



An
Bord
Pleanála

Inspector's Report PL29N.248619

Development	Retention of planning permission for the construction of ground floor kitchen, living and dining room extension to rear and roof dormer bedroom extension to rear together with associated site works.
Location	1 Killester Avenue, Middle Third, Killester, Dublin 5.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	2548/17.
Applicant	Terry Carroll.
Type of Application	Retention of Permission.
Planning Authority Decision	Split Decision.
Type of Appeal	First Party -v- Refusal
Appellant	Terry Carroll.
Observer	Kevin Tormey.
Date of Site Inspection	4 th September, 2017.
Inspector	Paul Caprani.

Contents

1.0 Introduction.....	3
2.0 Site Location and Description	3
3.0 Proposed Development	4
4.0 Planning Authority’s Decision	4
4.1. Decision	4
4.2. Dublin City Council’s Assessment of the Application	5
5.0 Planning History.....	6
6.0 Grounds of Appeal.....	6
7.0 Appeal Responses.....	7
8.0 Observations.....	7
9.0 Development Plan Provisions	8
10.0 Planning Assessment.....	9
11.0 Conclusions and Recommendation.....	12
12.0 Appropriate Assessment	12
13.0 Decision	12
14.0 Reasons and Considerations	12
15.0 Conditions	13

1.0 Introduction

PL29N.248619 relates to a first party appeal against a split decision issued by Dublin City Council in respect of an application to retain planning permission for works carried out to extend an existing dwelling at Killester Avenue in North Dublin. Dublin City Council granted retention of planning permission for the single storey rear extension subject to four conditions but refused retention of planning permission for the first floor rear dormer extension for reasons relating to visual impact and non-compliance with the requirements for roof extensions as set out in Appendix 17.11 of the Dublin City Council Development Plan. The decision was the subject of a first party appeal and an observation was submitted by an adjoining neighbour supporting the decision of the Planning Authority and generally objecting to the proposed development.

2.0 Site Location and Description

- 2.1. The appeal site is located along Killester Avenue, an established and mature suburban area approximately 4 miles north-east of Dublin City Centre. The subject site is located on the southern side of Killester Avenue approximately 100 metres from its junction with Collins Avenue. The subject site forms the first house in a row of original ex- soldier and sailor cottages which are constructed in the 1920s to house veterans of the First World War. These cottages generally form pairs of semi-detached dwellings and are single-storey in height. In more recent years the area around Killester Avenue has been the subject of significant alteration and infill development. Many of the original cottages have been altered incorporating ground floor and first floor extensions to the rear. A number of sites in the wider area accommodate infill residential homes of a more contemporary design.
- 2.2. The subject site (No.1) forms the western side of a pair of semi-detached cottages. The adjoining cottage (No. 2) substantially remains in its original condition. A newer residential dwelling has been constructed on the residual wedge of land to the immediate south-west of the subject site. The dwelling to the further north-east of No. 2 has incorporated substantial alterations in its design and layout.

2.3. No. 1 Killester Avenue incorporates a total site area of 228 square metres. It fronts directly onto Killester Avenue and backs onto the north Dublin suburban rail line. Killester Train Station is approximately 200 metres to the north-east of the subject site.

3.0 Proposed Development

3.1. Retention of planning permission is sought for the following works which have been carried out on site.

3.2. Retention of a 17.5 square metre extension to the rear of the dwellinghouse to incorporate new kitchen and dining area. Permission also seeks to reconfigure the internal layout of the ground floor with the relocation of existing bedrooms and the living area within the layout. The proposed ground floor extension extends to a maximum depth of 2.15 metres beyond the original building line.

3.3. Prior to the commencement of works a small bedroom and toilet was located at first floor level within the roof pitch which was illuminated by two velux windows to the rear. Under the works carried out, for which retention of planning permission is sought, it is proposed to incorporate a new dormer window in the rear elevation at first floor level in order to create additional space within the bedroom. The dormer type extension to the rear is approximately 3.64 metres in width and 2 metres in depth.

3.4. The ground floor extension incorporates a plaster render finish while the first floor extension incorporates zinc type metal cladding around the dormer surround.

