



An
Bord
Pleanála

Inspector's Report ABP-303261-18

Development	Raise ridge height, extend gable wall, construction of dormer roof and conversion of attic.
Location	23 Ashington Heath, Navan Road, Dublin 7
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	4030/18
Applicant(s)	John Carroll and Imelda Maxwell
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	John Carroll
Observer(s)	None
Date of Site Inspection	10 th February, 2019
Inspector	Stephen Kay

1.0 Site Location and Description

- 1.1. The appeal site is located on an existing residential street to the north of the Navan Road and accessed via Kinvara Avenue off the Navan Road. The dwellings in the vicinity of the appeal site comprise two storey semi-detached houses. The submitted plans indicate the existing dwelling on the site as being a two bedroom with additional storage room at first floor level. The dimensions of this third room at first floor level are 2.9 metres by 2.65 metres giving a floor area of c.7.7 sq. metres.
- 1.2. The dwelling on site has been extended to the rear with a small conservatory measuring approximately 14 sq. metres. A porch has been added to the front elevation. The stated total floor area of the dwelling in its existing configuration is c.108 sq. metres. To the rear, there is a shed structure that runs across the full width of the site and which has a depth of c.3.05 metres. The extent of the remaining private open space to the rear of the site is c.30 sq. metres.
- 1.3. The existing design of dwelling on the site has a hipped roof consistent with the roof profiles of the majority of other dwellings in the vicinity of the site.

2.0 Proposed Development

- 2.1. The proposed development comprises the raising of the ridge height of the roof by 363mm over part of the width of the roof and the alteration of the roof profile from hipped to gable ended by the raising of the side gable.
- 2.2. A new dormer window is proposed to the rear. It is proposed that this dormer would be located such that it would extend from the raised roof height down to a position within c.500mm of the eaves line. The dormer is proposed to accommodate an en suite bathroom and habitable bedroom accommodation. The dormer is proposed to be fitted with two windows, one serving the en suite and a second serving a new bedroom proposed at attic level.
- 2.3. The dormer is proposed to be 3.99 metres in width by c.2.75 metres in height when measured externally and is proposed to be located immediately adjoining the newly created side gable. It would be separated by c.2.15 metres from the boundary with the adjoining semi-detached property.

- 2.4. The proposed development would result in a number of revisions to the first floor layout with the reduction in the area of the existing storage / small bedroom and re configuration of the existing bathroom and en suite bathroom serving the master bedroom. A new window is proposed in the side elevation to serve the reconfigured bathroom and an existing window ope in the rear elevation serving the en suite bathroom blocked up.
- 2.5. The stated floor area of the extension is 20.38 metres.

3.0 Planning Authority Decision

3.1. Decision

The Planning authority issued a Notification of Decision to Refuse Permission for a single reason that can be summarised as follows:

1. That the design of the proposed roof extension is visually inappropriate and such that it would be inconsistent with the established roof form in the surrounding area. The proposed development would therefore be contrary to the provisions of Appendix 17.1 of the *Dublin City Development Plan, 2016-2022* regarding the scale of the proposed dormer and changes to the roof profile and such that it would be contrary to the visual and residential amenities of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer states notes the form of development and the provisions of the development plan as set out at 16.2.2.3, 16.10.12 and Appendix 17 of the Plan. The principle of a dormer window is considered to be acceptable having regard to the pattern of development in the vicinity, as is the proposed blocking up of a window ope in the existing elevation. The scale of dormer and extent of works to the roof are however considered to be excessive, and such that they would be contrary to the provisions of the development plan relating to alterations and extensions of dwellings. Refusal of permission consistent with the Notification of Decision issued is recommended.

3.2.2. Other Technical Reports

Drainage Division – No objections.

3.3. Prescribed Bodies

Irish Water – No submission on file.

Irish Rail – No response received.

3.4. Third Party Observations

No third party observations made to the Planning Authority.

4.0 Planning History

The following planning history relates to the appeal site:

Dublin City Council Ref. 2753/18 – Permission refused by the Planning Authority for the proposed raising of the ridge height of the dwelling by 920mm, extension of the gable wall, construction of a rear dormer and conversion of the attic to a bedroom with ensuite and alterations to existing elevations. Permission was refused on the basis of being visually inappropriate, being contrary to the provisions of the development plan regarding alterations and extension to dwellings and having a serious negative impact on the visual and residential amenities of the area.

