



An  
Bord  
Pleanála

## Inspector's Report

### ABP-309933-21

|                                     |   |
|-------------------------------------|---|
| <b>Development</b>                  | Conversion of attic including a dormer roof window to the rear of the house, roof lighting to the front and rear of the house and sundry minor works. |
| <b>Location</b>                     | 29, Vernon Drive, Clontarf, Dublin 3  |
| <b>Planning Authority</b>           | Dublin City Council North   |
| <b>Planning Authority Reg. Ref.</b> | WEB1043/21  |
| <b>Applicant(s)</b>                 | Caoimhe & Ken Darcy   |
| <b>Type of Application</b>          | Permission  |
| <b>Planning Authority Decision</b>  | Grant   |
| <b>Type of Appeal</b>               | First and Third Party   |
| <b>Appellant(s)</b>                 | (1) Caoimhe & Ken Darcy<br>(2) Barry Walsh  |
| <b>Observation</b>                  | Barry Walsh   |
| <b>Date of Site Inspection</b>      | 18 <sup>th</sup> December 2021  |
| <b>Inspector</b>                    | Colin McBride   |

## 1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.03795 hectares, is located on the western side of Vernon Drive, to the east of Killester. The appeal site is occupied by a two-storey dwelling. To the south is no. 27 and to the north is no. 31, which are similar in design and scale. To the west of the site are the two-storey dwellings fronting onto Dunluce Road, which back onto a pedestrian laneway located to the west of the appeal site.

## 2.0 Proposed Development

2.1. Permission is sought for the conversion of the existing attic including a dormer roof window to the rear of the house. The proposed development includes roof lighting to the front and rear of the house and sundry minor works.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission granted subject to 8 conditions. Of note is the following condition...

7. Revisions required including dormer width to be 4.4m and centred on the roof plane, minimum setback of 1.3m from boundary line of no. 31, roof lights to be omitted from front roof plane.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

Planning Report (16/03/21): The design and scale of the development was considered be satisfactory in the context of visual and adjoining amenity subject to amendments including reduced scale of dormer extension and omission of the front facing roof lights. A grant of permission was recommended based on the conditions outlined above.

### 3.2.2. Other Technical Reports

Drainage Division (04/02/21): No objection.

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

#### 3.4.1 Two submission were received from...

Barry & Barbara Walsh, 31 Vernon Drive, Clontarf, Dublin 3.

Brian Owens, 27 Vernon Drive, Clontarf, Dublin 3.

The issues raised can be summarised as follows...

- Out of character /visual impact, overbearing, overlooking of neighbouring properties.

## 4.0 Planning History

WEB1871/20: Permission granted for a single-storey extension to the rear of the house.

4183/79: Permission granted for an extension of the existing garage and a single-storey extension to the rear.

WEB1484/20: Permission granted for a first floor extension of existing garage and conversion of attic including a dormer extension to the rear at 14 Vernon Drive.

4487/19: Permission granted for attic conversion including two dormer extensions at no. 8 Vernon Drive.

## 5.0 Policy Context

### 5.1. Development Plan

The relevant Development Plan is the Dublin City Development Plan, 2016-2022. The appeal site is zoned Z1 with a stated objective 'to protect, provide and improved residential amenities'.

#### 16.2.2.3 Extension and Alterations to Dwellings

In particular, alterations and extensions should:

- Respect any existing uniformity of the street, together with significant patterns, rhythms or groupings of buildings.
- Retain a significant proportion of the garden space, yard or other enclosure Not result in the loss of, obscure, or otherwise detract from, architectural features which contribute to the quality of the existing building.
- Retain characteristic townscape spaces or gaps between buildings Not involve the infilling, enclosure or harmful alteration of front lightwells.

Furthermore, extensions should:

- Be confined to the rear in most cases.
- Be clearly subordinate to the existing building in scale and design.
- Incorporate a high standard of thermal performance and appropriate sustainable design features.

