



An
Bord
Pleanála

Inspector's Report PL ABP-302180-18

Development	Conversion of the existing attic room, the addition of a rear dormer extension and the reconfiguration of the roof
Location	No.71 Ashington Rise, Dublin 7
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3003/18
Applicant(s)	Helen O'Callaghan
Type of Application	Permission.
Planning Authority Decision	Grant with Conditions
Type of Appeal	First Party -vs- Condition No.2
Appellant(s)	Helen O'Callaghan
Observer(s)	None
Date of Site Inspection	16 / 07 / 2018
Inspector	L. W. Howard

1.0 Site Location and Description

- 1.1. The stated c.204m² application site, being No.71 Ashington Rise, is located within the residential suburb of Ashtown, within northwest Dublin City.
- 1.2. The site is located to the north of the Phoenix Park Complex, between the Navan Road and the Royal Canal / Maynooth Railwayline.
- 1.3. Located to the west side of Ashington Rise, and at the head of the 't-junction' with Ashington Park, No.71 Ashington Rise comprises the northern end of a terrace of 2-storey dwellinghouses, within a suburban area of similar style houses.
- 1.4. A 'service laneway' runs to the rear of the application site, enabling rear access to the adjoining dwellings fronting onto Ashington Rise, as well as the row of dwellinghouses facing west and fronting onto Glenbrook Road..
- 1.5. There is a driveway and gated entrance to the front, directly off Ashington Rise, enabling vehicular access and on-site car parking. On street car parking capacity exists along both sides of Ashington Rise.

2.0 Proposed Development

- 2.1. The development proposed will consist of :
 - the conversion of the existing attic room
 - the addition of a rear dormer extension
 - reconfiguration of the roof, omitting the hipped detail and existing gable wall
 - provide an additional bedroom with en-suite, along with associated internal alterations
- 2.2. Detailed clarification regarding the substance, composition and spatial arrangement of the proposed development on the application site, is provided by –
 - the applicant as part of the planning application documentation and mapping / drawings (received by the Planning Authority date stamped – 15/05/2018), and subsequently in the 1st Party Appeal submission, received by the Board dated 26/07/2018, and
 - the Planning Authority in the Planning Officers 'planning report' dated 04/07/2018.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Planning permission granted, subject to 7no. Conditions.

3.1.2. Condition No.2 is relevant in the context of the appeal. Condition No.2 requires revision to the 'rear dormer extension' as follows –

“The rear dormer extension shall be a maximum of 4m in width and shall be located at least 1m from the boundary with the adjoining neighbour, No.69 Ashington Rise. The internal layout shall be amended accordingly.

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

3.2. Planning Authority Reports

In the report of the Deputy Planning Officer, the key planning issues are assessed as follows :

3.2.1. The 'Principle' of Development –

- The application site is zoned 'Z1 – Sustainable Residential Neighbourhoods'.
- The Z1 zoning objective is – “... To protect, provide and improve residential amenities”.
- 'Residential' is a permissible use on lands zoned 'Z1' Zone, subject to compliance with relevant provisions of the Dublin City Development Plan 2016-2022

3.2.2. The development proposed will consist of :

- the conversion of the existing attic room
- the addition of a rear dormer extension
- reconfiguration of the roof, omitting the hipped detail and existing gable wall
- provide an additional bedroom with en-suite, along with associated internal alterations

3.2.3. The building up of the hipped roof, to provide a gabled ended roof, will not negatively impact local residential or visual amenities. No Objection to this element.

3.2.4. Having regard to the design detail and measurements of the proposed 5.2m wide rear dormer extension element, against the provisions of Appendix 17 of the City Development Plan 2016-2022, express concern regarding the excessive width of the dormer extension. Appendix 17 provides that dormer extensions be visually subordinate to the roof slope. Recommend a Condition be attached to any grant of permission, that the rear dormer extension be a maximum of 4.0m wide and positioned at least 1.0m from the boundary with No.69m Ashington Rise.

