



An
Bord
Pleanála

Inspector's Report ABP-306110-19.

Development	Construction of front porch, single storey extension to side, dormer attic conversion & all associated site works.
Location	6 Riverwood Place, Carpenterstown, Dublin 15.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	FW19B/0108.
Applicants	Gerard & Tracey Crowley.
Type of Application	Planning permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	First Party-V-Condition No. 2(a) & (b).
Appellant(s)	Gerard & Tracey Crowley.
Observer(s)	None.
Date of Site Inspection	6 th day of February, 2020.
Inspector	Patricia M. Young.

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1.0 Site Location and Description

1.1. No. 6 Riverwood Place, the appeal site, is located in the 'Riverwood' residential estate, in the Dublin city suburb of Carpenterstown, c13km to the north west of Dublin's city centre. The site has a stated 0.0298ha area and it contains a 2-storey semi-detached dwelling house that occupies an irregular in shape corner location within Riverwood estate with its eastern and southern boundaries aligning with an internal estate road. This property has been much modified since its completion with an amended roof structure; provision of rooflights and a third-floor level gable window; and, provision of a single storey rear extension. The rear garden area also contains a large shed structure. The estate road bounding the southern side of the site aligns with the heavily trafficked Diswellstown Road with landscaping, boundary treatments and pedestrian pathways in between. The surrounding area is characterised by similar two storey semi-detached dwellings.

2.0 Proposed Development

2.1. Planning permission is sought for:

- Construction of a new front porch;
- Single storey flat roofed extension to the side;
- Construction of an attic conversion with a flat roof dormer extension to the rear and the provision of two roof lights in the front roof slope; and,
- Together with all elevation alterations and associated site works.

According to the submitted documentation the gross floor area of existing buildings on site is 152.6m² and the gross floor area of proposed works is 146.61m².

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Planning permission was granted for the proposed development subject to conditions. Of relevance to this appeal are the requirements of Condition No. 2 which reads as follows:

“Prior to the commencement of development, revised plans and elevational drawings shall be submitted for the written agreement of the Planning Authority detailing the omission of the following:

(a) the proposed dormer extension to the rear roof slope.

(b) the roof lights to the front roof slope.

Development shall not commence on site in advance of the written agreement of the Planning Authority being received in relation to the foregoing.”

The stated reason for this condition reads: *“in the interests of visual amenities”*.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer’s report is the basis of the Planning Authority’s decision and it can be summarised as follows:

- An overview of the planning history of the site and its setting is provided.
- The principle of development is deemed acceptable.
- The existing attic room is served by roof lights to the rear.
- The floor to ceiling heights would be non-compliant for habitable use.
- The dimensions of the dormer are excessive, and it would be clearly visible from properties to the south. It is therefore recommended that the dormer and roof lights be omitted.

3.2.2. Other Technical Reports

Water Services: No objection.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

4.1. The Site

P.A. Reg. Ref. No. FW13B/0029: Planning permission was granted for the conversion of an existing attic space and the change of roof profile to gable within mini hip together with new gable windows and two new rooflights to the rear.

P.A. Reg. Ref. No. FW12B/0075: Planning permission was granted for a front porch and single storey side extension with flat roof over.

ABP Ref. No. PL06F.222996 (P.A. Reg. Ref. No. F07A/0178): On appeal to the Board planning permission was refused for a ground floor extension to the rear subject to conditions and permission was refused for a development consisting of attic conversion with roof windows to rear, mini-hip and part gable to side and new vehicle entrance to side. The stated reasons and considerations read:

- “1. The house is one of a pair of symmetrically arranged semi-detached houses. It is considered that the proposed attic conversion involving a mini-hip and part gable to side would be visually obtrusive and out of character with the pattern of development at this location. The proposed development would, therefore, seriously injure the amenities of the area and, by itself and the precedent it would set for similar such development, would be contrary to the proper planning and sustainable development of the area.*
- 2. It is considered that the proposed new vehicle entrance to the side would constitute disorderly development, would detract from the amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.”*

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. **Fingal Development Contribution Scheme, 2016-2020.**

The contribution scheme requires the payment of per m² of residential development above the first 40m². There are further exemptions provided in the scheme which includes garage and shed structures as well as internal layout alterations where no additional floor area is created, and external walls are not being removed.

