



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307054-20

<b>Development</b>	Single storey extension at first floor level to the side of the house and attic conversion with box dormer to the rear of the house and two rooflights on front elevation.
<b>Location</b>	135, The Stiles Road, Clontarf, Dublin 3
<b>Planning Authority</b>	Dublin City Council North
<b>Planning Authority Reg. Ref.</b>	2158/20
<b>Applicant(s)</b>	Alan and Liz Brennan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission subject to conditions
<b>Type of Appeal</b>	First-Party v. Condition
<b>Appellant(s)</b>	Alan and Liz Brennan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	23 <sup>rd</sup> June 2020
<b>Inspector</b>	Máire Daly

## 1.0 Site Location and Description

- 1.1. The application site is located in Clontarf, within a mature suburban area c.3km northeast of the city centre. The area is characterised by semi-detached and detached suburban houses on substantial sites, dating from circa 1960. The subject site is located on the western side of The Stiles Road.
- 1.2. The application relates to a 2-storey semi-detached dwelling, within a row of similar properties extending along the length of The Stiles Road. The dwelling has a stated existing floor area of 161-sq.m and the site area at 390.5-sq.m. The dwelling, which extends c.15.5m front to rear, is oriented with the front of the dwelling facing east and has a long west facing rear garden backing onto a narrow access laneway which runs to the rear of all the houses along the road. The dwelling, evidently, has previously been extended to the rear (single storey) and to the side (1<sup>st</sup> floor side extension).
- 1.3. Many of the houses in the area have been extended over the years, including the insertion of rooflights in the front roof and dormers on the rear and side roof slopes. For example, No.127 has an approved dormer to the rear and rooflights on the side roof slope. Several other properties along the road have similar developments to that proposed in place.

## 2.0 Proposed Development

- 2.1. The proposed development comprises:
  - Single storey side extension at first floor level to accommodate an enlarged bedroom;
  - Attic conversion to include a new bedroom and ensuite bathroom;
  - Dormer 'box' window on the rear roof plane;
  - 2 no. new rooflights on the southern (side) roof slope;
  - Amendment to the roof profile to include an extended hip roof design to accommodate all the above.

It should be noted that the appellant has amended the proposal slightly (as detailed above) to relocate the proposed 2no. rooflights from the front (east) roof slope to the side (southern) slope on the newly proposed hipped roof.

### 3.0 Planning Authority Decision

#### 3.1. Decision

3.1.1. The Planning Authority decided to grant permission subject to ten conditions, most of which are of a standard nature, but also including the following Condition No.6:

*The development hereby approved shall be modified as follows:*

*a) The dormer 'box' extension shall have a maximum width of 3.0 metres (measured externally).*

*b) The proposed two roof lights on the front plane of the roof of the house shall be omitted. The proposed window opening in the dormer 'box' shall have a maximum width of 1.5 metres.*

*c) The flank walls and roof of the proposed dormer 'box' shall be finished in a colour similar to the colour of the existing roof. Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to and agreed in writing with the Planning Authority, and such works shall be fully implemented prior to the occupation of these extensions.*

**Reason:** *In the interest of visual amenity.*

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Reports

The report of the Planning Officer (March 2020) reflects the decision of the Planning Authority. The Planning Officer notes the following in their report:

- The proposed first floor extension, including proposed extended hipped roof above study room, is consistent in character, scale and design with the

existing house and those former permissions for extensions approved under ref: 4045/15 and 3823/16.

- The proposed attic conversion which includes the provision of a new dormer box extension which would project through the plane of the rear roof slope of the house is considered excessive in width and would dominate the existing roof of the house. The Area Planner therefore recommended modifications in order to ensure the box dormer was subordinate to the existing roof profile. These modifications included reducing the maximum width of the dormer box from 3.8metres to 3metres and reducing the width of the proposed window opening to 1.5 metres.
- The Area Planner also recommended removal of the two rooflights proposed on the front roof slope of the dwelling (to allow light into the new attic room ensuite and stairwell). In order to ensure that a precedent was not created for the provision of rooflights on front plane roof slopes in the area, the removal of these opes was recommended by way of condition.

### 3.2.2. **Other Technical Reports**

- DCC - Engineering Department (Drainage Division) - no objection, subject to conditions.

### 3.3. **Prescribed Bodies**

- Irish Water – no response received.

### 3.4. **Third Party Observations**

3.4.1. None.

## 4.0 **Planning History**

### 4.1. **Appeal Site**

4.1.1. The following planning applications relate to the appeal site:

- DCC - PA. Ref. 3823/16 – Permission granted in November 2017 for retention and completion to the rear of the new part single storey and part two storey extension to the side and rear of the existing two storey dwelling granted permission under Reg. Ref. 4045/15 to comprise the following: 1) The sitting room area of the rear single storey extension increased in area by approx. 4sqm. 2) The gated access to the rear laneway increased in width by one metre.
- DCC- PA. Ref. 4045/15 – Permission granted in March 2015 for the demolition of the existing single storey extension (54sq.m) to the side and rear of the house and the construction of a new part single storey (51sq.m) part two storey (12sq.m) extension in its place.

