



An
Bord
Pleanála

Inspector's Report ABP-303551-19

Development	Conversion of attic space to accessible storage space with 3 skylights to the front roof and 5 sky light to the back roof.
Location	49, Charleville Close, Rathmines, Dublin 6
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	4336/18
Applicant(s)	Karen Jennings.
Type of Application	Permission.
Planning Authority Decision	Grant Permission with conditions
Type of Appeal	First Party v Condition 2
Appellant(s)	Karen Jennings.
Observer(s)	None.
Date of Site Inspection	2 nd April 2019
Inspector	Bríd Maxwell

1.0 Site Location and Description

1.1. The appeal site relates to an established end of terrace dwelling, No. 49 Charleville Close in Rathmines, Dublin 6. No 49 is a two storey red brick property of recent construction. Charleville Close is a mews type cul de sac located within a conservation area. The appeal dwelling is part of a terrace of 6 properties backing onto substantial period properties (protected structures) which front onto Leinster Road.

2.0 Proposed Development

2.1. The proposal involves permission for the conversion of attic space to accessible storage space with 3 no skylights to the front roofplane and 5 no skylights to the back roofplane, including internal alterations and all associated works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 By order dated 3 January 2019 Dublin City Council notified the parties of the decision to grant permission subject to 6, largely standard, conditions.

Condition 2 (under appeal) is:

“The development hereby approved shall incorporate the following amendments:

a) The omission of the three proposed rooflights on the front roof slope.

Reason: To protect the visual amenities of the Conservation Area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.1.1 Planner’s report notes that rooflights facing the streetscape in a conservation area (Zone Z2) are generally not acceptable. While many properties on Charleville Close have rooflights facing the streetscape, these are not considered relevant precedents

as they were erected historically prior to the current development plan. Permission was recommended subject to 6 conditions.

3.3. **Prescribed Bodies**

No submissions

3.4. **Third Party Observations**

None

4.0 **Planning History**

No recent planning history on the appeal site.

3349/18 Relates to the adjoining property No 51 Charleville Close. Dublin City Council granted permission on 17th August 2018 for first floor internal alterations, Attic conversion with 2 no velux rooflights in the front slops of roof at attic level. Permission was subject to 6 largely standard conditions. (Decision notice appended)

5.0 **Policy and Context**

5.1. **Development Plan**

5.1.1 The Dublin City Development Plan 2016-2022 refers. The site is zoned Z2 *“To protect and/or improve the amenities of residential conservation zones.”*

5.2. **Natural Heritage Designations**

None

5.3. EIA Screening

Having regard to the limited nature and scale of the development and nature of the receiving environment no likelihood of significant effects on the environment arising from the development. The need for environmental impact assessment can, therefore, be excluded.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 The first party appeal relates to condition 2 and the grounds are summarised as follows:

- Proposed front (south) facing skylights seek to maximise access to daylight/sunshine to the attic space. Rear elevation is overlooked by a three storey multi occupancy dwelling which limits daylight.
- In August 2018 Permission was granted at No 51 Charleville Close immediately adjoining for attic conversion with two front rooflights. 3349/18
- Appellant is willing to limit the number of front facing rooflights to 2 in line with precedent of no 51.
- Inclusion of front facing rooflights would not be visually obtrusive or adversely affect the character and setting of the streetscape.
- Numerous dwellings in the vicinity with rooflights in front roof slope therefore such rooflights form part of the intrinsic character of the streetscape and do not jeopardise the quality of the residential setting.
- No issue of overlooking.

6.2. Planning Authority Response

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

7.0 Assessment

7.1. Section 139 of the Planning and Development Act 2000 as amended provides that where an appeal is made to the Board against only a condition of a permission and Where the Board is satisfied that a de novo assessment of the appeal is not required, the Board may issue a direction to the Planning Authority relating to the attachment, amendment or removal of the condition. In the case of the current appeal against condition 2, I am satisfied that the appeal accords with the criteria of Section 139 and therefore I restrict my assessment of the appeal to condition no 2 only.

7.2. Condition 2 is as follows:

“The development hereby approved shall incorporate the following amendments:

a) The omission of the three proposed rooflights on the front roof slope.

Reason: To protect the visual amenities of the Conservation Area.”

7.3. The first party notes that permission was granted in August 2018 (under the current Development Plan) for a similar attic conversion in relation to the adjoining dwelling No 51 incorporating two rooflights on the front roofplane. I note that on the date of my site visit, rooflights have been installed in the front roofscape as depicted on photo appended to this report. The applicant has indicated a willingness to reduce the number of rooflights to two to accord with the adjoining dwelling. Whilst I note the desire of the Planning Officer to protect the special interest of the conservation area, I consider that in light of the character and age of the established dwelling on the appeal site, and the character of dwellings in the vicinity, including the adjoining dwelling no 51, the proposed front facing rooflights are acceptable in this case. No issues of overlooking arise. I am satisfied that the proposed development is acceptable in terms of visual impact and is in compliance with the development plan. I recommend the amendment of condition 2 as set out below.

7.4. Having regard to the nature and scale of the proposed development in a fully serviced built up urban area, no appropriate assessment issues arise and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

8.1. I have read the submissions on file, visited the site, and have due regard to the provisions of the Dublin City Development Plan 2016-2022 and all other matters arising. Having regard to the nature of the condition the subject to the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below directs the said Council under Section Section 139 of the Planning and Development Act 2000 to Amend the condition no 2 as follows:

9.0 Reasons and Considerations

Having regard to the nature and scale of the development, to the pattern of development in the area, it is considered that subject to amended condition the proposal would not contravene the provisions of the Current Development Plan nor create a precedent.

Condition 2

2.	<p>The proposed development shall be amended as follows:</p> <p>Two rooflights only shall be provided to the front elevation. Rooflights shall be sized and aligned to correspond to those to the front roofplane of the adjoining dwelling No 51.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development.</p> <p>Reason: In the interest of visual and residential amenity.</p>
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Bríd Maxwell
Planning Inspector
3rd April 2019