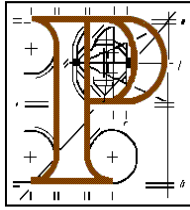


An Bord Pleanála



Inspector's Report

Appeal Reference No: PL29S.246714

Development: Rear first floor extension to existing bedroom, retention of dormer window to front elevation, and retention of dormer to rear elevation and attic used as study at 29 South Dock Street, Ringsend, Dublin 4.

Planning Application

Planning Authority: Dublin City Council
Planning Authority Reg. Ref.: 2342/16
Applicant: Anita Dunphy
Planning Authority Decision: Split Decision

Planning Appeal

Appellant(s): F.O'Neill
Type of Appeal: Third Party
Observers: None
Date of Site Inspection: 22nd of August 2016

Inspector: Angela Brereton

1.0 SITE LOCATION AND DESCRIPTION

The site is located on the southern side of South Dock Street opposite the junction with the cul de sac South Dock Place in Ringsend. Shelbourne Park and Irishtown lie further to the east. The site comprises a period brick mid-terrace, 2 storey dwelling that opens directly onto the street. A dormer window has been constructed to the front and rear of the dwelling. No.29 (the subject site) and No.33 are the only two of these houses to have a front dormer on this side of South Dock Street. No.60 further to the north on the opposite side of the road also has a front dormer. There are several such examples of front and rear dormer extensions to these type of houses in the adjoining streets in the wider established residential area.

These are back to back houses, and the terraced houses in Penrose Street are to the rear and there are rear dormers facing the site. All of these houses have flat roofed single storey rear extensions and some have built a first storey rear extension above. These houses are on restricted site areas with very limited or no private open space and are at a relatively high density and front onto the street. There is on street paid and permit parking. There is a park and children's play area 'South Dock Park' further to the west and a SAAB dealers on the opposite side of the road.

2.0 PROPOSED DEVELOPMENT

- Permission is sought for a rear first floor extension to the existing bedroom.
- Retention permission is sought for the dormer window to the front elevation and the dormer to the rear elevation and for use of the attic as a study.

The application form provides that the total site area is 44sq.m, the total area of the proposed development (new and retained) is 33sq.m. The proposed plot ratio is given as 1.3 and the proposed site coverage is 76%.

Floor Plans, Sections and Elevations have been submitted showing the existing and proposed development.

3.0 PLANNING HISTORY

Subject site

- Reg.Ref.0287/95 – Permission granted by the Council subject to conditions for a single and two storey extension to the rear.

This was never constructed.

Proximate sites

- Reg.Ref. 2371/13 – Retention Permission refused by the P.A and upheld by ABP (Ref.PL29S.242085 refers) for second floor dormer window to front elevation of existing terrace house with black slate finish to front and sides at no.11 South Dock Street. The Board's reason for refusal included that the retention of the front dormer in this attractive residential conservation area would be unduly obtrusive in the streetscape and out of character with properties in the vicinity.

- Reg.Ref.4373/07 – Permission granted subject to conditions by the Council for a development comprising the demolition of an existing extension and the erection of a new rear extension at no. 11 South Dock Road. This was subsequently upheld on appeal by the Board PL29S.225851 refers). Condition no.1 omits the attic level and Condition no.2 provides for obscure glazing of the first floor rear window. Condition no.6 also provides for the design of the rear extension and refers to no.45 South Dock Street (Ref. 3903/06 refers).
- Reg.Ref.2357/04 – Permission granted by the Council at no.31 South Dock Street for alterations and extension to existing house including conversion of attic space and addition of front and rear dormer windows. The design of the front dormer window was amended under Condition no.2 as follows:

The design of the dormer window to the front elevation shall be amended in the following way: (i) The glazed element of the dormer window shall be amended so as to form two window opens which shall have a horizontal rather than vertical emphasis. The overall width of each window shall be similar to the two window opens at first floor level below. The remainder of the dormer structure shall be slated to match the existing roof finish. (ii) No part of either the front or rear dormer extensions shall exceed the height of the existing roof ridge and the roof ridge shall not be extended in height as part of this development. Reason: In the interests of orderly development.

It was noted on site this front dormer is on no.33 South Dock Street.

- Reg.Ref.5582/04 – Permission granted subject to conditions by the Council for two storey extension to the rear including dormer to the front at no.49, Dock Street South.
The dormer window to the front has not been constructed.

4.0 PLANNING AUTHORITY APPLICATION

Planning and Technical Reports

Engineering Department Drainage Division

They have no objection subject to compliance with standard drainage conditions.

Submissions

A Submission has been received from the adjoining property at no.27 South Dock Street, who is the subsequent third party appellant. Their concerns include the following:

- The development would block out daylight from three rooms in their house and would be overly dominant.
- Single storey extensions have been the norm along this street and other streets in the area.
- It would devalue their property.

