



An
Bord
Pleanála

Inspector's Report 308126-20

Development	Attic conversion with dormer & associated windows to rear of property, increase in ridge height for dormer element, 1 st floor window to side gable wall & all associated site works
Location	140 Bettyglen, Raheny, Dublin 5
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1368/20
Applicant(s)	Niamh Mulhern
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	First Party v. Condition
Appellant(s)	Niamh & Dara Mulhern
Observer(s)	None
Date of Site Inspection	9 th October
Inspector	Louise Treacy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 277.60 m² and is located at No. 140 Bettyglen, Raheny, Dublin 5. The existing property is a 2-storey, semi-detached dwelling with a stated floor area of 128 m², which has off-street car parking to the front and a landscaped garden area to the rear. The property forms part of a cul-de-sac of similar 2-storey, semi-detached dwellings.
- 1.2. The ridge height of the subject property, and that of the adjoining dwelling at No. 139 Bettyglen, is marginally lower than that of neighbouring properties along the street.

2.0 Proposed Development

- 2.1. The proposed development comprises a new attic conversion with new dormer and associated windows to the rear of the property; an increased ridge height to the extent of the dormer element; a new 1st floor window to the side gable wall; and, all associated site works.
- 2.2. The proposed dormer extension will accommodate 1 no. double bedroom at attic level which has a stated floor area of 16.22 m². The dormer structure has an external width of 5.4 m and extends above the existing roof ridge height by 0.361 m.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Grant Permission subject to 7 no. conditions issued on 12th August 2020.
- 3.1.2. Condition no. 3 states the following:

“The proposed roof development shall be modified as follows:

- (a) The roof of the proposed dormer roof extension shall not exceed the existing roof ridge height.
- (b) The dormer extension shall have a maximum width of 4 metres.
- (c) The dormer box extension shall be centred on the mid-point of the roof of the subject house.

(d) The extension shall be finished in materials of a similar colour to the existing roof materials.

(e) All internal and external works to give effect to the above.

Reason: In the interest of visual and residential amenity”.

3.1.3. All other conditions are generally standard in nature.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

3.2.2. Basis of Planning Authority’s decision.

3.2.3. Dublin City Council’s Planning Officer considered that the proposed dormer extension would dominate the rear roof plane and would be visible from the public domain.

3.2.4. The Planning Officer further considered that the proposed dormer structure would set a precedent for similar development which would not be consistent with the existing character of the houses in the vicinity of the application site.

3.2.5. **Other Technical Reports**

3.2.6. **Engineering Department Drainage Division:** No objection subject to conditions.

3.3. **Prescribed Bodies**

3.3.1. **Irish Water:** None received.

3.4. **Third Party Observations**

3.4.1. None received.

4.0 **Planning History**

4.1. None.

5.0 Policy and Context

5.1. Dublin City Development Plan 2016-2022

5.2. Land Use Zoning

- 5.2.1. The site is subject to land use zoning “Z1” (Sustainable Residential Neighbourhoods) which has the objective “to protect, provide and improve residential amenities”.

5.3. Alterations and Extensions

- 5.3.1. The policy regarding extensions and alterations to dwellings is set out in Sections 16.2.2.3 and 16.10.12 and Appendix 17 of the development plan. In general, applications for planning permission to extend dwellings will only be granted where the planning authority is satisfied the proposal will: (1) not have an adverse impact on the scale and character of the dwelling, and (2) not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight.
- 5.3.2. Further guidance in relation to dormer extensions is set out in Section 17.11 of Appendix 17. When extending the roof, the following principles should be applied:
- 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.

5.4. Natural Heritage Designations

- 5.4.1. None.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first-party appeal has been lodged against Condition No. 3 of Dublin City Council's Notification of the Decision to Grant Permission, which can be summarised as follows:

- The roof pitch of Nos. 139 and 140 Bettyglen are lower than other dwellings on the road, being constructed by a different builder in the 1970s;
- The internal ceiling height of 2.4 m is required in order to be able to stand in the attic and have proper use of the space;
- The dormer height increase of 360 mm will bring the overall roof height in line with others on the road;
- The converted attic space is required to facilitate home working during the day and will facilitate the applicant's family of 2 no. adults and 3 no. children, with additional space required as the children grow older.