5.3. **Natural Heritage Designations**

- 5.3.1. None relevant.

5.4. **EIA Screening**

- 5.4.1. 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 Carpenterstown, 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 can be summarised as follows:

- This appeal relates solely to the Condition No. 2(a) and (b) which the Board is requested to omit.
- The dormer is necessary for adequate and safe internal spaces at second floor level.
- The dormer finishes will match the existing roof tones thus minimising any perceived negative visual impact on the surroundings.
- No undue residential amenity issues arise.
- There are examples of such dormer extensions in the vicinity.
- The proposed dormer would not be a dominant part of the roof structure.

6.2. Planning Authority Response

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

- The proposed flat roof dormer extension to the rear of the property would be inappropriate and highly visible in its location.
- This dormer structure would not facilitate habitable space.
- The dormer structure and the roof lights to the front slope of the roof should be omitted from any grant of permission.
- The Board is requested to uphold its decision.

7.0 Assessment

7.1. Introduction

- 7.1.1. I first of all note that this is a 1st Party Appeal against Condition No.2(a) and (b) of the Planning Authority's notification to grant of permission under P.A. Reg. Ref. No. FW19B/0108 which essentially requires the omission of the proposed dormer attic conversion and two proposed roof lights in the front roof slop of No. 6 Riverwood Place, Carpenterstown, Dublin 15.
- 7.1.2. It is therefore relevant to note that under Section 139 of the Planning and Development Act, 2000, as amended, the Board has the discretion to consider this condition and its sub-conditions in isolation from the remainder of the development sought under this application.
- 7.1.3. Having carried out an inspection of the site and its setting; the nature of Condition No. 2(a) and (b) and its implications on the proposed development; together with having had regard to the submissions and documentation on this file, I consider, that the determination by the Board of the application as if it had been made to it in the first instance would not be warranted. I therefore recommend that the Board determine this appeal case under the provisions of Section 139 of the said Act and I consider the substantive planning issues are:
- Principle of the Proposed Development;
 - Visual Amenity Impact; and,
 - Residential Amenity Impact.
- 7.1.4. In addition, the matter of 'Appropriate Assessment' requires examination.

7.2. Principle of the Proposed Development

- 7.2.1. The appeal site and its setting forms part of a large tract of suburban land zoned 'RS – Residential'. The objective for such lands is to provide for residential development and protect and improve residential amenity. The applicable zoning matrix designates residential land use as being permitted in principle within this zone subject to safeguards. Moreover, the zoning objective for 'RS' zoned land seeks to ensure that any new development have a minimal impact on and enhance existing residential amenity.

7.3. Visual Amenity Impact

- 7.3.1. 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 appellants. I have also carried out an inspection of the site and its environs.
- 7.3.2. On the matter of planning precedent for or against such developments it is appropriate that each application should be considered on its individual merits and I consider that the proposed development dormer extension and associated roof alterations that includes the provision of rooflights in the front roof slope 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.
- 7.3.3. 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.
- 7.3.4. I also note that the Board previously refused permission for alterations to the attic space and the roof structure over the subject property under ABP Ref. PL06F.222996. The reasons for this I have set out under Section 4.1 of this report above. However, I also note that the Planning Inspector in their report for this case considered that the site formed part of a section of the Riverwood housing estate whose character is informed by the similar height, style and design of the houses it contains. They considered that *“the proposed alterations to the roof profile would disrupt the symmetry of the two semi-detached houses which would in turn be visually obtrusive and out of character with the prevailing pattern of development in the area”*; and, that *“having regard to the corner location of the appeal premises and the scale, design and central position of the two large roof lights in the rear roof profile, the proposed development would seriously injure the residential amenities of the area by way of visual obtrusion”*.
- 7.3.5. Since this decision was made the attic conversion was essentially permitted by way of a grant of permission by the Planning Authority under P.A. Reg. Ref. No. FW13B/0029. This permitted subject to standard conditions the conversion of an attic space and the change of roof profile by way of a gable type design with a mini hip together with new gable windows and two new rooflights to the rear. As such it would appear that the

Planning Authority did not consider that reasons and considerations given by the Board for similar alterations to this structure of merit that would warrant an applicant to demonstrate that the concerns of the Board had been overcome.

