



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308474-20

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<b>Development</b>	Alterations to existing dwelling, construction of a single storey flat roof extension to the rear, 2 storey extension to the front, dormer roof extension to the rear and side, ancillary structures and siteworks.
<b>Location</b>	407, Collinswood, Collins Avenue, Dublin 9
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	WEB1510/20
<b>Applicant(s)</b>	Ray & Ellen Malone
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	First Party vs. conditions
<b>Appellant(s)</b>	Ray & Ellen Malone
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	24 <sup>th</sup> November 2020
<b>Inspector</b>	Stephen Ward

## 1.0 Site Location and Description

- 1.1. The site is located approximately 1 kilometre southwest of Beaumont Hospital, within the Collinswood housing development, which is accessed off Collins Avenue to the south. The site contains an existing two-storey semi-detached dwelling and an associated yard and shed to the rear. There is a vehicular access and parking area to the front of the site. The site is of a regular rectangular shape and extends to a stated area of 177 sq.m.
- 1.2. The existing dwelling has a stated floor area of c. 90 sq.m. External wall finishes consist of a mixture of brick and plaster, with the hipped roof being finished in curved roof tiles. The surrounding houses are generally of a similar scale and character, although there are numerous examples of various extensions and alterations including dormer conversions / extensions.

## 2.0 Proposed Development

- 2.1. In summary, the development comprises the following:
  - Demolition of existing shed
  - Replacement of single storey pitched roof to the rear with modern flat roof
  - Single storey flat roof extension to the rear
  - Two storey extension to the front of the property
  - New window openings
  - Provide bike and bin store to the front garden
  - Widen existing vehicular entrance
  - Dormer roof extension to the side and rear.
- 2.2. The proposal involves an increase in gross floor area from c. 90 sq.m. to c. 139 sq.m. The overall height will be increased by approximately 110mm to the rear of the existing roof ridge.

## 3.0 Planning Authority Decision

### 3.1. Decision

By order dated 24th September 2020, Dublin City Council (DCC) issued notification of the decision to grant permission. Notable conditions attached to the permission are summarised below.

- Condition no. 2 requires that:
  - a) The two-storey front extension shall be reduced to a single storey porch
  - b) The full width rear dormer shall be omitted in its entirety
  - c) The single storey front porch shall have a pitched roof
  - d) A pitched roof side dormer shall be erected on the side roof plane (the applicant is directed to the example permitted at No. 402 Collinswood)
  - e) A flat roof dormer shall be erected on the rear roof plane (maximum width 2.8m, height not to exceed the existing ridge)

Reason: In the interests of orderly development and visual amenity

- Condition 3: The entrance widening is omitted

Reason: To comply with Development Plan standards

- Condition 5: The revised attic accommodation shall be used for home storage / office / study / play purposes only

Reason: To ensure a satisfactory standard of development

- Condition 6: Side walls of the side-dormer to match the existing roof finishes

Reason: In the interest of visual amenity

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The planner's report can be summarised as follows:

- No objection to front ground floor porch extension but the first-floor element would be without precedent, would be incongruous and out of character

- The proposed increased width of vehicular entrance would not be appropriate
- The proposed dormer is 'grossly overscaled', visually dominant and would have a serious and unacceptable impact on residential amenity
- Reference is made to other examples of suitable dormer extensions
- A grant of permission is recommended, subject to the amendments as outlined in the notification of decision.

### 3.2.2. Other Technical Reports

- Road Planning Division: Recommends refusal of the proposed entrance widening based on excessive width and Development Plan policy.
- Drainage Division: No objections subject to conditions.

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

There was one submission from Colm Faherty, 406 Collinswood. The submission objects to the proposal on the following grounds:

- The dormer will appear dominating when viewed from adjoining properties
- The dormer would overlook the rear garden of his property
- The 'fins for privacy' in the window are not an adequate solution
- Other examples of dormers in the estate are appropriately set back from the eaves or have high level windows, reducing the overlooking element.

## 4.0 Planning History

P.A. Ref. 3105/11: Permission granted by DCC for ground floor extensions to front and rear, first floor extension to the rear above existing ground floor extension, widen vehicular access and 4 new rooflights.

