



Development	Retention/Completion of dormer window to attic, permission for single storey extension and all associated works.
Location	3 Mountjoy Street Dublin 3.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3165/16
Applicant(s)	Jessica Forrester
Type of Application	Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant(s)	MPM Residents Association
Observer(s)	Steve and Lisa McDonnell
Date of Site Inspection	5 th December 2016
Inspector	Suzanne Kehely

1.0 Site Location and Description

- 1.1. No 3 Mountjoy street is an end of terraced two storey over basement mid-19th century townhouse which has been radically gutted and is undergoing refurbishment. Internal floors and walls have removed and a new roof is under construction and incorporates a partly constructed dormer roof in the rear elevation. It large and contemporarily styled.

The plot width is about 7m at the road frontage and widens to 8.6m over a depth of 8.8 to the rear boundary. The overall depth of 21m. A laneway is located to the rear of the proposed providing access to the other houses on the same street and also to community hall and properties fronting western Way to the north. The laneway has been blocked by a palisade fence at the corner of the rear garden of the site. Owing to the low level structures on Western Way the dormer is visible form the public street.

2.0 Proposed Development

- 2.1. It is proposed to alter and extend the property by
- Extending the ground floor level across the width of the house at depth of 2.2m and then a further 7m approx. at a narrower width internal floor of 3.5m. This result in a 9.2m deep extension into the garden and about 1.5m from the rear boundary and stepped back from the western boundary to provide a courtyard garden,
 - Extending the attic level by way of a large dormer window at attic level roof height of approx. 9.4m as compared to ridge of 9.84m. It is approx. 3.7m in width with a projection from the roof slope of 3.2m from just below the ridge. It is moderately stepped in from the eaves. This will provide a floor to ceiling height of 2.165 in attic level in floor area of about 3.5m squared in addition to lower height floor space which is proposed in part as a bathroom. Two roof lights are proposed in the front elevation for the bathroom. This level is indicated as a study in the plans.

- Installation of steel stairs and gate in railing to provide direct access to basement form street. The basement plans show alternation to the basement window opening in the front elevation – this involves altering the height to create stepped double door entrance.

3.0 Planning Authority Decision

3.1. Decision

Grant permission and permission to retain subject to 7 conditions. Condition 3 requires particular finishes (slate, tiles or zinc) to the dormer window walls.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Notes 5 objections
- Notes development plan policy and guidance for conservation areas.
- The single storey is acceptable due to site layout and relationship with lane, height and residual garden of 40 sq.m.
- Notes that the dormer leaves a larger original roof slope area, it is uncomplicated in design and will not result in undue overlooking
- Notes that notwithstanding the objection there is no proposal to raise original ridge height
- Notes size and location of Velux roof light and precedence on street and these are considered acceptable
- The steel stairs and independent access to basement form street is considered visually acceptable. It is noted that no change of use is proposed and accordingly the objections to commercial use have no reasonable basis

3.2.2. Other Technical Reports

Drainage: No objection

3.3. **Prescribed Bodies**

TII: no objections

3.4. **Third Party Observations**

- The works are unwarranted as house in was in good general state
- The conservation status obliges salvaging building
- Inaccurate drawings

4.0 **Planning History**

None

5.0 **Policy Context**

5.1. **Development Plan 2016-2022**

The site is in an area governed by the objective to protect and/or improve the amenities of residential conservation areas (Z2) under the recently adopted 2016-2022 development plan. There is little difference from the previous plan as used by the planning authority in its assessment in respect of the site and development proposed

Section 16.10.12 refers generally to extension approach. section 16.10.17 advocates use of older buildings

Section 11.1.5.4, 11.1.5.5 and 11.1.5.6. refers to policy in conservation areas criteria for extensions and alterations to dwellings in such areas. Appendix 17 also refers. Appendix 17.11 notably refers to roof profile and treatment. 'dormer windows should be set back from eaves to avoid visual impact.

- 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.

5.2. Natural Heritage Designations

Not relevant

6.0 The Appeal

6.1. Grounds of Appeal

MPM Residents Association which represents 3 street sin the area has appealed the decision. A letter of objection from Councillor Ciaran Cuffe is also appended. The issues relate primarily to the roof profile. It is submitted:

- The altered development is unauthorised and also contravenes development plan guidance for development in conservation areas. The dormer is very large and architecturally inappropriate. It will detract from the integrity of the area by reason of views from Western Way
- Permission sets an undesirable precedent for only seeking permission after demolition and construction.
- A large rear dormer for no 8 Mountjoy street was refused for amenity based reasons

- Concern about commercialisation of basement level which is denoted as a music room
- Also concerned about conservation area and architectural impact of development
- Concerned about notes attached to decision grant permission by planning authority

6.2. Applicant Response

- The roof was badly decayed and is being replaced. The new roof retains the roof pitch and ridge height. The only difference is the dormer window which is the subject of application
- No large gable being constructed
- No alterations to the side elevation have been made and it will be restored as per original
- Works ceased since Enforcement notice
- More work was required than intended due to the condition of the building

6.3. Planning Authority Response

- None

6.4. Observations

The extent of work unwarranted in light of recent occupancy and general maintenance. Modernisation is conceded to have been needed.

