



An
Bord
Pleanála

Inspector's Report PI29s.247809

Development	Carry out alterations to apartment and convert attic space to include air handling unit and five roof windows.
Location	Apartment 14, Block C, Bellevue, Islandbridge, Dublin 8
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3873/16
Applicant(s)	Kieran & Kate Fitzgerald
Type of Application	Permission
Planning Authority Decision	Permission
Type of Appeal	First Party
Appellants	Kieran & Kate Fitzgerald
Observer(s)	None
Date of Site Inspection	24 th of March 2017
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1.1. 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.
- 1.1.2. The site itself comprises Apartment No. 14, which is located on the third floor of Block C and which has a gross floorspace of 73 sq m. This Apartment occupies the top storey of a four storey portion of this Block, which projects southwards towards the mill race. This four storey portion of Block C is thus prominent within the setting at the southern edge of 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 sportsgrounds and Memorial Park to the south and south west.

2.0 Proposed Development

- 2.1.1. It is proposed to carry out alterations and convert the attic space to ancillary use to include a mechanical air handling unit and 5no. roof windows all at Apartment no.14, Block C, Bellevue, Islandbridge, Dublin 8.
- 2.1.2. A letter has been submitted with the proposal from R.I.E.W Property Management Company to confirm that they have no issues with what is being planned.
- 2.1.3. A Site Location Map, Floor Plans, Sections and Elevations have been submitted.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 29th of November 2016 Dublin City Council decided to grant permission for the proposed development subject to 7no.Conditions. These generally relate to infrastructural and construction related issues. Condition no. 2 is of note and provides for amendments to the proposal.

3.2. **Planning Authority Reports**

3.2.1. Planner's Report

The Planner had regard to the locational context of the site, planning history and policy and to the internal reports. It was noted that no submissions were made. They noted that this is a top floor apartment in Block C (i.e one of 9 no. apartment Blocks A – I) on site. Block C is one of the more prominent blocks and they have regard to the roof type. They note that the proposed development would be located within the attic space of the subject property and that the Property Management Company indicates that they have no objection with what is planned. They note that the proposed development would involve the conversion of the attic area/roof space above apartment no.14 of Block C in the Bellevue apartment complex into storage space for the apartment. They provide that the insertion of velux windows into the slated roof will be highly visible from the war memorial gardens and will set a precedent for such alterations in the blocks. In this regard they provide that the proposed development requires modification and that the proposed velux windows should be reduced in number and extent to maintain the existing roof profile. They recommend permission subject to conditions.

3.3. **Other Technical Reports**

3.3.1. The Engineering Department Drainage Division have no objections subject to compliance with the relevant standards.

4.0 **Planning History**

4.1.1. The Planner's Report provides details of the extensive planning history relative to the Blocks. Apartment 14 is within Block 'C', 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 is not a protected structure. There is no specific planning history relevant to this apartment. However, the following case is of note:

- Reg.Ref.2486/16 – Permission was refused by the Council and subsequently granted by the Board – Ref. PL29S.246678 refers, for 'Alterations to

Apartment no.38 and conversion of its attic space to form 2 additional bedrooms and replacement bathroom with 6 sets of roof lights at Block 'B' Bellevue, Islandbridge. The Board's Reasons and Considerations included that they considered: *that the proposal would provide for a satisfactory level of residential amenity and would therefore, be in accordance with the proper planning and sustainable development of the area.* Also they considered: *that the development of which the proposal formed part contained a variety of roofscape types and surface finishes, leading to a picturesque environment which could accommodate variety including the roof variation of the proposal.*

A copy of this decision and the Inspector's Report is included in the Appendix.

5.0 Policy Context

5.1. Dublin City Development Plan

This is the pertinent plan. As shown on Map E the site is within the Z1 Residential Land Use Zoning where the Objective is: *To protect, provide and improve residential amenities.*

There is a general Conservation Area designation affecting the wider area on both sides of the Liffey valley, including Bellevue and the War Memorial Gardens.

Section 11.1.5.4 refers to Architectural Conservation Areas & Conservation Areas.

Policy CHC4 requires the protection of the special interest and character of all of the city's conservation areas. Specifically, it is required that new development would not harm features that contribute to the special interest of the conservation area, harm the setting of a conservation area or constitute a visually obtrusive or dominant form.

Paragraph 11.1.5.6 requires that new development should have a positive impact on local character.

Section 16.2.2.3 provides the criteria for Alterations and Extensions. This seeks to ensure that these will be sensitively designed and detailed to respect the character of the existing building, its context and the amenity of adjoining occupiers.

Section 16.10.12 provides that the design of extensions shall not have an adverse impact on the scale and character of the dwelling, or the amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.

