



An
Bord
Pleanála

Inspector's Report PL29S.249349

Development

Conversion of attic space to storage, ceiling alteration to allow for new stairs and the provision of 2 no. rooflights and associated works at no. 72 Rathmines Upper (a protected structure).

Location

72 Rathmines Road Upper,
Rathmines, Dublin 6.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

3409/17.

Applicants

Steve Daniels and Carmel Kelly.

Type of Application

Permission.

Planning Authority Decision

Grant.

Type of Appeal

First Party -v- Condition.

Appellants

Steve Daniels and Carmel Kelly.

Observer

Donal O'Connell.

Date of Site Inspection

5th December, 2017.

Inspector

Paul Caprani.

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1.0 Introduction

PL29S.249349 relates to a first party appeal against a condition attached to Dublin City Council's decision to grant planning permission from a conversion of attic roof space to storage together with ceiling alterations to allow for new stairs and associated works at an existing two-storey dwellinghouse at No. 72 Rathmines Road Upper, Dublin 6. Condition No. 2 of Dublin City Council's notification to grant planning permission required the omission of the two rooflights proposed on the rear slope of the roof to be carried out as part of the attic conversion. An observation was submitted by the owner and resident of No. 3 Summerville Park the east of the subject site which supports the inclusion of condition no. 2 and requests that the Board incorporate such a condition where it is decided to grant planning permission. No. 72 Rathmines Road Upper is a protected structure.

2.0 Site Location and Description

- 2.1. No. 72 Rathmines Road Upper is located to the immediate south of Rathmines village centre. It is located on the eastern side of Rathmines Road Upper and forms northern house in a pair of red brick semi-detached dwellinghouses which face westwards on Rathmines Road Upper. Summerville Place a small residential cul-de-sac is located to the immediate south of the subject site.
- 2.2. The existing dwelling comprises of a two-storey structure probably dating from the Edwardian period. No. 72 and No. 74 form a pair of semi-detached dwellings and both incorporate two-storey rear returns. The rear return in the case of both dwellings incorporate windows at first floor level to the rear facing eastwards. In addition, both dwellinghouses incorporate mono-pitched single-storey extensions attached to the rear returns. Both dwellings also incorporate one velux-type rooflight on the rear of the roof pitch. No. 72 backs onto the rear garden of a dwellinghouse to the immediate east. This dwellinghouse adjoins No. 3 Summerville Park which is located further east and faces southwards onto the cul-de-sac. No. 3 Summerville Park is occupied by the observer to the current appeal.

3.0 Proposed Development

- 3.1. Planning permission is sought for the conversion of the attic space to storage space. The proposal will involve extending the existing stairs to second floor level to serve the proposed attic space. Two separate storage areas are proposed. The smallest storage area directly opposite the stairs occupies an area of approximately 3.9 square metres. The larger storage area occupies a floor space of approximately 17.5 square metres.
- 3.2. It is also proposed to incorporate two velux rooflights on the rear pitch of the roof. These rooflights are approximately the same size of the existing rooflight on the rear pitch, 1.2 square metres in size. The proposed rooflights are located slightly higher up the roofpitch than the existing rooflight. The maximum floor to ceiling height within the converted attic space is c.2.644 metres in height.

4.0 Planning Authority Decision

The planning application was lodged with Dublin City Council on the 14th July, 2017. It was accompanied by a planning application form, planning fee and drawings. The application was also accompanied by a Conservation Method Statement. It states the applicants have a young family and their house lacks a functional accessible storage space to serve their needs. It is stated that the continuation of the stairs into the existing stairwell will minimise any impact on the original layout or original built fabric. Details of how it is proposed to incorporate the new stairwell to the attic area is set out in the Conservation Method Statement.

4.1. Planning Authority's Assessment

- 4.1.1. A report from the Engineering Department Drainage Division stated that there is no objection subject to conditions.
- 4.1.2. A letter of objection was submitted by the current observer expressing concerns that the proposed rooflights will overlook the appellants' rear garden at No. 33 Summerville.

4.1.3. The planner's report states that the principle of providing the new elements of the proposal in the form of a modern insertion into the existing configuration of the house would be considered acceptable to enable a dwelling, designated as a protected structure, to function and operate as a family dwelling. However, having reviewed the proposal it is considered that the proposed rooflights are unnecessary and unwarranted considering that the proposal is for storage only. Rooflights would appear to be positioned at a lower point on the roof plane that would enable undue overlooking of the rear of the property.

