



An  
Bord  
Pleanála

## Inspector's Report ABP300265-17

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<b>Development</b>	Construction of extension, conversion of attic, demolition of chimney and addition of rooflights.
<b>Location</b>	19 Fortfield Terrace, Rathmines, Dublin 6.
<b>Planning Authority</b>	Dublin City Council.
<b>Planning Authority Reg. Ref.</b>	3784/17.
<b>Applicants</b>	Mark Puech and Joyce Hickey.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	First Party -v- Condition No. 2.
<b>Appellants</b>	March Puech and Joyce Hickey.
<b>Observers</b>	None.
<b>Date of Site Inspection</b>	26 <sup>th</sup> February, 2018.
<b>Inspector</b>	Paul Caprani.

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## 1.0 Introduction

ABP300265-17 relates to a first party appeal against Condition No. 2 of Dublin City Council's notification to grant planning permission for a development comprising of an extension and a conversion of attic, together with the demolition of a chimney and the addition of rooflights at No. 19 Fortfield Terrace, Rathmines, Dublin 6. Condition No. 2 requires that the development shall be revised as follows:

- *The first floor side extension shall be set back 1 metre from the existing front building line with the internal layout amended accordingly.*
- *The roof of the side extension shall be set down from the ridge of the existing roof by 0.5 metres.*
- *The proposed velux rooflights to the front roof shall be omitted.*

## 2.0 Site Location and Description

2.1. No. 19 Fortfield Terrace which is located to the eastern side of Rathmines Road approximately 1 kilometre to the south of the junction between the Rathmines Road and the Rathgar Road. The site is located approximately 3½ kilometres due south of Dublin City Centre. Fortfield Terrace runs eastwards from the Upper Rathmines Road and ends in a cul-de-sac. The rear gardens of Palmerstown Gardens back onto the eastern end of Fortfield Terrace.

2.2. No. 19 is located at the eastern end of Fortfield Terrace on the southern side of the road facing northwards. No. 19 forms the western house in a pair of semi-detached dwelling dating from the late 1930s. The houses are two-storey with a single storey side garage and incorporate a hipped roof profile. The ground floor incorporates a hallway with a partitioned livingroom together with kitchen, dining and living area to the rear. Most of the kitchen, dining, living area to the rear is incorporated in a more modern single storey extension to the rear of the house. At first floor level, two double bedrooms and two single bedrooms together with a separate bathroom are accommodated. The rear garden is approximately 13 metres in length and just over 9 metres in width. Both the dwellings on either side of the subject site incorporate

extensions to the rear. These extensions comprise of part single storey and part two storey extensions. I note that in the case of both extensions on contiguous houses the hipped shaped roof profile has been incorporated into the design of the extension.

### 3.0 **Proposed Development**

Planning permission is sought to extend the dwellinghouse at roof level at first floor level. It is proposed to incorporate the existing hipped roof profile but remove the existing chimney and extend the length of the roof by approximately 6.25 metres in a westerly direction to create a new study area/den within the attic space and also to provide additional space within the two existing bedrooms located adjacent to the western gable of the site at first floor level. The proposal involves incorporating a new central staircase leading to the study/den accommodation within the roof pitch. As part of the proposed development it is proposed to construct a new dormer type window within the rear pitch of the roof profile. This new dormer box will be 2.82 metres in width and c.2.16 metres in height. It will be setback from the parapet level of the rear elevation and will not extend above the ridgeline. It is proposed to incorporate zinc cladding around the dormer window. In total it is proposed to provide an additional 27.7 square metres at attic level and an additional 14 square metres at first floor level.

### 4.0 **Planning Authority's Decision**

#### 4.1. **Decision**

Dublin City Council issued notification to grant planning permission on 25<sup>th</sup> October, 2017 subject to 6 conditions.

#### 4.2. **Documentation Submitted with the Planning Application**

4.2.1. The planning application was received on 5<sup>th</sup> September, 2017. It was accompanied by a completed planning application form, planning fee, public notices and drawings.