The planner's report also refers to several other permissions granted for attic conversions / extensions within this estate.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1 The operative Development Plan for the area is the Dublin City Development Plan 2016-2022. The site is zoned as 'Z1', the objective for which is '*To protect, provide and improve residential amenities*'.

5.1.2 Section 16.2.2.3 of the Plan is part of the general design standards and principles. It deals with 'Alterations and Extensions', which should be designed to respect the existing building, its context and the amenity of adjoining occupiers. Of relevance to the current application, it is stated that development should:

- Respect street uniformity, patterns and rhythms
- Retain a significant portion of garden / yard / enclosure
- Not detract from the architectural quality of the existing building
- Be confined to the rear in most cases
- Be clearly subordinate to the existing building in scale and design

5.1.3 Section 16.10.12 deals more specifically with 'Alterations and Extensions to Dwellings'. In summary, it is recommended that proposals should respect the visual amenity / character of the area and should protect the residential amenity of adjoining properties. Appendix 17 'Guidelines for Residential Extensions' sets out more detailed advice and principles in this regard.

### 5.2. Natural Heritage Designations

There are no Natura 2000 sites of any relevance to the proposed development.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The first party appeal seeks solely to remove Conditions 2 and 6 of the DCC decision. The grounds of appeal can be summarised as follows:

- The proposed two-storey front extension is needed to retain a 3<sup>rd</sup> bedroom and has been designed to match the existing style
- The restrictions on the rear dormer have implications for its usability. It has been designed as a contemporary option and reference is made to other examples. It will have a very low overshadowing impact
- The suggested side dormer does not provide sufficient space; is asymmetrical; raises issues regarding the interface with adjoining properties
- On the side walls of the side dormer it is proposed to use a zinc material to match the colour, proportions and pattern of existing tiles
- A 'Design Statement' report accompanies the appeal.

### 6.2. Planning Authority Response

None.

### 6.3. Observations

None.

## 7.0 Assessment

### 7.1. Nature of the appeal

- 7.1.1 The submitted appeal relates to condition no.'s 2 & 6 only. I consider that these conditions impose significant changes to the nature and scale of the proposal, and I note the appellant's concerns regarding the resulting impact on the feasibility of the project. Although revised drawings are to be agreed with the planning authority, the extent of changes required means that the terms of the permission are quite vague.

7.1.2 Furthermore, I note that condition no. 5 restricts the 'revised attic accommodation' to use for storage / office / study / play purposes only. Therefore, even in the event that conditions 2 and 6 were removed, I consider that there would be a reasonable question regarding the applicability of condition no. 5. This question has not been raised by any of the parties to the appeal and the Board may, therefore, wish to consider it a **new issue**.

7.1.3 Having regard to the above, and notwithstanding the discretions available to the Board under section 139 of the Planning and Development Act 2000 (as amended), I consider that, in the interests of clarity and completeness, the determination of the application as if it had been made to the Board in the first instance is warranted.

7.1.4 On that basis, I consider that the main issues for assessment in this case relate to:

- The principle of the development
- Visual amenity
- Residential amenity
- Traffic

## 7.2 **The principle of the development**

Having regard to the established use and residential zoning of the site, and to the planning history of the area, I consider that there is no objection in principle to the proposal to alter and extend the existing dwelling. In accordance with Development Plan policy and standards, the suitability of the proposal shall be assessed with regard to its impact on the visual and residential amenity of the area.

## 7.3 **Visual amenity**

7.3.1 Consistent with the view of the Planning Authority, the extension at ground floor level to the rear of the dwelling and the storage structure in the front garden would have insignificant visual impacts and I have no objections in this regard.

7.3.2 The proposed two-storey front extension comprises a gable-fronted projection of similar proportions to those of the existing houses. The main difference is that it projects approximately 1.6 metres forward of the established building line. However, when viewed in the context of the multiple two-storey gables that existing within this line of 12 houses, I do not consider that the proposed addition would have an impact

that would result in a significant visual imbalance. And while it would clearly exceed the existing building line, I do not consider that this would be so significant to seriously detract from the amenity and character of this modern estate. I do consider that the first-floor element would benefit from revised materials and glazing patterns, which could be dealt with by condition.

