



An
Bord
Pleanála

Inspector's Report PL29N.248049

Development	Retention of dormer extension and relocation of chimney stack and permission for alterations to roof slope and associated works.
Location	198 Howth Road, Killester, Dublin 3
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4205/16
Applicant(s)	Sinead Drew
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Sinead Drew
Observer(s)	E. Kerrisk
Date of Site Inspection	7 th April 2017
Inspector	Donal Donnelly

1.0 Site Location and Description

- 1.1. The appeal site is located on Howth Road, Killester approximately 4.5km north-east of Dublin City Centre. Howth Road (R105) continues from Fairview and through Killester before joining the coast road to the south-west of Sutton. In the vicinity of the appeal site, there is commercial/ retail development on the south side of Howth Road and residential development on the north side. The appeal site is situated at this location on the north side of the road.
- 1.2. The dwellings fronting Howth Road at this location, together with those within Demesne, Middle Third and Abbeyfield comprise mostly of single-storey semi-detached units constructed in the interwar years. A “Z2” residential conservation zoning applies to this area.
- 1.3. No. 198 Howth Road is the western dwelling of a semi-detached pair. The dwelling has recently been renovated and extended to the rear and dormers have been installed on the rear and side roof slopes. The stated area of the dwelling is 143 sq.m. and the site area is given as 400 sq.m.

2.0 Proposed Development

- 2.1. Retention permission is sought for the following:
 - Dormer window on western side roof slope;
 - Relocation of previously approved chimney on western roof slope.
- 2.2. Full planning permission is sought for the following:
 - Alterations to the material finishes on the ridgeline of both the main roof slope and hipped roof slope and side dormer for which retention permission is sought;
 - All associated works necessary to facilitate the development.
- 2.3. It is noted on planning notices that the development is otherwise identical to that approved under Reg. Ref: 3308/16.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Dublin City Council issued notification of decision to refuse permission for the following reason:

“The proposed retention of the side dormer extension with amended roof profile and relocation of the chimney would be visually obtrusive, incongruous and out of character with the dwelling and the wider streetscape and, in themselves and by the precedent set for such unsympathetic and overscaled development in the vicinity, would cause serious injury to the residential amenities of this residential conservation area. The Planning Authority also considers that the development does not differ materially from that refused permission under 3308/16. In addition, the side dormer extension and relocation of the chimney imbalances the front elevation of the property and would therefore be contrary to the provisions of Section 16.10.12 and Appendix 17 of the current Dublin City Development Plan 2016-2022 and to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

- 3.2.1. The recommendation to refuse permission, as outlined within the Planner’s Report, reflects the decision of the Planning Authority.
- 3.2.2. Under the assessment of the application, it is noted that there is an extensive planning history concerning the side dormer construction, with the Planning Authority consistently opposing this addition. The applicant’s precedent cases are considered to be selective, either being older developments or within a different context. However, it is stated that no other bungalow along this section of Howth Road, which ties historically to the Abbeyfield Estate, has side dormers.
- 3.2.3. It is stated that the proposed amendment to the side dormer would reduce its visual impact but the Planning Authority’s concerns regarding the appropriateness of the dormer to the side remain. The side dormer is considered to be obtrusive and out of keeping with the streetscape and the circumstances do not differ substantially from the previously refused development. The Planning Authority also questions why a

room denoted for storage would require a sizable side dormer for lighting when a rooflight would suffice.

- 3.2.4. The repositioning of the chimney forward of its original location to accommodate the side dormer is considered to be out of scale and character with the common position of such subordinate chimneys on the roofscape of these dwellings. It is also noted that the chimney has a shallower coping and combined with the lower and more forward position is visually incongruous.
- 3.2.5. It is highlighted that the applicant was refused permission on several occasions but went ahead and constructed the side dormer. It is considered that the development is not materially different from that refused under Reg. Ref: 3308/16 and the same reason for refusal continues to be of relevance.

4.0 Planning History

Dublin City Council Reg. Ref: 3308/16

- 4.1. A split decision was issued refusing retention permission for a side dormer extension and relocation of the chimney on the western roof slope and granting permission for amendment of rear dormer windows from a flat roof to a pitched roof; alteration of the outer wall on the western elevation from angled to stepped alignment; omission of 2 no. windows; extension of ground floor extension to rear and stepped in from the western elevation, including amendment of door ope to a window ope, retaining the provision of internal steps and reducing the floor level to kitchen / dining / living area at rear.
- 4.2. The reason for refusal was similar to the reason for refusing the current proposal.