The following history is referenced in the report of the Planning Officer:

Dublin City Council Ref. 5766/07 – Permission granted for removal of unauthorised box dormer to the side roof slope at No.29 Ashington Heath and the extension of an existing roof ridge to form a gable ended roof, conversion of the attic space to residential accommodation and a flat roofed dormer to the rear and new single storey extension to the front. Permission granted subject to conditions restricting the width of the dormer to 3.1 metres and the size of the two new windows.

Dublin City Council Ref. 3405/11 – Permission granted for conversion of attic to storage and rear dormer at No.3 Ashington Heath.

In addition to the above applications, the first party appeal makes reference to a number of other planning histories in the general area of the appeal site. These references are cited in section 6.0 below (Appeal).

5.0 Policy Context

5.1. Development Plan

The appeal site is located on lands that are zoned Objective Z1 under the provisions of the Dublin City development Plan, 2016-2022. The stated objective is *‘to protect, provide and improve residential amenity’*.

Paragraph 16.2.2.3 of the Plan relates to alterations and extensions in general and states that in particular extensions should *‘respect the existing uniformity of the street together with significant patterns, rhythms or groups of buildings’*.

Extensions should be *‘subordinate to the existing building in scale and design’*. And extensions at roof level should respect the *‘scale, elevational proportions and architectural form of the building’*.

Paragraph 16.10.12 of the Plan relates to extensions to dwellings and states that *‘the form of the existing dwelling should be followed as closely as possible’* and *‘extensions should be subordinate in terms of scale to the main unit’*. It is stated that applications for extensions will not be granted unless the Planning Authority is satisfied that the proposal *‘will not have an adverse impact on the scale and character of the dwelling’* and would not adversely affect the amenities enjoyed by the occupants of adjacent buildings.

Appendix 17 of the plan relates specifically to extensions and 17.11 to Roof Extensions. It is stated, inter alia, that dormer windows should be visually subordinate to the roof slope and should be set back from the eaves level.

5.2. Natural Heritage Designations

The site is not located in or close to any European site.

6.0 The Appeal

6.1. Grounds of Appeal

The following is a summary of the main issues raised in the first party appeal:

- That the appellants have two young children and require additional space. The existing available space / height in the attic is 2.35 metres which is not sufficient to meet the requirements of the building regulations for habitable space.
- It is proposed to raise the ridge height by the minimum to achieve the height required for habitable space. This height increase is 363mm.
- That the change in the roof profile from hipped to gable is much more significant than the minimal increase in ridge height.
- That the previous application on the site sought to achieve habitable accommodation without the requirement for a box dormer.
- That box dormers are prevalent in the vicinity of the site and an examination of other developments indicates that they are the full width of the roof and not therefore in accordance with the requirement of Appendix 17 of the plan that they be subordinate to the roof.
- That the revised plans were developed following consultation with the Planning Officer. It was stated during pre application discussions with the planning officer that if the increase in ridge height was not deemed acceptable then the permission would not be refused and the issue addressed by conditions.
- The advice received was that the raising of the ridge height was not favoured but that cases would be examined on a case by case basis.
- The size of the box dormer was reduced and the dormer proposed to be clad with tiles to reduce its prominence.

- That the small rise in the ridge in conjunction with the change in the gable is a minor alteration and hardly visible from the public road.
- That the development of ancillary spaces that do not meet the requirements for habitable space cannot be considered to be sustainable development. People are forced to move out of the area if they need more space.
- That the council has granted numerous box dormers, some the full width of the roof. There is therefore precedent for this form of development. Examples cited are 3989/06, 5766/07, 4166/10, 5440/08, 5281/08, 4189/10, 4467/10, 3788/06, 4165/08, 3851/10, 4234/05, 4246/15 and 5440/08.
- Requested that if the ridge height considered to be an issue by the Board that a split decision is issued with the box dormer granted.
- Photographs of examples of dormers are attached with the appeal.

