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Bord  
Pleanála

## Inspector's Report 29N.249391

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<b>Development</b>	Dormer window on side hipped roof, single storey extension to rear of house, garden room at rear of garden, attic conversion
<b>Location</b>	437 Griffith Ave, Dublin 9
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	WEB 1381/17
<b>Applicants</b>	John Poole & Kitty O'Connor
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	First Party v Condition
<b>Appellants</b>	John Poole & Kitty O'Connor
<b>Date of Site Inspection</b>	11 <sup>th</sup> January 2018
<b>Inspector</b>	Dolores McCague

## **1.0 Site Location and Description**

- 1.1. The appeal site is located at 437 Griffith Ave, Dublin 9. The site is occupied by a two storey semi-detached dwelling which faces south towards Griffith Avenue. It is paired with the dwelling to the east. These dwellings are set behind front gardens and the footpath along the front is separated from the public road by a landscaped strip which is planted with mature trees. A narrow passage to the side of the dwelling is matched by a similar separation between the dwelling to the west and the common boundary. Griffith Avenue is a long arterial road with boulevard type landscaping along most of its length. The dwellings along this stretch of Griffith Avenue are similar in terms of setback and scale although the design varies and in particular some dwellings have side garages.
- 1.2. The stated area of the site is 351m<sup>2</sup>.

## **2.0 Proposed Development**

- 2.1. The proposed development is described as a dormer window on side hipped roof, a single storey extension to rear of house, a garden room at rear of garden, and attic conversion.
- 2.2. The additional floor area is given as 57.62m<sup>2</sup>.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.2. The planning authority decided to grant permission subject to 9 conditions including condition 3:

The development shall be revised as follows:

- a) The rear dormer window shall be reduced to a maximum of 2.5m in width and shall be relocated at least 1m from the boundary with no. 436 Griffith Avenue. The internal layout shall be amended accordingly.
- b) The side dormer shall be set back at least 0.3m from the eaves and the proposed window shall be amended accordingly.
- c) Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the buildings.

Reason: In the interests of orderly development and visual amenity.

3.3. The decision was in accordance with the planning recommendation.

3.4. Observations on the file have been read and noted.

### 3.5. **Planning Authority Reports**

#### 3.5.1. Planning Reports

Z1 zoning.

No planning history.

Two objections which raise concerns regarding:

- The overbearing impact of the rear dormer on the adjoining neighbour.
- The scale and bulk of the side dormer is out of character with the area and would have a detrimental impact on the adjoining property.

CDP – 16.10.12 extensions and alterations to dwellings.

17.11 roof extensions.

The dormer extension to the rear of the house is approx. 3.5m in width with a pitched roof. It is set back from the eaves and down from the ridgeline of the existing roof. It is located on the boundary of the adjoining neighbour, no. 435 Griffith Ave. it is considered that the proximity of the dormer to the adjoining neighbour would result in an overbearing impact therefore the dormer extension should be relocated at least 1m away from the boundary with the adjoining neighbour.

Having regard to Section 17.11 of the development plan which requires a dormer to be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible, the rear dormer extension should be a maximum of 2.5m in width.

The proposed side dormer extension is approx. 2.5m in width and is level with the existing side building line. To ensure the dormer extension does not have an overbearing impact on the adjoining neighbour and does not negatively impact on the residential and visual amenities of the area it should be set back at least 0.3m from the existing eaves. The side dormer has a contemporary window nature which is located below the existing eaves. As the extension is set back from the eaves the window detail should be amended accordingly.

#### 3.5.2. Other Technical Reports:

Engineering Department – Drainage Division, 24/8/2017, conditions.

## 4.0 Planning History

None stated.

## 5.0 Policy Context

### 5.1. Development Plan

5.2. The Dublin City Development Plan 2016-2022 is the operative plan. Relevant provisions include:

The site is zoned Z1 - to protect provide and improve residential amenities.

#### 16.10.12 Extensions and Alterations to Dwellings

The design of residential extensions should have regard to the amenities of adjoining properties and in particular the need for light and privacy. In addition, the form of the existing building should be followed as closely as possible, and the development should integrate with the existing building through the use of similar finishes and

windows. Extensions should be subordinate in terms of scale to the main unit. 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.

## Appendices

### Appendix 17 Guidelines for Residential Extensions

#### 17.11 Roof Extensions

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 sympathetically, dormer extensions can cause problems for immediate neighbours and in the way a street is viewed as a whole.

When extending in 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 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.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.2. A first party appeal has been lodged by Mark Price MR/IAI Architect against part of a condition: 3(b).

