



An
Bord
Pleanála

Inspector's Report ABP-301222-18

Development	Retain amendments to previous permission involving alterations to roof profile and rear dormer window extension.
Location	1 Chapel Crescent, Riverston Abbey, Dublin 7
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4545/17
Applicant(s)	Helen O'Callaghan
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First-Party
Appellant(s)	Helen O'Callaghan
Observer(s)	None
Date of Site Inspection	18 th June 2018
Inspector	Colm McLoughlin

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies	5
3.4. Third-Party Submissions	5
4.0 Planning History.....	5
4.1. Subject Site	5
4.2. Surrounding Sites.....	6
5.0 Policy Context.....	6
5.1. Development Plan.....	6
6.0 The Appeal	7
6.1. Grounds of Appeal	7
6.2. Planning Authority Response	7
6.3. Observations	7
7.0 Assessment.....	8
8.0 Appropriate Assessment.....	9
9.0 Recommendation.....	10
10.0 Reasons and Considerations	10

1.0 Site Location and Description

- 1.1. The appeal site is located on Chapel Crescent within the Riverston Abbey residential estate, which is accessed off the Navan Road (R147) and is approximately 800m to the west of Broombridge railway station and 4.5km northwest of Dublin city centre.
- 1.2. The site is situated at the junction of Chapel Crescent and Abbey Drive and contains a two-storey four-bedroom dwelling with a single-storey rear-infill extension and a recently constructed rear dormer window extension and hip to gable-end roof extension. The external finishes to the dwelling include red-brick façade to the front elevation and dashed render to the side and rear elevations, with the roof finish comprising flat concrete tiles. To the front of the house there is a small garden enclosed by a hedgerow and low wall and a hardstanding to accommodate a vehicle. A timber shed is situated in the side garden and the boundary onto Abbey Drive comprises a 1.8m-high red-brick wall with trellis panel mounted onto this.
- 1.3. The surrounding area is generally characterised by staggered pairs of semi-detached dwellings of similar styles, fronting onto residential cul-de-sacs. Ground levels in the vicinity are relatively level to the south, while there is a gradual drop in levels moving north along Abbey Drive.

2.0 Proposed Development

The proposed development for retention comprises:

- Amendments to roof level extensions, incorporating replacement of the previously permitted (under DCC Ref. 2286/17 / ABP Ref. PL29N.248472) gable-end and (Dutch-style) half-hipped roof with a gable-end only and replacement of the previously permitted rear dormer window extension with a c.1.1m wider rear dormer window extension.

3.0 Planning Authority Decision

3.1. Decision

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

- Condition No.2: 'The following element(s) shall be permanently omitted from the development:

a) The dormer extension shall be relocated a minimum of 0.9m from the boundary with the adjoining neighbour no 3 Chapel Crescent. The internal layout shall be amended accordingly.

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

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer (February 2018) reflects the decision of the Planning Authority. The Planning Officer notes the following in their report:

- the subject site is located on a prominent corner within the estate and the alterations to the roof are highly visible, however having regard to the variety of roof types in the estate it is considered that the gable-ended roof would not impinge on the residential or visual amenities of the area;
- Appendix 17.11 of the Development Plan states that '*dormer windows should be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible*' and given the proximity of the dormer extension to the adjoining property and the potential for an overbearing impact, it is recommended that the dormer extension be relocated 0.9m from the boundary with no 3 Chapel Crescent.

3.2.2. Other Technical Reports

- Engineering Department (Drainage Division) - no objection subject to conditions.

3.3. Prescribed Bodies

- Transport Infrastructure Ireland – Section 49 contributions may apply;
- Irish Rail – no response;
- Irish Water – no response;
- National Transport Authority – no response.

3.4. Third-Party Submissions

None received.

4.0 Planning History

4.1. Subject Site

4.1.1. The following applications relate to the appeal site:

- PL29N.248472 (DCC Ref. 2286/17) – Permission granted (August 2017) for change of roof type from hipped to gable-end with half hip and side window, rear dormer window extension and attic conversion. In arriving at a decision that differs from the previous 2007 decision (PL29N.223695), the Board agreed that the character of the area had significantly altered in terms of roof alterations in the immediate area and in the intervening period;
- PL29N.228137 (DCC Ref. 6572/07) – Permission refused (May 2008) for two-storey extension to rear of dwelling due to the unacceptably obtrusive and overbearing appearance from No. 3 Chapel Crescent and significant loss of light to No.3;
- PL29N.223695 (DCC Ref. 2343/07) – Permission refused (November 2007) for change of roof type from hipped to gable-end with half-hip and side window, rear dormer window extension and attic conversion and two-storey rear extension to rear of dwelling, as the proposed roof alterations would significantly unbalance the composition and appearance of the dwelling and the proposed two-storey rear extension would have an unacceptably obtrusive

and overbearing appearance from No. 3 Chapel Crescent and would result in a significant loss of light to No.3.