6.2. **Planning Authority Response**

There is no response on file from the Planning Authority.

7.0 **Assessment**

7.1. The following are considered to be the main issues in the assessment of this appeal:

- Principle of Development and Zoning,
- Design, Scale and Impact on Amenity
- Other Issues
- Appropriate Assessment
- EIA

7.2. Principle of Development and Zoning,

- 7.2.1. The appeal site is located on lands that are zoned Objective Z1 with a stated objective '*to protect, provide for and / or improve residential amenity*' under the provisions of the *Dublin City Development Plan, 2016-2022*. Under this land use zoning objective '*Residential*' development is identified as a permissible use. There is no specific reference to extensions to residential properties under the list of uses for Objective Z1 lands.
- 7.2.2. The residential use is therefore considered to be acceptable in principle, subject to compliance with other relevant policies in the plan and particularly those that relate specifically to residential extensions as set out at paragraph 16.10.12 and Appendix 17 of the plan.

7.3. Design, Scale and Impact on Amenity

- 7.3.1. The design of the proposed extension is such that it would result in a change from the existing hipped roof profile to a gable ended roof and also result in a raising of the existing roof ridge line over a part of the roof measuring c.4.0 metres in width.
- 7.3.2. With regard to the ***proposed raising of the roof line***, I note the fact that the degree by which the existing height is proposed to be increased has been significantly reduced from the 920mm originally proposed under Ref. 2753/18 and which was refused by the Planning Authority. I also note the comments of the first party with regard to the currently proposed increase in height of 363mm being the minimum feasible to enable habitable accommodation to be provided that meets the requirements of the building regulations and the merits of promoting the adaptation of existing residential units in the interests of sustainability. It is my opinion, however, that notwithstanding the revised proposals in the current application and the merits of the proposal as set out by the first party, the proposed increase in ridge height would have a very significant negative impact on the visual appearance of the dwelling and be such as to make it visually incongruous when viewed in the streetscape. I would not agree with the statement of the first party that the small rise in the ridge in conjunction with the change in the gable is a minor alteration and hardly visible from the public road. Instead, it is my opinion that the proposed increase in ridge height would be contrary to Paragraph 16.10.12 of the Plan relating

to residential extensions which states that *'the form of the existing dwelling should be followed as closely as possible'*, that *'extensions should be subordinate in terms of scale to the main unit'* and that extensions should *'not have an adverse impact on the scale and character of the dwelling'*.

- 7.3.3. With regard to the **proposed dormer**, the first party contends that there are a significant number of permitted dormers in the vicinity of the site that are significantly wider than the 4.0 metres proposed in the subject application. From a review of the planning histories cited in the first party appeal it would appear that a number of the permissions granted included dormer windows where the width did exceed 4 metres and which were not the subject of any restriction by way of condition. I note however that the two cited applications that are located in close proximity to the appeal site, (Ref. 5766/07 for development at No.29 Ashington Heath and Ref. 3405/11 relating to No.3 Ashington Heath) did not permit dormers in excess of the 4.0 metres proposed in the current application.
- 7.3.4. The principle of the **conversion of the roof profile** from a hipped to gable ended roof has been accepted by the Planning Authority as evidenced by the permission granted at No. 3 Ashington Heath, and I note that there are a number of other dwellings in the vicinity of the site that have been the subject of changes to the roof profile from a hipped to gable end roof, notably Nos.3 and 6 Ashington Crescent and Nos.2,3, and 10 Ashington Heath. Having regard to this, and the less intrusive visual impact of such a change in roof form relative to the alternative use of a side dormer such as used at No.29 Ashington Heath, I consider that the principle of this alteration is acceptable.
- 7.3.5. With regard to scale of the dormer and the visual impacts arising, it is my opinion that the scale and location of the proposed dormer immediately adjoining the roof edge is such that it would be very visually prominent when viewed from the public road and would combine with the change to a gable end on the roof to constitute an incongruous visual element. In order to be acceptable, it is my opinion necessary that the dormer would be located away from the roof edge such that it would not form part of the gable end of the dwelling and would not therefore be as clearly visible from the street. It is recommended that a setback of 750mm minimum from the edge of the roof would be appropriate to mitigate the visual impacts arising and that this should be required by way of condition in the event of a grant of permission.