4.2.2. A **Covering Letter** submitted with the application stated that the application addresses the reasons for refusal of the previous application and has been prepared

in consultation with the Planning Department. It is stated that the proposed design is consistent with other developments in the vicinity. It is also stated that the front elevation design is largely similar to the approved design at the adjacent house at No. 18 Fortfield Terrace and the proposed dormer is consistent with the approved design at No. 35 Fortfield Terrace.

#### 4.3. Planning Authorities Assessment of the Application

- 4.3.1. A report from the Engineering Department Drainage Division stated that there is no objection to the proposal subject to standard conditions.
- 4.3.2. The planner's report notes that no pre-application consultations took place in accordance with Section 247 of the Act. It goes on to set out the proposed development, the planning history and the planning context in relation to the subject site. It is considered that the design of the proposed dormer window is acceptable and subordinate to the main roof profile. It is considered that the proposed development would not adversely affect the character or setting of the property and would not seriously injure the amenity of property in the vicinity. It is therefore recommended that planning permission be granted for the proposed development. The planner's report however expresses concern that the proposed development will result in a terracing effect between No. 19 and No. 18 Fortfield Terrace.
- 4.3.3. The grant of permission included Condition No. 2 which states:
- (a) *The first floor side extension shall be set back 1 metre from the existing front line. The internal layout shall be amended accordingly.*
  - (b) *The roof of the side extension shall be set down from the ridge of the existing roof by 0.5 metres.*
  - (c) *The proposed velux rooflights to the front of the roof shall be omitted.*

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

#### 5.0 Planning History

There are no details of any planning history attached to the appeal file. The planner's report refers to one application where permission is sought to widen the vehicular entrance, conversion of an attic to study/den to include building up the side gable

wall to form a dutch hipped roof, demolish chimney and rooflights to the front and side and dormer rooflight to the rear. The report states that permission was granted for the proposed widening of the vehicular entrance but was refused for the extension.

## 6.0 Grounds of Appeal

- 6.1. The grounds of appeal specifically relate to the inclusion of Condition No. 2. It is argued that the setting back of the front wall of the side extension by 1 metre from the existing building line will result in a proposed first floor room being unworkable and awkward in shape. The combined effect of setting back the front wall and lowering the roof will result in a proposed roof angle that will be different to that of the existing house unless the soffit depth is increased and the proposed window height is lowered. Such changes would alter the character of the house.
- 6.2. Likewise, it is argued that the roof of the side extension being set down by 0.5 metres from the existing ridge would likewise be unworkable and would not provide sufficient floor to ceiling height in the stairwell leading to the attic space and this contravenes the Building Regulations for minimum head height. It will also result in the approved dormer to the rear to be reduced in height which will have insufficient standing height.
- 6.3. With regard to the omission of rooflights in the front elevation it is stated that there is precedent for such rooflights in adjoining dwellings specifically No. 20 Fortfield Terrace. To address this issue, two options are proposed. Option 1 seeks to reduce the size of the rooflights in order to match the existing rooflights at No. 20 Fortfield Terrace while Option 2 suggests that the number of rooflights could be reduced in number and size.
- 6.4. The planner's report expresses concern that the proposed development will result in a terracing effect between No. 19 and No. 18 Fortfield Terrace. It is stated that there is no first floor over garage extension at No. 18 Fortfield Terrace while there is an unbuilt approved application at No. 18 Fortfield Terrace (granted under Reg. Ref. 2516/14), there is no evidence that this permission will ever be activated. The appellants' development should not be judged on whether an unbuilt extension will ever be proceeded with. It is also stated that the building line at No. 18 is set forward

of No. 19 and therefore cannot result in a terracing effect. It is also argued that the development as originally proposed provides a more coherent design than the design conditioned by the Planning Authority. The variation in building line along this section of Fortfield Terrace will ensure that no terracing effects occur. The grounds of appeal argue that Fortfield Terrace comprises of a composite of dwellings developed during different eras between the 1860s and 1930s (It also accommodates a modern detached house). As a result, the terrace does not have consistent roof lines or building lines and there are a variety of house types which allows for bespoke type extensions. The grounds of appeal go on to detail the various and varied design elements of the dwellings along the road and it is suggested that there is no visual harmony along Fortfield Terrace. In addition to this many houses have been extended or modified to the extent that there are significant differences between the dwellings. Photographs are submitted supporting the contention that a variety of house designs are evident on Fortfield Road. Also attached is a letter submitted by the residents of the dwelling setting out the rationale and the need to extend the living area of the house.

