



An
Bord
Pleanála

Inspector's Report ABP-309020-20

Development

Alterations and additions to an existing 2-storey terraced dwelling at No. 16 Maretimo Villas, Blackrock, Co. Dublin, comprising the construction of a new dormer window extension to the rear, to provide for compliant bedroom and ensuite accommodation in an existing converted attic space, together with all ancillary site works, including connection to existing services.

Location

No. 16 Maretimo Villas, Blackrock, Co. Dublin.

Planning Authority

Dún Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D20B/0304

Applicant(s)

Dominic Burke & Aisling Muldowney

Type of Application

Permission

Planning Authority Decision

Refusal

Type of Appeal	First Party v. Decision
Appellant(s)	Dominic Burke & Aisling Muldowney
Observer(s)	None.
Date of Site Inspection	15 th March, 2021
Inspector	Robert Speer

1.0 Site Location and Description

1.1. The proposed development site is located at No. 16 Maretimo Villas, Blackrock, Co. Dublin, approximately 500m east of the Frascati Shopping Centre, where it occupies a position in a well-established residential area along the southern side of Newtown Avenue (a one-way street catering for westbound traffic). It has a stated site area of 0.018 hectares, is rectangular in shape, and comprises a traditional mid-terrace, two-storey dwelling house with front and rear garden areas which forms the central property within a larger terrace of seven dwellings.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of a new flat-roofed, 'box'-type, dormer window extension (floor area: 7m²) to the rear of a two-storey, mid-terrace dwelling house with a view to providing bedroom and ensuite accommodation (compliant with requirements of the Building Regulations) within an existing converted attic space, together with all ancillary site works, including connection to existing services.
- 2.2. The proposed dormer construction will protrude by 175mm above the ridge line of the existing roof for a distance of 5.24m and will be finished in standing seam powder-coated PLX aluminium cladding.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 24th November, 2020 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following single reason:
- The proposed dormer forms an overly dominant part of the existing roof by reason of its scale, bulk and dimensions and therefore does not comply with Section 8.2.3.4 (i) 'Extensions to Dwellings', of the Dún Laoghaire-Rathdown County Development Plan 2016-2022. The proposed dormer would be visually dominant when viewed from the surroundings and would therefore be

seriously injurious to the visual amenities of the area and contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

Details the site context, planning history, and the applicable policy considerations, before stating that the proposed development site forms part of a terrace of 7 No. dwellings of similar form and appearance. Reference is subsequently made to the proposed dormer construction breaching the existing ridge line by c. 0.175m over a distance of 5.2m which is considered to have a negative impact on the existing dwelling, terrace, streetscape and visual amenities of the area. The report thus concludes by recommending a refusal of permission for the reason stated.

3.2.2. Other Technical Reports:

Municipal Services Dept., Drainage Planning: No objection.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

4.1. On Site:

None.

4.2. On Adjacent Sites:

PA Ref. No. D11B/0207. Was granted on 1st December, 2011 permitting Edel Gormally and Eamon Marray permission for the construction of a double height single storey extension with den at semi-basement to rear of property at lower garden level, and alterations to existing attic conversion to include dormer window to rear, all at 15 Maretimo Villas, Blackrock, Co. Dublin.

5.0 Policy and Context

5.1. Development Plan

5.1.1. *Dún Laoghaire Rathdown County Development Plan, 2016-2022:*

Land Use Zoning:

The proposed development site is located in an area zoned as 'A' with the stated land use zoning objective '*to protect and / or improve residential amenity*'.

Other Relevant Sections / Policies:

Chapter 8: Principles of Development

Section 8.2: Development Management:

Section 8.2.3.4: Additional Accommodation in Existing Built-up Areas (i) Extensions to Dwellings:

Roof alterations/expansions to main roof profiles - changing the hip-end roof of a semi-detached house to a gable/'A' frame end or 'half-hip' for example – will be assessed against a number of criteria including:

- Careful consideration and special regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures.
- Existing roof variations on the streetscape.
- Distance/contrast/visibility of proposed roof end.
- Harmony with the rest of the structure, adjacent structures and prominence.