4.0 Planning Authority's Decision

4.1. Decision

4.1.1. Dublin City Council issued notification to grant retention of planning permission for the single-storey rear extension at ground floor level subject to four conditions.

4.1.2. The City Council refused retention of planning permission for the rear dormer extension at first floor level for the following reason:

The subject property is located in a Z2 residential conservation area, the objective of which is to “protect and/or improve the amenities of residential conservation areas”. The dormer extension proposed for retention is clearly visible from the public street and so has a detrimental visual impact on this important residential conservation area. Furthermore, the dormer proposed for retention is excessive in scale, visually dominant and inconsistent with clear development plan policy with regard to roof extensions set out in Appendix 17.11 and with the established pattern of development in the vicinity. The dormer proposed for retention has a serious impact on the visual and residential amenities of the area and in itself and by the precedent set for similar overscaled development, would be detrimental to the residential amenities of this residential conservation area and is therefore contrary to development plan policy and contrary to the proper planning and sustainable development of the area.

4.2. Dublin City Council’s Assessment of the Application

- 4.2.1. A report from the Engineering Department Drainage Division stated that there was no objection subject to conditions.
- 4.2.2. A report from Iarnrod Eireann states that Iarnrod Eireann are a prescribed body under the Planning and Development Regulations, and it requires that the proposed development comply with all Iarnrod Eireann Guidelines in respect of construction activities in close proximity to railway lines. These are set out in detail in the report submitted to the Planning Authority.
- 4.2.3. A letter of complaint from the adjoining neighbour during the time the works were carried out is also contained on file.
- 4.2.4. The planner’s report sets out the site description and the proposal. It goes on to note that the ground floor extension would by itself, constitute exempted development and its retention does not present any particular issues. It is stated that the rear first floor dormer extension is generally acceptable and would not appear to have any due impact on existing amenity in planning terms. However, there are serious concerns with regard to the size and scale of the dormer window. It is suggested that size and scale is contrary to the requirements set out in the Dublin City Development Plan. While there are examples of out-of-place dormer extensions elsewhere in the area,

these are legacy sites which predate the designation of the area as a residential conservation area. In order for the dormer to be in keeping with the scale of the dwelling, it would need to be fully subordinate to the main roof plane and sit within the slope of the rear roof. For these reasons it was recommended that the first floor dormer extension element should be omitted in any decision issued by the City Council.

5.0 Planning History

The planner's report makes reference to enforcement case E0012/17 which relates to the construction works undertaken on the subject site without the benefit of planning permission.

6.0 Grounds of Appeal

- 6.1. An appeal was submitted on behalf of the applicant by Paul Reede and Associates specifically relating to that aspect of the development that was refused permission by Dublin City Council - namely the roof dormer bedroom extension to the rear. It is stated that a contemporary sustainable design approach to the refurbishment and extension of this small three-bedroom dwelling has been adopted in the current proposal. The dormer is below the ridgeline and incorporates a zinc cladding. The roof is clad in grey/black concrete slates.
- 6.2. As one approaches the subject site and development from Collins Avenue, a small part of the dormer extension is visible in the rear. However, approaching the property from the opposite direction along Middle Third it is contended that the subject dormer is not visible. Therefore, it is maintained that the development does not have a material or detrimental visual impact on this residential area. It is argued that the architectural treatment has re-energised the dwelling while respecting the Z2 zoning objective. The scale of the subject dormer is consistent with dormers on adjoining properties and is not visually dominant to the rear. For these reasons it is consistent with the requirements of Section 17.11 of the Guidelines for Residential Extensions in the Development Plan.
- 6.3. With regard to compliance with Appendix 17 of the plan the following is stated:

- The architectural features and the appearance of the existing buildings have been respected and maintained.
- The roof dormer extension is visually subordinate to the overall area of the property.
- The original windows and entrance door features to the front of the property have been maintained and reflect the general architectural features of Middle Third properties.
- The dormers and cladding complements the roof profile and building overall.
- The dormer window is set back from the back wall of the flat roof extension to minimise the visual impact and reduce the potential for overlooking.
- The dormer is setback two metres from the boundary of the adjoining semi-detached dwelling.
- The dormer extension does not constitute an overscale development.

