



An
Bord
Pleanála

Inspector's Report ABP-301903-18

Development	Attic conversion to habitable space, roof lights, flat roofed dormer and return, external insulation
Location	29, Fortfield Terrace, Rathmines, Dublin 6
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB1168/18
Applicant	Kerril Curran
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant	Kerril Curran
Observers	Philip O'Reilly
Date of Site Inspection	18 th September 2018
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1.1. The site is located at 29, Fortfield Terrace, Rathmines, Dublin 6, which is a road running east from Rathmines Road Upper. This part of Fortfield Terrace on the northern side of the street, backs onto a laneway which runs along the flank of a dwelling at Fortfield Gardens and accesses the rear of properties at Fortfield Terrace, Fortfield Gardens and Cowper Road as well as enclosing a small rectangular field to the rear of these roads and to the rear of Palmerstown Gardens. The field is enclosed by a fence and overgrown.
- 1.1.2. Fortfield Terrace comprises two and three storey housing comprising terraced housing and semi detached pairs finished mainly in red brick at ground floor and dry dash above. The subject dwelling is part of a terrace of 10 houses on the road where there are two types of house, one type projects slightly forward of the main building line, with a gable roof projection. the other type maintains the main building line with a pitched parallel roof. A single two storey dwelling of more recent origin than the terrace is located at the eastern end of the block. The subject dwelling is one of a pair of gable fronted dwellings at the mid point of the terrace.
- 1.1.3. The site is given as 227m².

2.0 Proposed Development

- 2.1. The proposed development is the conversion of the attic to habitable space, the provision of roof lights, a flat roofed dormer and return, and external insulation. The proposal involves the insertion of windows in the roof plane at the front of the house and the provision of an extension above the existing first floor at the rear of the house raising the rear wall almost to the level of the roof ridge, provided with a flat roof.
- 2.2. The extension comprises 38.3 sq m.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority decided to refuse planning permission for one reason:

The proposed development by reasons of its design approach, scale and form would be visually obtrusive, would be overbearing and would impact negatively on the character and setting of a relatively intact residential terrace. Therefore, it would materially and negatively impact the visual amenity of the area and would seriously injure the residential amenities of the Z1 zoned area. The proposed development would therefore contravene the objectives of the Development Plan and be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report includes:

- Z1 zoning objective in the Dublin City Council Development Plan 2016 to 2022 which seeks to “To protect, provide and improve residential amenities”.
- 16.10.2 & 16.10.3 Residential quality standards.
- Appendix 17.11 roof extension.
- Plot ratio and site coverage standards sections 16.5 & 16.6. indicative plot ratio of 0.5 to 2.0 and indicative site coverage of 45% to 60% for Z1 areas.
- The application seeks to provide a new flat roofed dormer to the rear of the dwelling.
- 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,
- 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 match or complement the main roof, and a dormer window should be set back from the eaves level to minimise the visual impact.
- The proposed dormer is set on the main ridge height and has a flat roof design. The window design and proportions are broadly similar to the existing. The proposed dormer is excessive in style and form results in a three storey rear return. The

proposed dormer is significantly larger than the standard dormer extension and would not be considered acceptable. Not visually subordinate as required.

3.2.2. Other Technical Reports

3.2.3. Engineering Department Drainage Division – conditions.

3.3. **Third Party Observations**

3.3.1. Third party observations on the file have been read and noted.

4.0 **Planning History**

Adjoining

PL29S.240511 PA Reg Reg 2154/12 the planning authority's decision to refuse permission for a new vehicular entrance, new gate pier, wall and gates and driveway to front of 30 Fortfield Terrace, Rathmines, Dublin 6, was granted by the Board.

5.0 **Policy Context**

5.1. **Development Plan**

The Dublin City Council Development Plan 2016 to 2022 is the operative plan. The proposed development would be located within an area covered by the Z1 zoning objective - 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.

Appendix 17 Guidelines for Residential Extensions:

The extension should not dominate the existing building and should normally be of an overall shape and size to harmonise with the existing house and adjoining buildings; the original appearance should be the reference point for any consideration of change that may be desired.

The materials used should ideally be the same as those used on the existing building; features such as windows and doors on the new extension should relate to those on the original building in terms of proportion.

Extensions to the front, which significantly break the building line, should be resisted.

The subordinate approach means that the extension plays more of a 'supporting role' to the original dwelling. In general, the extension should be no larger or higher than the existing.

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.

To illustrate the point Figure 4 shows an example of a dormer which is acceptable and one which is not acceptable. The proposed extension closely resembles the latter.

5.2. **Dublin City Development Contribution Scheme 2016 – 2020**

The rate applying to residential development is €86.40 per square metre.

The first 40sq meters of extension to a residential development is exempted.

