



An
Bord
Pleanála

Inspector's Report ABP-304809-19

Development	Change of roof ridge line to extend to build up gable wall with dormer roof to rear and conversion of attic to study/playroom.
Location	No. 17 Riverwood Glen, Castleknock, Dublin 15.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	FW19B/0051
Applicant(s)	Shane & Jenny Loughrey-Grant.
Type of Application	Planning Permission.
Planning Authority Decision	Refused
Type of Appeal	First Party
Appellant(s)	Shane & Jenny Loughrey-Grant.
Observer(s)	None.
Date of Site Inspection	10 th day of September.
Inspector	Patricia-Marie Young

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1.0 Site Location and Description

1.1. No. 17 Riverwood Glen is located in the 'Riverwood' housing development, in the area of 'Carpenterstown', which is situated in the Dublin city suburb of Castleknock, to the north west of Dublin's city centre. The site has a stated 0.0318ha area and it contains a 2-storey semi-detached dwelling that is consistent in its built-form, design and layout of the groups of semi-detached dwellings that dominate its streetscape scene. The northern boundary of the site adjoins the southern roadside edge of the heavily trafficked Riverswood Distributor Road which connects to the Carpenterstown Road and Coolmine Road roundabout to the east and to the Diswellstown Road roundabout to the south west.

2.0 Proposed Development

2.1. Planning permission is sought for the change of existing roof ridge line to extend to a new gable wall with new dormer roof window to the rear and the conversion of the attic space into a new study/playroom. According to the submitted documentation the existing dwelling has a stated 110m² floor area and the proposed alterations to the roof level would result in an additional 25.3m² floor area.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority **refused** permission for the following single stated reason:

"The proposed change of roof profile from a hipped roof to a gable end combined with the inclusion of a dominant rear dormer would, at this prominent location would be visually incongruous and at variance with the predominant form of development within Riverwood. The site is particularly visible from the Riverwood Distributor Road, a main thoroughfare. As such the proposal would seriously injure residential and visual amenities of the area, set an undesirable precedent for similar developments, and be contrary to Objectives DMS41 and DMS44 of the Fingal Development Plan 2017-2023".

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The Planning Officer's report is the basis for the Planning Authority's decision.

3.2.2. **Other Technical Reports**

None on file.

3.3. **Prescribed Bodies**

None on file.

3.4. **Third Party Observations**

None on file.

4.0 **Planning History**

4.1. **Site**

4.1.1. None.

4.2. **Vicinity**

4.2.1. **ABP Ref. No. 302723 (P.A. Reg. Ref. No. FW18B/088):** This appeal decided on by the Board related to Condition No. 2 of the grant of permission only. The proposed development as originally sought was described as consisting of (i) replacement of the existing hip roof with a full gable end type roof, (ii) building a flat roof dormer across the new rear roof, (iii) fitting three number rooflights to the front roof and (iv) converting the new attic space to a home office with access via a new stairs from the upper floor landing at 31 Riverwood Glen, Carpenterstown, Dublin. This appeal case file is attached.

4.2.2. **P.A. Reg. Ref. No. FW19B/0069:** Planning permission was granted subject to conditions for a development consisting the relocation of entrance to front of house with new bay window and canopy roof, 3 new windows to side gable, internal alterations, attic conversion with dormer to rear and widening of existing vehicular access and driveway at No. 59 Lambourn Avenue Clonsilla, Dublin 15. I note that