6.4. In conclusion it is argued that the proposal has no material detrimental visual impact on the streetscale and that dormer extensions are not excessive in scale as the adjoining property had similar sized dormers. The development is substantially in accordance with the Z2 zoning provisions and will have no material impact on the residential amenities of the area. For these reasons it is recommended that the decision of Dublin City Council be overturned and that permission be granted for the dormer window.

7.0 **Appeal Responses**

It appears that Dublin City Council have not submitted a response to the grounds of appeal.

8.0 **Observations**

The observation was submitted by the owner/occupier of the contiguous dwelling at No. 2 Middle Third, Killester. The following points are made in the observation.

There appears to be some confusion over the owner of the site in question as it is not altogether clear whether Mr. Terry Carroll or Mr. Kieran Carroll is the owner of the lands in question.

It is clear that demolition works have taken place within the site notwithstanding the fact that the planning application indicates that no demolition is to take place. Works have been undertaken onsite for 5 months and this has a serious impact on the observer's amenity and his elderly parents who live in the house. The homes in question were built in the early 1920s and cannot take intense building works without structural consequences. In terms of health and safety it is stated that asbestos roof slates fell into the observer's home without warning. It is suggested that flat roof ground floor extensions should only go to the eaves. The rear extension which was permitted is over 3 feet higher than the eaves and is blocking light which is having an overshadowing and overbearing effect on the adjoining house. It is argued that there is clearly a loss of privacy. The development is out of character with the rest of Middle Third. The proposal is contrary to Section 17.11 of the development plan. The roadway and pathway was blocked during the construction period. The proposal has had an adverse impact on the scale and character of the dwelling and impacts on the amenity enjoyed by the occupants of adjacent dwellings. The extension in this instance dominates the existing building and does not harmonise with the existing house. The development plan highlights the need for extensions to play a more supporting role to the original dwelling. In general, they should be no larger or higher than the existing house.

9.0 Development Plan Provisions

- 9.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022.
- 9.2. The site is governed by the land use zoning objective Z2 to protect and improve the amenities of residential conservation areas.
- 9.3. Section 16.10.12 relates to residential extensions. It requires that the amenities of adjoining properties should be protected, in particular the need for light and privacy, that the form of the existing building should be followed as much as possible and that

similar finishes should be used in the extension. Applications for proposals 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 occupants of adjacent buildings in terms of privacy and access to daylight and sunlight.

9.4. Appendix 17 of the development plan also sets out guidelines for residential extensions. Section 17.11 specifically relates to roof extensions. It notes that the roofline of a building is one of its most dominant features and it is important that any proposal to change the shape, pitch, cladding or ornament of a roof is carefully considered. If not treated as sympathetically, the dormer extensions can cause problems for immediate neighbours and in the way that a street is viewed as a whole.

9.5. When extending the roof, the following principles should be observed:

- The design of the dormer should reflect the character of the area, the surrounding buildings and the age and appearance of existing buildings.
- Dormer windows should be visually subordinate to the roofslope enabling a large proportion of the original roof to remain visible.
- Any new windows should relate to the shape, size, position and design of existing doors and windows on the lower floors.
- Roof materials should be covered in materials that match and complement the main building.
- Dormer windows should be set back from the eaves level to minimise the visual impact and reduce the potential or overlooking of adjoining properties.

10.0 Planning Assessment

10.1. I have read the entire contents of the file, visited the site in question and have had particular regard to Dublin City Council's reason for refusal in respect of the dormer window to the rear at first floor level. I have also had due regard to the issues raised in the observations submitted to the Board and I consider it appropriate and in the

interest of natural justice that the Board do not confine its deliberations to the first floor dormer type extension but consider the application de novo in its entirety.

