



An
Bord
Pleanála

Inspector's Report ABP-302739-18

Development Conversion and extension to the rear of the existing attic to include a new rear roof with projecting window; new roof lights; a new bathroom above part of the return; a widened opening of the rear window at entrance floor level leading to a new balcony on the rear facade with connecting stairs to back garden; external render on the return.

Location 37, Charles Street Great, Dublin 1

Planning Authority Dublin City Council North

Planning Authority Reg. Ref. 3590/18

Applicant(s) Peter Tansey

Type of Application Permission

Planning Authority Decision SPLIT decision

Type of Appeal First Party

Appellant(s) Peter Tansey

Observer(s) None

Date of Site Inspection 24/11/18

Inspector John Desmond

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1.0 Site Location and Description

- 1.1. The application site is located within an old inner suburban area of north Dublin City, c.240m northwest of Mountjoy Square and c.23m south of North Circular Road. The application relates to mid-terrace, pitched-roof, single-storey over pediment-basement dwelling dating, apparently, from the late 19th. The dwelling fronts onto Charles Street Great but presents as a full two-storey dwelling to the rear, with a projecting rear-return. The dwelling is faced with decorative redbrick, dressed with white brick trim to the front, similar to the neighbouring dwellings in the terrace. To the rear it is faced with brown brick. The dwelling is setback from the street boundary behind railings and a small lightwell to basement level, and with granite entrance steps to raised ground floor.
- 1.2. The site area has a stated area of 121-sq.m and the dwelling as 107-sq.m GFA. There is a narrow mews lane to the rear which is gated to the public road.

2.0 Proposed Development

2.1. Summary description

It is proposed to:

- convert the attic level;
- erect rear attic level extension with projecting window, realigned rear roof slope;
- new rooflights
- rear extension over part of rear return to accommodate bathroom;
- widened rear window ope at entrance / raised ground floor level to access rear balcony / terrace (c.1.3m deep X 3m wide) with external stair access to rear garden level and with privacy screen (1.9m X 2.0m to west side of terrace);
- and to render rear return.

2.2. Supplementary documentation

Cover letter prepared by Peter Tansey, Architect.

3.0 Planning Authority Decision

3.1. Decision

SPLIT decision as follows:

- **GRANT** permission for widening of rear window at entrance / raised ground level, new balcony to rear and connecting external stairs to rear garden, subject to 6no. standard conditions;
- **REFUSE** permission for conversion and extension to rear of existing attic including new rear roof with projecting window, rooflights, and bathroom above rear return. The single reason for refusal related to visual impact of inappropriate roof profile that would be inconsistent with established roof form of the terrace, with over-scaled and imbalance form of development contrary to CDP requires and appendix 17.11.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of 19/09/18 is consistent with the decision of the planning authority, the reason for refusal for part of the development and the conditions attaching to that part of the development granted permission.

3.2.2. Other Technical Reports

Drainage Division (22/08/18) – no objection subject to standard conditions.

3.3. Prescribed Bodies

TII (27/08/18) – no observations.

3.4. Third Party Observations

None.

4.0 Planning History

None. The planner's report refers to LCI0060/18, however that relates to an application under the Living City Initiative tax incentive scheme for funding refurbishment of the subject dwelling. It is not a planning application.

5.0 Policy Context

5.1. Development Plan

Land use zoning object Z2 '*to protect and improve the amenities of residential conservation areas*'.

Section 16.10.12 Extensions and Alterations to Dwellings: [...] *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 Guidance for Residential Extensions: 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

North Dublin Bay SAC 000206 (c.4.7km to the east).

North Bull Island SPA 004006 (c.4.7km to east).

South Dublin Bay and River Tolka Estuary SPA 004024 (c.1.5km to east).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the first party appeal may be summarised as follow:

- The design is based on conserving and restoring the buildings historic fabric.
- The roof design is considered a dormer.
- The roof extension over the bathroom / rear return is understood to be the issue for planners.
- Bathroom extension over rear return provides for uncluttered converted attic space and allows service pipes to connect to those existing in the rear return rather than having boxed in pipes within the principle rooms.
- Precedent - projecting WC / shower form part of the morphology of Dublin Georgian / Victorian terrace, with such commonly added in the 20th C for reasons of hygiene and typically were timber structures projecting from the rear façade. Examples shown in photographs attached to appeal.
- Precedent for roof modifications, including rear projection exist in Dublin. E.g. 41 Francis Street and at Mount Pleasant Avenue Lower. These are not injurious to visual amenities.
- The proposed rear roof modifications are more consistent with the existing roof design than the precedents referred to.
- The proposed rear roof modification would not be visible from the street.

