



An
Bord
Pleanála

Inspector's Report ABP-303018-18

Development	Rear dormer window and roof extensions
Location	11c Blessington Lane, Dublin 7
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3833/18
Applicant(s)	Eileen Bradley & Kris Frendorf
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First-Party v Condition
Appellant(s)	Eileen Bradley & Kris Frendorf
Observer(s)	None
Date of Site Inspection	15 th January 2019
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1. The appeal site is located on Blessington Lane, a residential lane off Mountjoy Street, approximately 50m southeast of Blessington Street basin and 1km northwest of Dublin city centre.
- 1.2. Measuring a stated 64sq.m, the site is located on the junction of two narrow lanes and is rectangular in shape. It contains a single-storey two-bedroom cottage with one of these bedrooms within the roofspace. This end-of-terrace cottage features a single-storey flat-roof rear projection with rear courtyard area, which is accessible via a door off the side lane. The external finishes to the cottage include timber-sash windows, dashed render to the walls and a concrete profile roof tile. The side laneway is approximately 4m in width and terminates 15m to the south of the site, while the front laneway is c.5.8m in width and terminates 37m to the west of the site.
- 1.3. The surrounding area is generally characterised by single and two-storey terraced dwellings of varying styles, including mews housing along the north side of Blessington Lane, all opening directly onto the lane. There is a mechanics workshop and garage to the northwest of the site at the end of Blessington Lane. Ground levels in the vicinity are relatively level with a gradual drop moving southeast.

2.0 Proposed Development

The proposed development comprises:

- removal of a rear dormer window and a chimney, and the installation of a replacement flue;
- extensions to the pitched roof, comprising a raised roof ridge and a rear-dormer window extension;
- two raised skylights to the flat-roof rear projection.

- 2.1.1. In addition to the standard planning application documentation and drawings, the application was accompanied by a set of shadow analysis drawings.

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 development hereby approved shall incorporate the following amendments:

The roof height of the dormer roof extension shall be reduced to match the ridgeline of the existing property.

Revised plans shall be submitted for the written approval of the Planning Authority prior to the commencement of development.

Reason: To protect the amenities of the occupiers of adjoining properties’.

3.2. Planning Authority Reports

3.2.1. Planning Reports

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

- contrasting design approach of newer and older elements is acceptable, however, the scale of the rear dormer window is not compliant with Section 17.11 of Dublin City Development Plan 2016-2022 (Volume 2);
- the increase in roof ridge height is not acceptable in the context of the cottage forming one of a group of three terraced cottages. Scope to reduce the ridge height is available given the internal floor to ceiling heights of 2.85m;
- the width of the rear dormer extending across the roof is acceptable, given the restricted views of this roofscape;
- alterations to the chimney and the introduction of skylights to the flat roof projection are acceptable;
- the rear dormer would not detract from the amenities of adjoining properties as a result of overlooking or overshadowing.

3.2.2. Other Technical Reports

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

3.3. Prescribed Bodies

- Irish Water – no response;
- Transport Infrastructure Ireland (TII) – no observations;
- National Transport Authority (NTA) – no response;
- Department of Arts, Heritage & the Gaeltacht – no response.

3.4. Third-Party Submissions

- 3.4.1. During consideration of the application by the Planning Authority, one submission was received from the adjoining owner of No.12 Blessington Lane, which is to the south of the appeal site, raising concerns regarding the potential structural impacts of the proposed development.

4.0 Planning History

4.1. Subject Site

- 4.1.1. I am not aware of any other planning applications relating to the appeal site. Pre-application discussions between the appellants and the Planning Authority took place via email correspondence under Dublin City Council (DCC) Ref. PAC0130/18 regarding initial proposals for an additional floor to the cottage. At this stage the appellants were advised that the proposed additional floor would be visually obtrusive.

4.2. Surrounding Sites

- 4.2.1. Planning applications for neighbouring properties on Blessington Lane, include the following:

- No.4 Blessington Lane - DCC Ref. 3165/18 – permission refused (July 2018) for a first-floor rear extension to this house c.50m to the east due to substandard living space and the potential to overshadow the rear amenity area to neighbouring properties;
- No.42/43 Blessington Street – ABP Ref. 300828-18 (DCC Ref. 4194/17) – permission refused by the Board in July 2018 for demolition of a rear light industrial unit c.20m to the northwest and construction of a 2-3 storey rear extension and change of use to an aparthotel with 28 rooms, as the intensification in use would be detrimental to the character of the Protected Structure on site and as the extension would be excessive in scale;
- No.7 Blessington Lane – DCC Ref. 1814/01 – permission granted in September 2001 for a two-storey rear extension to a house c.25m to the east;
- No.11 Blessington Lane - DCC Ref. 2800/00 – permission granted in November 2000 for a single-storey rear extension to a house c.6m to the east.

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 of this appendix outlines that 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’.

5.2. Environmental Impact Assessment - Preliminary Examination

- 5.2.1. Having regard to the existing development on site, the nature and scale of the proposed development and the location of the site, 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.