Breaching of planning application process and alleged inappropriate behaviour

6.5. Further Responses

None invited

7.0 Assessment

7.1. Issues

7.1.1. The subject development relates to an extension and alternations to a property comprising a large ground floor extension to rear, a dormer extension at attic level and independent access to basement level from street. There is no substantive objection to the ground level extension. The core issue in the appeal relates to the impact on the roofscape in a conservation area primarily by reason of a dormer window. There are also residential amenity issues in relation to potential basement use and overlooking. Matters in relation to adherence to the planning code have also been raised.

7.2. Impact on roofscape

7.2.1. Firstly, there is a dispute about whether or not the roof profile is being altered. The appellant submits that the ridge height has been altered which for a terraced house in a prominent site in a conservation would be unacceptable. However, the applicant submits that the roof ridge is being reinstated and that the only material alteration to the roof profile is that caused by the dormer for which permission is sought.

7.2.2. The applicant response to the grounds of appeal clarifies that the works to the building are mainly to restore the building to its original form and the submission includes detailed photographs and demonstrates that the roof was previously slightly raised – it is not clear however if this deviance is since the original structure in 1840s as I note that the rear parapet wall and rendering depart from the original terrace lines. There is no report from the conservation officer but the planning report however accepts that the retention of the roof height in the refurbished roof is acceptable. In principle it is acceptable to replace like with like in conservation area. In this case it appears that the parapet wall feature is being removed and this I consider is an improvement. I do however have serious reservations about the scale and extent of the proposed dormer window. It is clearly prominently sited as viewed from the surrounding streets. The bulk by reason of width and height and projection obscures views of the original roof slope and accordingly it is disproportionate and visually dominant. It is would be visually incongruous in the roofscape of the terrace

in a conservation area and would accordingly be contrary conservation policy and guidance as set I the current Dublin City development plan.

7.2.3. Furthermore, in the context of the extensive ground level space it is difficult to justify the extent of attic level development. There is a gable window (which has been temporarily removed due to partial gable reconstruction) and this provides natural light to the attic area already. In these circumstance I consider the dormer window should be refused permission. A more modest proposal may be possible and the Board may consider inviting revised proposals.

7.2.4. The insertion of Velux roof windows on the front elevation of the roof is another intervention in the roof. The proposed windows are relatively small in the context of the entire roof and do not detract from the roof or the front elevation to an undue degree and impact of same is therefore negligible.

7.3. Basement Level

7.4. It is proposed to insert metal stairs from the street to the basement which would potentially provide independent access to the basement. While the stairs would be a relatively unobtrusive element at street level the proposed location of gate may be an issues. It is shown to open outwards onto a public lane whereas this should be inwards. The drawings state that the gate and railing to side will match existing. However, a tall gate is shown is shown in drawings. This should be constructed to match the original railings in height and finish and ideally incorporate railings to be removed. While it may be preferable to relocate access from the front door steps I note that this would result in more steps and encroachment into the sous terrain area. On balance I consider the entrance to be acceptable, however the detailed aspects of this should be address by a condition requiring compliance with the specifications of the conservation officer.

7.5. Residential Amenity

7.5.1. Overlooking is raised as an issue however in the proposal a clear light window is proposed and would therefore have limited potential for overlooking. In any event I

do not consider overlooking to constitute an issue given that window faces into the rear garden which extends almost 11m and is bound by a lane.

7.5.2. With respect to basement use, I concur with the planning authority that this application relates to residential use and accordingly a commercial music room is not within the scope of the application or permission. A condition of permission would clarify this.

7.6. Appropriate Assessment

7.6.1. 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.

8.0 Recommendation

8.1. Grant Permission subject to conditions

9.0 Reasons and Considerations

Having regard to the nature of the proposed development subject to conditions the Board is satisfied that the proposed development would be in keeping with the existing character and pattern of development in the immediate area and would not otherwise unduly detract from the existing visual amenities of the conservation area in which it is situated. The proposal would otherwise be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.
Where such conditions require points of detail to be agreed with the

planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - a) The dormer window shall be omitted and the roof reinstated to the original roof profile in accordance with the requirements of the Conservation Officer of the Planning Authority
 - b) The proposed pedestrian gate from the public laneway to the basement level shall be revised in design in accordance with the requirement of the Conservation Officer so as to match the original railings in height, design, materials and finish and shall be inward opening only.

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 and public safety.

- 3 Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

- 4 Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

- 5 Details of the interface with the public footpath/road shall be in accordance with the requirements of the Roads Streets and Traffic Department and details shall be submitted for written agreement with the planning authority prior to commencement of development.

Reason: In the interest of pedestrian safety.

- 6 Site development and building works shall be carried out only 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.

Suzanne Kehely
Senior Planning Inspector

9th December 2016