

An Bord Pleanála



Inspector's Report

Appeal Reference No: PL29S.246678

Development: Alterations to Apartment No. 38 and conversion of its attic space to form 2 additional bedrooms and replacement bathroom with 6 sets of rooflights at Block "B", Bellevue, Islandbridge, Dublin 8.

Planning Application

Planning Authority: Dublin City Council
Planning Authority Reg. Ref.: 2486/16
Applicant: Bryan Patten & Emer Butler
Planning Authority Decision: Refusal

Planning Appeal

Appellant(s): Bryan Patten & Emer Butler
Type of Appeal: First party -v- Decision
Observers: None
Date of Site Inspection: 12th August 2016

Inspector: Hugh D. Morrison

1.0 SITE LOCATION AND DESCRIPTION

The site lies within Bellevue, a complex of multi-storey apartment blocks, denoted as A – I, which has been constructed on a former mill site that is roughly triangular in shape and which is bound to the north and west by the River Liffey and to the south by a mill race. This former mill site is accessed off South Circular Road at Islandbridge. Memorial Park lies to the south west of this site and the former Clancy Barracks lie to the south east.

The site itself comprises Apartment No. 38, which lies on the third floor of Block B and which has a gross floorspace of 75 sq m. This Apartment occupies the top storey of a four storey portion of this Block, which projects northwards towards a water feature that is the centre piece to the Blocks denoted as A – E. This four storey portion of Block B is thus prominent within the setting formed by this water feature and the surrounding Blocks. It is also visible from the vicinity of the initial entrance point to the overall complex, to the east, and from the communal area of landscaped open space, to the west.

2.0 PROPOSED DEVELOPMENT

- The proposal would entail the conversion of the attic space to Apartment No. 38 in the double pitched roof above the existing functioning apartment, which has a net floorspace of 62 sq m.
- This conversion would entail the provision of two double bedrooms and a replacement bathroom in the former attic (an additional 40 sq m of floorspace).
- It would be facilitated by the installation of 6 sets of roof lights, i.e. a row comprising two, one, and three roof lights on the lower reaches of the eastern roof plane, and a cluster of four roof lights on either side of a single one on the western roof plane. The former roof lights would serve via light wells the existing functioning apartment, while the latter ones would serve the proposed attic conversion.
- The proposal would also facilitate the reorganisation of the functioning apartment, i.e. the widening of the existing hallway, and the incorporation of the relocated kitchen within an open plan kitchen/dining/living room area that includes the existing dining and living rooms, bedroom no. 2, and a corridor.

3.0 PLANNING HISTORY

Apartment 38 is within Block “B”, which is one of nine blocks that make up the redevelopment scheme at Bellevue that has taken place under a considerable number of planning permissions over recent years. This Block is not a protected structure.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

- Drainage: No objection, subject to condition.

4.2 Planning Authority Decision

Permission was refused for the following reason:

The proposed additional bedrooms at attic level would be solely lit by velux windows in the roof of the structure. Having regard to Paragraph 17.9.1 (Residential Quality Standards), 2, (Aspects, Natural Lighting, Ventilation and Sunlight Penetration) of the Dublin City Development Plan 2011 – 2017, the proposed development is sub-standard with regard to adequate penetration of natural light to habitable rooms. Therefore, the proposed development, by itself, and by the precedent a decision to grant permission for similar sub-standard development would provide, would be seriously injurious to the amenities of both existing and proposed residents.

5.0 GROUNDS OF APPEAL

- The applicants begin by outlining the background to their proposal. They have resided in Apartment No. 38 for the last 10 years and wish to remain therein. However, with an expanding family, they need additional space. Their apartment has a generous attic that would be readily convertible as proposed, thereby meeting their foreseeable needs.
- The proposal was selected on the basis that it would be the least intrusive of the available options. Thus, this proposal would respect the simple architectural form of Block “B”. It would entail the instalment of velux type roof windows in the east and west facing roof planes. These windows would afford views up and down the Liffey Valley and they would admit light and thus make for an attractive living environment.
- The need for and utility of the statement of prohibition in Paragraph 17.9.1 of the CDP, cited in the reason for refusal, is questioned. The current proposal is an object lesson in how, notwithstanding this statement, velux type roof windows can be an appropriate way to treat an attic conversion in an apartment block.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority response

Awaited

6.2 Observations on grounds of appeal

None

7.0 POLICY CONTEXT

7.1 Local

Under the Dublin City Development Plan 2011 – 2017 (CDP), the site is shown as lying within (a) an area that is zoned Z1 (sustainable residential neighbourhoods), wherein the objective is “To protect, provide and or improve residential amenities”, and (b) the conservation area centred upon the River Liffey.

Section 17.9.1 is entitled “Residential Quality Standards”. Under the heading “A1: The Unit – All Residential Development”, Item 2 is entitled “Aspect, Natural Lighting, Ventilation and Sunlight Penetration” and this Item includes the following statement:

...Living rooms and bedrooms shall not be lit solely by roof lights and all habitable rooms must be naturally ventilated and lit...

This statement has been retained in Section 16.10.1 of the draft Dublin City Development Plan 2016 – 2022.

7.2 National

Quality Housing for Sustainable Communities: Best Practice Guidelines (QHSC): Under chapter 5 of these Guidelines, which is entitled “Dwelling design”, section 5.3, which has the heading “Internal layout and space management”, and item 5.3.1, which has the sub-heading “General principles”, the following advice is given:

...Dwellings should be orientated so that all main rooms get direct sunlight at some time during the day. Windows should be adequately sized and room shapes should be designed to allow good daylight penetration...

Later, under item 5.4.2, which has the sub-heading “Daylighting and solar gain”, the following advice is given:

...Where feasible, the main habitable rooms should have south and/or west facades. It is also desirable that bedrooms have a southerly or easterly aspect...