#### 4.2. Other sites in the vicinity

4.2.1. Reflective of the surrounding built-up residential context, planning applications in the surrounding area primarily relate to proposals for domestic extensions and alterations. The grounds of appeal refer to the following applications:

- DCC Ref. 3463/18 – No. 95 Dollymount Park – permission granted December 2018 (ABP Ref:302633-18) for removal of existing garage and construction of single storey extension and attic conversion with dormer window (5.4m in width) and 3 new rooflights to front.
- DCC Ref. 4246/17 – No. 127 The Stiles Road - permission granted in January 2018 for first floor side extension over existing garage and attic conversion including dormer window to rear (3.75m in width) and 2no. rooflights to side.
- DCC Ref. 3764/17 – No. 101 The Stiles Road – permission granted in April 2018 (ABP Ref: 300253-17) for first floor extension to rear plus hipped roof side dormer and rear flat roof dormer (3.5m in width).
- DCC Ref. 2321/18 – No. 19 Kincora Avenue – permission granted May 2018 for flat roof extension to front of house and attic conversion including dormer window (4.2m in width), rooflights and extension of pitched roof.
- DCC Ref. 1141/08 – No. 18 Dollymount Park – permission granted April 2008 for single storey rear extension, attic conversion with dormer window (5m in width) and 2no. velux rooflights to front of house.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The appeal site has a zoning objective 'Z1 - Sustainable Residential Neighbourhoods' within the Dublin City Development Plan 2016-2022, with a stated objective 'to protect, provide and improve residential amenities'.
- 5.1.2. Relevant planning policies and objectives for residential development are set out under Section 5 (Quality Housing) and Section 16 (Development Standards) within Volume 1 of the Development Plan. Appendix 17 to Volume 2 of the Development Plan provides guidance specifically relating to residential extensions.
- 5.1.3. The following Sections are of particular relevance:
- Section 16.10.12 Extensions and Alterations to Dwellings:  
Applications for planning permission to extend dwellings will only be granted where the planning authority is satisfied that the proposal will:
    - Not have an adverse impact on the scale and character of the dwelling;
    - Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.
  - Appendix 17 Guidance for Residential Extensions
  - Section 17.3 Residential Amenity Issues
  - Section 17.4 Privacy
  - Section 17.11 Roof Extensions: 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**

5.2.1. None relevant.

## 5.3. **EIA Screening**

5.3.1. Having regard to the existing development on site, the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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. A first-party appeal has been lodged only against condition no.6(a) and (b), which was attached to the Planning Authority's notification of a decision to grant planning permission. The following grounds of appeal are raised:

- Condition no. 6 (a) restricts the width of the dormer to a maximum external width of 3.0m. This restriction is at odds with recent decisions by both the Planning Authority and An Bord Pleanála. The restriction means that the proposed development would now be out of character with attic conversions in the surrounding area. Examples are given of recent permissions in the area, including PL29N.302633. Full width dormers have been provided to Nos. 101 and 127 The Stiles Road as well as No. 19 Kincora Avenue (DCC Ref. 2321/18) and No. 18 Dollymount Park (DCC Ref. 1141/08).

- Request that Condition 6(b) should be removed. The appellants have submitted amended attic plan and roof plan drawings as part of the appeal and propose to omit the two roof lights proposed to the front of the house from the original plans and instead have two rooflights on the side hip (southern elevation roof slope) of the dwelling (Drawing No.328 (P-)107B).
- Request removal of the second part of Condition 6 (b) in relation to the width restriction of 1.5m on the proposed window opening in dormer 'box' structure.

## 6.2. Planning Authority Response

6.2.1. No response received to the grounds of appeal.

## 6.3. Observations

6.3.1. None received.

## 7.0 Assessment

7.1. This is a first-party appeal only against Condition No.6 (a) and (b) attached to the Planning Authority's decision to grant permission. Condition No. 6(a) restricts the size of the rear dormer extension and Condition no.6(b) requires the proposed two front roof lights be omitted and that the proposed window opening in the dormer 'box' shall have a maximum width of 1.5m.

7.2. Having regard to the nature and scale of the proposed development and the nature of condition no.6(a) and (b), it is considered that the determination by the Board of the application, as if it had been made to it in the first instance, and that a *de novo* assessment would not be warranted. Therefore, 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. Condition 6 (a) Dormer Width

7.3.1. The proposed rear dormer extension measures 3.8m in width. Condition 6(a) requires a reduction in width to 3.0m (measured externally). The width of the entire roof plane of the semi-detached dwelling from north to south is 9m.