- 7.3.6. In the intervening years between the Boards and the Planning Authority's decisions noted above the local planning policy provisions for this type of development within such residentially zoned land in my view have become more robust with guidance and objectives specifically provided for within the current Development Plan for dormer extensions alongside more robust protection in place for areas that have a defining self-identity and visual character.
- 7.3.7. In addition, I note that the area has matured in its character and that the landscaping particularly in the public realm as well as alongside Diswellstown Road within the Riverwood estate has become more established providing more robust visual screening.
- 7.3.8. Notwithstanding this, the streetscape scene which the subject property forms part of, the existing amended gable roof with mini-hip over and the three levels of accommodation of the subject property are visually highly legible as being at odds with the uniform character of this area whose roof structures and the overall built form of its semi-detached pairs are otherwise highly coherent.
- 7.3.9. The addition of the dormer extension, a dormer extension that would sit 150mm below the ridge height, has a maximum extent of c3.15m from the low sloping roof profile of the rear roof structure, a c3.7m width, has a c1.6m height with its roof structure c7.8m above the finished floor level, has a third floor level window opening whose height and width are significantly larger than any of the gable or rear first floor level windows, with side and rear elevations that are of materials that appear to be at odds with the existing roof structure finish, against the existing roof structure of this semi-detached property cannot be considered subservient and a new built feature that would not be a highly visible new insertion to the subject property.
- 7.3.10. In my view, the proposed dormer extension and the two roof lights would cumulatively add to the visual incongruity of the existing roof structure and built form of the subject property in its streetscape setting and would together have the potential to add to similar precedents in a visual setting. A setting that does not have an established precedent for such significant and non-subservient changes to the roof structure and

with built forms characterised by their 2-storey legibility and the coherent in appearance, built form and external treatments of their roof structures over.

- 7.3.11. Of further concern the visual legibility of these proposed alterations is in my view heightened by the location of the subject property on a corner plot bound by the estate road on its south-western and southernmost boundary. Essentially the semi-detached pair the subject property forms part of is an entry building into the terminating modest cul-de-sac of Riverwood Place that extends in a north easterly direction from it. There are also views of the rear of the subject property from Riverwood Crescent and views of the principal and southern elevation from Diswellstown Road. As such the alterations and additions to the roof level would be highly visible from the public realm with the dormer window also, as a result of the positioning of this semi-detached pair relative to the setback of semi-detached properties to the immediate north east of it, forming part of the built forms and features that would also define as well as impose onto the semi-private domain of this modest cul-de-sac of matching semi-detached pairs by way of its visual incongruity.
- 7.3.12. I refer the Board to Objective DMS41 of the Development clearly states that “*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.*”
- 7.3.13. Based on the visual amenity concerns raised above I concur with the Planning Authority in this instance that to permit the development would be contrary to Objective DMS41 of the County Development Plan and I am not of the view that the roof structure in this dwelling could accommodate such an intervention, even if amended to be of a less obtrusive design. I am also of the view that it would be contrary to Objective DMS44 which seeks to protect areas with a unique and identified residential character that provide them with a sense of place and as discussed has the potential to give rise to an undesirable precedent. Riverwood estate is informed and defined by the

coherence and uniformity of its residential buildings which at this locality within the scheme consists of matching semi-detached pairs. I therefore concur with the requirements set out under Condition 2(a) and (b) in the Planning Authority's grant of permission and I consider to permit these amendments would be contrary to the proper planning and sustainable development of the area.

7.4. Residential Amenity Impacts – Occupants of No. 6 Riverwood Place

- 7.4.1. I raise serious residential amenity concerns regarding the standard of accommodation proposed by way of the proposal at attic level. Of particular concern is the floor-to-ceiling heights at a stated 1.9m at their highest point. This would not meet the current building regulations requirements and I further doubt whether this height is achievable when one also has factors in the provision of insulation and the various structural provisions necessary for the dormer window itself.
- 7.4.2. Of further concern above two floor levels one also has to factor into the design resolution the fire regulations requirements. These do not appear to have been considered at all in the design put forward yet are required for buildings above two floor levels.
- 7.4.3. Whilst governed by different codes it is in my view important to highlight that attic space proposed would only be suitable for storage and it would not be suitable or safe for use as additional habitable accommodation.
- 7.4.4. As such the provision of roof lights to the front, which would be in addition to rooflights and a gable third floor window *in situ*, and a substantial in size and scale dormer window to the rear, both features that are out of character with the defining visual characteristics of roof structures in the subject property's streetscape scene would not result in improved residential amenities in terms of providing additional habitable floor space as is contended by the appellants.
- 7.4.5. The additional level of storage that would result would be excessive for a dwelling that was not designed as a 3-storey dwelling house in the first instance. I do not consider the residential amenity gain of additional storage to the quantum proposed where no reasonable justification has been provided should in any way override the visual diminishment that would arise cumulatively from the dormer extension and the