6.1.2. The appeal is accompanied by photographs of the front and rear of the dwelling and a copy of contiguous elevation drawing (no. A123-A-204 Rev B).

6.2. Planning Authority Response

6.2.1. None received.

6.3. Observations

6.3.1. None received.

7.0 Assessment

7.1. This is a first-party appeal against Condition No. 3 of Dublin City Council's Notification of the Decision to Grant Permission, which requires that (a) the roof of the proposed dormer extension shall not exceed the existing roof ridge height; (b) the dormer extension shall have a maximum width of 4 metres; and, (c) the dormer box extension shall be centred on the mid-point of the roof of the subject house.

Condition No. 3 (d) requires that the extension shall be finished in materials of a similar colour to the existing roof materials, while Condition No. 3 (e) relates to all internal and external works to give effect to the required amendments.

- 7.2. Following my examination of the planning file and grounds of appeal, I consider it appropriate that the appeal should be confined to Condition No. 3 only. Accordingly, I am satisfied that the determination by the Board of this application as if it had been made to it in the first instance would not be warranted and that the Board should determine the matters raised in the appeal only in accordance with Section 139 of the Planning and Development Act 2000, as amended.
- 7.3. In recommending the modifications which are required to the proposed dormer structure under Condition No. 3, Dublin City Council's Planning Officer considered that the dormer was excessive in scale in relation to the rear roof plane. It was also considered that the proposed exceeding of the existing roof ridge height would set a precedent for similar development, which would not be consistent with the character of the houses in the vicinity.
- 7.3.1. While I acknowledge that the dormer extension will exceed the existing ridge height, in my opinion, the proposed height increase of 0.361 m is marginal. As such, I consider that the structure would read as an unobtrusive alteration to the roof profile, given its position on the rear roof plane and its likely limited visibility in street level views. I also note that the proposed windows, materials and finishes will match those of the existing dwelling. In my opinion, the original roof profile will remain legible, notwithstanding the addition of the proposed development.
- 7.3.2. I further note that the dwelling is not subject to any conservation or Protected Structure designations which would prohibit the alterations as proposed. The site is zoned for residential purposes (Z1), and in my opinion, the proposed development should be facilitated to enable older dwellings such as these, to be modernised to meet modern living requirements. The appellants submit that the dormer extension is required to allow the attic room to be used as a home office during the day and to meet the needs of their growing family. These are reasonable requirements in my opinion.
- 7.3.3. Thus, I consider that the proposed dormer extension and ridge height increase would not have any adverse impact on the scale and character of the existing dwelling, any

neighbouring dwelling or the streetscape, and would not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy or access to daylight and sunlight.

- 7.3.4. In conclusion, I am satisfied that the application of Condition No. 3 is unnecessary and unreasonable in this instance and would serve to undermine the ability to deliver an improved standard of residential accommodation on the subject site. I am further satisfied that the proposed ridge height increase would have a negligible visual impact on the existing dwelling and the character of the streetscape and would not set a precedent. In my opinion, the Planning Authority should be directed to omit Condition No. 3 of this permission.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

- 8.1. I recommend that the Planning Authority be directed to omit Condition No. 3 for the reasons and considerations set out hereunder.

9.0 Reasons and Considerations

- 9.1. Having regard to the residential land use zoning of the site, and the nature and scale of the proposed development, it is considered that the modifications and requirements of the Planning Authority, in its imposition of Condition No. 3, are not warranted, and that the proposed development, with the omission of this condition, would have no significant negative visual impact on the dwelling or the streetscape. Thus, the proposed development would be in accordance with the proper planning and sustainable development of the area.

Louise Treacy
Planning Inspector

12th October 2020