



An
Bord
Pleanála

Inspector's Report ABP-301219-18

Development	Replacement roof of increased ridge height, 2no. dormer windows and 3no. rooflights to accommodate attic conversion and ancillary works.
Location	86, Castle Avenue, Clontarf, Dublin 3
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	Web1629/17
Applicant(s)	John & Sharon Curran
Type of Application	Permission
Planning Authority Decision	GRANT with conditions.
Type of Appeal	1 st Party against condition
Appellant(s)	John & Sharon Curran
Observer(s)	None
Date of Site Inspection	22/06/18
Inspector	John Desmond

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	4
4.0 Planning History.....	4
5.0 Policy Context.....	5
5.1. Development Plan.....	5
5.2. Natural Heritage Designations	6
6.0 The Appeal	6
6.1. Grounds of Appeal	6
6.2. Planning Authority Response.....	7
7.0 Assessment.....	7
7.1. Introduction	8
7.2. Policy / principle	8
7.3. Visual impact and impact on amenities	8
7.4. Appropriate Assessment	9
8.0 Recommendation.....	10
9.0 Reasons and Considerations.....	10

1.0 Site Location and Description

- 1.1. The site is located in Clontarf, northeast of Dublin City, opposite (east of) the cricket and rugby clubs, c.660m north of the promenade at the Clontarf Baths building, c.120m southwest of Clontarf Hospital and c.1.5km northeast of Clontarf train station.
- 1.2. The area is a mature suburban area, dating probably from the interwar period. It is characterised by low-density, 2-storey semi-detached and detached housing, finished in a bright red brick, often with part-dash render, and with brown roof tiles.
- 1.3. The applicant site is a corner site with principle frontage onto Blackheath Gardens to the south, from which it has a pedestrian entrance, and secondary frontage onto Castle Avenue onto which it has vehicular access. There is a similar dwelling to the south at the opposite corner of the junction, also fronting onto Blackheath Gardens.
- 1.4. The site has a stated area of 550-sq.m stated area, and the dwelling 187-sq.m. The dwelling appears nominally to be detached, but appears to directly abuts the neighbouring dwelling to the north.
- 1.5. The original site was subdivided in recent years, with a bungalow erected to the east. The application dwelling has also been extended to the rear, possibly on a number of occasions, such that is now has no traditional private open space (to the rear), other than the extensive front gardens to the west and south. The front garden area is well-screened with boundary hedging and trees over a c.1m-1.2m roadside boundary wall. A shed is in place in the front garden.

2.0 Proposed Development

- 2.1. It is proposed to replace existing roof with new roof of increase ridge level, with 2no. roof dormers to south and west and 3no. rooflights to north and east to accommodate an attic conversion, with ancillary associated works.

3.0 Planning Authority Decision

3.1. Decision

GRANT subject to conditions. Condition no.3, subject of this appeal, states:

The development hereby approved shall incorporate the following amendments: -

- a) The proposed front 2nd floor dormers shall be omitted and shall be replaced by matching tiles only*
- b) The proposed northern roof overhang shall not extend onto the northern party boundary – with any overhang kept as vestigial as possible*
- c) The remaining roof overhangs shall not extend any further forward from the main elevations than the current projection*
- d) Any modification to the proposed roof alteration as a result of the above amendments shall see the angle of the roof pitch maintained as proposed.*

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

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer (20/02/18) is consistent with the decision of the planning authority and the conditions attaching thereto.

3.2.2. Other Technical Reports:

Drainage Division (30/01/18) – no objections subject to standard condition.

4.0 Planning History

On site

WEB1084/15: Permission **GRANTED** by the planning authority (FG 01/07/15) to subdivide property between main house and separate 2-bed bungalow.

Reg.ref.3456/98: Permission **GRANTED** by the planning authority (FG 22/02/99) for retention of fence to side of new extension.