- 7.3.3 With regard to the dormer space, I note that the roof extension would be visible on the front elevation. When viewed from the front however, this proposal would be consistent with the appearance of numerous other 'side-dormer' extensions that exist within the estate, including that of no. 402 which is referenced as an appropriate example in the Planning Authority's decision.
- 7.3.4 While I acknowledge that the raised flat-roof element to the side and rear of the dormer space increases its scale compared to others in the estate, I consider that this would effectively be screened from public view by the existing houses to the side and rear of the property. It should be noted that the subject site is not particularly prominent, in that it does not bound onto an open space or the termination of a road stretch, and accordingly I consider that the dormer extension to the side and rear would have only brief localised visual impacts.
- 7.3.5 The guidance contained in the Development Plan regarding domestic extensions is noted. However, it is considered that flexibility should be applied to the challenge of meeting expanding housing needs, particularly in modern estates where there is already a varied approach towards alterations and extensions. While the overall floor area will be increased by c. 50%, it should be noted that this is achieved through separate elements to the rear ground floor; the front of the house; and within the side and rear roof space. This approach achieves a suitable massing, whereby each extension element is subordinate to the host dwelling itself.
- 7.3.6 Having regard to the above, I consider that the visual impact of the proposed development, as viewed from the public domain, would be relatively insignificant and would not detract from the visual amenity and character of the area.

## 7.4 Residential Amenity

- 7.4.1 Dealing firstly with the question of **overlooking**, I note that no habitable room windows are proposed on the side elevation and there are, therefore, no concerns in this regard. On the rear elevation, it is proposed to add a window to serve the



bedroom in the dormer space. Consistent with the rear first floor windows of the existing dwelling, this window would be setback c. 21 metres from the rear windows of opposing properties, which is considered acceptable. While the proposed window is at a higher level and is larger in size, I do not consider that this would significantly increase any overlooking concerns to the rear of the house. Louvres are also incorporated in this window to mitigate any perceived residual overlooking concerns.

7.4.2 In terms of **overshadowing**, I consider that, due to the path of the sun and the buffer distance provided by the adjoining estate road, the adjoining properties to the south and west of the site would not be affected by the proposed development. Any impacts from the southern sun would largely fall on the gable and roof plane of the property to the north, which would not be considered sensitive receptors. While the rear garden of the property to the north may experience some overshadowing from the western sun, it is considered that this will be limited to the evening hours and would be within an acceptable level. It is noted that this view is reflected in the results of the 'shadow analysis' submitted on behalf of the appellant, which demonstrates that there will be no significant increase in overshadowing.

7.4.3 It is also important to ensure that extensions are not unduly **overbearing** in relation to adjoining properties. In this regard I consider that surrounding properties are adequately distanced from the proposed two-storey front extension to avoid any significant impacts. There is only limited circulation space to the side of the dwelling, and I consider that this space is confined that it would be difficult to appreciate any significant impact as a result of the proposed increase in height of the side elevation.

7.4.4 To the rear of the dwelling it is acknowledged that the dormer extension raises the rear façade height by c. 2.5 metres to create what effectively appears as a 3<sup>rd</sup> storey. And while the visual impact from the public domain has been previously discussed, I consider that the impact will be most pronounced when viewed from the private properties to the side and rear of the proposed development. However, this increased height and scale should not necessarily be objectionable, unless there are significant issues in relation to visual or residential amenity.

7.4.5 I consider that modern estates like this should have the capacity to accommodate increased height and scale, and I note that there are common examples of dormer extensions throughout the estate. While many take the form of the side-dormer

recommended by the Planning Authority, there are also examples of more substantial forms (including no.'s 419 and 422 to the rear of the site). While the proposed development effectively extends for the full width and height of the rear roof plane, I consider that this approach aligns with the existing dwelling to achieve a simple contemporary form that is, in many instances, preferable to the replication of the style of a modern housing development.

