



An
Bord
Pleanála

Inspector's Report 305549-19

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| Development | Ground floor extension, first floor dormer extension with solar panels & roof lights, en-suite window at first floor level & front boundary alterations. |
| Location | Wildmuir, 559 Fox's Lane, Raheny, D5 |
| Planning Authority | Dublin City Council |
| Planning Authority Reg. Ref. | 3531/19 |
| Applicant(s) | Catherine O'Meara & Mark McLoughlin |
| Type of Application | Permission |
| Planning Authority Decision | Grant permission subject to conditions |
| Type of Appeal | First Party v. Conditions |
| Appellant(s) | Catherine O'Meara & Mark McLoughlin |
| Observer(s) | None |
| Date of Site Inspection | 27 th November 2019 |
| Inspector | Louise Treacy |

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 1254 m² and is located on the northern side of Fox's Lane, a cul-de-sac which terminates to the front of the site. The existing property is a single-storey detached bungalow of c. 222 m², with storage/bedroom space at the attic level. Vehicular access to the site is via the southern site boundary.
- 1.2. The neighbouring properties are generally characterised by 1 and 2 storey detached dwellings on generous plots. At the end of the cul-de-sac, a pedestrian laneway provides access to the coast approximately 140 m to the east of the application site.

2.0 Proposed Development

- 2.1. The proposed development includes: (i) the extension of the ground floor to the south-west of the house, including alterations to the front façade, (ii) a first floor dormer extension to the southern-most facing roof including the installation of solar panels and roof lights, (iii) the installation of an en-suite window to the west facing gable at first floor level; and, (iv) alterations to the front boundary including the construction of gate pillars and a boundary wall at the south-west corner of the site, and all associated landscape works.
- 2.2. The planning drawings confirm that the development also includes: the demolition of 2 no. existing shed structures; the construction of a new fence and gate to an external bin storage area; revised hard standing for off-street car parking; and, a raised window head (300mm) to the existing office/gym.

3.0 Planning Authority Decision

3.1. Decision

- 3.2. Notification of the Decision to Grant Permission subject to 8 no. conditions issued on 11th September 2019. Condition no. 3(b) and Condition No. 8 are relevant to this appeal as follows:

3. (b) The roof and flank walls of the proposed roof extension 'box' shall be clad in tile similar to the existing roof slate.

Reason: In the interests of the protection of visual and residential amenity.

8. Notwithstanding the provisions of Schedule 2, Part 1 of the Planning and Development Regulations, 2001 (as amended), no extensions, garages, stores, offices or similar structures shall be erected without the prior grant of planning permission.

Reason: In the interests of residential and visual amenity and in order to ensure sufficient private open space be retained for the new dwelling area.

3.3. Planning Authority Reports

3.3.1. Planning Reports

3.3.2. Basis of the Planning Authority's decision.

3.3.3. While the Planning Officer noted that the proposed standing seam cladding for the dormer box would reflect the cladding used for a previous roof alteration, it was further considered that the use of the same cladding for the proposed dormer box would be in stark contrast to the existing tiled roof. On that basis, the Planning Officer determined that the dormer box should be tiled with cladding similar to the existing roof.

3.4. Other Technical Reports

3.4.1. **Engineering Department Drainage Division:** No objection to the proposed development subject to 4 no. conditions.

3.5. Prescribed Bodies

3.5.1. **Irish Water:** No submission received.

3.6. Third Party Observations

3.6.1. None received.

4.0 Planning History

- 4.1. **PA Reg. Ref. 2629/13:** Planning permission granted on 8th July 2013 for development including: (i) a 4.5 m² window box extension to the south façade; (ii) new front door with glazed screen; (iii) steps and plinth to entrance; (iv) removal of existing flat roof with new pitched roof structure to rear; (v) 3 no. rooflights to rear; (vi) external insulation to external walls including works to extend eaves; (vii) removal of 1 no. window to north façade and replacement of side door to east façade with new window; and, (viii) associated site services and landscaping.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. **Zoning:** The site is subject to land use zoning 'Z1' (Sustainable Residential Neighbourhoods) which has the objective "to protect, provide and improve residential amenities".
- 5.1.2. **Policy:** The policy regarding extensions and alterations to dwellings is set out in Sections 16.2.2.3 and 16.10.2 and Appendix 17 of the Development Plan. In general, applications for planning permission to extend dwellings will only be granted where the planning authority is satisfied the proposal will: (i) not have an adverse impact on the scale and character of the dwelling, and (ii) not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.
- 5.1.3. Guidance concerning roof extensions is set out in Section 17.11 of Appendix 17. When extending 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.

5.1.4. Guidance regarding solar panels is set out in Section 17.14 of Appendix 17. Any solar thermal panels that are installed on or in roofs should not unduly dominate the roof and should be sensitive to the character, colour and style of the existing roof.

5.2. Natural Heritage Designations

5.2.1. The site is located approximately 140 m west of the North Dublin Bay SAC and North Bull Island SPA.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal has been lodged in relation to Condition No. 3(b) and Condition No. 8 of the Planning Authority's Notification of the Decision to Grant Permission.

