane. And its location on a party boundary.
- A centred 3m wide dormer is considered more in keeping. A 1m set back from the eaves would minimise overlooking of adjacent property.
- While rooflights are not normally considered appropriate in terms of streetscape, in this case the existence of such rooflights in the neighbouring dwellings provides an acceptable context.

3.3. Third Party Observations

- None received

4.0 Planning History

- 4.1. 1291/17 the Board granted permission for a rear dormer 4.9m wide at 17 Clontarf Park.
- 4.2. DCC cases 4513/06, 3534/04 and 3548/08 refer to grants of permissions for wide dormers.

5.0 Policy and Context

5.1. Dublin City Development Plan 2016-2022

- 5.1.1. In a 'Z1 - Sustainable Residential Neighbourhoods' area with a stated objective 'to protect, provide and improve residential amenities'.
- 5.1.2. Section 16.10.12: Permission to extend dwellings will only be granted where the Planning Authority is satisfied that the proposal would not have an adverse impact on the scale and character of the dwelling and have no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings. Section 16.2.2.3 refers to alterations and extensions.
- 5.1.3. Appendix 17 (Volume 2) of the Development Plan provides guidance specifically relating to residential extensions. Subsection 17.8 advocates the Subordinate Approach such that the extension plays more of a 'supporting role' to the original dwelling. In general, the extension should be no larger or higher than the existing. Section 17.11 of this appendix outlines the principles that should be observed when extending the roof.

6.0 EIA Screening

- 6.1. Having regard to the existing development on site, the nature and scale of the proposed development and the location of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. The grounds of appeal have been submitted by the appellant and relate solely to condition 2 a) and c) which reduce the size of the rear dormer and, it is submitted, amount to a refusal. The following points are made in support of the dormer and its size:

- The extension is crucial part of creating a family home.
- It is explained that the narrowing of the dormer will result in dangerous double winder stairs with wedge steps at the top or install an L-shaped staircase with two landings which would bridge over a narrow first floor landing and cause it to be substandard as well as cutting into usable attic space. Alternatively by simply maintaining the proposed stairs would result in substandard accommodation for the third bedroom.
- Compliance with condition 2c) would render extension unfeasible.
- Both neighbours have extended at ground level and so privacy is not an issue.
- Similarly houses to the rear have been extended and yards are enclosed, and visibility is limited .
- A 500mm set back from eaves can be achieved
- Similar and wider dormers exist in 12 of the houses in Clontarf 'park.
- The proposal will greatly enhance residential by creating easily accessible storage space.
- Dark cladding and matching windows meet with visual criteria.
- Setting back from neighbour to north minimised overshadowing.
- In creating a 1 m setback from the side and 500m setback eaves the right balance is struck between functional space and building integrity and adhering to the principle of a visually subordinate scale.

7.2. Planning Authority Response

7.2.1. No further comment.

8.0 Assessment

8.1. Issues

8.1.1. This is a first party appeal against planning condition 2(a) and (c) of the Planning Authority which states:

The development shall incorporate the following amendments

- (a) The dormer shall have a maximum external width of 3metres and shall be centred as much as possible on the rear facing roof plane.
- (c) The dormer shall be set back at least 1m from the eaves level of the main roof structure.

8.1.2. Under the provisions of Section 139 of the Planning and Development Act 2000 (as amended), the Board may restrict its consideration to the terms of condition no. 2. Having regard to the nature of the development proposed and the condition subject of this appeal, I do not consider a de novo consideration of the proposal is warranted. Having reviewed the documentation and inspected the site the principle issues in this case relate to design and visual impact.

8.2. Design and Visual Impact.

8.2.1. The planning authority by reference to its Development Plan guidance, considers the proposed dormer to be excessive in scale and seeks a 1m reduction in width and reduction in depth so as to reduce its visual dominance and reduce overlooking.

8.2.2. The applicant makes the case that the purpose of the extension is for accessible storage without compromising the existing space and that a reduction in the scale required by the planning authority is effectively unworkable in this modest house.