Dormer extensions to roofs will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties. The design, dimensions and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations. Dormer extensions shall be set back from the eaves, gables and/or party boundaries.

The proposed quality of materials/finishes for dormers will be considered carefully as this can greatly improve their appearance. The level and type of glazing within a dormer structure should have regard to existing window treatments and fenestration of the dwelling. Particular care will be taken in evaluating large, visually dominant

dormer window structures, with a balance sought between quality residential amenity and the privacy of adjacent properties. Excessive overlooking of adjacent properties should be avoided unless support by the neighbours affected can be demonstrated.

More innovative design responses will be encouraged, particularly within sites where there may be difficulty adhering to the above guidance and where objectives of habitability and energy conservation are at stake.

5.1.2. **Blackrock Local Area Plan, 2015-2021:**

Chapter 2: Heritage & Conservation:

Section 2.1.4: Village Character and Built Form

Chapter 3: Urban Structure & Character

5.2. **Natural Heritage Designations**

5.2.1. The following natural heritage designations are in the general vicinity of the proposed development site:

- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 100m north of the site.
- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 100m north of the site.
- The South Dublin Bay Proposed Natural Heritage Area (Site Code: 000210), approximately 200m north of the site.

5.3. **EIA Screening**

5.3.1. Having regard to the minor nature and scale of the development under consideration, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, 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

- The proposed dormer extension has been designed to provide for essential additional habitable / bedroom accommodation to meet the needs of the applicants' growing family. In this respect, it should be noted that the existing dwelling house is modest, comprising only 2 No. bedrooms at first floor level.
- The provision of the additional space proposed within the existing converted attic minimises any impact on the adjoining terraced dwellings and is preferable to a typical first floor rear extension which would have a negative impact on the light and amenity / garden spaces to the rear of adjacent properties.
- No objections have been lodged by neighbouring parties with respect to the proposed development.
- The proposed structure, which will be located to the rear of the dwelling, will not be visible from the front elevation or any public street and faces onto the rear of the surrounding properties. Therefore, the applicants refute the claim by the Planning Authority that the proposed dormer window will be visually dominant when viewed from the surroundings. More specifically, whilst the report of the case planner states that the '*... proposed dormer breaches the existing ridge line by 0.175m over a distance of 5.2m. In this regard it is considered that it will have a negative impact on the existing dwelling, terrace, streetscape and visual amenities of the area . . .*', it is suggested that this concern is unfounded given that the minimal breach of the ridge line will not be visible from the front elevation of the dwelling, terrace or streetscape. The proposal will have no impact on visual amenity from the front elevation.
- By way of precedent, the Board is referred to the neighbouring property which has converted its attic space with the benefit of a rear dormer structure. Although the subject construction will be larger, its size is required in order to provide habitable accommodation that complies with the requirements of the Building Regulations.

- The proposed development has been carefully designed and detailed to provide for an aesthetically pleasing structure. It has been set back from the party walls to either side of the property and will be finished in a standing seam zinc finish to match the existing roof colour which has been chosen to minimise the impact of the new structure.
- There is precedent for dormer structures throughout the Council area, many of which are clearly visible from the public street. In particular, it should be noted that a significant number of the existing bungalow dwellings on Avondale Road in Glenageary, and Newtownpark Avenue in Blackrock, have visually dominant and incongruous dormer additions to their front and side elevations, with little consideration given to the detailing and selection of the materials used in the construction of same.

6.2. Planning Authority Response

- States that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.3. Observations

None.

6.4. Further Responses

None.

