



An  
Bord  
Pleanála

## Inspector's Report ABP-309507-21

<b>Development</b>	Construction of a dormer window in the main roof to the rear, alterations to the main roof and construction of a first-floor extension to the side.
<b>Location</b>	38, Dollymount Avenue, Clontarf East, Dublin 3
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	3888/20
<b>Applicant</b>	Mary Kenny & Andy McQuillan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party vs. Refusal
<b>Appellant</b>	Mary Kenny & Andy McQuillan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	26 <sup>th</sup> April 2021
<b>Inspector</b>	Stephen Ward

## **1.0 Site Location and Description**

- 1.1. The subject site has a stated area of 528.5sq.m and comprises one of a pair of two-storey semi-detached dwellings with hipped end roofs. It is located in the mature suburban area of Dollymount Avenue, which runs off the Clontarf Road (c. 300m to the east) and is distanced approximately 5km north east of Dublin city centre.
- 1.2. Dollymount Avenue is a mature tree-lined suburban road consisting largely of semi-detached houses dating from the 1930s. External finishes include a mix of brick, render and dash interspersed throughout the street. Many of the houses in the area have been significantly altered and extended over the years.
- 1.3. The subject house has retained some original design features including the brick finish at ground floor level, quoins, slated roof, an arched doorway and an attached garage. A substantial modern extension has been constructed to the rear and modern doors and windows have been installed throughout. The property has an extensive back garden, with an overall length of approximately 35 metres, and contains a small outbuilding / office.

## **2.0 Proposed Development**

In summary, the proposed development comprises the following:

- Construction of a dormer window at attic level to the rear of the main roof (5m<sup>2</sup>).
- Alterations to the main roof including an extension to the ridge line and raising the eaves level on the side elevation to increase the attic volume.
- Construction of a first-floor extension over the existing garage to the side (3.5m<sup>2</sup>).
- While the application states that a floor area of 8.5m<sup>2</sup> is proposed, I also note that the converted attic space would provide an additional area of c. 11m<sup>2</sup>.

## 3.0 Planning Authority Decision

### 3.1. Decision

By order dated 10<sup>th</sup> February 2021 the planning authority issued notification of a decision to refuse permission subject for the following reason:

*The proposed development of a two storey side extension and side dormer structure, in its design, along with the truncating of the existing hipped roof to the front, would represent a visually incongruous and obtrusive appearance on the streetscape inconsistent with recently approved side dormers on Dollymount Avenue. The proposed design would be contrary to the requirements of the current Dublin City Development Plan, in particular Appendix 17.11 and would be contrary to the proper planning and sustainable development of the area.*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The report of the Planning Officer reflects the decision of the Planning Authority and can be summarised as follows:

- The proposal is largely the same as that previously proposed under planning reference WEB1321/20, which required amendment through condition no. 2 of that permission.
- The precedent examples highlighted by the applicant are not reflective of the developing pattern of development on the street.
- The proposal is essentially identical to that previously proposed but arguably has a worse visual impact due to truncation of the corner of the roof, which would be highly incongruous.
- The truncated roof form at no. 50 relates to an exceptional case which should be seen as a precedent for further such development.
- It is recommended that permission be refused, which forms the basis of the DCC notification of decision.

### 3.2.2. Other Technical Reports

The Engineering Department (Drainage Division) states that there are no objections subject to standard conditions.

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

None.

## 4.0 Planning History

The following applies to the appeal site:

**P.A. Ref. 3488/13:** Permission granted for (1) the demolition of a single storey garage to the side of the house and the construction in its place of a single storey extension of 12sq.m and (2) the construction of an extension of 6 sq.m at first floor level to the rear of the house.