8.2.3. The Development Plan guidance advises in the case of roof extensions that:

- The design of the dormer should reflect the character of the area, the surrounding buildings and the age and appearance of the existing building
- Dormer windows should be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible
- Any new window should relate to the shape, size, position and design of the existing doors and windows on the lower floors
- Roof materials should be covered in materials that match or complement the main building
- Dormer windows should be set back from the eaves level to minimise their visual impact and reduce the potential for overlooking of adjoining properties.

- 8.2.4. Revised drawings have been submitted, which indicates the dormer reduced in depth so that it sits 500mm from the eaves while retaining its original proposed width and 1m setback from the northern boundary.
- 8.2.5. While I accept that the dormer occupies a large portion of the roof at 4.7m in width and is not strictly subordinate, in this case the dormer relates to the rear of a mid-terrace house and would not be visible from Clontarf Park and will not therefore impact in any way on the character of this streetscape. It will however be visible from limited stretches of Brian Boru Street and Brian Boru Ave but there are however a number of mitigating factors. There are similarly scaled dormers each side and in this case it is proposed to match window design proportionality and also use dark cladding which would help to assimilate the dormer and not detract from the character of the area.
- 8.2.6. With respect to overlooking and the need for a setback from eaves, (condition 2(c.)) I note that the dwellings on each side have extended at ground level and that the required 1m set back from eaves, while improving the visual impact is not significant in terms of improving privacy. Furthermore in terms of impacts on neighbours I consider it is preferable to the alternative of a first-floor extension given the plot width and the potential for overshadowing and tunnelling on each side as well as possible overlooking to the rear of Brian Boru Ave. In this case there will be limited overshadowing particularly as the proposed dormer is to be set back 1m from the adjoining house to its north. Furthermore having regard to the separation distance from opposing properties I do not consider the proposed dormer would give rise to any material increase in overlooking of surrounding properties.
- 8.2.7. It is also relevant to take account of the existing house and its purpose. The house is modestly scaled with a floor area of about 80 sq.m but restricted in options to extend without either compromising the existing space or impacting on neighbours. I note this is a family house in a well serviced child friendly area where it is an objective to protect, provide and improve residential amenity. I also note a number of similar houses have similarly extended the roof space. In these circumstances I consider the dormer extension of 18sq.m. in the manner proposed and as amended by revised details to be reasonable.

8.2.8. On balance, I do not consider, having regard to the site context, pattern of development and limited views of the rear elevation that the proposed development would detract from the visual amenities or character of the area. Nor do I consider it to be injurious to residential amenity of adjoining properties. It is, I consider reasonable to facilitate a modest extension of the dwelling particularly given the restricted nature of this site, as well as the separation distances from properties to the rear. In view of the foregoing it is my recommendation that the planning authority Condition 2 (a) should be omitted and condition 2 (c) be amended.

9.0 Appropriate Assessment

9.1. Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

10.0 Recommendation

Having regard to the nature of the condition, the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND condition number 2 so that it shall be as follows for the reason set out.

11.0 Reasons and Considerations

Having regard to the existing pattern of development within this terrace which includes both dormer windows and ground floor extensions, the mid-terrace location of the appeal site, the restricted nature of the site and distances to properties to the rear, it is considered that the rear dormer extension would not detract from the character of the area or seriously injure the amenities of property in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area and condition 2 should be amended.

12.0 Conditions

2. The development shall incorporate the following amendments

- a) The dormer shall not exceed the height of the ridge line of the main roof structure.
- b) The dormer shall be set back at least 500m from the eaves level of the main roof structure in accordance with revised details submitted to the Board on the 8th day of November 2019.
- c) All fascia/soffits, rainwater goods, window frames, glazing bars shall be finished in a dark colour so as to blend with the existing roof.

Reason: In the interest of visual and residential amenity.

Suzanne Kehely

Senior Planning Inspector

23rd December 2019