



An  
Bord  
Pleanála

## Inspector's Report ABP-308048-20.

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<b>Development</b>	Permission for residential extension.
<b>Location</b>	36, Rialto Street, Rialto, Dublin 8, D08 R65N.
<b>Planning Authority</b>	Dublin City Council.
<b>Planning Authority Reg. Ref.</b>	WEB1330/20.
<b>Applicant(s)</b>	Gerard & Shannon Dore.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant with Conditions.
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Gerard & Shannon Dore.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	23/10/2020.
<b>Inspector</b>	A. Considine.

## 1.0 Site Location and Description

- 1.1. The subject site is located between St. James Walk, and St. James's Hospital, to the north and the South Circular Road to the south, in an area known as Rialto Cottages to the south west of Dublin City Centre. The site lies within 150m of the Rialto Luas stop and Rialto Street runs in an approximate north to south direction, with the Rialto Cottages, in the form of primarily single storey cottages on cul-de-sacs, located off the street.
- 1.2. The houses onto Rialto Street comprise terraces of two storey houses with Rialto Court, located to the north of the subject site, including 3 storey apartment building. The buildings in this area of Dublin City comprise a mix of red brick and pale brick and the area retains its distinct character from when originally developed.
- 1.3. The site has a stated area of 49.3m<sup>2</sup> and comprises a mid-terrace house with an overall existing floor area 73.5m<sup>2</sup>. Accommodation within the existing house is provided over 2 floors including an open plan kitchen / living / dining room and shower room at ground floor level and two bedrooms at first floor level. The existing house is also served by a small courtyard to the rear of the site. The rear of the site opens onto a gated rear laneway which runs to the rear of the houses. This rear laneway is accessed via a doorway to the north of the lane, while the southern end of the lane is walled and inaccessible. It is unclear if the laneway is accessible to all of the houses along Rialto Street and I could not gain access on the date of my site inspection.

## 2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices for a development which consists of a dormer roof extension to the rear of the property to accommodate a studio / bedroom and restroom. There is also provision for improved vertical circulation in the house via an extension return to the rear at first floor level providing improved access to the attic room level. There is a provision for an increase in the overall height of building of 150mm above the existing roof ridge level to the rear of the property. The dormer extension will be set back behind the existing roof ridge level so as not to be seen from Rialto Street. Other works include modified roof light over kitchen area and improved access to the courtyard to the rear of the property at ground floor level.

Renovation and alterations to the existing buildings including all associated site works all at 36, Rialto Street, Rialto, Dublin 8, D08 R65N.

2.2. The application included a number of supporting documents including as follows;

- Plans, particulars and completed planning application form
- Cover letter
- A Design Statement Brochure
- Letter of support from neighbours at No. 34 Rialto Street.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

The Planning Authority decided to grant planning permission for the proposed development subject to 8 conditions including the following conditions:

2. The development shall be revised as follows:

The new roof structure shall not exceed the ridge height of the existing roof plane. The development shall not commence until revised plans, drawings and particulars showing the above amendment have been submitted to and agreed in writing by the Planning Authority.

**Reason:** In the interests of orderly development and visual amenity.

4. The attic space hereby approved shall be used for household storage / study / playroom only and not as a bedroom.

**Reason:** In the interest of maintaining an adequate standard of residential amenity.

#### 3.2. **Planning Authority Reports**

##### 3.2.1. **Planning Reports**

The Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports and the City

Development Plan policies and objectives. The report also includes an Appropriate Assessment Screening and EIA section.

The Planning Report concludes that proposed development is acceptable in principle but notes that the site forms part of a terrace which displays a coherent and uniform roof profile and that a variation at this location would result in a visually discordant element in the streetscape and would result in an undesirable precedent in the conservation area. The Planning Officer recommends that permission be granted for the proposed development, subject to 8 conditions, including one that ensures that the dormer does not exceed the height of the dwelling.

This Planning Report formed the basis of the Planning Authority's decision to grant planning permission.

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

**Engineering Department:** No objection subject to compliance with conditions.

### **3.2.3. Prescribed Bodies**

None.

### **3.2.4. Third Party Submissions**

None.

## **4.0 Planning History**

There is no relevant planning history pertaining to the subject site.

