



**Development**

- (1) To replace the existing hip roof with gable roof to the side
- (2) Change of use of attic to storage
- (3) 1no. rooflight to the front roof
- (4) 2no. rooflights to the rear roof
- (5) 3no. obscured glazed windows to the side gable and all associated site works

**Location**

35, Dollymount Park, Clontarf, Dublin  
3

**Planning Authority**

Dublin City Council

**Planning Authority Reg. Ref.**

2851/20

**Applicant(s)**

Damian Kowalski and Aleksandra  
Bereza Kowalska

**Type of Application**

Permission

**Planning Authority Decision**

Grant permission subject to conditions

**Type of Appeal**

First Party v. Condition

**Appellant(s)**

Damian Kowalski and Aleksandra  
Bereza Kowalska

**Observer(s)**

None.

**Date of Site Inspection**

17<sup>th</sup> November 2020

**Inspector**

Máire Daly

## 1.0 Site Location and Description

- 1.1. The site comprises a 2-storey end of terrace dwelling with a hipped end roof, in a mature suburban location close to the wooden bridge on the Clontarf Road, approximately 6km from Dublin city centre. No. 35 Dollymount Park is located on the eastern side of the street. An access laneway runs along the southern boundary of the site which provides access to the rear of the properties and their respective garages.
- 1.2. Many of the houses in the area have been extended over the years, including the insertion of rooflights in the front roof and amendments to roof profiles. Both of the dwellings to the north of No.35 have box dormer extensions on the rear roof slopes and no. 39 at the end of the row has a dormer window on the side (northern) roof slope.

## 2.0 Proposed Development

- 2.1. The proposed development comprises:
  - Replacement of existing hip roof with gable roof to the southern side;
  - Change of use of attic to storage/office (24.7sq m);
  - 1no. rooflight to the front roof;
  - 2no. rooflights to the rear roof; and
  - 3no. obscured glazed windows to the side gable.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority decided to grant permission subject to 9 conditions, most of which are of a standard nature, but also including the following Condition No.2:

*The development hereby approved shall incorporate the following amendments:*

*a) The gable roof shall be omitted and replaced by a side dormer structure similar to those already approved along this street such as at No. 67 Dollymount Park (WEB1275/19) but with a hipped roof profile as seen to No. 38 Dollymount Park (3342/10),*

*b) The attic level obscure glazed window on the gable shall be omitted and replaced by a similar obscure glazed and non-opening window in the side facing wall of the side dormer,*

*c) The south facing window serving the box bedroom shall be omitted,*

*d) The first floor landing window shall be fitted and permanently retained in obscure non-opening glazing.*

*Reason: In the interest of the residential and visual amenities of the area.*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

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

- The area planner highlights that there is no precedent on the street for a full gabled roof and states that certain dwellings have side dormers and one has a half hip feature. They state that in this case a side dormer would be more consistent with the streetscape and would be considered a reasonable requirement.
- The area planner has no issues with the proposed change of use from attic to storage space, nor the additional rooflights proposed on the front and rear roof slopes.
- It is noted that there are four windows proposed on the gable rather than three as stated in the description of the proposal.
- The gable window proposed to serve the third bedroom, which is already served by a window on the front/western elevation is superfluous and would give rise to perceived overlooking of the dwelling to the south. The area planner recommended omitting this window by way of condition.

- The area planner states that the first-floor landing window would serve a non-habitable space and subject to the glazing being fully obscured and non-opening would be acceptable.
- As part of the proposed amendment required above (replacement of gabled roof with side dormer structure) this attic level window would not be accommodated and would instead be replaced by a dormer structure. The planner states that this window would be required to be obscure and non-opening.
- The proposed ground floor gable high-level window facing onto the service lane is acceptable.

### 3.2.2. Other Technical Reports

DCC - Engineering Department (Drainage Division) Report dated 10/07/2020 states no objection, subject to conditions.

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

None.