Condition No. 2 significantly reduced the dimensions of the dormer window element at attic level.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. The policies and provisions of the Fingal Development Plan, 2017-2023, apply. The site lies within an area zoned 'RS' which has an aim to: *"provide for residential development and protect and improve residential amenity"*.
- 5.1.2. Chapter 12 of the Development Plan states that: *"dormer extensions to roofs will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties. The design, dimensions and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations. Dormer extensions (whether for functional roof space or light access) shall generally not form a dominant part of a roof. Consideration may be given to dormer extensions proposed up to the ridge level of a house, but in all cases no dormer extension shall be higher than the existing ridge height of the house. The proposed quality of materials/finishes for dormers will be considered carefully as this can greatly improve their appearance. The level and type of glazing within a dormer structure should have regard to existing window treatments and fenestration of the dwelling."*
- 5.1.3. Objective DMS41 is relevant. It states: *"dormer extensions to roofs will only be considered where there is no negative impact on the existing character and form, and the privacy of adjacent properties. Dormer extensions shall not form a dominant part of a roof. Consideration may be given to dormer extensions proposed up to the ridge level of a house and shall not be higher than the existing ridge height of the house."*
- 5.1.4. Objective DMS44 is relevant. It states that the Planning Authority shall seek to *"protect areas with a unique, identified residential character which provides a sense of place to an area through design, character, density and/or height and ensure any new development in such areas respects this distinctive character."*

5.2. Natural Heritage Designations

- 5.2.1. I consider that there are none relevant with the nearest Natura 2000 sites being the Special Area of Conservation: Rye Water Valley/Carton SAC (Site Code: 001398) which is located c8km to the north east of the site and the Special Protection Areas: South Dublin Bay & River Tolka Estuary SPA (Site Code: 004024) which is located c10km to the north west of the site.

5.3. EIA Screening

- 5.3.1. Having regard to the nature, scale and scope of the proposed development within the mature and built-up residential setting of the Dublin city suburb of Castleknock, the nature of the receiving environment, the serviced nature of the site and its surroundings, I consider 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.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The grounds of appeal submitted by the First Party may be summarised as follows:
- This development is required for work, play and study area for a growing family.
 - It is a well-established practice for the Council to accept this type of conversion and there is precedent for similar developments to that proposed in the surrounding area. A number of examples are cited.
 - Having regard to the precedent for other similar developments it is reasonable to expect specific outcomes when dealing with public bodies.
 - It is requested that irrespective of the visibility of the proposed development, if permitted, that in line with the precedents cited in their appeal submission the decision of the Planning Authority is overturned.

6.2. **Planning Authority Response**

6.2.1. The Planning Authority's response can be summarised as follows:

- The issues raised are adequately addressed in their Planning Officer's Report.
- The reason for refusal should stand as the Planning Authority are of the opinion to allow the alteration of the roof by way of construction of a gable wall and dormer at this prominent location would be visually out of character with the predominant design, style and roof profile within Riverwood. For these reasons it would materially contravene objectives DMS41 and DMS44 of the Development Plan.
- Each application must be judged on its own merits.
- There are clear policies and objectives in the Development Plan against such proposals. These are implemented in a consistent manner by the Council.
- The Board is requested to uphold its decision; however, should the appeal be successful it is requested that a Section 48 condition be attached.

7.0 **Assessment**

7.1. **Overview:**

7.1.1. The substantive issues in this appeal case are: -

- Visual Amenity
- Residential Amenity
- Appropriate Assessment

I am satisfied that no other substantive issues arise; notwithstanding, the issue of appropriate assessment needs to be addressed.

7.2. **Visual Amenity**

7.2.1. In terms of the visual impact of the proposed development I have considered the examples of similar types of development within the wider surrounding area including those outlined by the appellants in their submission, example of appeal cases for alterations and additions at attic level and the examples cited by the Planning

Authority's Planning Officer's in their report. I have also carried out an inspection of the site and its environs. On the matter of planning precedent for or against such developments it is appropriate that each application should be considered on its individual merits. I consider that the proposed development is subject to demonstrating compliance with the standards and objectives set out in the Fingal County Development Plan, 2017-2023, and not the previous plan. This includes Objective DMS41 and Objective DMS44 which only deems dormer extensions acceptable where there is no negative impact on the existing character and form of the existing dwelling and their individual site contexts.