7.4.6 Of particular importance in relation to overbearing impact is the height and proximity of the development. And while the dormer extension does involve increased height, it is important to note that it will not encroach any further than the existing first-floor level of the dwelling. Having regard to the above, I consider that the proposed development will not significantly detract from the character of the existing dwelling and surrounding properties and will not encroach on surrounding properties to the extent that overbearing impacts will seriously injure residential amenity.

7.4.7 With regard to the existing dwelling itself, I note that there is an existing rear yard amenity space of c. 50 sq.m. While this would be reduced to 44 sq.m., I consider that the removal of the existing shed would result in a space of greater quality and I have no objections in this regard.

7.4.8 It is noted that the Planning Authority raised concern about the 2.2 metre floor-to-ceiling height of the dormer space. The issue of ceiling height is largely related to light and ventilation, which is covered in Building Regulations Technical Document F. While I acknowledge that 2.4 metres is the suggested minimum height, I consider that 2.2 metres is acceptable in this case given the nature and size of the room and the incorporation of a large window opening for air and light.

## 7.5 Traffic

7.5.1 The proposed development does not involve the creation of any additional bedrooms and, accordingly, I do not consider that there is potential for intensification of use and associated traffic volumes. The main implication in this regard is the proposal to widen the existing entrance from 4.3 to 4.8 metres, which was considered unacceptable by the Planning Authority.

7.5.2 It would appear that the original construction of this development provided entrance widths to facilitate one on-site parking space. While the area to the front of this house has been hard surfaced, and would still appear to facilitate only one space,

there are examples within the estate where the entrance has been widened significantly to facilitate two cars.

7.5.3 I acknowledge the guidance referred to in the Development Plan, which outlines that driveways shall have a maximum width of 3.6 metres, and the concerns raised by the Planning Authority regarding pedestrian safety, on-street parking and streetscape character. In this case I consider that the proposed width increase of just 500mm would have a negligible impact on the streetscape. Any resultant impact on on-street parking is likely to be minimal and would be offset by the accommodation of an additional space on site. I do not consider that this minimal increase in width would result in hazardous manoeuvres and, accordingly, I have no objection.

## 7.6 Other Issues

7.6.1 I note that it is proposed to connect to the existing public water services and that the Drainage Division of DCC has no objection in this regard subject to standard conditions. With regard to surface water, it is noted that the entire site is already hard surfaced and there will be no appreciable increase in run-off from the site.

7.6.2 As per the DCC Development Contribution Scheme 2020-2023, a contribution shall be payable for residential extensions in excess of 40 sq.m. A contribution shall, therefore, apply to the proposed development.

## 8.0 Appropriate Assessment

Having regard to the minor nature of the proposed development, and to the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 9.0 Recommendation

I recommend that the consideration of the application as if it has been made to the Board in the first instance is warranted, and that permission should be **granted**, subject to conditions, for the reasons and considerations as set out below.

## 10.0 Reasons and Considerations

Having regard to the pattern and character of development in the area, the design and scale of the proposed development, and the provisions of the Dublin City Council Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the residential amenity of surrounding properties, and would not endanger public safety by reason of a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity

2. Water supply and drainage requirements, including surface water collection and disposal, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and to ensure a proper standard of development.

3. a) The external wall finish of the front extension, except for the brick course above the first-floor window lintel, shall be altered to match the existing dwelling through the use of a plaster finish for the surface area above the first-floor window sill level.

- b) The brick finish and pitched roof tiles on the front extension shall the existing dwelling.
- c) The proposed first-floor front elevation window shall incorporate mullions to match the proportions of the existing glazing.
- d) The finish of the side walls and roof of the dormer extension shall match the colour, proportion and pattern of the existing roof.

Details and drawings in relation to points a) to d) above, including samples in relation to point d), shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interest of visual amenity

- 4. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

- 5. The construction of the development shall be managed in accordance with a Construction Management Plan which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

- 6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the

area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

7. No structures shall be erected on the flat roof of the dormer extension.

**Reason:** In the interest of visual amenity

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Stephen Ward  
Senior Planning Inspector

30<sup>th</sup> November 2020