4.1.4. In its decision dated 6th September, 2017 Dublin City Council issued notification to grant planning permission for the proposed development subject to 7 conditions. Condition No. 2 stated the following:

'The development hereby approved shall incorporate the following amendments:

(a) The proposed two rooflights to the rear slope of the roof shall be permanently omitted.

Reason: *In the interest of orderly development and visual amenity'.*

5.0 Grounds of Appeal

5.1. The decision was the subject of a first party appeal against condition No.2. The grounds of appeal note that as the applicants live in a protected structure, planning permission is required in order to incorporate rooflights in the roof pitch of a protected structure. If the structure in question was not afforded protected status, such works would be deemed exempted development. The applicants are advised by their Conservation Architect that there are precedents throughout the city for similar/identical applications. Reference is made to 2798/17 at 39 Belgrave Square, Dublin 6 which is also a protected structure where there was no requirement to omit rooflights in the rear roof pitch of the dwelling, for an almost identical-type development. It is therefore argued that there is no consistency in the decision making process. It is stated that the applicants have a young family where space is at a premium and they need a well-lit, well-ventilated area with easy access to storage. The applicants intend to ensure that they fully comply with best practice conservation guidelines.

- 5.2. A separate letter was submitted by a planning consultant. It argues that at present the attic is accessed by two small opes using mobile/movable ladders. The existing attic area is already illuminated by a glazed panel which is located above the head of the existing stairs. It is argued that condition no. 2 and the reasons behind it are not warranted. Insertion of rooflights would allow the attic to become more energy efficient. The rooflights would have built-in ventilation and would avoid the need to insert alternative attic vents through the roof structure. The submission goes on to outline the proposed works, site location and description and the development plan provisions and they relate to roof alterations/extensions.
- 5.3. The grounds of appeal go on to set out responses to the original letter of objection submitted by the owner/occupier of No. 3 Summerville Park. It states that the observers garden is already overlooked from the main houses and from the window at first floor level on the rear returns of Nos. 72 and 74. The proposed rooflights will be further away than the existing windows on the rear return. It is stated that the proposed conservation rooflights would harmonise with the existing environment and there are numerous precedents in the area. The appellants require additional family storage, safe access, improved insulation and natural sustainable lighting and ventilation. The Conservation Method Statement sets out to minimise the loss of fabric within the house. There is no risk of unauthorised uses within the attic space. It is reiterated that the objector's privacy would not be affected.
- 5.4. The submission also sets out some perceived inaccuracies in the planner's report. Reference is made to dormer windows in the planner's report and there is no proposal for dormer windows in the current application. While No. 72 is a protected structure, and located in an Architectural Conservation Area, it is considered that its return and the roof profiles are of a type that can be seen citywide and are not in themselves of any particular architectural merit. In relation to the height of the rooflights within the roof plain, the appellants are advised by the conservation architect that the rooflights could be raised by up to 22 centimetres without causing structural problems or infringing on the building by-laws.
- 5.5. It is stated that no site visit was undertaken from a representative of the Planning Department to observe the extent of overlooking from the existing windows.

5.6. Finally, there is reference made to two precedent cases in the vicinity where planning permission was granted for similar type developments.

6.0 Appeal Responses

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

7.0 Observation

7.1. An observation was submitted by the resident of No. 3 Summerville Park. The observation states that the proposed high level roof level lights would directly overlook the observer's rear garden and would seriously injure the privacy, amenities, value and character of the observer's property. The observer fully supports and agrees with the decision of Dublin City Council which stipulates that the proposed rooflights would be omitted.

7.2. It is stated that the probable use of any attic conversion would be to provide additional living accommodation and the proposal would not conform to current Building Regulations. The proposal would also result in the destruction of the existing building fabric and may not comply with current Part B Fire Standards.

7.3. Adequate roof storage space ventilation can be easily provided by the provision of small roof vents in the existing structure.

7.4. The Board are therefore requested to uphold the decision of Dublin City Council, and include condition no.2 as the incorporation of rooflights would create unsuitable development in a mature residential area which would injure the privacy, amenities, value and character of the observer's property and neighbouring properties as well as setting a poor precedent in the area.