- 7.2.2. In terms of visual impact, I consider that the proposed development would negatively impact on the existing character, built form and design integrity No. 17 Riverwood Glen. The subject property forms part of a highly coherent and uniform in terms of its design, layout through to building to space relationship semi-detached pair and group of semi-detached pairs. In addition, this is further reinforced by the fact that it forms part of a larger residential scheme that is highly coherent and uniform in its overall built form, palette of materials through to building to space relationships that is highly intact.
- 7.2.3. In addition, the subject property is situated at the end of a cul-de-sac road, the end of this cul-de-sac bounds the roadside edge of the Riverstown Distributor Road. Due to the site's location at the end of this cul-de-sac with a site boundary running alongside the public domain of this heavily trafficked Distributor Road, it is highly visible within the streetscape scene of its cul-de-sac setting and also the streetscape scene of this adjoining Distributor Road.
- 7.2.4. In relation to the property itself it not only forms part of a semi-detached pair, it occupies the north eastern end of a cul-de-sac. Within the streetscape scene of the cul-de-sac itself its roof structure consists of a sloped roof profile which extends downwards to the wall plane of its northern, eastern and western elevations. This sloping roof profile matches the semi-detached pairs that not only make up this particular cul-de-sac road but also of the wider residential scheme itself. As such the roof structure over is a design feature of this particular now well-established residential scheme and as observed from the public domain, semi-private domain and private domain of the sites setting is highly intact. Moreover, I observed no

similar alterations and additions to the roof structure of other semi-detached properties within this estate to that proposed under this application.

7.2.5. The roof structure over has a ridge height of a stated 7.73m. The roof ridge extends c1.427m over the measured 6.2m in width front and rear elevations as well as the measured 8.6m in length side elevation. As such the ridge height is limited over this property and is not of a height one would associate with three levels of habitable accommodation. In addition, the roof structure in terms of the individual properties within the semi-detached pairs themselves could not be considered to be overly dominant or visually obtrusive. Having regard to these existing dimensions the proposed extension of the ridge height by an additional 4.992m width together with the insertion of a new gable wall would visually unbalance the built-form symmetry of the semi-detached pair it forms part of, it would be visually overbearing and it would be visually at odds with the other semi-detached pairs that make up this highly coherent and uniform residential estate. In terms of the contribution to the streetscape scene it would diminish the integrity of this residential scheme's original design concept in an *ad hoc* manner and would not positively contribute to the character of its streetscape scene.

7.2.6. In my view the visual incongruity would be further added to by the insertion of a dormer window only marginally positioned directly below the ridge height in the slope of the rear roof with a width of 3.719m. This dormer window is also not centrally placed within the proposed amended rear roof structure with it positioned 1.1m from the centreline of the ridge shared with the adjoining semi-detached pair and 1.6m from the northernmost end of its amended northern gable end. As such it would result in c2.7m of sloping roof profile which I acknowledge is 1.6m wider than the original roof structure when compared to its narrowest point at ridge height level which in itself is visually incongruous. But this 2.7m sloping width is considerably less than half of the sloping roof structure that would be modified by the dormer window insertion which I have previously noted has a width of 3.719m. This visual incongruity is further added too by the extent of the dormer window which at its deepest point measures c3.5m. This further adds to the visual incongruity of the proposed dormer window within its streetscape scene, including as viewed from the public domain of the heavily trafficked Distributor Road.

