



An
Bord
Pleanála

Inspector's Report ABP 310311-22

Development	Change of Roof profile from hipped to full apex roof for attic use as playroom and storage.
Location	No 22 Templeview Downs, Clarehalll, Dublin 13.
Planning Authority	Dublin City Council
P. A. Reg. Ref.	WEB1225/21.
Applicant	Joseph and Aiofe Moylan.
Type of Application	Permission
Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Tanya Smyth.
Date of Site Inspection	16 th July, 2021
Inspector	Jane Dennehy

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1.0 Site Location and Description

- 1.1. The application site is that of a semi detached two storey house within a cul de sac off a main internal access road at the southern end residential development of two storey semi-detached houses in a single house type with front gardens /front curtilage parking, rear gardens and side passage space.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals to provide for a playroom at attic level within the house. The roof is to be altered providing for a full apex out to the side eaves at full height to the ridge with velux rooflights in the rear roof slope. The internal floor area, inclusive of storage space for the playroom is shown on the lodged plans as 4200 x 4200 mm resulting in a total floor area of 17.64 square metres.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 27th April, 2021 the planning authority decided to grant permission subject to standard conditions which include a requirement under condition no 7 for the accommodation not to be used for habitable purposes unless compliant with Building Regulations.

3.2. Planning Authority Reports

- 3.2.1. The **planning officer** indicated satisfaction with the proposed development. His report includes an account of some other successful applications for attic conversion at properties in the vicinity at Templeview Downs.

3.3. Third Party Observations

- 3.3.1. A submission was lodged by the appellant party of No 24 Templeview Downs with her teenage son. Her objections relate to noise at the property which affects the amenities of her property and which would increase as a result of the proposed

development. She also considers that the rear elevation attic level fenestration would be intrusive on the privacy and amenity of her rear garden.

4.0 Planning History

4.1. There is no record of planning history for the application site.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site is within an area subject to the zoning objective Z1: *To protect, provide and improve residential amenities.*

6.0 The Appeal

6.1. Grounds of Appeal

An appeal was lodged by Tanya Smyth of No 24 Templeview Downs on her own behalf on 24th May, 2021. She states that she resides at the property with her son and objects to the proposed development.

According to the appeal:

- The playroom use at attic level would exacerbate an existing noise problem at the property which is a source of serious disturbance and negative impact on the amenities of Ms Smyth's property.
- The storage area at attic level is to be located on the (outer) side of the attic level but it should be relocated to the other (inner) side so that it can function as a noise buffer. The playroom activities would take place immediately adjacent to the internal wall between the two houses.
- The large window for the attic level conversion, which essential converts the house to three storeys would overlook and allow for direct views from a height into the rear garden of Ms Smyth's property

6.2. Applicant Response

There is no submission from the applicant on file.

6.3. Planning Authority Response

There is no submission from the planning authority on file.

7.0 Assessment

7.1. The appellant's property is the adjoining property in a semi-detached pair of two storey houses with the application site property and her objections are of exacerbation of an existing noise disturbance at the property which would be attributable to the addition of the proposed attic level playroom at the property and, overlooking of the rear garden of her property from the attic level height via the proposed windows for the rear roof slope. These issues are first considered below following by other considerations.

7.2. Noise disturbance.

- 7.2.1. Essentially, the proposed development may arguably amount to an intensification of use due to the enlarged internal accommodation incorporating a playroom. It is equally arguable that, to the contrary, the proposal does not amount to intensification of use as it is solely additional space for use as a playroom associated with or ancillary to the household's residential use of the dwelling.
- 7.2.2. It is considered that provided that the property is not used for commercial purposes such as childminding for third parties and is confined to playroom use associated with the household occupants, the argument as to increased intensity and consequently an increase in noise disturbance should be rejected. However, it is appreciated that children's play activity inside and outside a private house is a potential source of noise and disturbance affecting amenities of adjoining properties particularly properties within apartment blocks, terraced and semi-detached houses.
- 7.2.3. In view of the concerns raised in the appeal about noise disturbance, it is recommended, for the purposes of clarity, that a condition be included, if permission is granted for the proposed development in which it is specified that the proposed

7.2.4. playroom is to be confined to the residential use of the occupants with no commercial use being permitted. In addition, a condition for removal of exempt development entitlements is also recommended so as to allow for further planning review in the event of consideration of possible, future additional development at the property.

7.3. Overlooking of Appellant Property,

7.3.1. The appellant's point as to storage space providing a buffer effect is noted and is considered understandable but a requirement on the applicant to reorder the internal layout to relocate the storage space would be onerous and unreasonable.

7.3.2. With regard to the scope and potential for overlooking of the rear garden of the appellant party's property, it is agreed that the proposed double rooflight, 1000mm x 1500 mm is at height equivalent to a second floor. However, given the shallow roof slope and the proposed position for the rooflights, the view would be towards the sky from the interior overlooking would not be feasible.

7.4. Design and visual Impact.

7.4.1. Extensions to the side including additions and alterations to the roof profiles within the Clarehall residential development in views towards the streetscape and front elevations are relatively limited and modest. Nevertheless, it is considered that the proposed development, which does alter the combined profile of the semi-detached pair can be accommodated within Templeview Downs without undue adverse impact on the visual amenities and uniform character of development within the area.

7.5. Other Considerations.

7.5.1. It is recommended that a condition the space is not to be used for habitable purposes unless it is compliant with the standards of the Building Regulations which was attached to the planning authority decision should not be included as this matter is subject to a separate legislative code for which compliance is required for the use for habitation purposes to be authorised.

7.6. Environmental Impact Assessment Screening.

7.6.1. Having regard to the nature of the proposed development and its location in a serviced inner suburban area, removed from any sensitive locations or features,

there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.7. Appropriate Assessment.

- 7.7.1. Having regard to the scale and nature of the proposed development and to the serviced suburban location, no Appropriate Assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. In view of the foregoing, it is recommended that the planning authority decision be upheld based on the reasons and considerations and subject to the conditions which follow below.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the design and size of the proposed attic conversion, to the residential use of the property and, to the Dublin City 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 residential amenities of the adjoining property or the residential and visual amenities of surrounding development and would be in accordance with the proper planning and sustainable development of the area.

10.0 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. The attic level habitable accommodation shall not be for commercial purposes or any use other use ancillary to the residential use of the dwelling sublet, used for commercial purposes or

Reason: In the interest of clarity, the residential amenities of adjoining properties and the amenities of the area.

3. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001 as amended, shall not be carried out within the curtilage of the dwellings without a prior grant of planning permission.

Reason: In the interest of residential amenities

4. 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. Sample panels shall be erected on site for inspection by the planning authority in this regard.

Reason: In the interest of visual amenity.

Jane Dennehy
Senior Planning Inspector
17th July, 2021.