## 7.0 Appeal Responses

A response received by Dublin City Council states that Dublin City Council has no further comment to make and considers that the planner's report adequately deals with the proposal.

## 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 site is governed by the land use zoning objective Z1 with the objective to "*protect, provide and improve residential amenities*".
- 8.2. General guidance for residential extensions in all zones throughout the city are set out in Section 16.10.12. It requires that all extensions and alterations should protect the amenities of adjoining dwellings, particularly the need for light and privacy. The form of the existing building should be followed as much as possible and similar

finishes should be used on 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.
- Paragraph 17.11 of Appendix 17 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 sympathetically, dormer extensions can cause problems for immediate neighbours and the way the street is viewed as a whole.

8.3. 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 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 levels to minimise their visual impact and reduce the potential for overlooking of adjoining properties.

## 9.0 **Assessment**

9.1. Having regard to the zoning objective relating to the site, the nature and extent of the development, the Planning Authority's decision and the fact that there were no observations or appeals contesting the decision of the Planning Authority, other than that lodged by the first party, I do not consider it necessary or appropriate to assess the entirety of the development on a de novo basis and I recommend that the Board



restricts its deliberations to the issue raised in the grounds of appeal whether or not the imposition of Condition No. 2 is appropriate in this instance. Condition No. 2 requires three changes to be incorporated into the overall design by way of condition namely:

- the setting back of the first-floor side extension by 1 metre above the existing building line.
- The reduction of the roof of the side extension by 0.5 metres from the ridge.
- The omission of all velux rooflights on the front pitch of the roof.

9.2. Prior to dealing with each of these requirements it is important in my opinion to briefly comment on the nature of the surrounding building environment in urban design terms. Fortfield Terrace is an established mature and aesthetically pleasing inner suburban residential development primarily dating from the inter war period. Although the appellant points out that some of the houses further west along the terrace adjacent to the Upper Rathmines Road date from the 1860s. As a result, the roadway accommodates a variety of dwelling types incorporating somewhat different architectural styles and details and different external finishes. To illustrate this point, the houses directly opposite the subject site on the northern side of the road comprise of a row of arts and craft type terrace dwellings. It is also very apparent from my site inspection that the dwellinghouses particularly on the southern side of the road did not incorporate a uniformed building line.

9.3. This is an important consideration in evaluating whether or not Condition No. 2 is warranted and necessary in urban design terms. In an area where there was strict uniformity in design, it may be appropriate in my view to implement strict safeguards to ensure that any future extension does not in any way result in an incongruous addition or an imbalance in the overall aesthetics and design in a row of dwellings. However, having regard to the variety of styles and external finishes along Fortfield Terrace I consider that a more flexible approach can be adopted in dealing with new extensions.

9.4. Notwithstanding this point the Board will note from the photographs attached that the hipped roof profiles are a consistent design element in the group of houses along the southern side of the road dating from the 1930s. The applicant in this instance in proposing to extend the roof and first floor has incorporated the same hipped profile

to the side of the house which currently exists and this is appropriate and in keeping with existing roof profiles in the area. I consider that it can be reasonably argued that the requirement to reduce the ridge height by 0.5 metres does not in this instance serve to create a subordinate type extension, but would in my view merely serve to complicate and clutter the roof profile and render it inconsistent with the hipped roof profiles in the immediate vicinity. The lowering of the ridge height together with the stepping back of the first-floor extension by 1 metre from the front building line would in my view create a more awkward and unsympathetic relationship between the main dwellinghouse and the proposed extension. I would suggest to the Board that, in overall aesthetic terms, the incorporation of the first floor setback together with the reduction in ridge height results in a more visually inappropriate and awkward looking extension than the proposal submitted to the Planning Authority in the first instance. I would argue that the proposal submitted to the Planning Authority in the first instance, results in a more simple and cleaner roof profile than that altered by way of condition.