8.0 ASSESSMENT

1. The proposal to convert the attic in Apartment 38 for habitable use hinges upon the applicants being in a position to install the proposed 6 sets of roof lights. The planning authority took exception to this aspect of the proposal

on the basis that, as the two additional bedrooms would be lit solely by roof lights, it would contravene Section 17.9.1 of the CDP, which opposes the exclusive use of roof lights as a means of lighting habitable rooms. The reason given for the subsequent draft refusal cites this Section and elaborates upon their concern that the proposal would represent sub-standard development as it would not allow for the adequate penetration of natural light to habitable rooms and, if permitted, it would risk the establishment of an adverse precedent for such development.

2. The applicants have responded to this reason for refusal by explaining that the proposed roof lights would aesthetically be the least visually intrusive option available to them and they would both admit light and afford attractive views of the Liffey Valley, to the west. They, therefore, contend that the aforementioned ban on roof lights is inappropriate in this case.
3. The item at issue within Section 17.9.1 appears under the heading of “Residential quality standards, A1: The unit – all residential development” and the sub-heading “Aspect, natural lighting, ventilation and sunlight penetration.” Thus, the sentence “Living rooms and bedrooms shall not be lit solely by roof lights and all habitable rooms must be naturally ventilated and lit” appears within the context of a discussion of lighting and ventilation. Accordingly, the impetus for the said ban is a concern that reliance solely on roof lights would risk habitable rooms that are inadequately lit and vented.
4. The proposal would entail the provision of two bedrooms within a converted attic, each of which would be served by a cluster of four roof lights installed within the western roof plane, which is pitched at a c. 35 degree angle. The cill and head heights of these clusters would be 0.9m and 2.2m, respectively, and their dimensions would be 1.5m wide x 1.9m long, i.e. 2.85 sq m. The proposed bedrooms would have floor areas of 12.22 sq m and 11.11 sq m. Thus, the orientation, height above floor level, and size of the said clusters would support the applicants’ contention that they would admit satisfactory amounts of light and they would afford the opportunity for views out. Presumably, too, the clusters would include openable roof lights to ensure that ventilation can occur. While the QHSC Guidelines express a preference for bedroom windows to be in eastern or southern elevations, they do not object to the utilisation of western ones. In the present case, the availability of more attractive views to the west is a further consideration in this respect.
5. Given the foregoing discussion, the underlying concern of the cited portion of Section 17.9.1 would not arise in the present case, as the proposed cluster of roof lights would be capable of lighting and venting the bedrooms that they would serve, satisfactorily.

6. The proposed roof lights on the eastern and western roof planes of the projecting four storey portion of Block B would be visible from the following public/communal vantage points:
 - The vicinity of the entrance to the overall complex at Bellevue from the south,
 - The walkways and elevations of Blocks A – E that overlook the water feature that the northern elevation of Block B abuts, and
 - The landscaped area of communal open space to the west.
7. The complex of apartment blocks has been designed to reproduce something of the character of the mill buildings that were formerly on the site. Thus, rectangular forms under slated double pitched roofs have been utilised. Brick is the predominant finishing material, although stone and render are used, too. Some blocks have dormer windows that are original to their host blocks. Block B has an unbroken roofscape, as have the comparable brick finished Blocks denoted as A and E to the west and north, respectfully.
8. The proposed roof lights to the projecting portion of Block B would be visible from the aforementioned vantage points. Their novelty would draw the eye and lead to the existing unbroken roofscape being interrupted.
9. The complex of apartment blocks lies within a conservation area. Clearly, these blocks are of recent origin and so they are not of conservation interest. That said, as already noted, their design reflects something of the character of the mill buildings that they superseded and so I consider that this should be respected in their future development.
10. The introduction of the proposed roof lights to the roofscape of Block B would represent a departure from the design of this Block that would be visually anomalous and incongruous within the context of this Block and the adjacent Blocks A and E. Thus, to accede to these roof lights would create a precedent that could lead to pressure to convert the attics in the more comparable of these two Blocks, i.e. Block E, in a similar manner, thereby multiplying the incidence of interrupted/broken roofscapes.

9.0 CONCLUSIONS AND RECOMMENDATION

In view of my assessment, I conclude that, whereas the proposed roof lights would be acceptable in terms of their residential amenity value, they would be visible from vantage points within the wider Bellevue site and, as they would interrupt/break the existing roofscape to Block B, they would detract from the aesthetic appeal of this

Block and risk the establishment of an adverse precedent for similar development elsewhere on this site.

I, therefore, recommend that the proposed Alterations to Apartment No. 38 and conversion of its attic space to form 2 additional bedrooms and replacement bathroom with 6 sets of rooflights at Block "B", Bellevue, Islandbridge, Dublin 8, be refused.

REASONS AND CONSIDERATIONS

Under the Dublin City Development Plan 2011 – 2017, the site lies within a conservation area and the design of the complex of apartment blocks reflects the character of the former mill buildings that were located therein. Apartment No. 38 lies in the top storey of that portion of Block B, which projects forward to abut an attractive water feature. The roofscape of this Block is unbroken, as are the roofscapes of comparable Blocks around this water feature. Block B is prominent within this setting and views of its roofscape are highly visible from, in particular, the communal landscaped area of open space to the west. Within this context, the introduction of the proposed roof lights would appear as visually anomalous and incongruous additions to the host roofspace and so they would be seriously injurious to the visual amenities of the area. Furthermore, to accede to these roof lights would risk the establishment of an adverse precedent that could lead to pressure for the installation of additional roof lights, thereby further jeopardising visual amenity. The proposal would thus be contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector
16th August 2016