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. The following grounds of appeal are raised:

- Condition No.2 should be omitted from the decision or amended, as it would result in the roof extension not being compliant with Building Regulations;
- the existing ground floor to ceiling height measures 2.5m and not 2.25m, as originally shown on Section A-A Drawing No. P-50-400. A revised drawing is submitted and this reveals that the existing maximum floor to ceiling height in the roofspace is currently c.1.88m;

- sufficient rationale for attaching the condition has not been provided, while the existing traditional streetscape does not have conservation status and includes buildings of varying styles and heights;
- it is not clear how the development would impact on the amenities of neighbouring properties, particularly given the Planning Officer's comments noting that overlooking and overshadowing would not arise;
- the condition would require a reduction in the proposed roof ridge height of 500mm, whereas the appellants would be willing to accept a reduction in the roof ridge height of 300mm;
- proposals provide for a modest extension to meet the growing needs of the appellants' family.

6.2. **Planning Authority Response**

6.2.1. The Planning Authority did not respond specifically to the grounds of appeal.

6.3. **Observations**

6.3.1. 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 height of the proposed rear dormer roof extension to be reduced by 500mm to match the existing roof ridgeline.

7.2. Having regard to the nature and scale of the proposed development and the nature of Condition No.2, 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 sufficient and reasonable justification for attaching the condition has not been provided by the Planning Authority and that the amendments required would result in the development failing to meet Building Regulations. The appellants state that they would be willing to accept a reduction in the proposed dormer height of 300mm, as opposed to the 500mm reduction required in the condition.
- 7.4. The Planning Authority's reason for attaching Condition No.2 to their notification of a decision to grant permission is stated as being 'to protect the amenities of the occupiers of adjoining properties'. Within the Planning Officer's report assessing the proposed development it is stated that the proposed rear dormer would not detract from the amenities of adjoining properties as a result of overlooking or overshadowing.
- 7.5. Section 16.10.12 of the Dublin City Development Plan 2016-2022 states 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 host dwelling and where they would not have an unacceptable impact on the amenities of adjacent residences. Section 17.11 of Appendix 17 (in Volume 2) to the Development Plan provides guidance specifically relating to residential extensions at roof level.
- 7.6. The site adjoins a side access lane and backs onto the side elevation of a single-storey cottage at No.12 Blessington Lane. Adjoining to the east is No.11b Blessington Lane, containing a similar size cottage to that on the appeal site and featuring single-storey rear projections. The front of mews dwellings along the northside of Blessington Lane are located c.5.8m from the appeal site. Considering this immediately surrounding context, I am not satisfied that the requested 500mm reduction in the roof height for the proposed dormer window extension would necessarily have any impact in reducing the impact of the development on the residential amenities enjoyed by neighbouring residents, as a result of overlooking, overbearing appearance or overshadowing.
- 7.7. In assessing the proposed development, the Planning Authority considered that the scale of the rear dormer window would not be compliant with Section 17.11 of Dublin City Development Plan 2016-2022, but that the width of the rear dormer extending

across the roof is acceptable, given the restricted views of this roofscape. The reduction in the roof height required under the condition would require the proposed roof ridge height to continue to match that of the adjoining terrace at No.11b and No.11. The appeal site is situated towards the end of a narrow cul de sac that serves a small number of residences and a mechanics workshop, in an area that does not have any conservation status. The proposed roof extension would be visible from a very limited area, including the lane to the side and the rear of immediately neighbouring properties. Surrounding building types, heights and roofs, including those along the southside of Blessington Lane, vary considerably. For example, No.7 Blessington Lane, c.25m to the east of the appeal site, features a two-storey rear extension with the original roof ridge raised to facilitate this. Given this inner-urban context, the complex variety of roof types and the restricted views of the cottage and the proposed extensions, I am satisfied that reducing the height of the roof to the dormer extension by 500mm would have negligible effect in reducing the overall impact of the proposed development on the visual amenities of the area.

7.8. In conclusion, I am satisfied that Condition No.2, requiring a reduction of 500mm in the height of the roof to the proposed rear dormer window extension, would not be warranted, as the reduced height would not serve to safeguard the residential amenities of neighbouring property and would have negligible impact in safeguarding the visual amenities of the area. I note that the applicant would be willing to accept a reduction of 300mm for the proposed dormer roof height, but I do not consider that this would necessarily have a substantial effect in reducing the impact of the proposed development, particularly when taking into consideration my assessment above.

8.0 Appropriate Assessment

8.1. Having regard to the minor nature of the proposed development and to 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 omit condition number 2, for the reasons and considerations hereunder.

10.0 Reasons and Considerations

1. Having regard to the nature and scale of the proposed development and the pattern of development in the area, including the variety of building styles, heights and roofs, and the restricted views of the property within an inner-urban context, it is considered that the modifications to the proposed development, as required by the planning authority in its imposition of condition number 2, was not warranted, and that the proposed development, with 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

28th January 2019