- Regarding appendix 17.11 cited in the reason for refusal – the roof is carefully considered; would cause no detrimental overshadowing to neighbours as the development faces north; no objections were received; the dormer / projection is subordinate to the roof of the terrace and the dormer part is set back from the eaves by 600mm where the original roof slope remains visible; the windows form part of the redesigned coherent composition of openings on the rear façade and response to lighting and privacy requirements; cedar and zinc finishes have been permitted on numbers developments to existing buildings; the WC has a slit window behind intended for privacy; the dormer window is set low down with low top rail to direct views down to the garden and not over neighbouring property; no rooflights planned to the front to reflect the character of the area.

6.2. Planning Authority Response

None received.

7.0 Assessment

7.1. Design and visual impact

- 7.1.1. This is a first party appeal against the decision to refuse permission for part of the proposed development comprising conversion and extension to rear of existing attic including new rear roof with projecting window, rooflights, and bathroom above rear return and I will limit my considerations to same.
- 7.1.2. This is a single-issue case relating to design and visual impact, and the principle of the proposed extension on lands zoned Z2 is not in question. The existing dwelling is a mid-terrace, late 19th C dwelling, within an area of similar dwellings. Although the house is historic in character, the dwelling is not a protected structure and is not located within an Architectural Conservation Area. The opposing terrace of dwellings on the southern side of the street facing the application site are all protected structures.

- 7.1.3. Proposals for residential extensions are assessed against the Council's development management standards, s.16.10.12 *Extensions and Alterations to Dwellings*, and guidance under Appendix 17 *Guidance for Residential Extensions*.
- 7.1.4. The proposed extensions and alterations are all located to the rear of the dwelling. Having inspected the site and viewed the streetscape and surrounding built context, I am satisfied that the proposed attic level development, including increased roof ridge height and 1no. roof light would have minimal impact on the historic character of the dwelling and no visual impact on the streetscape of Charles Street Great or on the setting of the protected structures on the south side of that street. The proposed development would therefore not be contrary to the provisions of s.16.10.12.
- 7.1.5. The guidelines under Appendix 17 specifically address roof extensions under s.17.11, providing clear guidance on the design, scale and finish considered appropriate for dormer structures. The works to the rear attic level and rear return comprise a replacement roof structure and extension rather than the insertion of roof dormers. The structure would be finished in zinc roofing and timber facing.
- 7.1.6. I am satisfied that the proposed roof structure would not be disproportionate in scale given its location on the rear roof slope and would not unduly visually intrude on the neighbouring properties. It would be visible from Emmet Street to the west, but on balance I do not consider that the proposed structure would be unduly obtrusive within the wider area.
- 7.1.7. I do not therefore consider the proposed development contrary to the provisions of the Dublin City Development Plan 2016-2022, including the provisions of Appendix 17.11.

7.2. Environmental Impact Assessment

- 7.2.1. The proposed development is development of a class under Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, namely Class 10. Infrastructure projects, (b)(iv) Urban Development. However, at 0.012ha site area, it is significantly subthreshold the 2ha limit provided under that part, and the site is not of environmental sensitivity and therefore EIA is not required.

7.3. **Appropriate Assessment**

- 7.3.1. 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. I recommend that permission be **GRANTED** for the proposed development subject to the conditions under section 10.0 below

9.0 **Reasons and Considerations**

It is considered that the proposed development would be consistent with the provisions of the Dublin City Development Plan 2016-2022, section 16.10.12, concerning Extensions and Alterations to Dwellings, and the design standards for such development under Appendix 17; that the proposed development would not be visually obtrusive within the streetscape, would not be out of character with the pattern of development in the vicinity, would not seriously injure the amenities of property in the vicinity, would be consistent with the zoning objective pertaining to the site, Z2 '*to protect and improve the amenities of residential conservation areas*', and would be in accordance with the proper planning and sustainable development of the area.

10.0 **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. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

3. Site development and building works shall be carried out only between the hours of 0700 to 1800 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 amenities of property in the vicinity

4. During the construction and demolition phases, the proposed development shall comply with the 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 ensure a satisfactory standard of development, in the interests of residential amenity.

5. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers’ expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

6. The development shall comply with the requirements set out on the Codes of Practice the Drainage Division, the Transportation Planning Division and the Noise and Air Pollution Section.

Reason: To ensure a satisfactory standard of development.

John Desmond
Senior Planning Inspector

24th November 2018