



An
Bord
Pleanála

Inspector's Report

ABP-307346-20

Development	Proposed box dormer on the rear roof slope and a proposed new gable wall to the side of the house.
Location	49, Elm Mount Rise, Dublin 9
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	2348/20
Applicant(s)	Brian and Nicola Mulligan
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	First Party v. Condition
Appellant(s)	Brian and Nicola Mulligan
Observer(s)	None
Date of Site Inspection	27 th August 2020
Inspector	Máire Daly

1.0 Site Location and Description

- 1.1. The subject site is located on the west side of Elm Mount Rise road, in the well-established residential area of Beaumont, approx. 7km north east of Dublin City Centre.
- 1.2. The site comprises a two-storey semi-detached dwelling, which is one of a pair of houses (no. 49 and No.51) close to the junction with Skelly's Lane to the north. Access to the rear of the site is via a shared side alleyway, which also provides access to the rear of the adjacent house to the south (No.47). The houses in the area are characterised by their red brick finish at ground floor level to the front façade, with dash at first floor level and to the side, and also their tiled hipped roof style.
- 1.3. The dwelling house has a single storey extension to the rear which stretches the entire length of the dwelling, a small velux window is visible on the rear roof slope of the dwelling which currently provides light to the existing attic. A garden shed is located along the rear boundary and there is a paved driveway to the front of the dwelling with vehicular access off Elm Mount Rise.

2.0 Proposed Development

- 2.1. The proposed development comprises:
 - A new slate clad box dormer on the rear roof slope of the existing property;
 - A proposed new gable wall to the side of the existing house converting the existing hipped roof to an apex roof; and
 - New roof slates to match the existing slates and ancillary works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to grant permission subject to seven conditions, most of which are of a standard nature, but also including the following Condition No.3:

The proposed roof development shall be modified as follows:

- a) *The proposed alteration of the roof from the existing, fully hipped roof to the proposed 'standard 'A' gable shall be omitted from this permission. The existing hipped roof of the house shall be retained.*
- b) *The proposed dormer 'box' extension shall be maximum width of 2.0 metres and shall not project past the slope of the existing roof to be visible from the public elevation (front elevation).*
- c) *The attic level conversion to an office/store area shall be subject to modifications both internally and externally, to reflect the above Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to and agreed in writing by the Planning Authority and such works shall be fully implemented. Reason: In the interest of visual and residential amenity.*
Reason: In the interest of visual and residential amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

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

- The proposed development would involve the alteration of the existing, fully hipped roof to provide a standard 'A' gable. The prior permission granted on the adjoining site at No. 51 Elm Mount Rise was never carried out and the permission has now lapsed, therefore there has been no precedent set on the street for the type of gable ended roof proposed under the current application.
- The proposed attic room has a ceiling height of 2.11 metres and therefore cannot be used as a habitable space.
- The proposed alteration of the roof profile from the existing hipped roof to a standard 'A' gable would not reflect the character of the area, the surrounding buildings or the age and appearance of the existing building and would set an undesirable precedent for similar development in the area.

- As the proposed conversion from a hipped roof to a 'A' gable roof is not acceptable, the dormer window as currently proposed would be too big for the roof and would project beyond the hipped slope of the roof and therefore be visible from the public domain. The proposed dormer 'box' extension should therefore be reduced to have a maximum width of 2.0 metres and should be subordinate in scale to the existing roof profile.

3.2.2. Other Technical Reports

- DCC - Engineering Department (Drainage Division) Report dated 27/03/2020 states 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. No previous records on site.

4.2. Other sites in the vicinity

4.2.1. The adjoining house at no. 151 Elm Mount Rise has the following history:

- P.A. Ref. 2249/07 (Dublin City Council – DCC 2007) – Permission granted for attic conversion to include the removal of hipped end roof and the construction of an apex roof, with dormer windows to rear of roof and windows to gable. Condition No.2 stated the following:

No. 2 - The width of the dormer to the rear shall be reduced from the proposed 5.5m to 4m. Reason: In the interests of residential amenity.

- P.A. Ref. 1864/07 (DCC 2007) – Invalid application.