- It would entail the relocation of the rainwater collection tank on the roof which would lead to further loss of light for no.27.

Planner's Report

The Planner had regard to the locational context of the site, planning history and policy and to the submissions made. They considered that the applicant had not submitted drawings to adequately assess the proposal and recommended that further information relative to the following:

- To submit a drawing clearly showing the existing rear elevation of the property and the scale and extent of the existing dormer window for retention;
- Also to show the existing and proposed site section including the ridge height.
- To clarify if an extension to the ridge height is being sought.

First Party response

In response revised drawings including sections were submitted showing the dormers proposed for retention front and rear do not exceed the height of the ridge of the existing house.

Planner's response

The Planner had regard to the F.I submitted and they considered the proposed rear extension and retention of the rear dormer to be acceptable and recommended permission for these elements subject to conditions.

However they were concerned that the front dormer is visually obtrusive and presents a dominant form of development in the overall streetscape. As such they considered that it would have a negative impact on the Z2 Residential Conservation Area and recommended that permission for this element be refused.

5.0 PLANNING AUTHORITY DECISION

On the 12th of May 2016 Dublin City Council recommended a Split Decision relative to the proposed development i.e.-

- 1) To grant permission *for the retention of the dormer window to the rear and the rear first floor extension and*
- 2) To refuse permission *for the retention of the dormer window to the front.*

Conditions

Permission for the elements granted is subject to 8no. conditions, many of which are relatively standard. The following are of note relative to design issues and in the interests of residential amenity:

- Condition no.2 – External finishes to match the existing house.
- Condition no.6 – The flat roof element of the single storey extension shall not be used as a roof terrace or balcony.

Reason for Refusal

It is considered that the retention of a dormer window to this attractive mid-terrace period residence situated with a Z2 Residential Conservation Area in Dublin City

Development Plan 2011-2017 would, by reason of its form and materials, be unduly obtrusive in its streetscape setting and would be out of character with properties in the vicinity. The development proposed for retention would, therefore, seriously injure the visual amenities of properties in the vicinity and would set an undesirable precedent for similar type in the area. The development proposed for retention would, therefore be contrary to the proper planning and sustainable development of the area.

6.0 GROUNDS OF APPEAL

A Third Party grounds of appeal has been submitted from F.O'Neill the owner of the adjoining mid-terraced property no.27 South Dock Street. They are appealing against the granting of permission for a rear first floor extension to the existing bedroom. They are concerned about the scale and height of this extension and that it would be overly dominant and adversely impact on their natural light. They note that the fronts of these houses face north, so the only source of sunlight is to the back and the proposed development would greatly reduce light available.

7.0 RESPONSES

7.1 Dublin City Council

They provide that the reasons for granting permission are clearly set out in the Planners Report for the application. They do not intend to respond in detail to the grounds of appeal as the Planning Authority considers that the comprehensive Planning Report deals fully with all the issues raised and justifies their decision.

7.2 First Party response

This includes the following:

- The extension of the back bedroom will allow for improved family living accommodation.
- A previous application for a single and 2 storey extension in 1995 (Reg.Ref.0297/95) was refused.
- Over the past number of years 2 storey extensions have been built at the rear of neighbouring properties – photographs included.
- This proposal will not have an adverse impact on loss of light or amenity to the neighbouring property – photographs are included.
- This is a really necessary extension of her home.

8.0 POLICY CONTEXT

The appeal site is governed by the policies and provisions contained in the Dublin City Development Plan, 2011-2017. Section 15.10.2 refers to the 'Zoning Principles' - land use zoning as shown on Map 'E' the indicative land use zoning objective for the site under the City Development Plan is 'Z2': "to protect and/or improve the amenities of residential conservation areas".

Chapter 17 provides the 'Development Standards' and regard is had in particular in this case to the following Sections:

Section 17.9.1 provides the Residential Quality Standards A3 refers to House only (in addition to A1 standards –all residential development).

Section 17.9.8 refers to Extensions and Alterations to Dwellings. This notes Applications for planning permission to extend dwellings will be granted provided that the proposed development:-

- Has no adverse impact on the scale and character of the dwelling.
- Has no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight.

Appendix 25 provides Guidelines for Residential Extensions.

9.0 ASSESSMENT

9.1 Principle of Development and Planning Policy

The impact on adjoining properties needs to be considered. The First Party submits that the retention and proposed development seeks to improve their standard of living accommodation and provide a necessary extension for family living while also respecting the character, appearance and residential amenity of the area. It is noted that concerns have been expressed by the Third Party in the adjoining mid-terrace property no.27 South Dock Street that the proposed development, particularly the rear extension, due to its mass, height, overshadowing and visual impact does not accord with the objectives of the Development Plan and if permitted would be out of character with the appearance of existing dwellings and would result in a negative impact on their property. The Council's split decision relative to the proposed and retention issues has been noted.