Dublin City Council Reg. Ref: 3229/14

- 4.3. A split decision was also issued in this case refusing permission for a front/side extension, front dormer, rear first floor extension and rear dormers and side dormer and granting permission for a new vehicular entrance and detached rear shed.
- 4.4. It was stated under the first reason for refusal that *“the proposed development of the front/side extension, front dormer and side dormer would, in their combined scale, mass and appearance, be visually obtrusive, incongruous and out of character with the dwelling and the wider streetscape and would, in themselves and by the*

precedent set for such unsympathetic and overscaled development, cause serious injury to the residential amenities in this conservation area.”

Dublin City Council Reg. Ref: WEB1134/11

- 4.5. Permission was granted for a single storey side and rear extension including the conversion of the attic space to the rear into 2 bedrooms with 2 dormer windows and a tiled and flat roof over with roof lights and internal alterations.
- 4.6. Permission was also granted for the demolition of the existing chimney stack and the construction of a new chimney stack; a new shed/hobby room and patio area in the rear garden; a new vehicular driveway for 2 cars with vehicular driveway entrance piers and entrance 3.6 meters wide with a sliding gate, dishing of the footpath and kerb and any associated site works.

Dublin City Council Reg. Ref: WEB1201/10 (PL29N.238187)

- 4.6.1. The Board upheld the Council's decision and refused permission for the construction of a single storey side and rear extension including the conversion of the attic space to the rear into 2 no. bedrooms with a tiled flat roof over; roof lights to the side and rear with internal alterations; demolition of existing chimney stack; new shed and patio area in the rear garden; new vehicular driveway for 2 no. cars and new vehicular entrance 3.6m wide; dishing of footpath and kerb and provision of a sliding gate; and all associated site works.
- 4.6.2. It was stated under the reason for refusal that the proposed development which would be constructed over a public sewer, the relocation/diversion of which will not be facilitated by the planning authority, would be prejudicial to public health.
- 4.6.3. The Board also noted in its Direction concerns regarding the design and scale of the proposed development.

5.0 Policy Context

5.1. Dublin City Development Plan, 2016-2022

- 5.1.1. The appeal site is zoned “Z2” where the objective is *“to protect and improve the amenities of residential conservation areas.”*

- 5.1.2. It is stated under Section 16.10.12 that applications for planning permission to extend dwellings will only be granted where the Planning Authority is satisfied that the proposal will:
- Not have an adverse impact on the scale and character of the dwelling;
 - Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.
- 5.1.3. Guidelines for residential extensions are included in Appendix 17. It is recognised in Section 17.11 that the roofline of the building one of its most dominant features and any proposal to change the shape, pitch, cladding or ornament of a roof should be carefully considered.

5.2. Natural Heritage Designations

- 5.2.1. The South Dublin Bay and River Tolka Estuary SPA is approximately 1.27km to the south of the site and the North Bull Island SPA and the North Dublin Bay SAC are approximately 1.9km to the south-east.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A first party appeal against the Council's decision was submitted on behalf of the applicant. The Board is asked to consider an alternative design option within the appeal submission, which includes replacement of the dormer with flat roof design; change of materials to zinc cladding; and reduction in height of the dormer.
- 6.1.2. The grounds of appeal and main points raised within the appeal submission can be summarised as follows:
- Proposed development has been designed to provide a high standard of residential accommodation which avoids any loss of residential amenity to adjacent residences and enhances the character of the area and streetscape.
 - Proposed development is located within an area where a number of dormer windows have been applied to dwellings historically, as well as approved by the Planning Authority in recent years.