3.2.5. No objection to the provision of a window on the gable wall, at attic level.

3.2.6. Subject to Conditions, the reconfiguration of the roof profile, and the construction of a rear dormer extension,

- does not impinge on the residential or visual amenities of the area, and
- does not result in undue overshadowing, overlooking or have an overbearing impact on neighbouring properties.

Accordingly, the proposed development is considered as acceptable.

3.2.7. Appropriate Assessment :

- The proposed development has been screened for AA.
- No significant effects are likely to arise, either alone or in combination with other plans and projects, that will result in significant effects to any Natura 2000 area.
- Conclude a full 'Appropriate Assessment' of this project is not required

3.2.8. Subject to compliance with Conditions, the proposed development deemed as acceptable, in accordance with the relevant provisions of the Dublin City Development Plan 2016-2022, and the proper planning and sustainable development of the area.

3.2.9. Recommend planning permission be granted, subject to Conditions

3.2.10. **Other Technical Reports**

City Drainage Division No objection, subject to Conditions (Report – 09/06/2018)

City Roads & Traffic Planning Division None

3.3. **Prescribed Bodies**

Irish Water None.

Irish Rail None

3.4. **Third Party Observations**

None

4.0 **Planning History**

None.

5.0 **Policy Context**

5.1. **Dublin City Dev. Plan (2016 – 2022)**

Relevant provisions include (see copies attached):

S14.8 Primary Land-Use Zoning Categories :

Table 14.1 Primary Land-Use Zoning Categories

<u>Land Use Zoning Objective</u>	<u>Abbreviated Land Use Description</u>
Z1	Sustainable Residential Neighbourhoods

S14.8.1 'Sustainable Residential Neighbourhoods' – Zone Z1

Zoning Objective Z1 "To protect, provide and improve residential amenities".

Z2 Permissible Uses – include Residential.

(see copy of pg. 213 attached)

S16.2.2.3 Extensions and Alterations to Dwellings

Council to seek to ensure that the alterations and extensions will be sensitively designed and detailed to respect the character of the existing building, its context, the amenity of adjoining occupiers, and integrated with the surrounding area.

S16.10 Standards for Residential Accommodation

S16.10.2 Residential Quality Standards – Houses

(see copy of pg. 311 attached)

S16.10.12 Extensions and Alterations to Dwellings

- the design of extensions to have regard to the amenities of adjoining properties, in particular, the need for
 - light, and
 - privacy
- the form of the existing building to be followed as closely as possible
- new development to integrate with the existing building through use of similar
 - finishes, and
 - windows
- Extensions to be subordinate in terms of scale, to the main unit
- Applications for extensions will only be granted where applicant has demonstrated the proposed development 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 Guidelines provide general advice and design principles for residential extensions (see copy attached).

5.2. Natural Heritage Designations

None

6.0 The Appeal

6.1. 1st Party Grounds of Appeal

Condition No.2

- 6.1.1. Condition No.2 is vague in that the limitation of the width is not clarified as being an 'external' or 'internal' dimension, so it is not possible to comply with it, as it is not clearly defined.
- 6.1.2. Concern that Condition No.2 has been set without proper thought as to the impact on the internal space, in particular the stairwell, and an ability to locate a bathroom on the top floor that is in line with the SVP on the floor below.
- 6.1.3. Emphasise that for fire, structural and general compliance purposes, the stair design cannot be made any neater than was shown in the original planning application drawings, and windows should only be proposed at the lower section of any flight, in order to minimise falls from a height TGD K (2014) 1.1.6.
- 6.1.4. Further, the only practical location for a bathroom at this level, to the rear of the building, is because of the restrictive location of only one soil stack in the building.
- 6.1.5. Therefore, the consequence of narrowing the width of the rear dormer to 4.0m, means that a window to the top floor habitable room would also be narrowed, making it impossible to maintain compliance with the Technical Guidance Documents in relation to light, ventilation, guarding etc.
- 6.1.6. Clearly, the Planning Authority's Condition No.2 has not been fully thought through, and without any communication / discussion between the parties. This results in an entirely unsatisfactory layout, that must be considered to be of a poor quality.
- 6.1.7. Emphasise that 'precedents' have been set locally, whereby the dimensions of approved dormers are wider than the 4.0m restriction stipulated. Condition No.2 must therefore be rejected as "ill-considered and biased".
- 6.1.8. Example : The planning permission granted in 2016, at No.44 Ashington Court, with an external dormer width of 4195mm. The relevant Decision Notice and the Proposed Floor Plans included with the 1st party appeal documentation.