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:

Volume 1 - Section 16.2.2.3 Alterations and Extensions

'alterations and extensions at roof level, including roof terraces, are to respect the scale, elevational proportions and architectural form of the building, and will:

- *Respect the uniformity of terraces or groups of buildings with a consistent roofline and will not adversely affect the character of terraces with an attractive varied roofline.*
- *Not result in the loss of roof forms, roof coverings or roof features (such as chimney stacks) where these are of historic interest or contribute to local character and distinctiveness.*

Section 16.10.12 Extension and Alterations to Dwellings states:

'The design of residential extensions should have regard to the amenities of adjoining properties and in particular 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.

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.*

Volume 2 - 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

None relevant.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first-party appeal has been lodged only against condition no.3 (a), which was attached to the Planning Authority's notification of a decision to grant planning permission. The following grounds of appeal are raised:

- There are several properties in Elm Mount with gable walls built similar to that of the proposal, the applicant therefore believes there are inconsistencies in the decision-making process in DCC. The applicant has submitted a number of examples of other house on nearby streets that have similar dormer conversions to that proposed in the current application. They also list one development on Elm Mount Rise – No.51, which is the dwelling adjoining the application site. This dwelling received permission for a similar development in 2007 but the applicants never executed the works.

- There were no objections to the proposed development from any of the occupants of the neighbouring properties.

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. 3 (a) attached to the Planning Authority's decision to grant permission. Condition No. 3 (a) omits the proposed alterations to the design of the roof from a fully hipped roof to a standard 'A' gable roof. The condition states that the existing hipped roof of the house shall be retained.

7.2. Having regard to the nature and scale of the proposed development and the nature of condition no.3 (a) it is considered that the determination by the Board of the application, as if it had been made to it in the first instance is not needed, 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. **Precedent**

7.3.1. Elm Mount Rise is a road approximately 350m in length which forms part of a larger estate of similar pairs of hipped roof houses which includes Elm Mount Road, Elm Mount Court, Elm Mount Park, Elm Mount Avenue, Elm Mount Drive etc.

7.3.2. The applicants have stated in their appeal that they believe there are numerous houses within the locality that have gable walls which have been converted from previous hipped roof profiles. The appellants have provided details of fifteen gable-ended developments within the overall estate, 10 of which were on hipped dwelling house pairs similar to the house on the current appeal site and adjoining site. 4 of the houses listed are new semi-detached houses and therefore bear no resemblance

to the current proposal (these are 42A Elm Mount Park, 109 Elm Mount Park, 74 Elm Mount Park and 56A Elm Mount Rise).

- 7.3.3. Out of the 15 addresses listed in the appeal, only one of these dwellings is located on the street where the appeal site is located, this house is No. 56A Elm Mount Rise and is referenced above. This is a detached dwelling which was constructed in what would have been the side garden of No.56 and received permission in 2006. This more recently constructed dwelling is located at the northern eastern end of the street and differs from the other original houses on the street as it is detached and has an apex roof design with gable ends on the northern and southern elevations. In my opinion this detached dwelling which is from a more recent era, bears no resemblance to the style and design of the dwelling on the current appeal site which mirrors the hipped roof design of that of the adjoining dwelling at No.51.
- 7.3.4. The applicants also argue that a precedent has been set by the permission approved under P.A. Ref 2249/07 on the adjoining dwelling at No.51 Elm Mount Rise. This permission for the conversion of the in situ hipped roof to an apex style roof and installation of a dormer window to the rear roof slope was granted in 2007, however the approved works were never executed, this was confirmed on site visit. It was also noted that an existing single skylight window exists on the rear roof slope of the appeal site which is shown on the 'Existing Rear Elevation' (Drawing No.204) but not on the submitted 'Existing Roof Plan' (Drawing No. 203). The applicants seek to insert a large box dormer window of 4m in length and 3.792m width in place of this skylight. With regard to the issue of precedent set, although noted that a previous permission did exist at No.51 which allowed for a similar development to that proposed in the appeal, this permission was granted under the policy of the previous Development Plan 2005 – 2011 and same permission has expired. No other similar development has been granted under the current development plan on the same street – Elm Mount Rise.
- 7.3.5. Whilst the appeal places significant emphasis on the precedent set by the existing gable ended extensions on other streets in the vicinity also, it is the function of the Planning Authority and the An Bord Pleanála to assess each application on its individual planning merits and the relevant policy currently in place both nationally and locally. In the case of the current appeal those examples given would have been assessed under the previous policy as listed in previous development plans. The

current appeal is examined in more detail below in relation to the applicable policy of the current Dublin City Development Plan 2016-2022.