5.3. **Natural Heritage Designations**

- 5.3.1. South Dublin Bay and River Tolka Estuary SPA site code 004024 and South Dublin Bay SAC site code 000210 are the nearest Natura Sites located c 5km from the subject site.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- 6.1.1. A first party appeal against the decision to refuse permission, has been made by Kerril Curran. The grounds includes:
- The house is one of four gable fronted houses in a terrace of ten: one gabled house at each end with two gabled houses in the middle. A straight ridged roof runs through all homes of the terrace with each house having a return. The house backs towards a similar terrace of homes on Fortfield Gardens separated from that terrace by a derelict plot of ground approx. 0.025ha, giving no direct views into the gardens of Fortfield Gardens. The only houses with a potential view of the propose development are 77m to 102m away. These display a fine array of dormer and roof lights similar to that proposed.

- The third party points out that extensions to adjoining properties mean that little overlooking from the proposed windows will occur.
- The design approach is a typical solution to the problem of providing much needed living space for a growing teenage family.
- The use of a flat roofed dormer optimises attic space. The proposal is proportionate and well balanced to its location being central to a long terrace of 10 houses and largely shielded from both close viewing and far viewing.
- Examples of flat roofed dormers and velux windows in the area are cited. An alternative form considered was the construction of a two storeyed return like that granted permission and constructed five doors away, standing 9m from the main house. This was considered and discounted as being unduly intrusive in the middle of a terrace.
- The scale is typical of the form, keeping the elevation stepped back from the edge of the existing roof lines while providing compliance with Fire Safety requirements of the Building Regulations.
- The three very small rooflights to the front elevation are placed close to the ceiling eliminating outward viewing. Examples in the area are cited.
- The first party defends the palette of contemporary materials and timber framed construction.
- Photographs are provided which the first party states demonstrates the minimal zone of visibility of the development.
- The first party disagrees that this is a relatively intact residential terrace, and lists alterations which have occurred; stating that only 3 of the 10 houses in the terrace are relatively intact. Reference is made to the roofing material in the terrace to indicate lack of uniformity.

6.2. Planning Authority Response

- 6.2.1. The Planning Authority has not responded to the grounds of appeal.

6.3. Observations

6.3.1. Philip O'Reilly, 18 Grosvenor Place, Rathmines has submitted an observation which includes:

- It is not relevant whether there is visibility to Fortfield Gardens, this proposal is not in keeping with the objectives of the development plan which has an objective and requirement that dormer windows should be below the main roof ridge line and should be a subordinate element of any roof profile and not overwhelm the aspect of the roof or the character of the buildings and surroundings.
- The proposal would set a precedent for more and is a recipe for chaos.
- Regardless of visibility the development is high up the roof profile and overwhelms the roof profile, is totally out of scale and out of character and would set a most undesirable precedent. It would be clearly visible from back gardens of neighbouring houses.
- It is disingenuous to say that the only house with a view of the development is 77m away.
- The observer agrees that dormer windows can be seen, those on the rear roof profiles of Palmerston Gardens can be seen from the roadway at Fortfield Gardens but such do not overwhelm the roof profiles of the houses. The Cowper Road example cited by the first party does not extend to the main roof ridge and does not reach down to the rear wall of the house or beyond. In any case the reasoning for the planning process is to secure an improvement and not in a retrograde fashion.
- There is nothing which will preclude this unacceptable and out of scale development from being visible to neighbours in the entire surrounding area both on Fortfield Terrace, Cowper Road, Fortfield Gardens and Palmerston Gardens.
- The proposal is not similar to No 27 Fortfield Terrace, it is larger and takes up the whole roof profile and is not shielded from near and far viewing.

- The principles of proper planning and development would imply that there is an objective to achieve improvement and not dis-improvement.
- In Georgian, victorial and early 20th century houses, roof lights were located on roof profiles that were hidden and furthermore they were restricted to one or two and not so numerous as to despoil the roof profile of any building. They were seldom included in front roof profiles. Furthermore they were used sparingly, mainly to facilitate light in central landings which otherwise would not get any natural light. Roofs were not peppered with them. The proposal is to put in three modern ugly velux lights in a roof profile which has so far managed to escape the ravages of such unfortunate modernity. There are no roof windows in this front roof profile. Its original character should be protected and no roof lights permitted in this front roof profile.
- There are other developments, as referenced, which have been shown to be planning disasters, and should not be a justification for more. That the terrace is relatively intact is accurate.
- Reference to the roofing material is clutching at straws.
- No velux roof should be permitted in any front elevation. The continuous front roof profile of the 10 houses in the terrace is original and should be left original and not punctured with any velux windows.
- The photographs supplied show the visibility of the rear of No 29, from many locations and from any development which will take place on the derelict site.
- The example cited on Cowper Road sits more comfortably on its larger roof profile and does not dominate the entire roof, and is below the main ridge line and above the base line of the roof.
- If attic development is required it should respect the character and setting.

7.0 Assessment

- 7.1.1. The issues which arise in relation to this appeal are: appropriate assessment, environmental impact assessment, impact on the visual amenities of the area, impact on residential amenities and the following assessment is dealt with under those headings.