The issue for consideration having regard to the retention elements in this application is whether the development would be sustainable and permission would have been granted in the first instance in accordance with planning policies and taking into account the character and amenities of the area, if the unauthorised development had not taken place. In this case the applicant has applied to retain both the front and rear dormers and the attic as study. The issue is whether the modifications that have taken place would now be deemed to be acceptable and in the interests of the character and amenity of the area and not be detrimental for neighbouring residents.

Section 17.9 of the Dublin City Development Plan 2011-2017 provides 'Standards for Residential Accommodation' and S.17.9.1 refers to the 'Residential Quality Standards' and Section 17.9.8 to 'Extensions and Alterations' to dwellings. This provides that well designed extensions will normally be granted provided that they have regard to the amenities of adjoining properties and that the design integrates with the existing buildings. Appendix 25 provides 'Guidelines for Residential Extensions' and the general principles include regard to the subordinate approach and that the proposed extension should not have an adverse impact on the scale and character of the dwelling, or on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight and achieve a high quality of design.

Whereas a well-designed extension is normally permissible in this residential land use zoning in accordance with the criteria of Section 17.9.8, and Appendix 25 the issue in this case is whether the proposed first floor extension and the front and rear

dormers to be retained would integrate well or have an adverse impact taking into account the character of the existing dwelling, the restricted nature of the site, the amenities of the adjoining dwellings and the character of the streetscape. These issues are discussed further in the context of this assessment below.

9.2 Design and Layout

As shown on the plans the floor area of the existing house, including the single storey rear element is c.54sqm. The proposed first floor extension is shown c.8.5sqm. This is currently a two bedroom house and the bathroom is in the single storey rear extension on the ground floor. The revised floor plans show that this would allow for an en-suite bathroom and an extended bedroom area at first floor level.

The sections submitted with the original application showed that the front and rear dormers proposed for retention are c.0.5m higher than the ridge of the original house. However in response to the Council's request for further information revised plans were submitted which show the height of the dormers reduced to match that of the ridge height of the original dwelling. The height of the dwelling is shown as 6.9m. It is of note that the floor to ceiling height of the attic as shown at less than 2m (c.1.6m) i.e. is considerably lower than the 2.4m height i.e the Building Regulations standards (Part F) for a habitable room. The attic space provides a second floor level and is referred to on the sectional drawings as a study, however on my site visit I noted that it is in use as a bedroom accessed via a narrow steep stairway. Floor plans for the attic have not been submitted but it adds c.20sq.m onto the area of the house. It is recommended that if the Board decides to permit that a condition be included that the attic space not be used as a habitable room.

9.3 Impact on the Residential Amenities of the Area

This is an area of back to back period terrace houses that were built at a relatively high density on restricted site areas in a period when living requirements for space for family living were not as today e.g. the bathroom is located as an addition in the single storey rear extension. There is a living room, kitchen and bathroom on the ground floor and two bedrooms above. The existing single storey extension has a flat roof that is accessed via a door in the rear bedroom. There is no balcony area but it is possible to stand out on the flat roof area.

On my site visit I noted that the houses in this area have single storey rear extensions, the majority with flat roofs. There is little or no private amenity open space. Some first floor rear extensions have been built mainly on the houses closer to either end of this terrace. Many of the houses have rear dormers and there are rear dormers of the houses in Penrose Street facing. There is no rear access lane between these properties. Therefore there is an issue of first floor overlooking as the properties are extended further towards each other.

The Third Party resides in the adjoining mid terrace property no.27 South Dock Street. Their submission notes concerns about loss of daylight i.e. to the patio doors which face sideways towards no.29, which is their dining area, the downstairs back

window and the upstairs back window from one side. They have a single storey flat roofed extension which is set off the site boundary with no.29. As seen on site their patio door and side window face at ground floor level. This property is to the west of No.29 and while set back c.1m from the boundary wall and c.2m from the existing single storey extension it is considered that the proposed first floor extension will have some impact on the light to the rear of their property. In this respect Section 6 of Appendix 25 of the DCDP provides: *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.*

The Board may decide to refuse the proposed first floor rear extension on the grounds of overlooking of the houses facing in Penrose Street at the rear and potential overshadowing of no.27 South Dock Street. However there are a number of precedents for first floor rear extensions in the area, although none proximate to the site. It could be viewed that there is a balance to be struck between the conservation objective and the practical issue of upgrading houses such as the subject house to an acceptable level of accommodation having regard to the quality and the established character of the area. It is therefore recommended that should the Board decide to permit the proposed first floor rear extension that it be reduced to a maximum of 3m in length (3.5m currently shown), the set back from no.27 be retained and that the rear window be high level and obscure glazed and that it be conditioned that revised plans be submitted showing these modifications prior to the commencement of development. It is considered that the rear dormer proposed for retention is acceptable provided it does not exceed the ridge height of the property.