**P.A. Ref. WEB1321/20:** Permission granted for the construction of a dormer window in the main roof to the rear of the property, alterations to the main roof, removal of existing chimney, alterations to first floor window to the rear and the construction of a first-floor extension to the side of the house. Condition No. 2 of the permission states as follows:

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

- a) The first floor side extension and roof form shall be omitted in its entirety*
- b) Access to the attic level shall be solely via a hipped roof side dormer set into the existing main roof hip with its ridge set below the main roof ridge and its side walls drawn in from the side ridges of the main roof.*
- c) The rear dormer shall be reduced in width to not exceed a maximum external width of 2.5m. Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in*

*writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the buildings.*

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

## **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**

None relevant.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The decision of DCC to refuse permission has been appealed by the applicant. The grounds of appeal can be summarised as follows:

- The amendments required by the Planning Authority in relation to the previous application (i.e. condition no. 2 of P.A. Ref. WEB1321/20) are inconsistent and unjust. They would render the scheme unviable and therefore necessitated the lodgement of a new application.
- The side extension is necessary to accommodate a staircase which does not reduce the existing internal floor area.
- The proposed design meets the criteria for roof extensions as outlined in the Development Plan.
- There are several precedents and examples of houses with similar extensions and alterations in the area and, therefore, the proposed development cannot be considered a visually incongruous and obtrusive appearance on the streetscape.
- No observations were submitted by neighbours, which can be interpreted as tacit acceptance of the absence of detrimental visual impacts.

### **6.2. Planning Authority Response**

None.

### **6.3. Observations**

None.

## **7.0 Assessment**

- 7.1. Having inspected the site and considered the documentation and drawings on the appeal file, including all submissions received in relation to the appeal, and having regard to the planning history of the site and the planning authority's reason for

refusal, I consider that the assessment of this case can be limited to the issues of visual amenity and residential amenity. Otherwise, I am satisfied that the development is in accordance with the proper planning and sustainable development of the area.

#### Visual Amenity

- 7.2. The planning authority's reason for refusal is based on the opinion that the side extension and side dormer, along with the truncating of the existing hipped roof to the front, would represent an incongruous and obtrusive appearance on the streetscape and would be inconsistent with recently approved side dormers in the area. I note that the DCC planner's report refers to several permissions granted on neighbouring sites and I have reviewed the scale and design of those permitted developments.
- 7.3. The applicant's appeal also references a wide variety of extensions and alterations to neighbouring dwellings and contends that it is reasonable to seek permission for a similar development.
- 7.4. Having inspected the site, I note that the side extension and side dormer would be visible on the front elevation. However, the scale and visual impact of the proposal would be comparable with that of numerous other extensions that exist along this road. Furthermore, I consider that the extensions would largely be screened from public view by the existing house itself and the adjoining property to the east, as well as the existing trees along the adjoining road. In this regard, it should be noted that the appeal site is not particularly prominent, in that it does not bound onto an open space, a junction, or the termination of a road, and accordingly, I consider that the side dormer and side extension would have only brief localised visual impacts.
- 7.5. I would accept that the proposed side dormer / extension design is not the optimum aesthetic approach, particularly given that the hipped roof profile is not maintained and there is a complicated tie-in between the main roof and the side extension. However, having regard to its limited scale and visibility, as well as the existing character of similar development in the area, I would have no objections on grounds of visual amenity. Regarding the proposed dormer window to the rear, I consider that it would also be of an acceptable scale and design and would not be overly prominent when viewed from the public domain.

- 7.6. Having regard to the above, I consider that the visual impact of the proposed development would be relatively insignificant and would not detract from the character of the existing dwelling or surrounding properties and would not be seriously injurious to the visual amenities of the area.

#### Residential Amenity

- 7.7. The proposed development involves the provision of additional space in the attic level, without impacting on the floor area and layout of the existing habitable space. It would therefore improve the amenity value for the occupants, although I note that the proposed attic space does not have the height to qualify as a 'habitable room' in accordance with Building Regulations.
- 7.8. With regard to impacts on adjoining properties, I note that the proposed windows will not serve habitable rooms and will not result in any unacceptable overlooking levels. The proposed additions to the side and rear are also of a limited scale and I do not consider that they would have any unacceptable overshadowing or overbearing impacts.
- 7.9. Having regard to the above, I consider that the proposal would provide improved facilities for the prospective occupants and would not seriously detract from the residential amenities of any adjoining properties.

#### **8.0 Appropriate Assessment**

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.

#### **9.0 Recommendation**

Having regard to the above, I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations set out hereunder.



## 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. 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.

4. 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.

5. The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.

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

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Stephen Ward  
Senior Planning Inspector

11th May 2021