Appendix 17 (Guidelines for Residential Extensions) sets out the more detailed criteria and includes Section 17.11 relative to Roof Extensions. This includes:

- 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.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Doyle Kent Planning Partnership Ltd have submitted a First Party Appeal on behalf of the Applicant against Condition no.2 of the Council's permission. They provide details of the Background to the Bellevue residential development and have regard to the implications of the Proposed Development and to Planning Policy. Their grounds of appeal include the following:

- The apartment is lacking in size for family living, the attic conversion will be designed to provide for this additional space.
- The proposal would avoid any need to move to a suburban house and accords with planning policy for sustainable living.
- They consider that sufficient weight has not been given to these issues.
- Undue emphasis has been placed on the minor visual impact of the rooflights and the setting of a precedent for other such proposals in Bellevue.
- The proposal complies with planning policies in the DCDP 2016-2022.
- Having regard to precedent they note that the Board has previously granted permission for similar Velux type windows in Block 'B' in Bellevue as per PL29S.246678 (Reg.Ref.2486/16).

- They consider that the logic applied by the Board in the previous instance supports the current proposal.
- Block 'C' of Bellevue is not a protected structure or in a Conservation Area.
- The visual impact of the proposed velux type windows on the public realm would be very slight. It is not necessary to reduce the size of the windows as per Condition no.2 of the Council's permission.
- Apartment 14 of Block 'C' would appear to be the only residential unit in Bellevue which both faces directly southwards onto the parkland and playing fields and which also has the potential for the type of attic conversion proposed.
- It is not intended to only use the attic for storage and it is hoped to employ part for play purposes or occasional office/study space. In addition, Attic Store no.2 may be converted to a bathroom to meet the changing needs of a growing family.
- The additional space achieved in accordance with the design is intended to be very flexible and has quite adequate dimensions to serve a number of uses ancillary to the apartment.
- It is important that the use of the space should be unnecessarily hindered by arbitrarily limiting daylight or ventilation.
- The Board is therefore requested to remove the limit on window size serving the main space in the proposed attic conversion. It is noted that the windows permitted nearby by the Board in Ref.PL29S.246678 are of comparable size.
- They request the Board to omit Condition no.2 of the Council's decision and to permit the rooflights as proposed on both the eastern and southern roof slopes. They also mention some slight modifications that may be permissible.
- As previously accepted by the Board (PL29S.246678 refers) the Bellevue development can accommodate a range of treatments without adversely affecting amenity.

- The proposal will not detract from the character of residential amenities of the area. It would assist the existing owner occupiers to remain in-situ and to raise their family at this location.
- They include some photographs showing the context of the proposed development.

6.2. Planning Authority Response

6.2.1. There has been no response from the Planning Authority to the grounds of appeal.

7.0 Assessment

7.1. Rationale for the Proposed Development

- 7.1.1. It is noted that the First Party have provided a rationale in their grounds of appeal. This includes that Bellevue, provides an exceptionally good environment, of relatively high density to raise a family. This is a pattern of residential and community development which might be regarded as very sustainable. However, the individual units are not generous in floor area, which is a limitation to maintaining family living. They note relocation can be avoided in this case as Apartment No.14 has a large, unused attic space under its roof. It is provided that this space can be converted to provide additional ancillary space to meet the needs of the family.
- 7.1.2. They consider that this initiative for flexible adaption in Bellevue needs to be encouraged to meet the changing needs of the family in accordance with Section 2.3.3 of the Development Plan. This refers to 'Promoting Quality Homes' and includes regard to: *The provision of quality housing that is suitable for citizens throughout their lives and adaptable to people's changing circumstances is fundamental to creating a compact city with sustainable neighbourhoods.*

7.2. Design and Layout

- 7.2.1. No.14 is a two bedroom south-facing, apartment located on the top i.e the fourth floor of Block 'C'. It overlooks the playing fields within the overall lands adjacent to the Islandbridge War Memorial Gardens. The application form provides that the total floor area of the apartment is 73sq.m.g.f.a. The floor area to be retained within the

apartment is 64sq.m and the floor area to be used in the attic space is 27sq.m giving a total floor area for the apartment of 91sq.m. Floor plans have been submitted showing the existing and proposed apartment layout. It is proposed to relocate the hot press and storage areas to the attic space and to provide a stairway and velux roof lights to access and light this space.

7.2.2. In this case the applicants hope to accommodate home office/study or play uses, as well as possible additional bathroom space. The proposed attic conversion seeks to provide for flexible use of the additional space. This includes installing Velux type windows, aligned with the pitch of the roof, on its southern and eastern slopes. They provide that the proposed development is a more challenging proposition than the typical attic conversion to a house in Dublin. This is because the work will be to the attic, effectively five floors up, on top of the existing four storey block. It is noted that the Council have included conditions relative to construction related issues.