PL29N.103617 / Reg.Ref.1236/97: Permission **GRANTED** by the Board (17/012/07) for development comprising single-storey extension comprising conservatory, utilities and granny flat to Blackheath elevation. A proposed first floor extension to Castle Avenue elevation omitted by condition no.2. Condition no.1 required house and granny flat to remain a single dwelling unit, not subdivided.

5.0 Policy Context

5.1. Development Plan

Dublin City Development Plan 2016-2022

Land use zoning objective Z1 *'To protect, provide and improve residential amenities'*.

Section 16.10.2 Residential Quality Standards – Houses: ...Aspect, Natural Light and Ventilation: *Living rooms and bedrooms shall not be lit solely by roof lights.*

Section 16.10.12 Extensions and Alterations to Dwellings: *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.*

Appendix 17 Guidance for Residential Extensions: S.17.3 Residential Amenity Issues; S.17.4 Privacy: *Extensions should not result in any significant loss of privacy to the residents of adjoining properties. Generally, windows overlooking adjoining properties (such as in a side wall) should be avoided. Where essential, the size of such windows should be kept as small as possible and consideration should be given to the use of high-level windows and/or the use of obscure glazing where the window serves a bathroom or landing. Balconies will only be allowed where they are well screened and do not adversely overlook adjoining properties. The use of the roofs of flat roof extensions as balconies can often lead to problems of overlooking.* S.17.11 Roof Extensions: *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.*

5.2. Natural Heritage Designations

South Dublin Bay and River Tolka Estuary SPA 004024 (c.0.7km to south).

North Dublin Bay SAC 000206 (c.1.6km to the east).

North Bull Island SPA 004006 (c.1.6km to east).

6.0 The Appeal

6.1. Grounds of Appeal

The main grounds of the First Party appeal may be summarised as follow:

- The neighbours either side of the dwelling support the development proposed – letters of support attached.
- The Planning Authority confirm that there is no issue of overlooking or other impact on neighbouring residences and that this is an issue of aesthetics only – the planner prefers not to have dormers to the front of house in general.
- There are many precedents for attic dormers on Castle Avenue and in the immediate vicinity (photographs of, inter alia, nos.136, 146, 152 and 163 Castle Avenue, attached to appeal).
- Permission granted by the Planning Authority for similar on 228 Howth Road under reg.ref.3593/14, conditioned to be clad in zinc.
- The house has no back garden and there are limited options for extension except into the roof.
- The house is well screened.
- The dormers would benefit from light and heat from good aspect, a key aspect of sustainable design, promoted in the Development Plan.

- The dormers may be used as a means of escape and to omit them would render the house a greater risk to occupants, contrary to Building Regulations.
- Sustainable use of land within a built-up area close to transport services and amenities, in line with Departmental guidance on sustainable housing.
- Submits that DCC's concern arises from the fact that far too many contemporary dormers built in Ireland are poorly constructed with bad details and inappropriate materials and finishes, being badly proportioned and ugly.
- The proposed dormers will have to be of the same quality and craftsmanship as the existing house dating from the early 20th century, with highest quality zinc or copper, with windows and frames to match the existing house windows.
- The dormer design follows the standards under appendix 17.0 of the Plan.
- The appellant suggests that, if necessary, the dormers could be slightly reduced to 1500mm and 2400mm measured internally, improving the proportion of the roof to dormer and height to slenderness ratio.
- The space will provide an ideal space for use as a music room

6.2. Planning Authority Response

No response received.

7.0 Assessment

The main issues arising may be addressed under the following headings:

- 7.1 Introduction
- 7.2 Policy / principle
- 7.3 Visual impact and impact on amenities
- 7.4 Appropriate Assessment

7.1. Introduction

- 7.1.1. This appeal is a first party appeal against a condition (**no.3(a)** only) attaching to the decision of the planning authority. Condition 3(a) states:

'The proposed front 2nd floor dormers shall be omitted and shall be replaced by matching tiles only'.

Having regard to the provisions under section 139(1) of the Planning and Development Act, 2000, as amended, the Board has the discretion to limit its considerations to the condition concerned. I would be of the opinion that, having regard to nature of the condition, determination of the application by the Board, de novo, would not be warranted in this instance.