- 7.3.2. The Planning Authority's reason for attaching condition No.6 to their notification of a decision to grant permission is stated as 'in the interests of visual amenity'. Within the Planning Officer's report, it is stated that the proposed dormer box would be considered excessive in width and would dominate the existing roof of the house. The Area Planner states that the proposals would require modification to ensure the dormer is subordinate to the existing roof profile and that the maximum width of the dormer box should be reduced from 3.0m to 1.5m. The Area Planner raises concerns in relation to the proposed development stating that the dormer box would have an adverse impact on the scale of the dwelling and an unacceptable effect on neighbouring property with regard to access to daylight and sunlight and the protection of privacy of residences in the vicinity.
- 7.3.3. It is important to note from the outset that the rear roof plane of No. 135 is not visible from any part of the public realm. The nearest dwelling to the rear of the site at St. Lawrence Road is set back in excess of 30m from the rear boundary of the current property, across an access laneway which runs to the rear, and is well screened by mature treeline.
- 7.3.4. The proposed dormer at No. 135 extends across the northern portion of the rear roof plane and is set back c. 500mm from the boundary line of the attached dwelling to the north (No. 133). The proposed box dormer is set 250mm below the ridgeline of the roof and will not be visible from the front of the dwelling on The Stiles Road. In addition, the proposed extended roof plane incorporating a new hipped roof and extension to the front of the dwelling at first floor level has the effect of reducing the visual dominance of the dormer when viewed from the rear gardens of neighbouring properties. There are also a number of examples of rear dormers along the terrace and these additions have become a form of development that is to be visually expected, so that it is not out of keeping with the character or appearance of the area when viewed from the rear gardens of adjacent properties. For example, the rear box dormer development at No.127 which is a stated 3.75m in width has been constructed without any detriment to the residential amenities of the area.
- 7.3.5. Given the context of existing rear dormers in the immediate vicinity and the lack of visibility from anywhere except the rear gardens of the neighbouring properties, I consider that the proposed dormer, at 3.8m in width, would not result in any harm to

either the visual or residential amenities of the area or property in the vicinity. I would therefore recommend to the Board that Condition No. 6 part (a) be omitted.

#### 7.4. **Condition 6 (b) – Two rooflights and Dormer Window Opening**

7.4.1. **Part 1) Rooflights** - The Area Planner has stated in their report that the proposed two roof lights on the front roof plane of the house would be visually incongruous with the existing pattern of development in the area, would set a precedent for the provision of rooflights and would be contrary to the houses established character. The first part of Condition 6 (b) states that the proposed two roof lights on the front plan of the roof of the house shall be omitted.

7.4.2. The appellant has submitted revised plans as part of their appeal which shows the proposed relocation of the roof lights from the front roof plane to the proposed new hipped roof to the side (southern facing) slope of the house. I note from my site visit that there is a proliferation of such rooflights in the vicinity on the side roof planes of several dwellings in the area. I do not consider the proposed new location of the 2 no. rooflights to the side slope of the planned new hipped roof to be material in nature. The rooflights would not provide for overlooking (due to their location over the attic access stairwell) or any negative impact on the residential amenity of adjoining properties or the existing character of the dwelling. However, if the Board consider this proposed amendment to be material in nature these rooflights can be omitted by way of condition.

7.4.3. **Part 2) Dormer Window Opening** - According to the 'Proposed Rear (NW) Elevation from Lane' (Drawing No. 328(P-)109) drawing, the dormer includes a large window to the bedroom c.1.3m in height and c. 2.4m in width. Approximately 700mm of the northern side of the dormer box window structure appears to be clad in some other form of finish, possibly wood. The submitted revised 'Proposed Attic Plan' (Drawing No.328(P-)107B) however shows a second opening pane of window in this area. Condition 6(b) requires that the proposed window opening (the entire glazed element) be reduced to a maximum width of 1.5m. While I have no objection to the originally proposed glazed window width of 2.4m, I do have concerns about the inconsistencies between the proposed elevation drawings and roof floor plan drawings and the uncertainty as to what materials are proposed. Therefore, I would suggest if the Board are minded to amend the condition, that a stated glazed width

(including any opening section of window) is included at a width of 2.4m and that the finishes in relation to the cladding are agreed in advance of commencement of any development with the Planning Authority.

#### 7.5. **Appropriate Assessment**

Having regard to the nature and scale of the proposed development within a serviced urban area and separation distance to the nearest European site, 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 Condition 6 is amended to remove 6(a), amend 6(b) and retain 6(c) which subsequently shall now become part (b) as set out below.

#### 9.0 **Reasons and Considerations**

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to **AMEND** condition number 6 and the reason therefor as follows:

6. (a) The entirety of the glazing on the window of the dormer 'box' extension shall not exceed a maximum width of 2.4m.
- (b) The flank walls and roof of the proposed dormer 'box' shall be finished in a colour similar to the colour of the existing roof.

Revised drawings showing compliance with these requirements shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development.

**Reason:** In interests of clarity and in order to safeguard the residential amenities of property in the vicinity.

## **REASONS AND CONSIDERATIONS**

Having regard to the nature and scale of the proposed development and the existing pattern of development in the area, it is considered that, the width of the proposed dormer 'box' extension, the dormer window width, and the rooflights in the side (southern) roof slope would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

---

Máire Daly  
Planning Inspector

29<sup>th</sup> June 2020