rooflights in the slope of the front roof in terms of the visual and residential amenities of its setting.

- 7.4.6. Of further significant concern Chapter 12 of the Development Plan on the matter of private open space states that *“all residential units be they traditional type housing or apartments are to be provided with private open space. Open space standards will set out qualitative and quantitative standards so as to ensure that the maximum benefit is derived from the open space”*. If the alterations and additions are permitted to the attic space, as set out in the documentation provided with this application, it would functionally be a 4-bedroom dwelling house. It is therefore appropriate to have regard to the residential amenity standards for a dwelling with this number of bedrooms as provided for in the Development Plan.
- 7.4.7. Having regard to these standard requirements I raise a concern that the proposed development, if permitted, would be contrary to Objective DMS87 of the Development Plan.
- 7.4.8. Under this objective there is requirement for the applicants to demonstrate a minimal provision of 75m² of private open space located behind the front building line of the dwelling house. In this case the applicants have not demonstrated that they can meet this quantitative provision or indeed that the private open space that remains would be of a suitable quality to meet the needs of future occupants of this dwelling house.
- 7.4.9. This concern further reinforces my view that the proposed development which essentially seeks to almost double the existing size of this existing dwelling house would not result in a standard of acceptable residential amenity either internally or externally for existing through to future occupants of this dwelling house.
- 7.4.10. I am also not satisfied that the proposed dormer window would not result in undue overlooking and/or perceived overlooking on properties in its vicinity. I consider that the 3rd floor level of extensive glazing, which is greater than that present at first floor level to the rear of these properties, is not acceptable, as it would give rise to diminishment of residential amenities in a manner that fails to accord with the residential land use zoning of the site and its setting.
- 7.4.11. Based on the above considerations the substandard residential amenity that would arise I concur with the Planning Authority’s omission of the dormer extension and two

rooflights; however, I consider its reasons for doing so should have included in the interests of residential amenity.

7.5. Appropriate Assessment.

- 7.5.1. Having regard to the minor nature of the development and its location in a serviced urban area, 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.

8.0 Recommendation

- 8.1. I recommend that the Board, based on the reasons and considerations set out below, directs the said Council under Section 139 of the Planning and Development Act, 2000 to AMEND Condition No.2(a) and (b) as set out below and for the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to the corner location of the proposed development in a residential streetscape characterised by its coherent and uniform design, built-form, massing and design, the dormer extension to the rear roof slope and the two rooflights to the front roof slope would result in a built form which would fail to respect its context, it would be visually obtrusive in its setting, it would establish an undesirable precedent for similar development in its vicinity, it would constitute a form of development that would result in poor amenity standards for occupants as well as result in the overdevelopment of a site by way of failing to provide the minimum private open space standards required for a four bedroom dwelling house. It would result in a development that would be contrary to Objective DSM41 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; 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 by any such proposal; and, Objective DMS87 of the Development Plan which requires a minimum provision

of 75m² of private open space located behind the front building line of the dwelling house. The proposed development would seriously injure the residential and visual amenities, it would result in the overdevelopment of the site and has the potential to set an undesirable precedent for similar development in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area,

AMEND

Condition No. 2 to read:

Prior to the commencement of development, revised plans and elevational drawings shall be submitted for the written agreement of the Planning Authority detailing the omission of the following:

- (a) the proposed dormer extension to the rear roof slope.
- (b) the roof lights to the front roof slope.

Development shall not commence on site in advance of the written agreement of the Planning Authority being received in relation to the foregoing.

Reason: In the interests of visual **and residential** amenities.

Patricia-Marie Young
Planning Inspector

27th day of February, 2020.