In addition to the above, alterations and extensions at roof level, including roof terraces, are to respect the scale, elevational proportions and architectural form of the building, and will:

- Respect the uniformity of terraces or groups of buildings with a consistent roofline and will not adversely affect the character of terraces with an attractive varied roofline.

- Not result in the loss of roof forms, roof coverings or roof features (such as chimney stacks) where these are of historic interest or contribute to local character and distinctiveness.

#### 16.10.12 Extensions

The design of residential extensions should have regard to the amenities of adjoining properties and in particular the need for light and privacy. In addition, the form of the existing building should be followed as closely as possible, and the development should integrate with the existing building through the use of similar finishes and windows. Extensions should be subordinate in terms of scale to the main unit.

Applications for planning permission to extend dwellings will only be granted where the planning authority is satisfied that the proposal will:

- Not have an adverse impact on the scale and character of the dwelling.
- Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.

#### Section 17.11 Roof Extensions

The roofline of a building is one of its most dominant features and it is important that any proposal to change the shape, pitch, cladding or ornament of a roof is carefully considered. If not treated sympathetically, dormer extensions can cause problems for immediate neighbours and in the way a street is viewed as a whole.

When extending in the roof, the following principles should be observed:

- The design of the dormer should reflect the character of the area, the surrounding buildings and the age and appearance of the existing building. Dormer windows should be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible.
- Any new window should relate to the shape, size, position and design of the existing doors and windows on the lower floors.
- Roof materials should be covered in materials that match or complement the main building.

- Dormer windows should be set back from the eaves level to minimise their visual impact and reduce the potential for overlooking of adjoining properties.

## 5.2. Natural Heritage Designations

None within the zone of influence of the project.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by Joan McElligott Architect on behalf of the applicants, Caoimhe & Ken Darcy, 29 Vernon Drive, Clontarf, Dublin 4. The grounds of appeal are as follows...

- The appeal is against the terms of condition no. 7(e), which omits the 2 no. roof lights on the front roof plane. The provision of such would be improve the quality of the spaces under the pitched roof.
- There is precedence for granting permission for front roof lights including at no. 183 Vernon Avenue and no. 177 Vernon Avenue (solar panel). The roof lights would entail a subtle change and would not adversely impact on the streetscape. Before and after photomontages are submitted to support this view.

6.1.2 A third party appeal has been lodged by Sheridan Woods, Architects and Urban Planners on behalf of Barry Walsh, 31 Vernon Drive, Clontarf, Dublin 3. The grounds of appeal area as follows...

- The proposed dormer extension will disrupt the visual character at this location and continuity, would be an incongruous element and detrimental to the visual amenities of the area. The proposal would be contrary Section 16.2.2.3 and 17.11 of the Development Plan.

- The height and position of the dormer window would allow for overlooking of adjoining gardens as opposed to a roof light, which would restrict views out. The proposal would be injurious to existing residential amenities at adjoining properties. The provision of opaque glazing does not deal with this concern as the window will be openable. The proposal due to position and proximity would allow overlooking of the appellant's conservatory.
- The proposed development would have an overbearing impact due to height and scale when viewed from the appellant's garden.
- The argument of precedent is not relevant as such are in a different location and context to the appeal site. The proposal would set an undesirable precedent and a proliferation of similar dormer windows in the area and impact adversely on residential amenity.
- The proposal and subsequent overlooking and overbearing impact would devalue the appellant property.

## 6.2. Planning Authority Response

No response.

## 6.3. Further Observation

6.3.1 An observation has been submitted by lodged by Sheridan Woods, Architects and Urban Planners on behalf of Barry Walsh, 31 Vernon Drive, Clontarf, Dublin 3.

- The response notes the grounds of the first party appeal and requests that condition 7(e) is retained and that the proposal could be redesigned to provide a roof light to the rear.
- The precedents cited by the first party appellant are not relevant as the roof light identified is not permitted and the other refers to a solar panel.

## 7.0 Assessment

7.1. Having inspected the site inspected the site and associated documents, the main issues can be assessed under the following heading.