## 4.0 Planning History

4.1. No relevant history on site.

4.2. Nearby sites of relevance:

#### No.67 Dollymount Park

- P.A. Ref. DCC 3030/20 – 2020 – Permission sought for replacement of the existing hipped roof with a full gable to the side with an obscured window at second floor and then an attic dormer roof extension to the rear, rooflight to the front roof, all to serve use of the attic as a bedroom. Permission granted; condition no.2 below was noted:

*The development hereby approved shall incorporate the following amendments:*

*a) The gable roof shall be omitted and replaced by a side dormer structure matching that already approved under WEB1275/19 subject to the conditions of that permission,*

*b) The rear dormer shall be reduced in width to not exceed 2.5m. This dormer may occupy a portion of the side wall of the side dormer hereby approved provided the roof of the rear dormer does not exceed the height of the ridge of the side dormer.*

*REASON: In the interest of the residential and visual amenities of the area and in accordance with Development Plan policies, in particular Appendix 17.11.*

- P.A. Ref: Dublin City Council (DCC) WEB1275/19 - 2019 - Permission granted for construction of new dormer and window to the side of the house. Condition no. 2 stated the following:

*The side dormer roof shall be hipped to match the pitch of the main house roof. The applicant is directed to the example at No. 38 Dollymount Park, Reg. Ref. 3342/10.*

*Reason: In the interests of visual amenity.*

#### No. 16 Dollymount Park

- ABP REF. PI 29N.245542 – 2015 - Permission sought for extension and attic conversion including alteration to hipped roof into gabled roof with dormer and planter box. Permission granted for development with alterations to roof profile to include a partially hipped gable, as outlined in condition no.2 as follows:

*The development shall be amended as follows:*

- (i) *The proposed alterations to roof profile shall match those on the adjoining property, No. 17 Dollymount Park.....*

### No. 95 Dollymount Park

- ABP Ref. 3026233 (P.A. Ref 3463/18) – 2018 - 95 Dollymount Park, Permission granted for construction of a single storey extension with attic conversion – condition 3 amended on appeal.

### No. 99 Dollymount Park

- PL29N.305671-19 (3607/19) – 2019 - 99 Dollymount Park. Permission granted for construction of single storey rear extension and new attic room with dormer roof construction to rear with new roof lights to the front – condition 2 amended on appeal.

### No. 38 Dollymount Park

- P.A. Ref. DCC 3342/10 – 2010 - Permission granted for loft conversion with dormer structure to gable end of roof and velux windows to rear roof.

## 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
  - Section 16.10.12 Extension and Alterations to Dwellings
  - Volume 2 - Section 17.11 Roof Extensions

## 5.2. Natural Heritage Designations

None relevant.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The applicant has appealed Condition No.2 (a) relating to the omission of the gable roof and its replacement by a side dormer structure similar to those already approved along this street such as at No. 67 Dollymount Park (WEB1275/19) but with a hipped roof profile as seen to No. 38 Dollymount Park (3342/10). The grounds of appeal can be summarised as follows:

- Condition no. 2(a) would severely reduce the usability of the attic space. A side dormer would not allow for the access stair to attic level and the remaining space would be very small and would not be suitable for a home office.
- The original gable proposal would allow for 21.5sqm useable space with limited head space to the front and rear of the room. If this condition is implemented the available space would be reduced to 15sqm.
- WEB1275/19 is referenced in condition no.2 (a). The owners of this property at no.67 have submitted a new application (P.A. Ref. 3030/20 referenced above) to replace the hipped roof with a gabled roof similar to the proposal under the current appeal. (The Board should note that this application has since been granted, however condition no.2 still omits the gable roof, details can be seen under Section 4 above).
- The applicant references no. 9,16,17 and 97 Dollymount Park which have either a gable or part gable roof (Photos submitted). The applicants feel that these examples do not adversely impact on the elevational aspects to these properties or adjoining properties.
- The applicant also refers to the permission granted at no.5 Dollymount Park under P.A. REF. 3260/19 and draws comparison between the current appeal site and no.5 as both are end terraced house.



## 6.2. Planning Authority Response

- No response received to the grounds of appeal.