The grounds of appeal can be summarised as follows:

- The sourcing of roof tiles to match the existing for the proposed dormer 'box' extension, would prove challenging due to the 40-year age of the original tiles and the subsequent weathering of same;
- It is not technically feasible to lay concrete tiles on the horizontal and such use of the tiles would push the dormer height above the ridge line or impinge on the internal floor to ceiling heights;
- An existing pitched roof element to the rear of the dwelling is finished in standing seam cladding that colour matches the existing tiles. It is proposed to use the same or similar material again for the proposed dormer rooflight to complement the existing;
- The application of 'old' materials to match the existing will have a negative impact on the overall aesthetic of the development;

- The application of Condition No. 8 is punitive given the size of the existing dwelling, the scale of the proposed development and remaining area of private open space. This condition will derive the applicant of the benefit of exempt development for what would otherwise be considered insignificant ancillary domestic works;
- The current application includes the demolition of 2 no. existing shed structures (combined area of c. 19.8 m²), with 1 no. shed of c. 5.8 m² remaining. The applicant intends to build a replacement shed at a later date, which will now require planning permission on foot of Condition No. 8;
- The subject site has an area of 1,254 m², with the dwelling occupying 17% of the plot. The rear private amenity space has an area of 210m², which is far in excess of the 10 m² per bedspace prescribed under the development plan.

6.2. Planning Authority Response

6.2.1. None received.

6.3. Observations

6.3.1. None received.

7.0 Assessment

7.1. This is a first party appeal against Condition No. 3(b) and Condition No. 8 as attached to the Planning Authority's Notification of the Decision to Grant Planning Permission. Condition No. 3(b) requires the roof and flank walls of the proposed dormer extension box to be clad in tile similar to the existing roof. Condition No. 8 removes the exemptions afforded under Schedule 2, Part 1 of the Planning and Development Regulations, 2001 (as amended).

7.2. Following my examination of the planning file and grounds of appeal, I consider it appropriate that the appeal should be confined to Condition No. 3(b) and Condition No. 8 only. Accordingly, I am satisfied that the determination by the Board of this application as if it had been made to it in the first instance would not be warranted and that 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 applicant's agent submits that the horizontal application of roof tiles to the dormer box extension is not technically feasible and would either push the height of the box above the roof ridge line or impinge on the internal floor to ceiling heights. It is further submitted that the sourcing of roof tiles to match the existing would be difficult given their 40-year age and weathering over this time period.
- 7.4. While Dublin City Council's Planning Officer noted that the proposed standing seam cladding for the dormer box would reflect the cladding used for an earlier alteration to the roof, the Planning Officer further considered that the use of the same cladding for the dormer box would be in stark contrast to the existing tiled roof. Thus, it was determined that the roof and flank walls of the dormer box should be tiled in cladding similar to the existing roof.
- 7.5. In considering the foregoing, I note that the development plan states that the design of dormer extensions should reflect the character of the area, the surrounding buildings and the age and appearance of the existing building. The subject dwelling is a detached bungalow on a generous plot, which is set back from the public road and as such, I consider that the dwelling sets its own character. I also note that the neighbouring dwellings along Fox's Lane are characterised by a diversity of designs and styles.
- 7.6. A pitch roof alteration finished in standing seam cladding was previously permitted on the rear roof slope of the dwelling under PA Reg. Ref. 2629/13. The applicant's agent submits that the dormer box extension to the front roof slope will be clad in a similar material to this earlier intervention. When viewed collectively, it is submitted that the alterations to the roof profile will form an assembly of new elements on the roofscape, harmonised by material and complementing each other in expression.
- 7.7. In my opinion, the use of standing seam cladding for the new dormer box would be entirely reasonable and appropriate having regard to the alterations which have already been permitted to the roof profile. The dwelling sets its own character, being set back from the public road and screened by mature planting. As such, in my opinion, the use of standing seam cladding for the dormer box would have no negative impact on views of the dwelling from the public road. In addition, the site is

zoned for residential purposes and is not subject to any conservation or Protected Structure designation which would warrant the application of this condition. Thus, I consider that Condition No. 3(b) is unreasonable in this instance.

- 7.8. In considering Condition No. 8 of the Notification of the Decision to Grant Planning Permission, I note that the subject site has an area of 1254 m². The existing house has an area of 222m² (c. 18% of the site area), which will increase to 243 m² (c. 19% of the site area) on foot of the proposed development. The applicant's agent confirms that the rear garden space alone has an area of 210 m². Section 16.10.2 of the development plan confirms that rear gardens of 60-70 m² are acceptable in the city.
- 7.9. I further note that the dwelling has a generous front garden which is screened from the public road and neighbouring dwellings by mature planting, providing a high level of privacy to this amenity space. Having regard to the size of the site and the dwelling, including the extensions which are proposed under this application, I consider that the application of Condition No. 8 is unreasonable in this instance and would unduly restrict the applicant's ability to avail of the exempted development provisions of Schedule 2, Part 1 of the Planning and Development Regulations, 2001 (as amended).

8.0 Appropriate Assessment

- 8.1. Having regard to the nature and scale of the proposed development, comprising minor design alterations to an existing dwelling, 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.

9.0 Recommendation

- 9.1. It is recommended that the Planning Authority be directed to omit Condition No. 3(b) and Condition No. 8 for the reasons and considerations set out hereunder.

10.0 Reasons and Considerations

10.1. Having regard to the residential land use zoning of the site, the nature and scale of the proposed development, the alterations which have already been permitted to the roof profile and the remaining site area on foot of the proposed development, it is considered that the modifications and requirements of the Planning Authority, in its imposition of Condition No. 3(b) and Condition No. 8 are not warranted, and that the proposed development, with the omission of these conditions, would have no significant negative visual impact on the dwelling or the streetscape and would have no negative impact on the future development of the subject site. Thus, the proposed development would be in accordance with the proper planning and sustainable development of the area.

Louise Treacy
Planning Inspector

29th November 2019