



An
Bord
Pleanála

Inspector's Report ABP-305704-19

Development	Balcony and rooflight to the rear of a house
Location	25 Mountainview Road, Dublin 6
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3679/19
Applicant	Michael Nugent
Type of Application	Permission
Planning Authority Decision	Grant permission subject to conditions
Type of Appeals	Third Party and First Party
Appellant	1. Geert Jan Huysmans and Maria Pilar Duncan 2. Michael Nugent
Observers	None
Date of Site Inspection	7 th December 2019
Inspector	Stephen J. O'Sullivan

1.0 Site Location and Description

1.1. The appeal site is the curtilage of a two-storey semi-detached house in a suburban part of south Dublin. It has a stated area of 403m². The stated floor area of the house upon it is 204m². It has a substantial 2-storey return behind the main part of the house. It is Victorian in character, similar to the other houses on Montainview Road. The back of the site adjoins the garden to the rear and side of a mid-20th century semi-detached house at the end of a cul-de-sac off Merton Drive.

2.0 Proposed Development

2.1. It is proposed insert a rooflight and a balcony under a new dormer on the rear slope of the roof over the main part of the house. The balcony would be 1.8m wide. The ceiling height under the dormer would be 2.25m from the floor. The submitted plans describe the attic from which the balcony would open as storage. The first party appeal states that it would be used as a study/recreational space.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to 5 conditions.

Condition 2 is -

Prior to the commencement of development, the applicant shall submit revised plans, particulars and details, which modify the proposed development. These modifications shall be agreed in writing with the planning authority and the proposed development shall be carried out in accordance with this agreement. The modifications to the proposed development shall adhere to the following:

- a) The proposed balcony shall be omitted from the proposal.
- b) The proposed opening within the dormer shall be converted into a window and reduced in size so that its sill would be positioned a minimum of 1.1 metres above the finished floor height of the second floor. The existing eaves line and roof slope

profile to the rear of this dormer shall also be reinstated up to this new window sill height.

Reason: In the interests of orderly development, visual amenity and residential amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report stated that the proposed development would not be visible from the street. The dormer would be below the ridge of the roof and set back from the boundaries of the site. The dormer would therefore be subservient in scale and its flat roof would be an acceptable contrast to the existing building. It would comply with section 17.11 of the development plan. However the french doors and balcony would not be in keeping with the character of this domestic property. They would also allow an undue level of overlooking and disturbance of adjoining gardens. They should be omitted. A grant of permission with a condition to that effect was recommended.

3.3. Third Party Observations

The third party appellants objected to the proposed development on grounds similar to those raised in the subsequent appeal.

4.0 Planning History

4.1. No previous applications on the site were raised by any of the parties. The first party appeal refers to a grant of permission for replacement dormers and a balcony at 23 Sandford Road, Dublin 6 made by the planning authority in January 2019 under Reg. Ref. 4404/18.

5.0 Policy Context

5.1. Development Plan

The Dublin City Development Plan 2016-2022 applies. The site is zoned as part of a residential conservation area under objective Z2. Policy CHC4 applies to such conservation areas. It is to protect their special interest and character and that development within or affecting a conservation area must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible

Appendix 17.11 of the plan refers to roof extensions. It says -

When extending in 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.

5.2. Natural Heritage Designations

None

6.0 The Appeals

6.1. Grounds of the Third Party Appeal

- The proposed development would unduly overlook the appellants' house and garden to the rear at 64 Merton Drive and would seriously injure its privacy. It would have a direct view into the master bedroom of their house.
- The overlooking would be exacerbated by the relative height of the Victorian house and the land on which it stands and by the small size of its rear garden.
- The proposed development would affect the architectural integrity of the house and would set an undesirable precedent for other such works that would damage the character of Mountainview Road.
- The failure to respect the character of the house means that the proposed development would be contrary to the advice in appendix 17 of the development plan.
- The proposed works are not required for a storage room.

6.2. Grounds of the First Party Appeal

- The appeal is against condition no. 2 of the planning authority's decision.
- The applicant is seeking to convert the attic to residential accommodation as has been done elsewhere in the area. A grant of permission by the planning authority under Reg. Ref. 4404/18 is cited as a precedent for this type of development.
- Balconies are now a common feature. The current proposal would not increase the degree of overlooking that arises from the existing windows at the back of the house and would constitute orderly development.
- The proposed works would be at the back of the house and would have a limited impact on its appearance as it would affect only a small part of the roof.

- The views to the nearest part of the house to the rear would be diagonal and downwards and would be screened by vegetation, so there would not be a significant impact on privacy.

6.3. **Planning Authority Response**

No response was received from the planning authority.

6.4. **Further Responses**

The first party's response to the third party appeal rejected the assertion that the proposed development would be overbearing or obtrusive and refers to the first party appeal to support this position.

7.0 **Assessment**

- 7.1. The proposed balcony would be over 20m from the shared boundary with the third parties' property. In an urban context this separation distance would normally be regarded as adequate to mitigate the impact of overlooking on the privacy of a neighbouring property, although the impact of a balcony in this regard might be greater than a window. It is not, considered, therefore, that overlooking from the proposed balcony would require a refusal or significant alterations to it in the manner required by the condition no. 2 of the city council's decision.
- 7.2. The house on the site and the other ones along Mountainview Road have a special architectural character that is worthy of protection. This is reflected in its designation as a residential conservation area by the city development plan. The proposed flat roofed dormer structure with french doors and a balcony would be out of keeping with the character of the house and of the area. As such it would be contrary to the development plan's policy on residential conservation areas and its guidelines on house extensions. It could be argued that the actual impact of the proposed development on the character of the area would be minimal because its situation at the back of the house means that it would not be visible from the street. However even the relatively minor disruption arising from a dormer at the back of the roof would be a contravention of policy. It would not be justified by any significant

contribution to residential accommodation within the house because the low ceiling height would render the attic unsuitable for habitation. Furthermore the applicant's assertion that this form of dormer structure is commonplace in the area is not established by the single grant of permission from the council which he cites, and is not accepted. Rather, the current proposal could be taken as a precedent to support a proliferation of rear dormers which would have a significant negative impact on the character of the residential conservation area. It is therefore considered that the proposed rear dormer would not be in keeping with the proper planning and sustainable development of the area even if it were reduced in size under a condition similar to that imposed by the planning authority.

8.0 Recommendation

8.1. I recommend that permission be refused.

9.0 Reasons and Considerations

The site is in a residential conservation area designated by zoning objective Z2 of the Dublin City Development Plan 2016-2022. The proposed development would be out of keeping with the architectural character of the house and as such would contravene policy CHC4 of the development plan to protect the special interest and character of residential conservation areas as well as the guidance on roof extensions at appendix 17.11 to the plan. It would therefore be contrary to the proper planning and sustainable development of the area.

Stephen J. O'Sullivan
Planning Inspector

8th December 2019