



An  
Bord  
Pleanála

## Inspector's Report 309581-21

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<b>Development</b>	Conversion of attic space to lounge and storage space to include dormer roof construction to the side and rear, roof light to the front, alterations to existing vehicular entrance.
<b>Location</b>	63 Furry Park Road, Killester, Dublin 5
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	4022/20
<b>Applicant(s)</b>	Damien Kiernan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	First Party vs. Condition
<b>Appellant(s)</b>	Damien Kiernan
<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 296m<sup>2</sup> and is located at No. 63 Furry Park Road, Killester, Dublin 5. The site accommodates a 2-storey end of terrace dwelling with a modern single-storey rear extension and off-street parking to the front. The existing vehicular entrance extends to a width of 2.45m and is defined by 2 pillars.
- 1.2. A pedestrian laneway adjoins the eastern site boundary and provides access to the rear garden, which extends to a significant depth of c.25m. The neighbouring property to the east (No. 65) contains a rooflight window and solar panels on the front roof plane. The surrounding properties are generally of a consistent scale, character, and design, although various alterations and extensions have been carried out on many properties.

## 2.0 Proposed Development

In summary, the proposed development is comprised of the following:

- Conversion of attic space to lounge and storage space to include dormer extension to the rear and side (13.4m<sup>2</sup>).
- Roof light to the front.
- Alterations to existing vehicular entrance (increase width from 2.45m to 4m).

## 3.0 Planning Authority Decision

### 3.1. Decision

By order dated 24<sup>th</sup> February 2021, Dublin City Council (DCC) issued notification of the decision to Grant Permission subject to conditions. Of relevance to the current appeal, condition no. 3 states as follows:

*The development hereby approved shall adhere to the following:*

*a) The attic level shall not be used for human habitation unless it complies with the current building regulations*

*b) The velux window in the front plane of the roof of the house shall be omitted*

*c) The roof of the projecting side dormer extension shall have a fully hipped roof profile matching that of the main existing roof and shall be finished in roof tile similar to the existing roof tiles.*

*d) Any downpipes attached to the proposed side dormer shall be placed on its rear elevation.*

*e) The windows to the attic development including the dormer windows shall be permanently fitted with opaque glazing to at least 1.8m above finished floor level as required.*

*f) All elevations; fascia/soffits; rainwater goods, window frames glazing bars shall be finished in a dark colour so as to blend with the existing roof finish*

*g) The rear dormer shall not accommodate solar panels whether or not they would be exempted development under the Planning & Development Act 2000 (as amended)*

*h) All internal and external works to give the effect of the above.*

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

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

3.2.2. The report of Dublin City Council's Planning Officer can be summarised as follows:

- The roof dormer extensions are subordinate to the existing roof of the house. The side dormer extension should be modified to provide a hipped roof.
- The proposed velux roof light to the front plane of the roof is contrary to the established character of the house and should be omitted.
- No significant impacts on 3<sup>rd</sup> parties are discerned in relation to daylight and sunlight.
- Subject to further consultation with the planning authority and a maximum entrance width of 3 metres, an existing street tree at this location should be suitably protected.

- It is recommended to grant permission, subject to the omission of the velux roof light and modifications to other windows and the vehicular entrance. This recommendation forms the basis of the DCC decision.

### 3.2.3. **Other Technical Reports**

Engineering Department Drainage Division: No objection subject to conditions.

Transportation Planning Division: Concerns are raised regarding the excessive width of the proposed entrance and potential impacts on traffic safety and a street tree. It is recommended that the width is reduced to 3 metres.

### 3.3. **Prescribed Bodies**

None.

### 3.4. **Third Party Observations**

None.

## 4.0 **Planning History**

There would not appear to be any relevant planning history pertaining to the site.

## 5.0 **Policy and Context**

### 5.1. **Dublin City Development Plan 2016-2022**

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.

5.1.4 The road and footpath standards for residential development are contained in Appendix 5 of the development plan. Where driveways are provided, they shall be at least 2.5 m, or at most 3.6 m in width, and shall not have outward opening gates.

## 5.2. Natural Heritage Designations

None.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

This first party appeal relates to condition no. 3 (b) only, which states that '*The velux window in the front plane of the roof of the house shall be omitted*'. The grounds of appeal can be summarised as follows:

- The planning authority's contention that the window is '*contrary to the established character of the house*' is subjective in nature. No objective description of the 'established character' has been provided and, as such, this is open to interpretation.
- The Board granted retention permission for a similar window on the adjoining property (No. 65) under ABP Ref. No. 307934-20. It is argued that similar circumstances apply and that both applications should be treated in a consistent manner.
- Reference is made to examples of other roof lights on neighbouring properties and it is argued that the addition of the window would not be out of character with the area.

## 6.2. Planning Authority Response

None received.

## 6.3. Observations

None.

## 7.0 Assessment

- 7.1. This appeal relates to condition no. 3(b) only, which requires the omission of the proposed rooflight on the front roof plane. I am satisfied that the development is otherwise in accordance with the proper planning and sustainable development of the area, and that the determination by the Board of the application as if it had been made to it in the first instance would not be warranted. My assessment will therefore be limited to the matters raised in relation to the terms of the condition, pursuant to the provisions of section 139 of the Planning and Development Act 2000 (as amended).
- 7.2. The stated reason for the application of condition No. 3 (including (a) to (h) as a whole) is '*In the interest of visual and residential amenity*'. However, I am satisfied that the issue of 'residential amenity' does not relate to 3(b), and that the planning authority's reason for the omission of the window relates to visual amenity only. Having inspected the site and reviewed the drawings and documentation on file, I would concur that this is the only issue relevant to the condition and, accordingly, my assessment will be limited to this issue.
- 7.3. I have had regard to the appellant's references to precedent and I would concur that there are several similar examples of rooflights on adjoining properties, including no. 65 to the immediate east. I do not consider that these additions have detracted from the character of the area in any significant manner. However, irrespective of precedent, I consider that the proposed addition of this small rooflight would have only a minimal visual impact in this case and would not seriously detract from the character of the existing house or surrounding properties.

7.4. In conclusion, I am satisfied that Condition No. 3(b), requiring the omission of the proposed rooflight would be unwarranted as its inclusion would not significantly impact on the visual amenities of the area.

## 8.0 **Appropriate Assessment**

Having regard to the nature and scale of the proposed development, the residential land use zoning of the site, and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

## 9.0 **Recommendation**

I recommend that the Planning Authority be directed to REMOVE Condition No. 3 (b) for the reasons and considerations set out hereunder.

## 10.0 **Reasons and Considerations**

Having regard to the residential land use zoning for the site, and to the pattern and character of development in the area, it is considered that the proposed rooflight, by reason of its design and limited scale, would not detract from the character of the existing dwelling or the visual amenities of the area. Therefore, the planning authority's Condition No. 3(b), requiring the omission of the proposed rooflight, is not warranted.

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Stephen Ward  
Senior Planning Inspector

11<sup>th</sup> May 2021