



An
Bord
Pleanála

Inspector's Report

ABP-309972-21

Development	Internal house alterations, including a provision of a rear dormer structure and window, 2 front roof windows and repositioning of chimney at the rear.
Location	10, Lansdowne Hall, Sandymount, Dublin 4
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	3911/20
Applicant(s)	Tadhg Moloney
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Neil Hogan and Madge & Denis Fogarty
Date of Site Inspection	05 th May 2021
Inspector	Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.00878 hectares, is located in the housing development of Landsdowne Hall, which is to the north west of Sandymount and is accessed off Tritonville Road. The appeal site is occupied by a two-storey terraced dwelling. To the east is no. 9 and to the west no. 11, which are similar dwellings and are part of a terrace of 7 no. dwellings including the appeal site. To the north of the site are two-storey terrace dwellings (Londonbridge Drive) to the west are also two-storey dwellings (Landsdowne Village) and to the south are commercial structures

2.0 Proposed Development

- 2.1. Permission is sought for internal house alterations including provision of rear dormer structure and window, 2 front roof windows and repositioning of the existing chimney at the rear.
- 2.2. The proposal was amended with the dormer window reduce di width in response to further information.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to six conditions. The conditions are standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (11/02/21): Further information requiring including consideration of reduction of the size of the dormer window to comply with Section 17.11 of the City Development Plan.

Planning report (19/03/21): The reduction in the size of the dormer windows was noted and the amended proposal was considered to be acceptable in the context of

the visual amenities of the area and adjoining amenities. A grant of permission was recommended.

3.2.2. Other Technical Reports

Drainage Division (01/10/21): No objection.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

3.4.1 Two submission were received from...

Neil Hogan, 11 Landsdowne Hall, Sandymount, Dublin 4.

Margaret & Denis Fogarty, 9 Landsdowne Hall, Sandymount, Dublin 4.

The issues raised can be summarised as follows...

- Building regulations issues, lack of consultation, visual impact, adverse impact on adjoining amenities, issues with the relocation of the chimney.

4.0 **Planning History**

4.1 4038/10: Permission granted for retention and completion of a single-storey extension to the rear.

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 improve residential amenities'.

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

5.2.1 None in the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal has been lodged by Neil Hogan (11 Landsdowne Hall) and Madge & Denis Fogarty (. The grounds of appeal are as follows...

- The appellants believe the proposed works do not comply with building regulations and are concerned that the responsibility of overseeing compliance or highlight such issues falls unfairly on the appellants.

- The appellant have a belief that the dwelling is being turned into two separate units due to the use of the word kitchen at attic level and note that such requires permission.
- There is a concern that failure to comply with building regulations and the provision of unauthorised use would be completed and there would be a reliance on planning enforcement or action by the appellants themselves, which would cost time, expense and stress.
- The appellant raises concerns regarding the precedent the proposal will set.

6.2. Applicant Response

6.2.1 Response by ABA Architects on behalf of Tadhg Moloney, 10 Landsdowne Hall, Sandymount, Dublin 4.

- The Buildings regulations will be complied with and the dormer window is not too close to the chimney. The proposal has no impact on the property rights of the adjoining property or further development at such. No separate apartment is being created or is possible with existing shared circulation and bathroom.

6.3. Planning Authority Response

No response.

7.0 Assessment

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

Design, scale, visual and adjoining amenities

Building regulations/nature of use

7.2. Design, scale, visual and adjoining amenities:

7.2.1 The proposal is described as internal house alterations including provision of rear dormer structure and window, 2 front roof windows and repositioning of the existing chimney at the rear. The proposal entails provision of mezzanine level in the attic space served by the dormer window with a space saving staircase from an existing bedroom. The proposal entails the provision of a dormer window on the rear roof plane, relocation of the chimney with it raised further up on the roof profile and 2 no. roof lights on the front roof plane. The size of the dormer window was considered excessive in the context of Section 7.11 of the City Development Plan and amended plans were submitted in response to further information reducing the scale of the dormer window (reduced width). The amended plans were approved.

7.2.2 I would consider that the overall scale of the dormer window approved is acceptable, such does not breach the ridge height of the dwelling, is located on the rear roof plane and is sufficiently subordinate in scale relative to the existing dwelling and its roof profile. There are no other dormer windows on the adjoining dwellings or the dwellings in the vicinity. Notwithstanding such, I am would consider that the overall scale and visual impact of the proposed dormer would be satisfactory in the context of the visual amenities of the area.

7.2.3 The relocated chimney is also of a scale that would not be detrimental to the visual amenities of the area. I do not consider such would impact upon the development potential of the adjoining dwellings or have any physical impact on such. The proposal for roof lights on the front elevation would also be satisfactory in the context of visual amenity with such beings modest in scale and flush with the front roof plane.

7.3 Building regulations/nature of use:

7.3.1 A large part of the appeal submission relates to concerns about compliance with building regulations. It is notable that condition no. 2 requires that the attic level not be used for habitable space. It is important to stress that the assessment and

enforcement of buildings regulations is not a function of the Board who have no remit to deal with or apply such. The Boards function is to assess development based on the proper planning and sustainable development of the area. I would refer to the previous section of this report, which deals with such and would reiterate that the approved proposal is satisfactory in the context of visual amenities of the area and the amenities of adjoining properties. I intend to make no comment on compliance with building regulations and do not recommend the application of any conditions relating to such.

7.3.2 The appellants raise concerns that the proposal is for two independent units due to the use of the word kitchen in the planning drawings. The development description does not entail such a development and such is speculation on the part of the appellants. The development is being assessed on its merits and purely based on its description and on no other basis.

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 design and scale of the proposed development, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the visual amenities of the area and would not seriously injure 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 and as amended by the further plans submitted on the 27th day of April 2021, 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 arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

3. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Site development and building works shall be carried out between the hours of 0800 to 1800 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.

Colin McBride
Planning Inspector

08th June 2021