Design, scale, visual and adjoining amenity

First party appeal

7.2. Design, scale, visual and adjoining amenity:

7.2.1 The proposal is for an attic conversion with a dormer window on the rear roof plane and three no. roof lights (one on the rear plane and two on the front plane). The attic conversion includes a bedroom, dressing room and ensuite. The dormer window is 5m in width, is setback 1.3m from the boundary of no. 31 and 2.428 from the boundary with no. 27. The dormer window is just below the ridge height of existing dwelling.

7.2.2 The third party appellant raises concern regarding the design and scale of the dormer extension in terms of its visual impact and states that it would have an overbearing impact and result in overlooking of adjoining properties. Policy regarding extension is outlined above with specific policies regarding roof extensions outlined under 17.11. I am satisfied the proposed roof extension is of a scale that is sufficiently subordinate to the scale of the existing dwelling and its roof plane. The dormer extension is set back from the ridge height by a small amount and to a reasonable degree from the side boundaries and the fascia level. It is proposed use a dark coloured finish, which would reduce the visual impact of such.

7.2.3 The applicants who have a first party appeal lodged regarding a condition amending the dormer window refer to precedent for dormer extensions along Vernon Avenue, whereas the third party appellant indicates that such are removed from the site and that the dormer would disrupt existing continuity and set an undesirable precedent. I am satisfied that the Development Plan allows for dormer windows, on the rear roof plane subject to such being set back from the edges of the roof plane. I would note



that in this case the dormer window is set back from the roof edge and condition no. 7(a) reduces the width from 5m to 4.4m. I would consider that both the dormer window as originally proposed and that permitted is compliant with Development Plan policy in relation to such extensions. In terms of impact on adjoining properties, the orientation of windows on the dormer window conform to the orientation of windows on the existing dwellings. The existing dwelling and adjoining dwellings are two-storey dwellings and there are multiple windows on the rear elevations at first floor level facing to the rear of the existing dwellings at this location. The proposed dormer extension conforms to this pattern of development. I am satisfied that the dormer window would not impact adversely on existing residential amenity and would not have an overbearing impact. In addition I would refer to the fact the applicant has proposed to provide obscure glazing to a certain height on the windows in the dormer extension. I do not consider that such would be necessary given the fact the dormer window conforms to the orientation of windows/pattern of development at this location, however such is proposed in the plans submitted. The proposal included 3 no. roof lights with one on the rear elevation and two on the front elevation. The roof lights are modest in scale and would have a negligible visual impact/impact on the visual character of the existing dwelling.

7.2.4 I would consider the design and scale of the dormer window proposed is reasonable in size and would be in compliance with the Development Plan policy. I am satisfied that such would not have a detrimental visual impact at this location or be out of character as it is satisfactory in terms of proportion with the existing roof plane. I would recommend that permission be granted as per the plans proposed.

7.3 First party appeal:

7.3.1 Condition no. 7 includes a number of revisions including 7(e) omitting two roof light windows on the front elevation. The two roof lights serve a dressing room and bedroom. The two roof lights are small in size and subordinate to the scale of the front roof plane. Having regard to the modest scale of such and the fact they are roof lights, I would be of the view that they have negligible and acceptable visual impact at this location. I would recommend that condition no. 7(e) be omitted. I note that

given there is third party appeal the concerning the principle of the development, the development is being assessed de novo and the assessment of such is outlined above.

## **8.0 Appropriate Assessment**

8.1 Having regard to the nature and scale of the proposed development and its proximity 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**

9.1. I recommend a grant of permission subject to the following conditions.

## **10.0 Reasons and Considerations**

Having regard to the nature and scale of the proposed development, the overall design and scale, the proposed development would be satisfactory in the context of the visual amenities of the area and the amenities of adjoining property. 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. Site development and building works shall be carried out only between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

3. 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 commencement of development. This plan shall provide details of intended construction practice for the development, including traffic management, noise, vibration and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and the amenities of the area.

4. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

5. 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 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.

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Colin McBride  
Senior Planning Inspector

21<sup>st</sup> December 2021