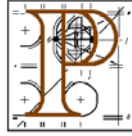


# An Bord Pleanála



## Inspector's Report

**Appeal Reference No:** PL 29N.246631

**Development:** The conversion of the existing attic space and construction of 2 dormer windows, 1 to the side & 1 to the rear of the existing roof, all to the existing 2 storey dwelling at 162 Shantalla Road, Santry, Dublin 9.

### Planning Application

Planning Authority: Dublin City Council  
Planning Authority Reg. Ref.: WEB1089/16  
Applicant: Shane and Elaine Walsh  
Planning Authority Decision: Grant Permission with conditions

### Planning Appeal

Appellant(s): Shane and Elaine Walsh  
Type of Appeal: Applicant – V - Condition  
Date of Site Inspection: 9<sup>th</sup> August 2016

**Inspector:** Tom Rabbette

## **1.0 SITE LOCATION AND DESCRIPTION**

The application site is located at No. 162 Shantalla Road in Santry in Dublin 9. The site accommodates a semi-detached two-storey dwelling estimated to date from the 1960s which has been modernised and extended to the rear. It is located in a row of dwellings and the adjacent dwellings are of a similar idiom.

## **2.0 PROPOSED DEVELOPMENT**

The applicants are seeking permission to carry out works to the attic level. It is proposed to construct two dormer windows to the attic level. One dormer window is to be to the rear of the dwelling and one to the side. The existing stairs serving the two-storey dwelling is to be carried up to provide access to the attic. The dormer window to the side is to provide headroom to facilitate the stair extension to the attic. The attic is to be used for storage purposes. The rear dormer window is to provide light and headroom to the attic storage room.

## **3.0 PLANNING HISTORY**

I am not aware of any directly relevant planning history pertaining to the application site.

## **4.0 PLANNING AUTHORITY DECISION**

### **4.1 Planning and technical reports**

#### Planner's Report dated 21/04/16

- Permission recommended subject to conditions.

#### Engineering Department – Drainage Division Report dated 06/04/16:

- No objections subject to conditions.

### **4.2 Planning Authority Decision**

By Order dated 26/04/16 the planning authority decided to grant permission subject to 8 no. conditions.

The decision to grant permission is subject of a first party appeal specifically relating to Condition No. 2 which reads as follows:

*“2. The development shall be revised as follows: The development hereby approved shall be revised as follows: (a) The proposed side dormer shall be omitted (b) The proposed rear dormer shall be reduced in width from 2795mm to ensure it is constructed entirely within the existing roof without altering the roof profile Development shall not commence until revised plans, drawings and particulars showing the above omission/amendments have been submitted to and agreed in writing by the Planning Authority Reason: in the interest of orderly development and visual amenity.”*

## **5.0 GROUNDS OF APPEAL**

Shane and Elaine Walsh, Shantalla Road, Santry, Dublin 9.

The contents of the first party's grounds of appeal can be summarised as follows:

- The appeal relates to condition no. 2.
- The proposed development would not set a precedent as one already exists.
- It would not seriously injure the visual and residential amenities of property in the vicinity.
- Condition no. 2 is unduly and unnecessarily restricts the proposed development making it unviable.
- Works are proposed to the applicants' primary residence.
- The applicants do not have an issue with the reduction of the rear dormer but this was only necessary as a result of the conditioning out of the side dormer.
- The dormer window to the side is integral to the development in providing a fixed staircase to access the attic area and the development would be pointless without same.
- Precedence already exists within the local area and this does not appear to have been taken into consideration when conditioning the application.
- The applicants refer to, inter alia, 3119/16 (WEB1258/14), 2942/07, 6432/07, 6168/07.
- Dormers to the side and front of dwellings are an established pattern of development in the area and provide some uniformity and consistency throughout the local area.
- There are numerous varying developments with alternative roof profiles within the area which could be deemed to have a more negative impact on visual amenity than the side dormer proposed under this application.
- The development will not impact on the residential amenity of any adjacent dwellings.
- It will not impact on the visual amenity of the area.
- Installing a folding attic stairs is not acceptable or practical.
- The board is requested to revoke condition no. 2.

## **6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL**

### **6.1 Planning Authority response**

In a submission received by the Board on the 07/06/16 the planning authority notes the contents of the appeal and refers the Board to the Planner's Report previously submitted.

## **7.0 POLICY CONTEXT**

The operative plan for the area is the Dublin City Development Plan 2011-2017. The site is located in an area where the land use zoning objective is Z1 – 'To protect, provide and improve residential amenities'.

Appendix 25 - Guidelines for Residential Extension (subsection 11 refers to roof extensions.)

## **8.0 ASSESSMENT**

Having regard to the nature and scale of the development and the specific issue arising, that being a first party appeal against Condition No. 2 of the p.a. decision, I am of the opinion that the determination of the application as if it had been made to the Board in the first instance is not warranted. In that regard I note the provisions of s.139 of the Planning & Development Act 2000 (as amended). This assessment will therefore be confined to the specific appeal of Condition No. 2 of the p.a. decision.

The subject condition required the removal of the side dormer window and as a consequence also required that the width of the proposed rear dormer window be reduced. Based on the Planner's Report on file and also based on the reason given for the subject condition in the p.a. decision, it appears that the p.a. decision related primarily to the visual impact the side dormer would have. The p.a. considered that the side dormer window would be out of character with the hipped roof profiles of the surrounding properties on this section of the Shantalla Road and would set an undesirable precedent for such side dormer extensions.

While I do accept that the dwellings immediately to the north, south and east of the application site do not have side dormer windows, there are similar examples of such side dormer windows in the wider area. There is a not dissimilar dormer side window to No. 34 Shanboley Road c. 150 m to the east of the application site. That dwelling is of a similar age and design as the dwelling subject of this appeal. The side dormer window at No. 34 Shanboley Road was granted by the p.a. under WEB1258/14 in February of 2015. There are side dormer windows to two semi-detached dwellings in Lorcan Park c. 300 m to the north of the application site in Shantalla Road, Lorcan Park is a later continuation of Shantalla Road.

The land use zoning seeks to protect, provide and improve residential amenities. The applicants are seeking to improve their residential amenity by the works proposed, they applicants reside in the house, it is their family home. If the side dormer is removed the proposed stair extension into the attic space cannot be provided.

There is no third party appeal in relation to the p.a. decision and there were no objections or observations made to the p.a. during the application period.

The proposed side dormer maintains the existing ridge line, it is also setback from the eaves line, the profile of the existing roof for the most part is maintained.

While the side dormer introduces a new element to one of the roofs in this immediate area, I am not convinced that it constitutes an adverse impact on the visual amenities of the area. It does provide for improved residential amenity within the subject dwelling and, in that regard, complies with the Z1 zoning.

I recommend that the side dormer window be granted as proposed.

## **9.0 CONCLUSIONS AND RECOMMENDATION**

It is recommended that the Board consider the appeal in the context of s.139 of the Planning & Development Act 2000 (as amended). It is further recommended that the Board direct the planning authority to remove Condition No. 2.

## **DECISION**

Remove Condition No. 2

## **REASONS AND CONSIDERATIONS**

Having regard to the nature and scale of the side dormer window proposed and the existence of similar side dormer windows in the area, and also having regard to the residential amenity being provided for by the proposed development, it is considered that the proposed side dormer window will not adversely impact on the visual amenities of the area, would not set an undesirable precedent and would be in accordance with the proper planning and sustainable development of the area.

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Tom Rabbette  
Senior Planning Inspector  
9<sup>th</sup> August 2016