7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues raised by the appeal are:

- Overall design and visual impact
- Appropriate assessment

These are assessed as follows:

7.2. Overall Design and Visual Impact:

- 7.2.1. The proposed development consists of the construction of a new flat-roofed, 'box'-type, dormer window extension to the rear of the dwelling house in order to allow an existing attic conversion to be used as habitable accommodation comprising an additional bedroom with an ensuite bathroom. Whilst there is no overt difficulty with the principle of such a development, problems arise as regards the intended use of the attic floorspace as bedroom accommodation (as distinct from a non-habitable use such as storage) as this would constitute a 'habitable' room (i.e. a room used for living or sleeping purposes) as defined by the Building Regulations and thus requires a minimum ceiling height of 2.4m for 50% of the floor area which is above 1.5m high in accordance with Technical Guidance Document F: '*Ventilation*' of the Regulations (as detailed in Diagram 3: '*Suggested height of habitable rooms*' of that document). It is as a direct consequence of the need to comply with the aforementioned minimum floor-to-ceiling height that the proposed dormer construction will protrude by 175mm above the ridge line of the existing dwelling house for a distance of 5.24m and thus will be visible to the front of the terrace and from vantage points within the wider streetscape.
- 7.2.2. Whilst I would acknowledge the assertion by the applicants that the extent / scale of the proposed development visible from the front of the property will be somewhat limited in scope, I am inclined to concur with the assessment by the Planning Authority that the intrusion arising will nevertheless have an undue negative impact on the visual amenity and overall coherence of the existing terrace and streetscape. In this regard, it should be noted that the front / roadside elevational treatment of the existing terrace onto Newtown Avenue formed by Nos. 13-19 Maretimo Villas (which includes the subject site) retains its original character and is free from interventions such as extensions, dormer windows or rooflights with any such additions / features instead located to the rear of the properties where they are considerably less prominent in terms of their visibility from within the wider public area. It is this consistency in the front elevational treatment which characterises the pleasant and unbroken appearance of the terrace that in turn makes a positive contribution to the streetscape. In my opinion, the proposed dormer extension, by reason of the fact that it will project above the roof line of the existing house, will detract from the

established rhythm and coherence of the terrace to the detriment of the visual amenity of the area and the wider streetscape.

- 7.2.3. By way of further comment, and in reference to the suggestion that the dormer extension constructed to the rear of the adjacent property at No. 15 Maretimo Villas pursuant to PA Ref. No. D11B/0207 would set a precedent for such development, I would accept that there are clear similarities between the development approved in that instance (which was shown on the submitted drawings as comprising the extension of an existing attic conversion for use as a bedroom with an ensuite bathroom) and the subject proposal. However, it is unclear if the attic accommodation developed as part of PA Ref. No. D11B/0207 adheres to the Building Regulations, particularly as the floor-to-ceiling height was not shown on the submitted plans. In this respect, it should be noted that any grant of planning permission does not obviate the need to comply with the Building Regulations, however, in the event that the adjacent dormer construction / attic conversion does satisfy the requirements of building control, it may be prudent for the applicant to revisit the design of the proposed development with a view to providing a comparable construction that does not project above the ridge line of the existing dwelling house.

7.3. **Appropriate Assessment:**

- 7.3.1. Having regard to the minor nature and scale of the development under consideration, the site location within an existing built-up area outside of any protected site, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 **Recommendation**

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be refused for the reasons and considerations set out below:

9.0 Reasons and Considerations

1. Having regard to the site location within an existing terrace of housing and the consistent pattern of development in the area, it is considered that the proposed dormer extension, by reason of its alteration of the roof profile in reference to the breaking of the ridge line of the main roof, would constitute an inappropriate intervention which fails to respect the site context, would seriously impact on the character of the existing house and the pattern of the terrace of which it forms part, and would seriously injure the visual amenities of the area. Therefore, the proposed development would be contrary to the provisions of Section 8.2.3.4: 'Additional Accommodation in Existing Built-up Areas' of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, would set an undesirable precedent for similar development in the area, and would be contrary to the proper planning and sustainable development of the area.

Robert Speer
Planning Inspector

18th March, 2021