6.3. The grounds includes:

- The purpose of the side dormer is to allow access to the attic by way of a safe staircase, and this will not be possible if it is set back from the eaves as requested.
- Sections are provided showing how the proposed stairs would work and the requested modification is shown which highlights the issue.
- The impact of the proposed side dormer on the streetscape and on the neighbouring house No 439 will be minimal. Because it is so high above ground, it will be largely set back from view. A sketch drawing showing the proposal is attached.
- It will not contribute significantly to overshadowing, already caused by the existing side wall of No. 437. Any overlooking issues will be addressed by the use of obscured glass.
- Precedent developments along Griffith Avenue are cited: No. 327 – Reg Ref 5339/06, No. 339 and No. 325.
- The proposed side dormer is narrower than at No. 327 by approx. 265mm and the height from eaves to the ridge of the dormer is 200mm higher than No. 327. They are preparing to look at reducing the height as far as practicable if it helps to address issues raised by the neighbour in No 439.

6.4. **Planning Authority Response**

6.5. The planning authority have responded to the grounds of appeal referring the Board to the planner's report.

7.0 **Assessment**

7.1.1. This is an appeal against part of a condition: 3(b), further to S139 of the Planning & Development Act, having regard to the nature of the proposed development and the condition, it is considered that the determination by the Board of the application as if it had been made to it in the first instance would not be warranted and that the Board should confine its consideration to the part condition appealed.

7.1.2. Condition 3 (b)

the development shall be revised as follows:

b) The side dormer shall be set back at least 0.3m from the eaves and the proposed window shall be amended accordingly.

7.1.3. The grounds of appeal states that the purpose of the side dormer is to allow access to the attic and this will not be possible if it is set back from the eaves as requested. The grounds argues that the visual impact would be minimal and cites precedent.

7.2. An observation to the planning authority objected to the side dormer window as being of a scale and dimensions which are excessive and disproportionate in relation to their roof and which is grossly in excess of the size and dimensions in earlier drawings presented to and discussed with them.

7.3. Appendix 17 to the Dublin City Development Plan 2016-2022 provides Guidelines for Residential Extensions, within which section 17.11 deals with roof extensions, and includes the advice that:

- 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.
- Dormer windows should be set back from the eaves level to minimise their visual impact and reduce the potential for overlooking of adjoining properties.

7.4. In the present case the proposed dormer appears to have been designed as a stand out feature. The grounds of appeal refers to the design being based on that granted at No. 327 Griffith Avenue (Reg Ref 5339/06) and refers to the architectural merit of that dormer enhanced by the use of Frank Lloyd Wright inspired stained glass and how it complements the arts and crafts style of the houses on Griffith Avenue. The grounds also cites other examples of side dormers on Griffith Avenue which are not set back from eaves level.

7.5. It is worth noting with regard to the examples cited that in all of the cases there is a much greater setback of the building from the common boundary than in the present case. In all the other cases there is a setback suitable for the passage of a car, in the subject case the setback is suitable for the passage of a pedestrian only.

- 7.6. It is also worth noting that the number of examples of side dormers along this stretch of the road is limited. Only in a very limited number of cases has the profile of the roof, as viewed from the road, been altered.
- 7.7. The grounds refers to the purpose of the side dormer which is to allow access to the attic. The stairs to the attic is aligned with the existing stairs at first floor and this would not be possible if the dormer is set back from the eaves as conditioned. Sections are provided showing the requested modification and the impact on the proposed stairs.
- 7.8. I have some concerns regarding the development of side dormer extensions along this road, having regard to the existing variety in roof profiles along Griffith Avenue many with large roof gable projections to the front, to the desirability of maintaining balance in semi-detached pairings and to the fact that up until now side dormer extensions have occurred to only a limited extent along the avenue. However, the amendment which would be achieved by condition no. 3 b) would not address these concerns and I am not satisfied that any significant mitigation of the impact of the side dormer would be achieved. The amendment would however alter the design in terms of both the external treatment and the internal layout to an extent that if such were to be required necessary the redesign should be carried out prior to a decision to grant permission.

## 8.0 Recommendation

- 8.1. In the light of the above assessment, I recommend that the planning authority be directed to amend condition no 3 (b) as set out below, for the following reasons and considerations.



## 9.0 Reasons and Considerations

It is considered that the proposed side dormer would not unduly impact on the residential or visual amenities of the area and that the revisions required by the condition which would require a complete redesign of the first floor layout to provide for access to the attic, is not warranted.

## 10.0 Amended part condition

- 3 The side dormer shall be glazed in opaque glazing and no part shall be
- (b) capable of being opened to the extent that would allow overlooking of the adjoining property

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Planning Inspector

16 January 2018

- 1 Photographs
- 2 Extracts from the Dublin City Development Plan 2016-2022