Regarding the dormer width, I note that where permissions for developments incorporating dormer extensions in the vicinity of the site as cited in the first party appeal, that the conditioned width varies between 3.1 metres and 5.0 metres. In order to meet the provisions of Appendix 17 of the Development Plan, and specifically 17.11 relating to Roof Extensions which specifies that dormer windows should be visually subordinate to the roofslope, I consider that the width of the dormer should be reduced by the 750mm set back from the roof edge and such that it would have a maximum external width of 3.25 metres. This dormer width would be on an overall roof width of 6.0 metres and is considered appropriate to meet the requirements of the development plan and to ensure adequate separation to the adjoining semi-detached property at No.25.

7.3.6. The orientation of the dwelling on the appeal site and of the adjoining properties is such that there may be some impact on the availability of light to the rear gardens of adjoining properties, however I do not consider it likely that any such impacts would be significant.

7.3.7. With regard to overlooking, subject to the use of opaque glazing, I do not consider that the proposed additional windows in the side elevation are not considered to be such that they would have a significant adverse impact on the amenity of adjoining properties.

7.3.8. The separation distance between the dwelling on the appeal site and the dwellings to the rear (south) is c.21 metres. The windows in the proposed dormer are c.1.15 and 1.05 metres in height by c.600mm in width and not such that they would have a significant negative impact on adjoining properties by virtue of overlooking or overbearing visual impact.

7.4. Other Issues

7.4.1. I note the fact that the proposed development would result in the reduction in the scale of the existing single bedroom such that it would not be large enough continue to function as a bedroom. The proposed attic conversion would result in a potential increase in the occupancy of the dwelling from five bed spaces to six, albeit that the attic conversion would not meet the requirements for habitable space with the requirement that the roof ridge height be retained as existing. I note that fact that the

conservatory at the rear and the shed in the rear garden are such that the amount of private amenity space to serve the dwelling is only c.30 sq. metres. The development plan standard for private amenity space for dwellings is for 10 sq. metres per bedspace for houses as per paragraph 16.10.2 of the plan. The proposed development would therefore potentially result in a deficiency in private amenity space provision. Given the fact that the accommodation permitted at attic level would not comply with the requirements for habitable space and the need to facilitate adaptation of the dwelling to accommodate changing needs of the occupants it is not considered appropriate that permission would be refused on the basis of inadequate private amenity space.

- 7.4.2. With regard to financial contributions, I note that the existing rear extension / conservatory has a floor area of c.13.6 sq. metres and that this, together with the floor area of the porch (c.2.5 sq. metres) and proposed attic 20.38 sq. metres would be below the 40 sq. metres exempted development floorspace limit and therefore as per Paragraph 12 of the adopted s.48 scheme (Exemptions and Reductions) no financial contribution is payable.

7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

7.6. **EIA**

- 7.6.1. Having regard to the nature and scale of the development and the fact that it is a minor extension to an existing dwelling which is connected to the public water and drainage network, it is considered that 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.

8.0 Recommendation

- 8.1. Having regard to the above, it is recommended that permission be granted based on the reasons and considerations set out below and subject to the attached conditions:

9.0 Reasons and Considerations

Having regard to the residential zoning objective for the area and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would not be prejudicial to public health, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, 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. The proposed development shall be amended as follows:

(a) The ridge line of the existing roof shall remain unaltered and no element of the permitted development shall extend above the height of the existing roof.

(b) The permitted rear dormer shall be set back a minimum of 750mm from the eastern side of the roof and a minimum of 2.0 metres from the boundary with the adjoining property at No.25 Ashington Heath.

(c) The dormer shall be a maximum of 3.25 metres in width measured externally.

(d) New windows to the side (east facing) elevation shall be fitted and thereafter permanently maintained with obscure glazing.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

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 [residential] amenities of property in the vicinity.

4. 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.

5. The external finishes of the proposed extension including roof tiles shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interests of visual amenity.

6. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the extended dwelling.

Stephen Kay
Planning Inspector

11th February, 2019