



An
Bord
Pleanála

Inspector's Report ABP-301192-18

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| Development | Demolish existing side extension and construct a single-storey side and rear extension, roof extensions and widening of front access |
| Location | 3 Kilbarrack Gardens, Kilbarrack, Dublin 5 |
| Planning Authority | Dublin City Council |
| Planning Authority Reg. Ref. | 4538/17 |
| Applicant(s) | Remi & Barbara Quetel |
| Type of Application | Permission |
| Planning Authority Decision | Grant |
| Type of Appeal | First-Party |
| Appellant(s) | Remi & Barbara Quetel |
| Observer(s) | None |
| Date of Site Inspection | 19 th June 2018 |
| Inspector | Colm McLoughlin |

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1.0 Site Location and Description

- 1.1. The appeal site is located on Kilbarrack Gardens, a residential cul de sac off the Kilbarrack Road (R104 regional road), approximately 400m to the northwest of the coast along Howth Road and 8.5km northeast of Dublin city centre.
- 1.2. The site is rectangular in shape and contains a single-storey hipped-roof three-bedroom dwelling with single-storey flat-roof side extension. The house features two front-bay windows and the external finishes to the dwelling include red-brick walls under a slate roof. To the front of the house is a small garden, enclosed by a low wall, and a hardstanding area to accommodate a vehicle. The rear garden is approximately 22m in depth and includes a garden room structure.
- 1.3. The surrounding area is generally characterised by single-storey detached dwellings of similar styles, fronting onto a grid network of tree-lined residential streets. Ground levels in the vicinity are relatively level with a gradual drop moving east towards the coast.

2.0 Proposed Development

The proposed development for retention comprises:

- demolition of a single-storey flat-roof side extension with a stated gross floor area (GFA) of 28sq.m and removal of two chimneys;
- construction of a single-storey rear extension and a replacement single-storey side extension with bay window to front;
- replacement roof and extensions to roof level comprising a rear-dormer window extension, three front rooflights, three rooflights to the southeast side and two rooflights to the northwest side, continuation of the hipped roof over the side extension;
- widening of vehicular access from c.2.2m to a stated 3.2m, landscaping, boundary treatments and associated works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to grant permission subject to 11 conditions, most of which are of a standard nature, but also including the following conditions:

- 'Condition No.4 - The development hereby approved shall incorporate the following amendments:
 - a) The three number rooflights to the front roof plane shall be omitted. If desired, the playroom may be lit by a further rooflight on the side roof plane.
 - b) The dormer to the rear shall be reduced in depth such that the front wall of the dormer sits fully within the rear roof plane set back/up from the eaves level so that there is a clear visual separation between the new rear elevation of the dwelling and the dormer above of a minimum of 300mm. For reference the applicant is directed to Reg. Ref. 2148/13 No. 7 Kilbarrack Gardens.

Reason: To be consistent with the pattern of development in the area, in the interest of residential amenity and the policies and objectives of the current Dublin City Development Plan, in particular Appendix 17.11;

- Condition No.5 - The attic accommodation hereby approved shall be used for household storage / home office / study / playroom purposes only.

Reason: To ensure a satisfactory standard of development'.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer reflects the decision of the Planning Authority.

The Planning Officer notes the following in their report:

- while the accommodation at roof level is reasonable, the three rooflights to the front should be omitted, as was the case with No. 7 Kilbarrack Gardens.

3.2.2. Other Technical Reports

- Engineering Department (Drainage Division) - no objection subject to conditions;
- Roads, Streets & Traffic Department - no objection subject to conditions.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third-Party Submissions

3.4.1. None received.

4.0 Planning History

4.1. Subject Site

4.1.1. The following applications relate to the appeal site:

- Dublin City Council (DCC) Ref. 4380/16 – Retention permission granted (March 2017) for a family garden room structure to the rear garden.

4.2. Surrounding Sites

4.2.1. There have been numerous recent planning applications for roof extensions on neighbouring dwellings on Kilbarrack Gardens, including the following;

- No.8 Kilbarrack Gardens - DCC Ref. 2477/14 – permission granted (July 2014) for the demolition of a side extension and chimney and construction of two-storey flat-roof side extension and conversion of roofspace to habitable rooms with rear dormer window extension and rooflights to front, sides and rear. Condition No.2 of the permission required the two front rooflights to be reduced in size to consist of a single pane rather than double panes;
- No.7 Kilbarrack Gardens - DCC Ref. 2148/13 – permission granted (July 2013) for a single-storey rear extension, as well as the conversion and extension of the roofspace comprising a rear dormer window extension and three side rooflights;

- No.6 Kilbarrack Gardens - DCC Ref. 6270/05 – permission granted (March 2006) for a single-storey rear extension, as well as the conversion and extension of the roofspace comprising a rear dormer window extension and front, side and rear rooflights;

