



An
Bord
Pleanála

Inspector's Report ABP 308237-20.

Development	Retention and completion of attic conversion and dormer window and reinstatement of a chimney.
Location	No 10 Gulistan Terrace, Rathmines, Dublin 6.
Planning Authority	Dublin City Council
P. A. Reg. Ref.	1407/20
Applicant	Leanne Grehan.
Type of Application	Permission and permission for retention.
Decision	Refuse Permission and permission for retention.
Type of Appeal	First Party X Refusal
Appellant	Leanne Grehan.
Observers	Maria Murray Anthony Cullen Philip O'Reilly.
Date of Site Inspection	23 rd December, 2020.
Inspector	Jane Dennehy

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1.0 Site Location and Description

- 1.1. The site of the proposed development is that of a mid-terrace artisan's cottage with a small rear yard space at Gullistan Place off Gullistan Terrace, off Mountpleasant Avenue to the east of Rathmines and west of Ranelagh. The pitched roof has been altered and raised at the rear providing for installation of a larger box dormer extension. There is a single storey projecting element at ground floor level with a flat roof along the perimeter of which, on the west and south sides there is a parapet wall the stated height of which is 3.74 metres.
- 1.2. Several of the cottages have been extended at ground and/or upper levels but generally, the uniformity of artisan scale and characteristics have survived.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for permission for retention and completion of an attic conversion for use as a bedroom and the dormer window in the rear roof slope. The drawings indicate a raised parapet above the original eaves level at the rear providing for a dormer extension across the entire width and depth of the altered roof slope which provides for the ensuite bedroom with a window in the rear façade and obscure glazed window of the bathroom.
- 2.2. The application also includes proposals for installation of a dummy chimney to replace the original chimney which has been removed.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. By order dated, 24th August, 2020 the planning authority decided to refuse permission and permission for retention based on the reason reproduced below.

“Having regard to the requirements of the Dublin City Development Plan 2016-2022, and in particular the Z1 zoning objective and sections 16.10.12 and 17.10, it is considered the dormer window, due to its scale and design is out of character with the form of the existing cottage and adjoining dwellings

and is visually incongruous to the streetscape of the area and has seriously injured the residential amenity of adjoining properties in terms of overbearing, enclosure and overlooking. It is therefore considered that this development, if permitted, would set an undesirable precedent and be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

- 3.2.1. The **planning officer** in her report states that the dormer is not subordinate to the roof slope, increase the ridge height and is contrary to the CDP in that it does not respect the uniformity in the street, is visually overbearing and obtrusive and would set unacceptable precedent. It is also stated that the dormer overlooks adjoining properties.
- 3.2.2. The **Drainage Division** indicates no objection to the proposed development in its report.

3.3. Third Party Observations

- 3.3.1. Submissions were lodged by three parties each of which have lodged observations on the appeal in which concerns as to adverse impact on residential amenity and incompatible design and excessive scale are raised.

4.0 Planning History

- 4.1. There is no record of planning history for the application site, but the planning authority has a current enforcement file relating to the dormer extension subject of the current application. (E0849/19 refers.)

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Dublin City Development Plan 2016-2022 according to which site is within an area subject to the zoning objective Z1: *'To protect, provide and improve residential amenities.'*

Guidance and standard for Extensions and Alterations to Dwellings are set out in Section 16.10.12 and Appendix 17.

According to section 16.10.12 it should be demonstrated that the proposal will not have an adverse impact on the scale and character of the dwelling or amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.

According to Section 17.10 of Appendix 17 dormer extension design should reflect the character of the area, surrounding buildings and the age and appearance of the existing building; dormers should be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible and, any new window should relate to the shape, size, position and design of the existing doors and windows on the lower floors.

6.0 The Appeal

6.1. Grounds of Appeal

An appeal was lodged by Duignan Dooley on behalf of the applicant on 22nd September, 2020. Some photographs are attached. According to the appeal:

- The proposed development improves the property and does not materially affect the appearance of the structure to render it inconsistent with the character of that of neighbouring structures.
- The attic extension is almost identical to the extension at No 9 Gullistan Terrace permitted under P.A. Reg. Ref. 2767/02 as is evident from an aerial photograph. This grant of permission establishes precedent for the proposed development.
- The dormer is not out of scale and is not visible from the front of Nos 9, 10 and 11 Gullistan Terrace, so it is not out of character in that the cottage is preserved. The streetscape is formed from the front and not by rear extensions.
- It is acknowledged that the removal of the chimney has altered the external appearance and detracts from the streetscape therefore there are proposals for installation of a replacement in the application.
- The dormer adjoins the rear and the side of properties and matches their scale. It does not enclose them and is not capable of enclosing or being overbearing on adjoining properties and it does not overlook surrounding properties.
- There is extensive precedent for the proposed development which can be taken from several permitted developments at Nos. 55, 53, 48, 40, 39, 35, 12, and 9 Gullistan Terrace. (Details of the Register References are provided.)
- Owing to the zoning objective and the tight urban grain at Gullistan Terrace, many properties have been extended at both ground and first floor levels. Equal weight should be given to improvement of properties with the objections of adjoining property owners. The existing property and its site are very restricted and confined but the first-floor extension allows for substantial improvements and high standard accommodation which helps regeneration in the area.
- The high rear boundaries limit potential overlooking in the back-to-back layout of the cottages. Exhibits C and D demonstrate that there are no views into the private areas of the adjoining properties. The entire rear yard at No 11

Gullistan Terrace is enclosed by a single storey extension. The roof profile and dormer shape are such that the proposed development does not affect sunlight and daylight received by adjoining properties.

6.2. Planning Authority Response

There is no submission from the planning authority on file.

6.3. Observations

6.3.1. Submissions were lodged by three parties who request that permission be refused. The parties are:

Ms Maria Murray

Mr Anthony Cullen and,

Mr. Philip O'Reilly.

6.3.2. According to the submissions of Mr. Cullen, occupant of No 11 Gullistan Cottages, the end of terrace unit adjoining the application site who supports the decision to refuse permission for retention:

- The dormer extension overshadows a velux rooflight at his property in that it is positioned within 0.45 metres of the party boundary and has an increased ridge height. There is a window to the front but there are no rear, west facing windows to light the living room at No 11 other than the rooflights. A shadow study should have been included in the application.
- The development is overbearing, and the selection of materials is insensitive and inappropriate.
- The permitted developments referred to in the appeal are not similar to the proposed development. Observations are provided on several previously approved dormer extension developments which Mr Cullen considers acceptable. It is submitted that permitted development at No 35 and NO 55 are good examples of best practice for dormer development. Copies of drawings, photographs are included in the submission.

- 6.3.3. According to the submission of **Ms Murray**, occupant of No 14 Gulistan Cottages the mid terrace unit to the rear of the application site the proposed development is contrary to section 16.10.12 of the CDP. It adversely affects the residential amenities of her property by reason of its size and overlooks the bedroom and bathroom at her property. She states permission was refused for a similar development at No 20 Gullistan Cottages. (WEB1045/ PL 236934 refers)
- 6.3.4. According to the submission **Mr. O'Reilly**, irrespective of whether or not the Gulistan Terrace Cottages are included on the record of protected structures, they should be maintained and not be altered so much that the character and scale as cottages is no longer maintained Alterations should respect the scale, mass, size and character of the original structures and remain subordinate and subservient to the main house.

7.0 **Assessment**

- 7.1. The issues central to the determination of a decision are considered below under the following sub-headings:

Visual impact; scale, form and design -

Impact on amenities of adjoining properties

Precedent

Environmental Impact Assessment Screening

Appropriate Assessment Screening.

7.2. **Visual Impact; Scale, form and design -**

- 7.2.1. It is agreed with the applicant's agent that the extension at dormer level is not visible in views along Gullistan Place in that the original roof ridge height is not exceeded. However, the removal of the chimney is regrettable omission in streetscape views, but the impact can be satisfactorily ameliorated by the proposed installation of a replacement. Visual impact on the streetscape views along Gullistan Place onto which Nos 1- 11 Gullistan Cottages have frontage with front doors opening directly onto the footpath is neutral.

7.2.2. The contention in the appeal that views towards a rear extension development is not relevant in terms of visual impact on existing and adjoining developments and their characteristics individually and in combination in the context of the established combined characteristics of surrounding development is not accepted. These considerations are provided for in the policies and guidance within the CDP having regard to section 16.10.12 according to which there should be no adverse impact on the scale and character of the dwelling. There is elaboration in Appendix 17.10 whereby dormer extension design should reflect the character of the area, surrounding buildings and the age and appearance of the existing building; dormers should be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible.

7.2.3. The dormer extension is visible within the vicinity of the junction of Gullistan Terrace off and the southern end of the *cul de sac* for Nos 34-55 Gulistan Cottages to the north side. The dormer structure extends across the entire width of the dwelling, and from the ridge to the eaves of the rear façade which has been raised and increased in height altering and replacing the original, steeper rear roof slope resulting in a box form of considerable massing elevated above the eaves height of the adjoining property. This development is entirely at odds with section 16.10.12 and the guidance in Section 17.10 of the CDP with regard to the impact on the character and scale of the cottage and that of the artisan cottages at Gullistan Terrace and the views of the planning officer as reflected in the reason attached to the decision to refuse permission are fully supported in this regard.