9.4 Impact on the Character and Amenities of the Area

The subject site is zoned Objective 'Z2' i.e: *To protect and/or improve the amenities of residential conservation areas.* The general objective for these areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area. It is noted that the development while in the Z2 zoning is not specifically within a Conservation or Architectural Conservation Area. However it is within this zoning due to the quality of the architecture in the surrounding area i.e Section 15.10.2 provides: *The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected.* The guiding principle is to enhance the architectural quality of the streetscape within the area.

It is considered that the front dormer proposed for retention results in a visually obtrusive extension to the front of the building that has an adverse impact on the character of roofscapes of these period properties and visual appearance of these dwellings in the streetscape. In this respect regard is had to Section 8 of Appendix 25 which provides: *The subordinate approach means 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 11 of this Appendix relates specifically to roof extensions and dormer windows and provides a number of criteria relative to design, this includes the subordinate approach, reflective of the character of the

dwelling and the area, set back from eaves level to minimise the visual impact and reduce potential of overlooking for adjoining properties.

This is the second such front dormer along this block on the south side of South Dock Street. That at no.33 is a smaller less prominent dormer. However it is considered that in combination with no.33 it provides an adverse overly dominant form of development and cumulatively would have an impact on the character of the streetscape in the Z2 residential conservation area. While there is some precedent of front dormers on some of the other character streets in this area, South Dock Street is a more prominent Street that has been less affected. It is not considered that there is merit in the continuation of what could become an undesirable trend to the detriment of these period character houses.

9.5 Appropriate Assessment

Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise.”

10.0 CONCLUSION

Regard has been had to the documentation submitted, planning policy, history and submissions made including the Third Party grounds of appeal. Having regard to the Assessment above it is considered that provided the length of the first floor rear extension is reduced and the front dormer is omitted that this proposal will not impact adversely on the character of the streetscape in the residential conservation Z2 area, and the amenities of adjoining properties.

11.0 RECOMMENDATION

GRANT PERMISSION for the proposed extension, and retention of the rear dormer with the attic space, not to be used as a habitable room, at no.29 South Dock Street, Ringsend, Dublin 4.

SCHEDULE 1

REASONS AND CONSIDERATIONS

Having regard to the ‘Z2 residential conservation land use zoning of the site, and to the character of the area and to the design, nature and scale of the proposed extension, it is considered that, subject to compliance with the conditions set out below, the proposed development and the retention of the rear dormer window would not detract from the character of the existing house or the residential amenities of adjoining dwellings and would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 21st day of April 2016 and by the

further plans and particulars received by An Bord Pleanála on the 22nd day of June, 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The design of the proposed extension shall be amended as follows:
 - (a) The proposed first floor rear extension shall be reduced in length to extend a maximum of 3m from the rear wall of the existing house and shall be constructed in materials to match the existing dwelling.
 - (b) The design of the first floor window shall be obscure glazed and revised to avoid overlooking of the dwelling houses to the rear.
 - (c) The flat roof area shown as 'roof garden' shall not be used as a roof terrace or balcony area.
 - (d) Details showing the relocation of the rainwater tank on the roof shall be submitted.
 - (e) The attic space shall be used for storage only and shall not be used as a habitable room.
 - (f) The proposed extension including any roofing/guttering shall not overhang and be constructed within the application site boundaries.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

3. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the dwellinghouse without a prior grant of planning permission.

Reason: In the interest of residential amenity.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. Site development and building works shall be carried only out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

2) **SCHEDULE 2**

Refuse permission for the retention of the front dormer at no.29 South Dock Street, Ringsend, Dublin 4.

REASONS AND CONSIDERATIONS

It is considered that the retention of a dormer window extension to the front of this attractive mid-terrace period residence situated within an area zoned in the Dublin City Development Plan 2011-2017 as a residential conservation area would by reason of its size, form and materials, be unduly obtrusive in its streetscape setting and would be out of character with properties in the vicinity. The development proposed for retention would, therefore, seriously injure the visual amenities of properties in the vicinity and would set an undesirable precedent for similar type development in the area. The development proposed for retention would, therefore, be contrary to the proper planning and sustainable development of the area.

Angela Brereton,
Planning Inspector
Date: 26th of August 2016