7.2. Appropriate Assessment

- 7.2.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment 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.

7.3. Environmental Impact Assessment

- 7.3.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.4. Impact on the Visual Amenities of the Area

- 7.4.1. The reason for refusal largely relates to the visual amenities of the area, that the development would be visually obtrusive, overbearing and negatively impactful on the character and setting of a relatively intact residential terrace. The development plan objectives are referred to in this regard.
- 7.4.2. The grounds of appeal states that the proposed development is a reasonable response to the desire to provide for the accommodation needs of the first party's growing family and that the design solution is preferable to providing the required space by extending the building outwards from the rear building line.
- 7.4.3. The observer in a detailed submission refers to damage to the appearance of the terrace. He is concerned with the roof lights to the front and the extension to the rear.
- 7.4.4. The development plan refers to dormer extensions stating that if not treated sympathetically, dormer extensions can cause problems for immediate neighbours and in the way a street is viewed as a whole.

Appendix 17 of the plan states that 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.

To illustrate the point Figure 4 shows an example of a dormer which is acceptable and one which is not acceptable.

Appendix 17 states that extensions should be designed so as not to dominate or appear overbearing when viewed from adjoining properties. Extensions should be subordinate the existing dwelling, i.e. in general, the extension should be no larger or higher than the existing.

- 7.4.5. The guidance does not distinguish between extensions to the front and those to the rear but there is a very considerable difference in the visual impact in each case. It is worth noting that the proposed extension is to the rear of the house and not visible from the street. It is also worth noting that the street is not a conservation area although it is acknowledged that there has been little in the way of alterations to the front of the terrace and that extensions to the rear are in the main single storey with limited visual impact.
- 7.4.6. The proposed extension will not be visible from within most adjoining properties; No 1 Fortfield Gardens being an exception. It will be visible from rear gardens and its appearance could be considered overbearing when viewed from those gardens nearest the site.
- 7.4.7. No objection or observation to the planning application or appeal has been received from any neighbour. The single observation received by the planning authority and the Board is from a resident of Grosvenor Place, Rathmines.
- 7.4.8. The proposed development will be visible from a laneway to the rear which serves as an access to the rear of properties at Fortfield Terrace, Fortfield Gardens and Cowper Road and from windows and gardens to the rear of those properties as well

as from windows and gardens to the rear of Palmerstown Gardens but in some cases these are distant views and overlook various intervening extensions, sheds and yards. The proposed development would be highly visible, but I am not satisfied that it would necessarily cause great offence to the viewer.

- 7.4.9. I also note that there is a small rectangular field to the rear which is currently underutilised. The observer refers to the possibility of this being developed at some future time. Views outwards from this land comprise only views of the rear of houses. The proposed development would be highly visible in the view southwards from this land but I am not satisfied that it would necessarily cause such greater offence to the viewer, than the rear of other properties, such as to demand refusal of permission.
- 7.4.10. I accept the absence of roof windows on the front of buildings generally in the area, however it is not a conservation area and the placement of windows in the plane of the roof, to light attic space, seems acceptable to me.

7.5. Residential Amenity

- 7.5.1. The first party claims that the proposed extension does not overlook neighbouring properties and that the nearest property directly overlooked is the rear of Cowper Road, a considerable distance away.
- 7.5.2. There are side windows at ground floor and first floor in rear returns to No 1 Fortfield Gardens which are much closer to the subject site. Private amenity space to the rear of properties in Fortfield Gardens, (nearest distance c27m), and to the rear of the properties on Fortfield Terrace immediately adjoining, will also be overlooked from the proposed second floor windows; where currently there is overlooking from first floor windows. However these second floor windows are to bedrooms and therefore overlooking is less significant than it would be from living areas.

8.0 Conclusion

- 8.1.1. Notwithstanding the concerns expressed by the observer and the development plan provisions cited in the planning authority's decision, the proposed development, which is not located in a conservation area and, except for windows in the roof plane, will be visible only from the rear of dwellings and the laneway serving rear entrances,

appears to me to offer a reasonable solution to the accommodation needs of the subject household.

9.0 Recommendation

- 9.1.1. In the light of the above assessment I recommend that planning permission be granted for the following reasons and considerations and in accordance with the following conditions.

10.0 Reasons and Considerations

- 10.1. Having regard to the provisions of the Dublin City Development Plan 2016-2022, and to the nature and scale of the development proposed and to the pattern of development in the area, it is considered that subject to compliance with the following conditions, the proposed development, which will provide for the accommodation needs of the household, would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

4. During the construction and demolition phases, the proposed development shall comply with British Standard 5228 – Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control.

Reason: In order to safeguard the amenities of property in the vicinity.

Planning Inspector

24 September 2018

Appendices

1 Photographs

2 Extracts from the Dublin City Council Development Plan 2016 to 2022