7.3. **Impact on amenities of adjoining properties**

7.3.1. The issues raised in the observer submission of the occupant of No 14 Gullistan Terrace have been noted and taken into consideration. No 14 Gulistan Cottages, the property directly at the rear, west side of the application site is not extended at attic level, but it has velux rooflights.. It is considered that the scope for overlooking of the internal accommodation from the dormer extension, is restricted by the raised parapets of the single storey flat roof element to the rear at ground floor level which does not form part of the current application.

- 7.3.2. However, that the proposed dormer extension in its large projecting box form, is excessive in scale and proportion, and is overbearing and intrusive in impact on this property and the significant projecting boxed form to ridge height of the dormer incorporating the raised eaves replacing the original roof slope across the entire width of the dwelling. The impact is exacerbated by the limited separation distance between dwellings. As such it is considered that it seriously injures the residential amenities and property value of No 14 Gullistan Cottages.
- 7.3.3. The issues raised in the observer submission of the occupant of No 11 Gullistan Terrace is the end of terrace cottage to the north side of the application site have been noted. This cottage has been extended at ground floor level into the rear yard and a velux roof light in the rear roof slope provides light in substitution for the original west facing fenestration in original rear facade. It is also considered that the proposed development has an overbearing, obtrusive and dominant impact on the amenities of this property owing to the significant projecting boxed form to ridge height of the dormer incorporating the raised eaves replacing the original roof slope across the entire width of the dwelling. It is also agreed that the dormer extension overshadows and obstructs sunlight to the rooflight in the rear roof slope at No 11 Gullistan Cottages. However, it would give rise to overlooking of this property.
- 7.3.4. There is no dispute that the characteristics along the rear of the rows of cottages at Gullistan Terrace have been altered by additions and extensions. There is no dispute about claim in the appeal that there should be a balanced approach providing for scope for enhancements and improvements to the cottages to provide for higher quality habitable accommodation without detrimental adverse impact on visual amenities and the established characteristics of a dwelling or group of dwellings. However, the current proposal is in this instance in providing for upgraded residential accommodation due to considerable adverse consequential impacts as discussed. The proposed development significantly affects the residential amenities of the properties of both the Observer parties to an undue degree and is visually obtrusive.

7.4. **Precedent.**

- 7.4.1. There are several rear dormer extensions to cottages at Gullistan Terrace which have been referred to for establishment of precedent in support of the applicant's

case whereas one of the observer parties, Mr. Cullen who occupies the adjoining cottage which has been extended, has claimed that these developments are not comparable and that indeed some of them are examples of good practice in dormer extension development. The current proposal has been considered on its own merits having regard to the provisions and requirements of the current CDP and to its design detail. As pointed out in the submissions in connection with the application and appeal several of the artisan cottages have been extended at attic level. Based on an overview, it is not apparent that any of these permitted developments share the same characteristics as the subject proposal, in which the original roof slope is replaced in entirety across the entire width and the eaves height raised. It appears that there is no comparable authorised development with a similar context at Gullistan Terrace from which precedent can be taken.

7.5. Environmental Impact Assessment Screening.

- 7.5.1. Having regard to the minor nature and scale of the development proposed and its inner urban location in an area removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.6. Appropriate Assessment.

- 7.6.1. Having regard to the location of the site which is on serviced land in an inner urban area and, to the nature and scale of the proposed development, no appropriate assessment issues arise, the proposed development would not 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. Refusal of permission for retention and permission is recommended based on the following reasons and considerations.

9.0 Reasons and Considerations

It is considered that the proposed development, relative to the existing dwelling, by reason of the excessive form and scale and mass of the dormer extension, to ridge height and incorporating the raised eaves and roof slope across the entire width of the dwelling would be visually obtrusive and conspicuous and excessive in proportion to the existing cottage and the adjoining cottages. As a result the proposed dormer extension would be contrary to section 16.10.12 and Section 17.10, (Appendix 17) of the Dublin City Development Plan, 2016-2022, according to which dormer extensions should be visually subordinate in the roof slope, with a large proportion of the remaining roof slope being clearly visible, and, would adversely affect the visual amenities and established character of the cottages within the terrace, would seriously injure the residential amenities of adjoining properties, would set undesirable precedent for further similar development and, would be contrary to the proper planning and sustainable development of the area.

Jane Dennehy
Senior Planning Inspector
31st December, 2020.