7.4. Roof Alteration

7.4.1. With regard the roof alterations proposed in the application and the appeal in relation to Condition No. 3(a), Section 16.2.2.3 of the Dublin City Development Plan 'Alterations and Extensions' is relevant and specifically states the following;

'alterations and extensions at roof level, including roof terraces, are to respect the scale, elevational proportions and architectural form of the building, and will:

- *Respect the uniformity of terraces or groups of buildings with a consistent roofline and will not adversely affect the character of terraces with an attractive varied roofline.*
- *Not result in the loss of roof forms, roof coverings or roof features (such as chimney stacks) where these are of historic interest or contribute to local character and distinctiveness.*

7.4.2. The appeal site forms part of a pair of semi-detached two storey dwellings with hipped roofs. The remainder of the houses along Elm Mount Rise, bar one newer dwelling built circa 2006 (No.56A) at the northern end of the road, all have retained their hipped roof design. The Development Plan under Section 16.2.2.3 clearly seeks to retain these types of features and the uniformity of groups of buildings such as those along Elm Mount Rise. In particular, Section 16.2.2.3 makes reference to the loss of roof forms which contribute to local character, the existing house and the surrounding semi-detached houses on the same street are characterised by their fully hipped roofs.

7.4.3. Section 16.10.12 Extension and Alterations to Dwellings supports this idea further by stating *'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'*.

7.4.4. In addition to the above Appendix 17 of Volume 2 of the Development Plan 2016-2022, Section 17.11 is also relevant and states the following;

The roof line of a building is one of its most dominant features and it is important that any proposal to change the shape, pitch, cladding or ornament of a roof is carefully

considered. If not treated sympathetically, dormer extensions can cause problems for immediate neighbours and in the way a street is viewed as a whole'.

The dwelling forms one of a pair of semidetached houses and the proposed development would be visually incongruous in the streetscape and would seriously injure the visual amenities of the area. The proposed alteration of the roof profile from the existing fully hipped roof to a standard 'A' pitched apex gable would not reflect the character of the existing area nor the era in which the houses were constructed. It is also my belief that permitting such a development and alteration to the roof profile would set a precedent for similar undesirable development on the street which would be contrary to Section 16.2.2.3 and Appendix 17 of the current Development Plan.

- 7.4.5. The Board should note that the remainder of the condition 3 (Parts b and c) seeks to modify the proposal further to ensure that the proposed box dormer window on the rear roof slope is kept subordinate to the main the main roof slope. The condition therefore seeks to reduce the 'box' extension to a maximum width of 2 metres and for it not to project past the slope of the existing hipped roof and therefore it is not to be visible from the public elevation (front elevation). These requirements are in line with Section 16.10.12 of Volume 1 and Section 17.11 of Appendix 17 of the current Development Plan.

8.0 Recommendation

- 8.1. 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 Planning Authority under subsection (1) of section 139 of the Planning and Development Act, 2000 (as amended), to ATTACH condition number 3 in its entirety.

9.0 Reasons and Considerations

- 9.1. Having regard to the nature and scale of the proposed development and the existing pattern and design of development in the area, it is considered that, the removal of condition 3 (a) which retains the existing hipped roof profile would impact negatively

on the visual the amenities of the area, the uniformity of property in the vicinity and would set a precedent for similar undesirable development on the street and would therefore be contrary to Section 16.2.2.3 and Appendix 17, Section 17.11 of the Dublin City Development Plan 2016-2022. Therefore, the planning authority's Condition 3 (a) is warranted.

Máire Daly
Planning Inspector

01st September 2020