7.2.3. Regard is had to Technical Guidance Document F(Ventilation) of the Building Regulations 2009. This provides a definition of a Habitable Room, which includes for living or sleeping purposes and has regard to ceiling heights for such attic rooms. This includes that the height of a habitable room from floor to ceiling should be 2.4m for not less than half of the floor area of the room. Section AA submitted as shown on the drawings shows that this is not the case, hence the space has been labelled on the plans as 'attic store' as it cannot be used as bedrooms for the apartment. It is of note that the First Party consider that the proposed ancillary attic space would be usable for occasional play or study as well as storage. It is also of note that Part 'F' does not specify study or play area in their Glossary as to what constitutes a habitable room. While the Building Regulations are implemented under their own remit, I would recommend in the interests of clarity and good practice that if the Board decides to permit that it be conditioned that this attic space shall be used as a 'storage' as shown on the plans submitted and not as bedrooms i.e. habitable accommodation.

7.3. **Regard to Condition no.2 and Precedent**

7.3.1. The First Party Appeal is relevant to Condition no.2 only. This is as follows:

The development hereby approved shall incorporate the following amendments:

- a. *The proposed roof lights over the 'hot press' and 'attic' store no.2' (east facing slope) shall be omitted.*
- b. *The two roof lights to attic store no. 1 (south facing elevation) shall be reduced to one pane only each with maximum dimensions per window of 0.8x1.3 metres.*
- c. *The existing roof shall be retained except as indicated above.*

Reason: In the interests of the protection of visual amenity.

- 7.3.2. In this case, it is noted that there is no Third Party Appeal or Observations. Section 139 of the Planning and Development Act 2000 as amended would apply as this relates only to appeals against conditions. Section 139 (c) provides that where: *the Board is satisfied, having regard to the nature of the condition or conditions, that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted.* Therefore, it is considered that taking into account the particulars of this case and the documentation submitted that the application does not need to be considered de novo.
- 7.3.3. While the Council have not responded separately to the grounds of appeal, the Planner's Report notes concern that the insertion of velux roof lights into the slated and pitched roof of the structure would visually alter the roof of the structure, which is visible across the War Memorial Park and are concerned about precedent relative to the roofscape of these blocks.
- 7.3.4. The issue of precedent is one that is raised by the First Party, who contend that a precedent for roof lights has already been set in the Board's decision to permit, in Ref.PL29S.246678 (Reg.Ref. 2486/16 refers). Details of the Board decision are included in the History section above. It is of note however, that the location of the proposed roof lights in 'Block B' relative to that proposal, would be visible mainly in the context of the Bellevue apartment blocks and the internal water feature, rather than the wider vistas outside of the scheme to the south as in the current case.
- 7.3.5. The First Party provides that the visual impact of the proposed velux type windows on the public realm would be slight. It is noted that the roof of this block especially the south facing element is visible in the context of the sports grounds and the War Memorial Park. However, in view of the height and set back of the blocks they would be visible in the distance on the southern facing slope, and would not be that visible

from the public road. They also provide that the proposed windows on the eastern slope would hardly be readily visible to the public. In view of the orientation of this slope, it is considered the latter to be the case.

- 7.3.6. It is also noted that in relation to precedent, Apartment 14 of Block 'C' would appear to be the only residential unit which both faces directly southwards onto the parkland and playing fields and which has the potential for the type of attic conversion proposed. It is provided that the adjoining blocks either do not have the necessary roof pitch/height or have roofs running along a north-south axis, curtailing placing of any future roof lights in the east or west facing roof slope.
- 7.3.7. The First Party ask that condition no.2 be removed to allow adequate light and ventilation of the attic space to serve as ancillary play area or occasional study/home office use. However, they provide that if the Board considers that some modification is warranted, that they suggest the omission of the roof light proposed over the hot press area, which they consider is not necessary for the success of the proposed development. They include a montage of the proposed southern elevation showing the new proposed rooflights, but the HP rooflight omitted. As this would reduce the number of windows in the south facing slope if the Board decides to permit, I would recommend that this be conditioned.

8.0 Recommendation

- 8.1. It is recommended that Condition no. 2 of the Council's permission be modified as below:

9.0 Reasons and Considerations

- 9.1.1. The proposal, located within the Bellevue apartment complex in the Z1 residential land use zoning in the Dublin City Development Plan 2016-2022, would provide for a satisfactory level of residential amenity and would therefore, be in accordance with the proper planning and sustainable development of the area. The development of which the proposal forms part contains a variety of roofscape types and surface finishes, leading to a picturesque environment which could accommodate variety including the roof variation of the proposal.

10.0 Conditions

2. The proposed development shall be amended as follows:-

- a) The single pane rooflight over the hot press area, shown on the southern elevation shall be omitted.
- b) The existing roof shall be retained (except as indicated above) and the rooflights shall be finished in materials so as to appear flush with the existing roof slopes.
- c) The attic space shall not be used as bedrooms for habitable accommodation.

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 clarity and residential amenity.

Angela Brereton,
Planning Inspector

27th of March 2017