- 9.5. It is also apparent that the incorporation of Condition 2(a) which requires a 1 metre setback, results in an awkwardly shaped bedroom and also a smaller sized bedroom than that originally proposed. I do not consider that such alterations are justified or warranted particularly as it will have no appreciable positive impact in urban design terms as suggested in the planner's report.
- 9.6. The reduction in the roof profile by 0.5 metres also results in a significant reduction in floor to ceiling height in the proposed study at attic level whereby it does not conform with Building Regulations. It also appears that the reduction in ridge height will necessitate a reduction in the size of the dormer window to the rear which will also have consequential impacts in reducing the floor to ceiling height in the attic area. I note that the planner's report considered that the size and scale of the dormer window to the rear as originally proposed was acceptable.
- 9.7. In conclusion therefore, I do not consider the proposed alterations as conditioned by the Planning Authority to be necessary in order to visually improve the aesthetics of the proposed extension. In fact, in my opinion the proposed alteration required by way of condition may have the opposite effect in terms of aesthetics. But perhaps more importantly the alterations required would result in a significant diminution in living space within the dwellinghouse and would thus undermine the purpose of

extending the house in the first instance. I refer the Board to the letter attached to the grounds of appeal from the family residing at No. 19 Fortfield Terrace. It sets out the reasoning behind the proposed extension and the need to provide additional family living space within the house. It should be a reasonable expectation that any family should be entitled to extend and expand living accommodation to suit family needs subject to complying with qualitative safeguards in terms of respecting design parameters adjoining residential amenity etc.

9.8. Based on the arguments set out above, I would recommend that the Board consider omitting Conditions 2(a) and 2(b) of the decision issued by the Planning Authority.

9.9. Condition 2(c) specifically relates to the incorporation of rooflights in the front roofpitch of the dwellinghouse. It is clear from the photographs attached that the adjoining dwellinghouse at No. 20 incorporates two rooflights high up in the roof pitch. A precedent for the incorporation of such lights has therefore been set and I consider it appropriate that similar rooflights could be incorporated into the proposed extension. While the house at No. 20 incorporates two rooflights I note that the current proposal before the Board incorporates 4 no. rooflights and these rooflights are not uniformly spaced on the front roof pitch. The incorporation of rooflights would allow for more natural daylight and sunlight penetration into the attic area, provide greater levels of ventilation when required and would result in some levels of solar gain within the attic area. For all these reasons I consider that the incorporation of rooflights would be appropriate in this instance. I would however refer the Board to appeal drawing no. 7 which sets out two options for the spacing and positioning of rooflights within the roof profile. I consider that Option No. 2 is the most appropriate option, as the proposed rooflights incorporate the same position within the roof pitch and the same spacing as the rooflights inserted into the adjoining dwelling at No. 20 Fortfield Terrace. I therefore recommend that the Board would condition that the applicant be required to incorporate rooflights as indicated in appeal drawing no. 7 Option 2.

## 10.0 Conclusions and Recommendation

Arising from my assessment above therefore I recommend that the Board omit Condition 2(a) and 2 (b) and revised Condition 2(c) as follows:

2. The applicant shall incorporate rooflights on the front pitch as indicated on Option No. 2 of Drawing No. 7 submitted by way of appeal to An Bord Pleanála on 20<sup>th</sup> November, 2017.

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

## 11.0 Appropriate Assessment

Having regard to the nature and scale of the proposed development and 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.

## 12.0 Decision

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied 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 and based on the reasons and considerations set out below directs the said Council to alter Condition No. 2 as follows:

2. The proposed rooflights on the front elevation of the dwelling shall be constructed in accordance with Drawing No. 7 Option 2 received by An Bord Pleanála on 20<sup>th</sup> day of November 2017.

**Reason:** In the interest of visual amenity.

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Paul Caprani,  
Senior Planning Inspector.

12th March, 2018.