7.2. Policy / principle

- 7.2.1. The principle of residential development is acceptable on this land zoned objective Z1, *'To protect, provide and improve residential amenities'*. There is no policy, as such, under the Plan concerning the extension of dwellings, rather there are standards that govern such development, which I address below.

7.3. Visual impact and impact on amenities

- 7.3.1. The Plan (s.16.10.12) provides that extensions and alterations to dwellings will only be granted where the planning authority is satisfied that the proposed will not have an adverse impact on the scale and character of the dwelling and will not adversely affect the amenities of neighbouring property in terms of access to daylight and sunlight. The proposed dormers face onto the public road and would have no appreciable impact on the amenities of neighbouring property. The planning authority raised no issue in this regard.
- 7.3.2. The Council's Planning Officer had concerns about the visual impact of the proposed roof structure and dormers on the *"set piece 'gateway' feature"* to Blackheath Gardens formed by the existing dwelling and the opposing dwelling to the south. The Planner recommended that the proposed front dormers be omitted on the basis that there was no precedent for such structures on this house type in the area. The Planner's Report also stated that *'It would also be normally be recommended that*

front rooflights (as a possible substitute in this instance) ... be omitted – as they can be difficult to coordinate across a street's roofscape...'. I could locate no specific policies in the Plan on dormers or roof light structures, and the Planner's Report makes no reference to any such policy, that would justify the refusal of dormer windows or rooflights on the front (or other) roof slopes as a standard approach.

- 7.3.3. The Plan (Vol.2) contains design guidance on residential extensions in Appendix 17, including roof extensions, specifically (s.17.11), which I have included under section 5.1 of my report. The said standard does not rule out dormers on front roof slopes of a dwelling – it does not differentiate between the orientation of roof slopes at all – therefore it can be concluded that the Plan does not provide a clear basis for refusal of permission for front dormers. As submitted by the appellant, there is precedent for front dormers within the vicinity. Regardless, the Plan does not provide that absence of precedent would rule out provision of dormers, but that the design reflect the character of the area.

In general, I would agree with the appellant that the design of the proposed dormers complies with the recommended standards. The appellant suggests that the dormers could be reduced, if necessary, to 1500mm and 2400mm, as measure internally (it can be surmised that this refers to dormer width). I consider the proposed widths to be reasonably proportionate to the roof slopes on which each is proposed, however I consider them to be oversized in terms of height. A reduction of the front face of each dormer, inclusive of eaves, by 300mm, with corresponding lowering of the level of the proposed dormer fenestration, would be sufficient to mitigate this issue. This would result in a slight slope to the roof of the dormers, minimising the impact on internal ceiling height. A revised condition 3(a) would be appropriate.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the small-scale nature of the development proposed within an existing built-up area, it is not considered that the proposed development would be likely to have a significant effect, directly or indirectly, individually or in combination with other plans or projects on any European site. I consider no Appropriate Assessment issues to arise.

8.0 Recommendation

- 8.1. The Board is satisfied, having regard to the nature of condition 3(a), that the determination of the application as if it had been made to the Board in the first instance is not warranted and directs Dublin City planning authority to **AMEND** condition no.3(a) as follows:

The front face of each of the two dormers shall be reduced in height by 300mm, with the dormer roof sloped and dormer side faces amended as necessary to accommodate same, and the fenestration (including cill and top of windows) height lowered proportionately.

9.0 Reasons and Considerations

It is considered that, subject to compliance with condition no.3(a), as revised, the design of the proposed dormers would generally accord with the design standards for such development under Appendix 17, Vol.2 of the Dublin City Development Plan 2016-2022, would not be unduly out of character with the pattern of development in the vicinity, would not set an undesirable precedent for development or seriously injure the amenities of property in the vicinity, would be consistent with the zoning objective pertaining to the site, Z1 '*To protect, provide for an improve residential amenities*', and would be in accordance with the proper planning and sustainable development of the area.

John Desmond
Senior Planning Inspector

26th June 2018