6.1.9. Further, in 2016, planning permission was granted at No.23 Ashington Avenue, for a dormer with an internal width of 4.0m, which would lead to a wider external dimension upon completion. No restrictions were made to the width of this dormer. Noteworthy as part of this permission granted, is the abundant use of winders on the stair run, which is not conducive to safe egress, especially in an emergency. Emphasise that whilst the use of winders makes the habitable layout seem more spacious, they do not encourage this type of primary escape design. Reference inclusion of the relevant Decision Notice and Proposed Plans with the appeal documentation.

6.1.10. Emphasise the opinion that the restriction in the width of the rear dormer –

- is vague in how it is described
- will result in an internal layout that is not well considered in relation to new Guidelines with regard to egress, light or ventilation,
- is not based upon any clear Development Plan Guideline, and
- is applied haphazardly to various recently submitted applications.

6.2. **Planning Authority Response**

None.

6.3. **Observations**

None

6.4. **Further Responses**

None.

7.0 **Assessment**

7.1. This is a first party appeal against Condition No.2 of the grant of permission under **Reg.Ref.No. 3003/18**. Under Section 139 of the Planning and Development Act, 2000 (as amended), the Board has the discretion to consider this condition in isolation from the remainder of the application. I consider, having regard to the nature of Condition No.2, 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, and the appeal should be determined under the provisions of Section 139.

7.2. I have examined the file and available planning history, considered the prevailing local and national policies, physically inspected the site and assessed the proposal and all of the submissions. Having regard to Condition No.2, I consider the relevant planning issues relate to :

- Condition No.2 attached to **Reg.Ref.No. 3003/18**
- The Design and Treatment of the Rear Dormer Extension Element
- Visual and Residential Amenity Impact

7.3. **Condition No.2 attached to Ref. 3003/18**

7.3.1. Condition No.2 is the subject for attention in the context of the rear dormer extension element of the proposed development, as proposed by the applicants and granted permission by the Planning Authority under **Ref.3003/18**, subject to Conditions.

7.3.2. Condition No.2 requires revision to the 'rear dormer extension' as follows –

- A reduction in width to a maximum of 4.0m
- Dormer to be at least 1.0m from the boundary with the adjoining neighbour, No.69 Ashington Rise.
- The dormer extension shall be a maximum of 4m in width and shall be located at least 1m from the boundary with the adjoining neighbour, No.69 Ashington Rise.
- The internal layout shall be amended accordingly.

The reason given for inclusion of Condition No.2 is in the interest of orderly development, and of visual amenity

7.4. **The Design and Treatment of the Rear Dormer Extension Element**

7.4.1. Contextually, the application site and dwellinghouse comprise the southern, end unit of a terrace of 2-storey houses fronting onto Ashington Rise.

7.4.2. The City Development Plan 2016-2022 sets out at Section 16.10 the relevant 'Standards for Residential Accommodation' within Dublin City. The proposed development at No.71 Ashington Rise, with consequent modest increase in 'floor

area' in line with the applicant's modern domestic requirements, sustains the dwellinghouse's compliance with these Standards.