## 6.3. Observations

- None.

## 7.0 Assessment

7.1. This is a first-party appeal only against Condition no. 2 (a) attached to the Planning Authority's decision to grant permission. Condition No. 2 (a) omits the gable roof and states it is to be replaced by a side dormer structure similar to those already approved along this street such as at No. 67 Dollymount Park (P.A. Ref: WEB1275/19) but with a hipped roof profile as seen to No. 38 Dollymount Park (P.A. Ref: 3342/10).

7.2. Having regard to the nature and scale of the proposed development and the nature of Condition no.2 (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. I also note that no objections were received to the original planning application. 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. Other Attic Conversions in the Vicinity

7.3.1. I note the applicants' reference to several other planning applications in the vicinity, in particular I note the reference made to no.16 Dollymount Park (P.A. Ref 3223/15) and the photo included as part of the appeal documentation. This application was subsequently appealed to the Board and granted under ABP PL 29N.245542 with a condition attached stating that '*The proposed alterations to roof profile shall match those on the adjoining property, No. 17 Dollymount Park*'. The Board should note that no.17 has a hipped roof profile and therefore the approved roof profile at no.16 would also have been expected to have same. The applicants' reference to any precedence set in this case is therefore not valid, as it would appear the

development was not constructed in accordance with the granted permission as a gabled roof is now present on site.

- 7.3.2. Apart from the example above, I also note the applicants' reference to numbers 9 and 97, which have incorporated partial hipped roof profiles into their attic conversion works. In addition I note the applicants' reference to no. 5 Dollymount Park which is also an end of terrace dwelling, which was granted permission by DCC for a gable similar to that proposed by the applicant. However, the Board should note that this development differs somewhat from the current proposal, as a two-storey extension was also proposed to the front of the house as part of the development. The area planner in an attempt to maintain some form of consistency in the approach to design along the street attached the following condition no. 3 (c) to ensure that a hipped roof profile element was kept on the dwelling '*The roof of the two storey front extension shall be altered to a pitched hip roof with a main ridge no higher than one metre above the eaves level. The applicant is directed to the existing examples on Dollymount Rise*'.

#### **7.4. Proposed Change to Roof Profile**

- 7.4.1. With regard to Condition 2 (a) and the proposed change to the roof profile, I acknowledge the reasoning behind this element of the proposal made by the applicant. However, I consider that the change from hipped roof to a full gable ended roof would be out of character for an end of terrace dwelling in an area where hipped roofs dominate and would detract from the streetscape at this location. While on site I noted the partially hipped roof at No.63 Dollymount Park and consider that a roof profile similar to this would be more acceptable and also allow a sufficiently sized attic conversion. If the Board are minded to amend Condition no. 2 (a) as suggested above and outlined in Section 8 below, then Condition 2 (b) which references the side dormer window and attic level obscured glazed window will subsequently also need to be amended accordingly.
- 7.4.2. In summary, I consider that the proposal for a fully gabled roof as put forward by the applicant would set a precedent for other similar type developments in the vicinity, whereas a roof profile similar to that at No. 63 would integrate better with the existing house designs along the streetscape, while still allowing for the attic conversion

sought. I therefore consider that this element of the proposal should be amended, the details of which are set out below.

## 7.5. **Appropriate Assessment**

- 7.5.1. 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. 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 **AMEND** condition number 2 as follows:

2. The development hereby approved shall incorporate the following amendments:

- a) The proposed alterations to the roof profile shall incorporate a partial gable similar to that already in existence along the street at No. 63 Dollymount Park.
- b) The attic level obscured glazed window on the gable shall be omitted.
- c) The south facing window serving the box bedroom shall be omitted,
- d) The first-floor landing window shall be fitted and permanently retained in obscure non-opening glazing.

Revised drawings showing compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the residential and visual amenities of the area.

## 9.0 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 an amendment to the proposed roof to incorporate a partially gabled profile would be acceptable and 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.

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Máire Daly  
Planning Inspector

18<sup>th</sup> November 2020