- Retention of the chimney is considered to be justified as permission was previously approved for the relocation of the chimney on the structure. Relocated chimney effectively balances with the chimney structure on the eastern side of the semi-detached building.
- Z2 zoned lands in the surrounding area contain a number of chimney styles on the front and side elevations of respective dwellings and do not correspond to the contiguous form.
- Planning Authority has been overly critical in its assessment and reasoning and has not fully interpreted the amendments and revisions of the design to regularise the situation.
- Proposal is consistent with the zoning objective and complies with a number of key policies in the Development Plan (SC13, QH7, SC25, Q12 and QH22).
- Dwelling is in great need of reparation and modernising works to bring it to an efficient standard.
- Proposed dormer is of suitable design and is subsidiary to the existing dwelling and adjoining property – modest projection to the side would not result in any loss of daylight to the neighbouring house to the west.
- The overall site layout, including positioning design and material finishes of the dwelling and generous front set back from Howth Road allows the dwelling to integrate successfully with the streetscape, thereby protecting the visual amenity of the area.
- Dormers in the area without planning permission illustrates the established built form, which includes dormers to front and side elevations, e.g. No. 55A The Demesne, Howth Road, No's. 35 & 36 Middle Third, No. 232 Howth Road and No. 196 Howth Road.
- Permissions for front dormers have been granted at No's. 1A Middle Third, 41A Middle Third, 236 Howth Road, 250 & 252 Howth Road (includes side dormer), and 246 Howth Road (includes side extension).
- Recently developed dwelling at 228 Howth Road contains 3 no. front dormers and has public road frontage – application reorientated the dwelling to move the pre-existing front of the house onto the side elevation.

- It was considered by the Planning Authority under the assessment of the application at No. 15 The Middle Third that strict adherence to existing style is not necessarily imperative.
- Amended proposal allows a graduation in height from the main ridge of the semi-detached building, the dormer will be subservient to the dwelling and the chimney will balance the form of the structure when viewed from street level.
- It is considered that these changes will indicate a further separation from the established ridge of the main structure and make the dormer subservient to the dwelling.

6.2. Planning Authority Response

- 6.2.1. The City Council has no further comment to make and considers that the Planner's Report on file adequately deals with the proposal.

6.3. Observations

- 6.3.1. An observation on the appeal was received from a resident of Bucks, England and the owner of the adjoining dwelling to the east. The main points raised in this submission can be summarised as follows:
- If revised proposals are taken into account, this will be the fifth proposal on the dormer/ chimney, with four having been refused to date.
 - Applicant went ahead and built the dormer and chimney despite being refused permission.
 - Dormer window serves a storage space and does not require such a window unless it is being used as a bedroom.
 - Side boundary wall of No. 228 Howth Road runs parallel to Howth Road and the dormers are to the side of the extension to the rear of the original house.
 - Streetscape is important at the location of the appeal site as a number of these houses are neatly uniform and aesthetically pleasing.
 - Other dwellings in the streetscape will use this as a precedent if permission is granted.

- There are no images of No's. 198 & 200 side by side which would show how out of balance the properties now are as a result of this unauthorised development.
- Most of the properties with dormers referred to were built far back in time under different planning criteria.
- Existing building was demolished, the house was rebuilt with lower ground level and the garden shed was constructed in a different shape and size, all without planning permission.
- Party wall within attic space is non-compliant with building regulations.

7.0 Assessment

7.1. In my opinion, the main issues to be addressed in this appeal are as follows:

- Development principle;
- Visual impact;
- Impact on residential amenity; and
- Appropriate Assessment.

7.2. Development principle

7.2.1. The appeal site is zoned "Z2" where the objective is *"to protect and improve the amenities of residential conservation areas."*

7.2.2. The proposal for a dormer window serving a dwelling would be acceptable in principle subject to an assessment of the proposal under relevant Development Plan criteria.

7.2.3. It is also important to pay particular regard to the location of the site in this instance within a conservation area. These areas require special care so that development proposals contribute positively to the character and distinctiveness of the conservation area and its setting.

7.3. Visual Impact

- 7.3.1. The proposed development follows an earlier split decision (Reg. Ref: 3308/16) where retention permission was granted for works to the rear of the dwelling but refused for the retention of a side dormer extension and relocation of the chimney on side roof slope.
- 7.3.2. The current proposal is for retention of the side dormer to include a number of minor amendments to the structure. This includes the removal of a terracotta roof tile finish to the dormer ridge and the setting back of the dormer from the roof plane of the main house.
- 7.3.3. It was stated, however, by the Planning Authority in its reason for refusal that the development/ proposed development does not materially differ for that refused under Reg. Ref: 3308/16. It is therefore considered that *“the dormer extension with amended roof profile and relocated chimney would be visually obtrusive, incongruous and out of character with the dwelling and wider streetscape and, in themselves and by the precedent set for such unsympathetic and overscaled development in the vicinity, would cause serious injury to the residential amenities of the residential conservation area...”* The Planning Authority is also concerned that the relocated chimney imbalances the front elevation and would be contrary to the provisions of the Development Plan (Section 16.10.12 and Appendix 17).
- 7.3.4. It is stated in Section 16.10.12 of the Development Plan that residential extensions should not have an adverse impact on the scale and character of the dwelling and should be subordinate in terms of scale. Appendix 17 of the Development Plan sets out principles that should be followed for new extensions. In general, an extension should not dominate the existing building and should normally be of an overall shape and size to harmonise with the existing house and adjoining buildings. The original appearance should be the reference point for any consideration of change and features such as windows and doors on the new extension should relate to those on the original building.
- 7.3.5. With respect to roof extensions, it is noted that the roofline of a building is one of its most dominant features and it is important to carefully consider any proposal to change its shape, pitch, cladding or ornament. The following principles are set out for roof extensions:

- *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.*

7.3.6. The applicant has submitted a revised proposal for the side dormer with the appeal that includes a dormer different in appearance from the original proposal. The amended structure is reduced in scale and finished in zinc cladding. A flat roof design will allow the dormer to be set down from the main roof ridge by approximately 610mm. The relocated chimney will remain in the same position as built.

7.3.7. In my opinion, the revised design will significantly reduce the visual impact of the side dormer. The structure will now appear more separate from the main roof plane and the zinc finish will introduce a degree of contrast. The existing dormer attempts to match with the materials of the existing roof and walls and this creates an imbalanced effect when the dwelling is viewed with the adjoining semi-detached structure. The revised design reduced in scale and finished in a darker material will help to re-establish the symmetry of the adjoining semi-detached dwellings. The pair of dwellings will also remain distinct in terms of roof coverings, rendering and fenestration.

7.3.8. I acknowledge that the relocated chimney will appear imbalanced to an extent with the location of the chimney on the adjoining dwelling; however, this only becomes apparent when viewed from an oblique angle to the front and it should be noted that there is a varied chimney pattern along the row of dwellings. In this regard, the chimney is located on the front roof plane of No. 204 and to the side of No. 206. The

chimney on the detached dwelling at No. 202 is centrally located on the front roof plane.

- 7.3.9. Overall, I would be satisfied that the amended design will not be visually obtrusive and will be subordinate to the roof slope on which it is situated. The appeal submission includes a precedent study of dormer structures in the vicinity as justification for retention of the dormer. In my opinion, the most relevant example that equates to the revised design is at No. 248 Howth Road, which has not been highlighted. This dormer located to the side of a hipped roof has a similar flat roof design and zinc finish. In my view, it does not interfere with the scale and character of the dwelling and is subordinate in terms of scale.

7.4. Impact on residential amenity

- 7.4.1. The existing dormer faces towards No. 196 Howth Road at a close distance. There may be some potential for the dormer to overlook this property and therefore if the Board is minded to grant retention permission/ permission, I recommended that the window is fitted with obscure glass.
- 7.4.2. The Observer on the appeal makes the point that the dormer window serves a storage space and does not require such a window unless it is being used as a bedroom. This issue was also raised within the Planner's Report where it is questioned why a room notated as storage would require a sizable dormer when a rooflight would serve as useful a purpose.
- 7.4.3. It would therefore appear that the dormer will not have the benefit of adding fully usable floorspace to the dwelling, and thus, there may be little benefit in terms of improved residential amenity that would warrant some degree of visual alteration of the roofscape. Furthermore, the dormer is not necessary to allow for adequate head room for the attic stairs which are centrally located.
- 7.4.4. On balance, however, I would be of the opinion that proposed dormer as amended at appeal stage is not overly visible and will help to increase the internal head height and usefulness of the attic storage space. I would be in agreement with the Planning Authority that there would be no justification for the more visually obtrusive feature as originally proposed to serve a storage room.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise.

8.0 Recommendation

- 8.1. It is considered that the proposed development/ development to be retained should be granted for the reasons and considerations hereunder.

9.0 Reasons and Considerations

Having regard to the zoning objective, the design, layout and scale of the proposed development/ development to be retained, and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the development would not seriously injure the visual amenities of the area or residential amenities of property in the vicinity. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by revised plans and particulars received by An Bord Pleanála on the 22nd day of February 2017, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interests of clarity.

2. The dormer window hereby permitted shall be fitted permanently with obscure glass.

Reason: In the interests of residential amenity.

3. 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

Donal Donnelly
Planning Inspector

21st April 2017