- 7.4.3. Accordingly, the reduction in the dormer size consequent of Condition No.2, by implication clearly removes a significant amount of usable floor area, and would require an internal reconfiguration of the 2nd floor / attic level plan. In this regard, I share the applicants view that this consequence would threaten compliance with the relevant floor area Standards provided at Section 16.10 of the City Development Plan 2016-2022, as well as at Section 5.3 "Internal Layout and Space Provision", of the DoHPLG's "Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities (2007).
- 7.4.4. The applicant further references consequential impact on internal space, notably with respect to the stairwell, and the ability to locate a bathroom on the 2nd floor / attic level, that is aligned with "the SVP on the floor below". A further direct consequence of narrowing the width of the proposed rear dormer to 4.0m, is that the width of the window to this habitable room must be correspondingly reduced, challenging the potential for compliance with the relevant 'Technical Guidance Documents' in relation to light, ventilation etc of the internal spaces at this level.
- 7.4.5. The applicant emphasises that for fire, structural and general compliance purposes, the stairwell design cannot be made any neater than as illustrated in the planning application drawings.
- 7.4.6. Accordingly, such negative threat to compliance with these Standards, must reasonably be expected to threaten the health and safety of future use of this space at No.71 Ashington Rise, by occupants / residents. In my view, these are reasonable, material considerations by the applicant against Condition No.2.
- 7.4.7. The challenge to the applicant however, having regard to architectural design and the relevant requirements of the City Development Plan 2016-2022, is to ensure the proposed rear dormer extension development has no disproportionate adverse impact on the scale & character of existing No.71, and no unacceptable impact on the amenities enjoyed by adjacent neighbours (ie. loss of privacy; access to natural

light & visual particularly). In this regard, I have had detailed review of all the plans and drawings outlining the proposed development, submitted by the applicant.

7.4.8. Having regard to the proposed architectural design of the rear dormer extension element, a key consideration was that the proposed dormer extension needed to be sympathetic to the existing house, as required by all of Sections 16.2.23 and 16.10.12, and Appendix 17 of the City Development Plan 2016-2022.

In the application of this, having reference to architectural drawing “Proposed rear Elevation (West facing)” (ref. Drawing No.03, dated 09/05/2018), I note the design intention to pick up the lines at the rear of the existing house, specifically the outer edges of the existing 1st floor fenestration, and to use the lines of the proposed dormer element to visually frame the upper floors, all whilst, in my view, retaining an appropriate distance from the adjoining property. In this regard, I believe a satisfactory set back has already been shown, from the common side boundary with No.69 Ashington Rise.

7.4.9. In my view, by taking the existing proportions at the rear elevation of the existing house, and extending them to the 2nd floor level, this has been reasonably and satisfactorily achieved by the applicant (see Drawing No.03, dated 09/05/2018).

7.4.10. I am accordingly inclined to the view consequently, that the size of the proposed dormer element is mitigated by the fact that the dormer feature visually references existing fenestration and integrates the existing house to the proposed new development.

7.4.11. As part of this in my view, I further reference that each of the rear dormer extension and gable roof end elements respectively, cannot be seen in isolation, but rather integrated co-elements of the revised architectural design treatment of the roof profile of No.71, consequently enabling the improvements envisaged by the applicant. In itself, I note and share the opinion of the Planning Authority that the building up of the existing hipped roof, to provide a gable ended roof profile, would not negatively impact prevailing visual and residential amenities locally.

7.4.12. In my view, the rear dormer extension element, as proposed, would allow for satisfactory inflow of natural light into the internal space created, enabling satisfactory residential amenity of the applicant. I deem this as a reasonable trade-off.

7.5. Visual and Residential Amenity Impact

7.5.1. From the front, the proposed rear dormer element would not be visible from the public realm. From the rear, intervisibility is restricted to the rear elevations and rear yards / gardens of surrounding properties, all of which appear to satisfactorily comply with back to back separation standards in accordance with the provisions and Standards of the City Development Plan 2016-2022.