8.0 Development Plan Provision

8.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016-2022. The subject site is zoned Z2 to protect and/or improve the amenities of Residential Conservation Areas. The proposal is also located in a conservation area.

8.2. Paragraph 17.11 of Appendix 17 of the development plan specifically relates to roof extensions. It notes that the roofline of a building is one of the 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 sympathetically, the dormer extension can cause problems for immediate neighbours and the way the street is viewed as a whole. When extending or altering 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 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 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 or complement the main building.
- The development plan also notes that living rooms and bedrooms should not be lit solely by rooflights.

9.0 Planning Assessment

9.1. I have read the entire contents of the file, visited the site in question and have had particular regard to the grounds of appeal and the issues raised in the observation contained on file. I consider that the Board in determining the current application and appeal can restrict its deliberations to the issue of the appropriateness of Condition No. 2.

9.2. I note that conversion of the attic space to storage area is not contested by either the Planning Authority or the observer in respect of the application. The issues to be addressed in respect of the current application and appeal can be confined as to whether or not the proposed rooflights in the rear roof pitch of a protected structure is acceptable from a visual and architectural conservation point of view, and whether or not the proposed rooflights would give rise to an unacceptable level of overlooking of adjoining gardens. These issues are dealt with in more detail below.

- 9.3. The key consideration in my view, in determining whether or not the provision of additional rooflights are acceptable under the current proposal, relates to the fact that there is an existing rooflight within the rear roof pitch. As such the proposed development in this instance is not introducing an element which heretofore did not exist within the roof profile. It is apparent from my photographs attached that there are two rooflights within the rear roof pitch of the existing structure one serving No. 72 and the other serving No. 74. The incorporation of a rooflight within the roof pitch has already been established and as such, a precedent has been established. Having regard to the fact that rooflights already exist within the structure, I do not consider that it can be reasonably argued that the provision of two additional rooflights is introducing an element within the overall design of the roof which could be considered inappropriate or incongruous.
- 9.4. In addition, the grounds of appeal make reference to Reg. Ref. 2798/17. This application also related to a protected structure and, as in the case of the current application, permission was sought to convert the existing attic space to storage space. The proposal involved the incorporation of two rooflights in addition to the existing rooflight already incorporated into the rear roof pitch. The proposed development for all intents and purposes is the same as that proposed under the current application. In issuing its grant of planning permission Dublin City Council did not incorporate any condition requiring the omission of the rooflights. I would therefore agree with the contention set out in the grounds of appeal that the Planning Authority in this instance is not adopting a consistent approach in respect of two similar applications.
- 9.5. With regard to the issue of overlooking, I note that the position of the rooflight is located at an angle and a height which would make it very difficult for any occupant of the attic space to look downwards towards the observer's garden. Furthermore, views would be obscured by the existence of the two-storey rear return. While it may be possible to obtain views of the observer's rear garden from the proposed rooflight the rooflight is located approximately 15 metres from the common boundary from the adjoining dwelling to the east and is over 20 metres from the rear garden/yard of No. 3 Summerville Park. This represents an adequate separation distance in my view.
- 9.6. Furthermore, the Board should note that the planning notices specifically state that the conversion of the attic is for storage purposes only and not as a habitable room.

It is anticipated therefore that the space will be used on an occasional and infrequent basis and in this regard it will not give rise to any significant or material levels of overlooking of any of the adjoining gardens. For these reasons I consider that the proposed installation of rooflights would be acceptable as it will not give rise to any material impact in terms of overlooking.

- 9.7. Arising from my assessment above therefore, I would recommend that the Board uphold the decision of the Planning Authority and grant planning permission but in doing so the Board should omit condition no. 2 in any grant of planning permission.

10.0 **Appropriate Assessment**

Having regard to the nature and scale of the proposed 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.

11.0 **Decision**

Omit condition no. 2 based on the reasons and considerations set out below.

12.0 **Reasons and Considerations**

It is considered that the proposed installation of rooflights on the rear roof pitch of No. 72 Rathmines Road Upper would not adversely affect the architectural or historical integrity of the building and would not give rise to any material levels of overlooking of adjoining properties. The omission of condition no. 2 therefore would not seriously injure the amenities of the area or of properties in the vicinity and would be generally in accordance with the proper planning and sustainable development of the area.

Paul Caprani,
Senior Planning Inspector.

8th January, 2018.