- 7.2.7. I note to the Board that the appeal submission contend that there is a planning history and planning precedent for similar developments as that proposed and as such they have an expectation that such interventions should be therefore allowed. I did not observe the presence of any such insertion during my inspection of the site and its streetscape setting.
- 7.2.8. In relation to appeal case ABP-302723-18, I consider that the site No. 31 Riverwood Glen occupies a significantly less prominent location than the subject site and it benefitted from a level of visual screening due to the fact that it is a site that is bound on three sides by similar groups of semi-detached dwellings. As such the views of the dormer window would be more limited within its streetscape scene but I do raise a visual concern that gable ended roof is out of balance with the built form of the semi-detached pair it forms part of and in turn the groups of semi-detached dwellings that make up its streetscape scene. I further note that the Board in relation to this appeal case was limited in its considerations of Condition No. 2 of the Planning Authority's notification to grant permission for the development permitted under P.A. Reg. Ref. No. FW18B/0088 which related to the width of the dormer window and sought its reduction to not exceed 1m.
- 7.2.9. I am cognisant that the current Development Plan it includes more robust criteria for proposed alterations and additions at roof level. In particular, Objective DMS41 which states "*dormer extensions to roofs will only be considered where there is no negative impact on the existing character and form, and the privacy of adjacent properties. Dormer extensions shall not form a dominant part of a roof. Consideration may be given to dormer extensions proposed up to the ridge level of a house and shall not be higher than the existing ridge height of the house*"; and, Objective DMS44 which states that the Planning Authority will seek to "*protect areas with a unique, identified residential character which provides a sense of place to an area through design, character, density and/or height and ensure any new development in such areas respects this distinctive character.*"
- 7.2.10. Based on the visual amenity concerns raised above I consider that the proposed development would be contrary to Objective DMS41 and Objective DMS44 of the Development Plan. This is sufficient reason in itself to refuse permission for the proposed development sought under this application.

7.3. Residential Amenity

- 7.3.1. I concur with the appellants and the Planning Authority in that the proposed development would result in improved residential amenity for occupants of the subject property and that it would not result in any significant injury to the established amenity of properties in its vicinity.
- 7.3.2. Notwithstanding, whilst one would expect overlooking within such suburban contexts and I acknowledge that there is established levels of overlooking present within this residential scheme the provision of a third-floor level within the rear elevation would result in my view in a greater perception of being overlooked in a visual setting that is characterised by its 2-storey built forms. This I consider is due to the presence of a dormer window that is overtly large in terms of its width when compared to existing windows serving the habitable room at first floor level of this property and other semi-detached properties in its visual curtilage.
- 7.3.3. Despite this concern I do not consider it in itself to be of sufficient merit for the proposed development to be refused but should the Board be minded to grant permission a condition could be included to reduce the scale of the dormer window and the dimensions of the window it contains.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the proposed development and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise, and it is not considered that, the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.5. Other Matters Arising

- 7.5.1. **Building Regulations:** I raise a concern that the proposed development which seeks to provide an additional 25.3m² of additional floor space for occupants of this dwelling, if permitted, this additional floor area would as a result of its minimum floor-to-ceiling height not result in what is deemed to be habitable floor area under the current Building Regulations. While I acknowledge that the applicant indicates that they need the additional space for their growing family needs this semi-detached dwelling does not have the building envelope to accommodate a third level of

habitable accommodation and the attic space is only safe for storage uses only. I therefore do not consider that the attic extension and conversion provides an opportunity for occupants of this dwelling to extend their level of habitable floor area in a Building Regulation compliant manner and, if permitted, I do not consider it results in quality residential amenity for occupants of this dwelling.

8.0 Recommendation

8.1. I recommend that permission be **refused** for the following stated reasons and considerations.

9.0 Reasons and Considerations

1. Having regard to the location of the proposed development in a residential streetscape characterised with hipped roof 2-storey semi-detached structures, the prominent location of the property at the end of a cul-de-sac with its northern boundary wall running alongside the Riverwood Distributor Road, it is considered that the proposed development, by reason of its form, massing and design, would result in a built form which would fail to respect its context, it would be visually obtrusive in its setting and it would establish an undesirable precedent for similar development in its vicinity. This would be contrary to Objective DSM41 and Objective DMS44 of the Fingal County Development Plan, 2017-2023, which only permits such interventions where no negative impact arises on the existing character and form of the property and where the identified residential character which provides a sense of place to an area through its design and character is respected. The proposed development would be contrary to the stated objectives of the Development Plan; would seriously injure the visual amenities of the area; would set an undesirable precedent for future development in the area; and, would, therefore, be contrary to the proper planning and sustainable development of the area

Patricia-Marie Young

Planning Inspector

16th day of September 2019