



An
Bord
Pleanála

Inspector's Report

ABP-306024-19

Development	Construction of a new rear dormer at attic level, new dormer will be higher than existing ridge line and associated internal works.
Location	Location 8, Moyne Court, Ranelagh, Dublin 6, D06X336.
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB1548/19
Applicant(s)	Victoria Kortenhorst Gallagher
Type of Application	Permission.
Planning Authority Decision	Grant Permission with conditions
Type of Appeal	First Party v Condition 2
Appellant(s)	Victoria Kortenhorst Gallagher.
Observer(s)	None.
Date of Site Inspection	10 th February 2020.
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1. The appeal relates to site comprising an established dwelling mid terrace no 8 Moyne located at 8 Moyne Court in Ranelagh Dublin 6. The dwelling forms part of a four dwelling block which sits in the middle of two similar blocks to the north and south. The Luas line runs along the rear boundary of the site and Cowper Luas stop and platform is located within 50m to the south of the appeal site.
- 1.2. Photographs appended to this report taken on the date of my site visit demonstrate the character of the area.

2.0 Proposed Development

- 2.1. The application involves permission for the construction of a new rear dormer at attic level. The new dormer is proposed to be clad in a seam grey metal finish and includes two large windows. The proposed structure will exceed the height of the existing ridge line by 0.46m.

3.0 Planning Authority Decision

3.1. Decision

By order dated 6th November 2019, Dublin City Council issued notification of its decision to grant permission and 6, largely standard condition were attached and which included the following condition now under appeal:

Condition 2. *“The development hereby approved shall incorporate the following amendment:*

(a) The flat roof height of the dormer shall be lowered so that it would not surpass the ridge line height of the existing property.

Reason: In the interest of orderly development and the visual amenities of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's report asserts that the height above the ridge line would render the proposal unsightly from the luas line to the rear and incongruous to the uniform streetscape of Moyne Court.

3.2.2. Other Technical Reports

Engineering Department Drainage Division indicates no objection subject to compliance with Greater Dublin Regional Code of Practice for Drainage Works Version 6.0

3.3. Prescribed Bodies

Transport Infrastructure Ireland submission indicates that it has no observations to make on the appeal.

3.4. Third Party Observations

None

4.0 Planning History

No planning history on the appeal site.

5.0 Policy Context

5.1. Development Plan

The Dublin City Development Plan 2016-2022 refers. The site is within an area zoned Z2 "To protect and/or improve the amenities of residential conservation areas."

16.10.12 Extensions and Alterations to dwellings Appendix 17 Guidelines for Residential Extensions.

5.2. Natural Heritage Designations

None

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development and to the nature of the receiving environment, 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

The first party appeal is in respect of condition 2. Grounds of appeal are summarised as follows:

- Should the condition be upheld it would give rise to attic ceiling height of 161cm which is too low for an adult to stand.
- Planner's report refers to incongruous visual impact from Luas line. As demonstrated in drawings and photographs attached the Luas line runs in a 3.6m deep culvert being Moyne Court and views are blocked by the rear boundary wall. All that is visible from the 1st floor and attics in the houses of Moyne Court is the roof and pantograph of the Luas.
- The proposal will not be visible from the footpaths of Moyne Court.
- Space is intended as a study / office space.
- Notably no objection form neighbours.
- Note two examples where exceedance of roof ridge line has been permitted Saint Alban's Park Sandymount D 4, Temple Square Orchard Road. 4123/15

6.2. Planning Authority Response

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

7.0 Assessment

7.1. Having regard to the submissions on file and the nature of the appeal I consider it appropriate to confine consideration to the matters raised in the appeal namely condition 2 and treat the case in accordance with Section 139 of the Planning and Development Act 2000. The condition is as follows:

“The development hereby approved shall incorporate the following amendment:

(a) The flat roof height of the dormer shall be lowered so that it would not surpass the ridge line height of the existing property.

Reason: In the interest of orderly development and the visual amenities of the area.”

7.2 The first party contends that the proposal will render the attic conversion, which is intended as office / study space unfeasible as it will result in an internal ceiling height of 161m. I note that the application drawings indicated that the proposed conversion was intended as “Proposed office / storage”.

7.3 I note that whilst any proposal which seeks to enhance and improve the level of residential accommodation on the site is to be welcomed the key issue is whether the proposal is acceptable in terms of its visual impact and impact on the character of the dwelling and the area. I note the main requirements for extensions and alterations to dwellings as set out within the Dublin City Development Plan 2015-2022, S16.10.12 and Appendix 17 which are that the design of residential extensions should have regard to the amenities of adjoining properties, and the need for light and privacy. In addition, the form of the existing building should be followed as closely as possible and the development should integrate with the existing building through the use of similar finishes and windows. Extensions should be subordinate in terms of scale to the main unit.

7.4 I note having regard to the terraced nature of the dwelling and design of the proposed extension no issues arise in terms of negative impact on established residential amenity. The basis for the imposition of the condition of the Council was set out in the planner’s report and relates to the impact on visual amenity and the

impact on the character of the terrace. I would tend to concur with the local authority that the exceedance of the ridge height would be visually unsatisfactory, would be out of character and detrimental to the existing dwelling and pattern and form of the terrace of dwellings in the vicinity. I note that the first party claims of precedent for such alterations and photographic evidence provided to elucidate this argument. However, given the entirely different context of the appeal site I consider that there is no established precedent for such a permission. As regards assertions that the proposed roof is not visible from the luas I note that it would be visible from the luas platform and would be visible from the wide area on approach to Moyne Court. As regards the proposed use I note that use for storage would not require standing height however it is acknowledged that the use as an office would not be feasible. On the basis of the foregoing I recommend that the Council's decision to impose condition 2 be upheld.

7.5 Having regard to the nature and scale of the proposed development and the nature of the receiving environment, and proximity to the nearest European site, 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 Having regard to the foregoing, I recommend that the Board uphold the decision of the planning authority to impose condition 2.

9.0 Reasons and Considerations

Having regard to the zoning objective Z2, "to protect and or improve the amenities of residential conservation areas" according to the Dublin City Development Plan 2016-2022, to the character of the existing dwelling and to the established pattern scale and architectural character of the area, it is considered that the alteration of roof profile above the established ridge height would constitute an inappropriate intervention, would seriously impact on the character of the existing house and the pattern of the terrace of which it forms part, would be contrary to the provisions of the current Dublin City

Development Plan 2016-2022 and would set an undesirable precedent for similar such development. The Board considers that condition 2 is necessary and in accordance with the objectives of the development plan and in accordance with the proper planning and sustainable development of the area.

Bríd Maxwell
Planning Inspector
11th February 2020