4.2. Surrounding Sites

- 4.2.1. There have been numerous recent planning applications on neighbouring dwellings for roof extensions, including those addressed in detail within the Inspector's report under ABP Ref. PL29N.248472, relating to a 2017 appeal on this site.

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.2, which was attached to the Planning Authority notification of a decision to grant planning permission. Drawing No. 1722-PP-01-01 was resubmitted with the grounds of appeal, as well as a letter of support stated to be from the adjoining resident at No.3 Chapel Crescent. The following grounds of appeal are raised:

- appellants request that Condition No.2 is omitted from the decision, as there is significant precedent for same in the vicinity and the condition is unfair and biased;
- photographs of similar developments in the area are included with the grounds of appeal;
- the parent permission (ABP Ref. PL29N.248472 / DCC Ref. 2286/17) allowed for a rear dormer window extension only 0.79m from the party line between the semi-detached houses and it is unfair to now have to increase the separation distance to 0.9m, as per the subject condition.

6.2. Planning Authority Response

- 6.2.1. The Planning Authority responded by stating that they consider the Planner’s Report on the file to comprehensively address issues raised.

6.3. Observations

None received.

7.0 Assessment

- 7.1. This is a first-party appeal only against Condition No.2 attached to the Planning Authority's decision to grant permission. Condition No.2 requires the existing rear dormer window extension to be relocated 0.9m from the boundary with the adjoining semi-detached house.
- 7.2. Having regard to the nature and scale of the proposed development and the nature of Condition No.2, as well as the absence of third-party observations to the application, 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 significant precedent for the size and positioning of the rear dormer window extension within the wider residential area and that it is unfair to have to relocate the dormer extension further away from the shared boundary than what the parent permission provided for.
- 7.4. The Planning Authority's reason for attaching Condition No.2 to their notification of a decision to grant permission is stated to be 'in the interests of orderly development and visual amenity'. Within the Planning Officer's report reference is made to Appendix 17.11 of the Development Plan, which states that 'dormer windows should be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible'. The Planning Officer also considers that the proximity of the dormer extension to the adjoining property has the potential for an overbearing impact. To address the condition the applicant would be required to relocate the existing rear dormer window extension along the roof plane by approximately 0.9m to the west, away from the boundary with No.3 Chapel Crescent.
- 7.5. The rear dormer window extension is constructed onto the side boundary with the adjacent property to the east, No.3, which does not feature extensions at roof level. I do not consider that relocating the dormer by 0.9m to the west would substantially address an overbearing impact, and having viewed the development and noted the set back of the dormer from the eaves level (c.1.5m), I am satisfied that the existing rear dormer window extension does not have an overbearing impact.

- 7.6. The appeal site does not have conservation status and is situated on the corner of Chapel Crescent and Abbey Drive, with the rear of the house on site, including the rear dormer window extension, visible intermittently along the northern approach on Abbey Drive and from a small number of properties on Abbey Drive and Riverston Gardens. It is largely screened from view by existing dwellings and by seasonal tree cover. Within the planning application documentation, the appellant submitted an aerial photograph featuring images of existing and permitted similar style roof extensions in the neighbouring area. Based on the wording of the condition, the rear dormer window extension could be relocated 0.9m closer to the boundary with Abbey Drive, which I consider would result in the dormer being more visible from Abbey Drive. Consequently, I do not consider that relocation of the rear dormer window extension would substantially address the impact of the development on the visual amenities of the area and the development would not be out of character with other developments in the vicinity.
- 7.7. Section 17.11 of the Dublin City Development Plan 2016-2022 requires ‘dormer windows to be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible’, as well as being set back from the eaves level to minimise their visual impact’. I am satisfied that the existing rear dormer window extension, which is set back c.1.5m from the roof eaves level, allows for a large proportion of the original roof to remain visible and is in compliance with the provisions of the Development Plan
- 7.8. In conclusion, I am satisfied that Condition No.2, requiring relocation of the rear dormer window extension by 0.9m to the west, would not be warranted, as its relocation would not address the impact of the extension on neighbouring properties and would not serve to safeguard the visual amenities of the area. I am also satisfied that the existing rear dormer window extension does not have a detrimental impact on the streetscape or the amenities of the area.

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 remove condition number 2 for the reasons and considerations, as set out below.

10.0 Reasons and Considerations

1. Having regard to the nature and scale of the proposed development for retention, including the set back of the rear dormer window extension from eaves level, and the pattern of development in the area, including a variety of rear dormer window extensions in the 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 2, are not warranted, and that the proposed development, as described on the documentation submitted with the application and the omission of condition number 2, 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