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The appeal site has a zoning objective 'Z1 - Sustainable Residential Neighbourhoods' within the Dublin City Development Plan 2016-2022, with a stated objective 'to protect, provide and improve residential amenities'.
- 5.1.2. Under Section 16.10.12 of Volume 1 to the Development Plan, it is stated that applications for planning permission to extend dwellings will only be granted where the Planning Authority is satisfied that the proposal would:
- 'Not have an adverse impact on the scale and character of the dwelling;
 - Have no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight'.
- 5.1.3. Appendix 17 (Volume 2) of the Development Plan provides guidance specifically relating to residential extensions. Section 17.11 outlines the following principles should be observed when extending in the roof:
- '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

A first-party appeal has been lodged only against Condition No.4(a), which was attached to the Planning Authority notification of a decision to grant planning permission. The following grounds of appeal are raised:

- appellant requests that Condition No.4(a) is omitted from the decision, as the terms of the condition are not consistent with permissions previously granted and built along the subject cul de sac, including DCC Refs. 2477/14 and 6270/05;
- the appellant would be willing to accept two rooflights to be consistent with other properties along the street.

6.2. Planning Authority Response

6.2.1. None received.

6.3. Observations

6.3.1. None received.

7.0 Assessment

7.1. This is a first-party appeal only against Condition No.4(a) attached to the Planning Authority's decision to grant permission. Condition No.4(a) requires omission of three front rooflights and provision for a replacement side rooflight.

7.2. Having regard to the nature and scale of the proposed development and the nature of Condition No.4(a), 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. Therefore, the Board should determine the matters raised in the appeal only in accordance with Section 139 of the Planning and Development Act 2000, as amended.

- 7.3. The grounds of appeal assert that there is precedent within the immediate street for the front rooflights and that they would be willing to accept two front rooflights.
- 7.4. The Planning Authority's reason for attaching Condition No.4 to their notification of a decision to grant permission is stated 'to be consistent with the pattern of development in the area, in the interest of residential amenity and the policies and objectives of the current Dublin City Development Plan, in particular Appendix 17.11'. Within the Planning Officer's Report it is stated that 'the accommodation at roof level is reasonable, but the three rooflights to the front should be omitted as was the case with No. 7 Kilbarrack Gardens'
- 7.5. Appendix 17.11 of the Dublin City Development Plan 2016-2022 provides guidance primarily relating dormer window extensions when extending at roof level, it does not provide specific guidance in relation to rooflights. Appendix 17.11 states that 'any new window [to the roof] should relate to the shape, size, position and design of the existing doors and windows on the lower floors'. The windows at ground-floor level in the subject house are bay windows and it would not be appropriate to relate to these. The appeal site is situated on a cul de sac containing 14 houses and does not have any conservation status. The three front rooflights would not reasonably impact on neighbouring residential amenities and the size of the rooflights would not be overly dominant on the extended and new roofslope. Accordingly, I am satisfied that the three front rooflights would not be contrary to the provisions of the Development Plan.
- 7.6. I note that there are numerous properties along Kilbarrack Gardens and in the immediate area that have been extended into the roof, including Nos. 2, 6 and 8 Kilbarrack Gardens, which face onto the appeal site. Each of these dwellings feature two front rooflights. No.7 Kilbarrack Gardens, as referenced by the Planning Officer in their report, features a small front rooflight. No.6 Kilbarrack Avenue at the entrance to the street features a roof conversion, including three front rooflights. I am satisfied that the proposed three front rooflights would not be out-of-character with existing developments in the immediately surrounding area.
- 7.7. In conclusion, I am satisfied that Condition No.4(a), requiring omission of the three front rooflights, would not be warranted, as their omission would not serve to safeguard the amenities of the area and as their inclusion would not be out-of-

character with developments in the immediately surrounding area and would not be contrary to the provisions of the Development Plan.

8.0 Appropriate Assessment

Having regard to the minor nature of the proposed development for retention, the existing development on site, the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

- 9.1. It is recommended that the Planning Authority be directed to amend condition number 4 by omitting item 4(a), for the reasons and considerations hereunder.

10.0 Reasons and Considerations

1. Having regard to the nature and scale of the proposed development and the pattern of development in the area, including front rooflights on numerous houses in the immediate vicinity of the subject site, it is considered that the modifications to the proposed development, as required by the Planning Authority in its imposition of condition number 4(a), are not warranted, and that the proposed development, as described on the documentation submitted with the application and the omission of condition number 4(a), would not have a significant impact on the amenities of the area or on the residential amenities of property in the vicinity, would be acceptable within the streetscape and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Colm McLoughlin
Planning Inspector

26th June 2018