## **5.0 Policy and Context**

### **5.1. Development Plan**

5.1.1. The Dublin City Development Plan 2016 – 2022, is the relevant policy document relating to the subject site. Under the Plan, the subject site is zoned Z2, where it is the stated objective 'To protect and/or improve the amenities of residential conservation areas'.

5.1.2. Chapter 11 of the CDP deals with Built Heritage and Culture and Section 11.1.5.4 deals with Architectural Conservation Areas and Conservation Areas where it is

stated that DCC will seek 'to ensure that development proposals within all Architectural Conservation Areas and Conservation Areas complement the character of the area, including the setting of protected structures, and comply with development standards'. The following policy is relevant in the context of the proposed development site:

**CHC4:** To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

Enhancement opportunities may include:

1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting
2. Re-instatement of missing architectural detail or other important features
3. Improvement of open spaces and the wider public realm, and re-instatement of historic routes and characteristic plot patterns
4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area
5. The repair and retention of shop- and pub-fronts of architectural interest.

Development will not:

1. Harm buildings, spaces, original street patterns or other features which contribute positively to the special interest of the Conservation Area
2. Involve the loss of traditional, historic or important building forms, features, and detailing including roofscapes, shop-fronts, doors, windows and other decorative detail
3. Introduce design details and materials, such as uPVC, aluminium and inappropriately designed or dimensioned timber windows and doors
4. Harm the setting of a Conservation Area

5. Constitute a visually obtrusive or dominant form.

Changes of use will be acceptable where, in compliance with the zoning objective, they make a positive contribution to the character, function and appearance of Conservation Areas and their settings.

The Council will consider the contribution of existing uses to the special interest of an area when assessing change of use applications and will promote compatible uses which ensure future long-term viability.

5.1.3. Volume 2 of the City Development Plan includes appendices. Appendix 17 of the CDP provides guidelines for residential extensions. Section 17.10 deals with contemporary extensions while Section 17.11 deals with roof extensions, including dormers. Section 17.11 provides that '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. **National Inventory of Architectural Heritage**

The National Inventory of Architectural Heritage (NIAH) is a unit within the Department of Environment, Heritage and Local Government engaged in compiling an evaluated record of the architectural heritage of Ireland. Where an NIAH survey of a particular area has been published, relevant planning authorities will be provided with information on structures within the area of that survey. The planning authority can assess the content of, and the evaluations in, an NIAH survey with a view to the

inclusion of structures in the RPS according to the criteria outlined in these guidelines.

The house, together with all of the houses in this area of Rialto, are structures listed on the NIAH. The subject site, NIAH ref 50080211, is identified as a house dating from 1890-1900 and having a local rating. No further details are available from the NIAH relating to the building.

### **5.3. Natural Heritage Designations**

The site is not located within any designated site. The closest Natura 2000 site is the the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) which is located approximately 5.5km to the east of the site. The Rockabill to Dalkey Island SAC (Site Code 003000) is located approximately 13.8km to the east.

The South Dublin Bay pNHA, (Site Code 000210), is located approximately 5.5km to the east of the site while North Dublin Bay pNHA (Site Code 000206) is located approximately 5.1km to the north east of the site.

### **5.4. EIA Screening**

Having regard to nature and scale of the development, together with the brownfield nature of the site, 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**

This is a first party appeal against the decision of the Planning Authority to include condition 2 in the decision to grant planning permission for the proposed development. This condition requires the amendment of the development such that the new roof structure shall not exceed the ridge height of the existing roof plane. Revised plans are required to be submitted for agreement. The issues raised are summarised as follows:

- It is submitted that the dormer extension will be set back behind the existing roof ridge level so as not to be seen from Rialto Street.
- The development proposes a floor to ceiling height of 2m at attic level. 2.2m is not achieved as detailed in the PAs report. A further reduction as required by condition will render the room non-usable.
- The design of the proposal has considered the visual impact from Rialto Street. The extension will be recessed from the ridge level and will be hidden from street level and from first floor level of similar houses at the other side of the street.
- The proposal adapts the house to modern lifestyles. Examples of similar proposals submitted.
- There is no other option to extend the property given the limited site.
- Letter of support from neighbours submitted.

## 6.2. **Planning Authority Response**

None.

## 6.3. **Observations**

None.