7.5.2. I consider it as significant that no neighbours or other Ashington Rise residents, or other local property owners lodged an objection to the applicants' proposed modest development generally, and the proposed rear dormer extension element specifically.

7.5.3. In my view, retention of Condition No.2, as argued for and applied by the Planning Authority, would be disproportionate to the argued infringement, if such were to be the case at all, and having regard to the fact that a consequent visual impact, must logically and reasonably be expected of any 'dormer extension', or any other type of home alteration, conversion or extension development on the application site. In my view, this cannot be avoided, subject to compliance with relevant provisions of the City Development Plan 2016-2022.

7.5.4. Application of the provisions of the City Development Plan 2016-2022, should be towards positively enabling reasonable home improvements, and protection of residential amenities both of individual property owners, as well as collectively at Ashington Rise.

7.5.5. The threat of negative visual impact and mitigation thereof, would reasonably be offset through detail design and careful selection of colours, finishes and /or materials, in order to produce a high standard of finish, in keeping with both the existing house No.71, and the Ashington Rise local character.

Assurance of this is often achieved by way of a generally Standard Condition addressing consistency of colours, finishes and /or materials, and to the satisfaction of the Planning Authority. I note and point out to the Board that such a Condition was not included in the 07no. Conditions attached by the Planning Authority. Neither am I assured that this issue is covered under Condition No.1 (ie. plans and particulars), as attached by the Planning Authority. The Board might be minded as to whether or not such a Condition would be necessary, having regard to my viewpoint at the outset, that this 1st party appeal be determined under the provisions of Section 139. In my view, having detailed regard to the series of drawings submitted by the applicant, included with the application documentation, and which in my view provide a reasonable indication of materials and finishes to be used, assurance of such consistency between the new build elements and the existing house at No.71, would be reasonably achieved by way of compliance with existing Condition No.1.

7.5.6. I am therefore inclined to the view of the resultant change in the prevailing 'Ashington Rise' streetscape, consequent of supplementation with the proposed rear dormer extension to No.71, as proposed, as minor, and would not be overbearing on the common scale and uniformity of the immediate adjacent residents, and the neighbourhood in context, with no obvious disproportionate negative impact on the prevailing visual and residential amenity. Subject to all external finishes harmonising in colour and texture with the existing house, I believe that the proposed development, inclusive of the rear dormer extension element as proposed, would be in accordance with the proper planning and sustainable development of the area.

7.5.7. Therefore, having regard to the above, I share the applicant's conviction that inclusion of Condition No.2 to the decision to grant planning permission under **Ref.3003/18** is not appropriate, and contrary to the design logic of their domestic residential extension development, as proposed. Accordingly, I have no objection to their motivated request that Condition No.2 be omitted, thereby enabling progression

of their development, as proposed and applied for. Such omission in my view would proportionally enable the proposed development in context, in accordance with the proper planning and sustainable development of the area

- 7.5.8. Accordingly, I conclude that Condition No.2, as written by the Planning Authority, be omitted.

8.0 Recommendation

- 8.1. I recommend that the Board, based on the reasons and considerations set out below, directs the said Council under Section 139 of the Planning and Development Act, 2000 to REMOVE Condition No.2.

9.0 Reasons and Considerations

Having regard to the extent of the proposed development as a whole, and to the dormer extension element thereof, to the rear of a 2-storey end of terrace dwellinghouse, to the orientation and outlook of the proposed rear dormer extension, with limited visibility from the public realm, and to the pattern of contextual residential development in the vicinity, it is considered that the requirements of Condition No.2 that the width of the proposed rear dormer extension be reduced to a maximum of 4.0m are not necessary, and that the proposed development would not impact on the amenities of adjoining property by reason of negative visual externality.

L.W. Howard
Planning Inspector

26th September 2018