



An
Bord
Pleanála

Inspector's Report 307158-20

Development	Demolition of existing single-storey rear extension & garden shed and construction of a single-storey rear extension; alterations to rear elevation; alterations to roof to accommodate attic conversion with rear & side dormers; and, widening of vehicular access & associated works
Location	113 Ballymun Road, Glasnevin, D 9
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1079/20
Applicant(s)	Robert Donaghy
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	First Party v. Condition
Appellant(s)	Robert Donaghy
Observer(s)	None

Date of Site Inspection

24th July 2020

Inspector

Louise Treacy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 553 m² and is located at No. 113 Ballymun Road, Glasnevin, Dublin 9. The existing property is a two-storey, semi-detached dwelling with off-street car parking to the front.

2.0 Proposed Development

- 2.1. The proposed development consists of the demolition of the existing single-storey rear extension and garden shed; the construction of a single-storey rear extension; minor alterations to the rear elevation; an attic conversion with rear and side dormers; widening of the vehicular access and associated works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Grant Permission subject to 10 no. conditions issued on 15th April 2020.
- 3.1.2. Condition no. 2 requires the side dormer structure to be set back by 500mm from the side plane of the dwelling when measured vertically.
- 3.1.3. All other conditions are generally standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 3.2.2. Basis of Planning Authority's decision.

- 3.2.3. While Dublin City Council's Planning Officer considered that the proposed dormer structures were acceptable in principle, it was also considered that the side dormer should be set back from the side plane of the dwelling by 500 mm. The Planning Officer's Report includes no justification for the requested design change.

3.2.4. Other Technical Reports

- 3.2.5. **Transportation Planning Division:** No objection subject to conditions.

3.3. **Prescribed Bodies**

3.4. **Irish Water:** None received.

3.5. **Third Party Observations**

3.5.1. None.

4.0 **Planning History**

4.1. **Planning Authority Reg. Ref. 2718/16:** Planning permission granted on 28th July 2016 for a new pitched roof to the front elevation to the side and matching existing roof to first floor return.

5.0 **Policy and Context**

5.1. **Dublin City Development Plan 2016-2022**

5.2. **Land Use Zoning**

5.2.1. The site is subject to land use zoning “Z1” (Sustainable Residential Neighbourhoods) which has the objective “to protect, provide and improve residential amenities”.

5.2.2. **Extensions and Alterations**

5.2.3. The policy regarding extensions and alterations 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: (1) not have an adverse impact on the scale and character of the dwelling, and (2) not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.

5.2.4. Further guidance in relation to dormer extensions is set out in Section 17.11 of Appendix 17. When extending the roof, the following principles should be applied:

- 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.

5.3. Natural Heritage Designations

5.3.1. None.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal has been lodged by Abode Design on behalf of the applicant. The appeal relates to Condition No. 2 of the Planning Authority's Notification of the Decision to Grant Permission and can be summarised as follows:

- The setback required under condition no. 2 renders the access stairway to the attic redundant and makes the proposed attic room unworkable;
- The changes which are required under this condition do not comply with Building Regulation requirements;
- Due to the existing 1st floor bedroom and landing layouts, it is not possible to move the new stairs by 500mm to mitigate the requirements of this condition. A bedroom would be lost from the dwelling in order to make a compliant access to the attic, which would render the attic conversion unviable;
- There is an established precedent for similar side dormers in the vicinity, including similar houses on Ballymun Road (DCC Reg. Refs. WEB1204/18, WEB1278/19 and 3631/16 refer);
- A similar condition was successfully appealed to An Bord Pleanála in relation to a side dormer structure at No. 101 Ballymun Road (DCC Reg. Ref. WEB1204/18 refers);

- The scale of the proposed dormer is modest and subordinate to the main roof in line with development plan objectives. There are many similar developments in the immediate area and as such, the principle of this development has been firmly established.

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. 2 as attached to the Planning Authority's Notification of the Decision to Grant Planning Permission. Condition no. 2 requires the side dormer structure to be set back by 500 mm from the side plane of the dwelling when measured vertically. The stated reason for the imposition of this condition is to ensure a satisfactory standard of development.
- 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. 2 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. In reviewing the planning report of Dublin City Council's Planning Officer, I note that no justification is provided for the amendments which are required to the side dormer structure under condition no. 2.
- 7.3.1. Appendix 17 of the development plan states that, when extending the roof, the design of the dormer should reflect the character of the area, the surrounding buildings and the age and appearance of the existing building. The roof materials should also match or complement the main building and dormer windows should be visually subordinate to the roof slope. In my opinion, the side dormer structure

complies with development plan policy, given that it sits below the roof ridge line, is subordinate in scale to the side roof profile and will be finished in slate to match the existing roof materials.

7.4. In undertaking an inspection of the subject site and surrounding area, I noted that Nos. 101 and 103 Ballymun Road both have dormer extensions to their side roof profiles. The dormer extension to No. 103 Ballymun Road was granted by Dublin City Council under Planning Authority Reg. Ref. WEB1278/19. The dormer extension to No. 101 Ballymun Road was granted by Dublin City Council under Planning Authority Reg. Ref. WEB1204/18. Condition No. 2(a) of this permission required the dormer structure to be set back from the side plane of the dwelling by a minimum of 0.5 m. This condition was subsequently removed on appeal to An Bord Pleanála (ABP Ref. 302077-18), with the Board considering that the design of the proposed development was appropriate. I note that the scale of the dormer extensions which have been permitted on both of the neighbouring properties, reflects that proposed under the current appeal case.

7.5. On the basis of the foregoing, I am satisfied that the proposed dormer structure would be in accordance with development plan policy for such development, would reflect the pattern of similar permitted developments in the immediate vicinity, and would have no negative visual impact on the subject dwelling or the character of the streetscape. In my opinion, the Planning Authority should be directed to omit condition no. 2 of this permission.

7.6. **Appropriate Assessment**

7.6.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, 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.

8.0 **Recommendation**

8.1. I recommend that the Planning Authority be directed to omit condition no. 2 for the reasons and considerations set out hereunder.

9.0 Reasons and Considerations

- 9.1. Having regard to the residential land use zoning of the site, the nature and scale of the proposed development, and the permitted pattern of similar developments in the immediate vicinity, it is considered that the modifications and requirements of the Planning Authority, in its imposition of Condition No. 2 are not warranted, and that the proposed development, with the omission of this condition, would have no negative visual impact on the dwelling or the character of the streetscape. Thus, the proposed development would be in accordance with the proper planning and sustainable development of the area.

Louise Treacy
Planning Inspector

27th July 2020