- 10.2. The observer comments that the ground floor extension has resulted in significant levels of overshadowing and has had an overbearing impact on the adjoining dwelling to the north-east. The ground floor extension does not protrude considerably beyond the original building line. The maximum extent of the depth of the extension is just over 2 metres. Furthermore, the ground floor extension is setback from the common boundary by approximately 0.5 metres which again reduces the overbearing impact arising from the extension. In fact, the Board will be aware that under other circumstances a ground floor extension such as that constructed would constitute exempted development in accordance with the Regulations. Having inspected the site from the observer's rear garden I do not consider that the size and scale of the ground floor extension is such that it would have an unacceptable impact on the observer's amenity.
- 10.3. In terms of overshadowing I note that the observer's rear garden is south facing and will enjoy adequate levels of sunlight and daylight throughout the year particularly during the summer months. While the proposed extension will have some slight impact in terms of overshadowing particularly during the later evening, having regard to the limited depth of the extension I do not consider any such impact would be material in terms of impacting on daylight and sunlight penetration and therefore the impact will be negligible.
- 10.4. In conclusion therefore, I consider that the ground floor extension is acceptable and the occupier of the dwellinghouse should enjoy a reasonable expectation that an extension can take place in order to cater for the need of the occupants of the house including, if applicable, a growing family. The proposed ground floor extension in this instance will have a negligible impact on adjoining amenity and will therefore be acceptable in my view.
- 10.5. The observer also makes reference to a contention that works undertaken as part of the retention application has resulted in structural damage of the adjoining house. Any matters in relation to the structural integrity of the building arising from works carried out are a legal matter between the parties involved and are not a matter for the Board. The requirement of the Board under the provisions of the Planning and

Development Act is to assess whether or not any proposed development would be in accordance with the proper planning and sustainable development of the area and is not the competent authority for dealing with matters in relation to structural integrity of buildings.

- 10.6. Likewise, the observer's comments make reference to the amenity impacts which occurred during the construction phase in relation to traffic blocking road and noise impact etc. These works have taken place and as such the Board are not in a position to determine whether or not any such amenity impacts are deemed to be acceptable or otherwise.
- 10.7. With regard to the extension at first floor level to the rear, which was the subject of a refusal by Dublin City Council, I would generally concur with the arguments set out in the grounds of appeal that the visual impact arising from the extension is modest and acceptable. The photographs attached clearly indicate a first floor extension to the rear is not readily visible when approaching the building from the north-east. When walking along Killester Avenue from Collins Avenue the first floor dormer extension to the rear is partially visible but only along a short section along Killester Avenue. The first floor extension is not visually dominant and in my view does not significantly detract from the existing roof profile. While the extension reflects the existing ridge height of the building it is not readily visible when viewing the building from the front entrance. As such, the extension constitutes a subordinate element within the overall roof profile and would not significantly impact on the visual amenities of the area. The dormer window directly overlooks the rear garden and as such would only provide oblique views into adjoining gardens.
- 10.8. The Board might also note that the dwelling to the immediate west of the subject site incorporates dormer type windows both on its front and rear elevations. Furthermore, there are numerous examples in the wider area where similar scale dormer windows have been incorporated into roof pitches, many of which incorporate contemporary style cladding such as that proposed. While the extension is clad in zinc it is very similar in colour to the existing roof on site. I note the planner's report which states that the rear extension is generally acceptable and *"would not appear to have any undue impact on existing amenities in planning terms, being set in from the shared boundaries and being of modest scale"*. The planner does express serious concerns with regard to the fact that the dormer window is clearly visible from the public street.

I have argued above that in my opinion this is not the case. The dormer window is only visible from a small section of public roadway confined to the road frontage associated with the dwellinghouse to the immediate east of the site. And even where it is visible, it does not constitute a dominant or incongruous structure when looking at the roof profiles along this section of Killester Avenue.

11.0 Conclusions and Recommendation

Arising from my assessment above therefore I consider that the Board should grant retention planning permission for the entirety of the extension based on the reasons and considerations set out below.

12.0 Appropriate Assessment

Having regard to the nature and scale of the development and the nature of the receiving environment together with the proximity to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

13.0 Decision

Grant retention planning permission for the development based on the reasons and considerations below.

14.0 Reasons and Considerations

It is considered that the retention of the existing extension and alterations to the dwellinghouse subject to conditions set out below would not seriously injure the residential or visual amenities of the area, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

15.0 Conditions

1. The development shall be retained 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 details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the 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 flat roof of the single storey extension shall be accessed for fire escape purposes and for maintenance purposes only, and shall not be used for private open space or amenity purposes.

Reason: In the interest of protecting existing amenities.

3. 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.

4. The existing dwelling and the extension for which retention of planning permission has been granted shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

Paul Caprani,
Senior Planning Inspector.

21st September, 2017.