## 7.0 **Assessment**

- 7.1. Having regard to the nature of this appeal, and having undertaken a site visit, as well as considering the information submitted, and proposed development, the Board will note that the appeal relates solely to the inclusion of condition 2 in the grant of permission. I am satisfied that the principle of the proposed development is acceptable given the location of the site and the zoning afforded to the area. As such, I consider it reasonable to treat this case under Section 139 of the Planning and Development Act, 2000 as amended and the merits of the inclusion of the condition should only be considered.



7.2. Condition 2 of the grant of permission states as follows:

The development shall be revised as follows:

The new roof structure shall not exceed the ridge height of the existing roof plane. The development shall not commence until revised plans, drawings and particulars showing the above amendment have been submitted to and agreed in writing by the Planning Authority.

**Reason:** In the interests of orderly development and visual amenity.

7.3. The first party submits that the imposition of the condition will render the attic space unusable as required as it will be inaccessible to stand in, in accordance with Part B Fire Safety Technical Guidance Document. It is submitted that the design of the dormer extension is recessed from the ridge level in a way that it will be hidden from street level and from first floor windows of house across the street from the site.

7.4. The site is located within a long established and attractive urban residential area which include mix of two storey artisan terraced dwellings and single storey terraced dwellings, dating from the late 19<sup>th</sup> century. Rialto Street, comprising primarily terraces of two storey houses, runs almost in a north to south direction, with Rialto Cottages, primarily single storey terraces, running in an east west direction off Rialto Street. To the north of the subject site, there is a three-storey multi-residential building.

7.5. The existing house on the site is a mid-terraced two storey, two bedroomed house, fronting onto Rialto Street. The terrace is uniform in terms of ridge height and roof form. The house has a floor to ceiling height at first floor level of 2.89m with the current attic space rising to 1.395m. The development proposes to reduce the first-floor ceiling height to increase the attic head height. The increase in the overall ridge height by 150mm will result in the head height in the attic room being 2m. The plans submitted to the PA identify the proposed attic room as a bedroom, while the text in accompanying reports suggest a multi-use room.

7.6. The site is located within an area zoned Z2 where it is the stated objective 'to protect and / or improve the amenities of residential conservation areas'. Section 16.7 of the Plan deals with Building Height and notes that there is a recognised need to protect conservation areas and the architectural character of existing buildings, streets and spaces of artistic, civic or historic importance. Section 16.10.12 of Volume 1 of the

CDP deals with extensions and alterations to dwellings, requiring that the design of residential extensions have regard to the amenities of adjoining properties.

- 7.7. Section 17.11 of Volume 2, Appendices to the Dublin City Development Plan, deals with roof extensions. In this regard, the plan notes that ‘the roofline 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.’ The plan provides that when extending in the roof, a number of principles should be observed, including that the design of dormer windows should reflect the character of the area and should be visually subordinate to the roof slope. I consider that a grant of permission in this instance will impact on the character of the wider Rialto Street area.
- 7.8. The Planning Authority included Condition 2 in its decision to grant permission on the basis that the room was not suitable for use as a bedroom, given the restricted head height. In addition, it was considered that the variation to the roof profile would result in a visual discordant element in the streetscape, which currently enjoys a very uniform and coherent roof profile for all of the houses in the vicinity. The change to the roof is considered to set an undesirable precedent in this residential conservation area.
- 7.9. While I acknowledge the submission of the first party appellant, I would concur with the planning authority in this instance. Having undertaken a site inspection, I could not find any significant alterations to the roof scape of properties in the vicinity and I would agree that the omission of condition 2 as written by the Planning Authority, would certainly introduce a new visual element to this attractive residential area would set an undesirable precedent for similar developments in the area, which would erode the character of the conservation area.
- 7.10. In terms of Appropriate Assessment, given the location of the subject site within an established and mature residential area, together with the nature of the proposed development, I am satisfied that there is no potential for impact on any Natura 2000 site, warranting AA.

## 8.0 Recommendation

I recommend that planning authority be directed, in accordance with Section 139, Subsection (1) of the Planning & Development Act, 2000-2011, to RETAIN condition 2 of the grant of planning permission for the following stated reasons and considerations.

## 9.0 Reasons and Considerations

- 9.1. Having regard to the pattern of development in the area, the zoning objective associated with the site and the wider residential conservation area, it is considered that the inclusion of Condition 2 as written is necessary to protect the architectural character of Rialto Cottages and Rialto Street, in the interest of visual and residential amenity and the proper planning and sustainable development of the area.

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A. Considine

Planning Inspector

10<sup>th</sup> November 2020