



An  
Bord  
Pleanála

## Inspector's Report ABP-310346-21.

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<b>Development</b>	Conversion of attic space to storage, alterations to roof profile, dormer structure.
<b>Location</b>	312 Charlemont, Griffith Avenue, Dublin 9.
<b>Planning Authority</b>	Dublin City Council North.
<b>Planning Authority Reg. Ref.</b>	WEB1243/21.
<b>Applicant(s)</b>	Julian Carroll.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant with conditions
<b>Type of Appeal</b>	First Party (condition)
<b>Appellant</b>	Julian Carroll.
<b>Observers</b>	None.
<b>Date of Site Inspection</b>	24 <sup>th</sup> July 2021.
<b>Inspector</b>	Philip Davis.

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## 1.0 Introduction

This appeal is made to the Board under S.139 of the 2000 Act, as amended. The planning authority granted permission for the conversion of an attic including a dormer window – the applicant wishes to delete or amend one condition relating to the external finishes of the dormer.

## 2.0 Site Location and Description

### 2.1. Charlemont, Dublin 9

The Charlemont estate is a relatively modern development of mostly semi-detached dwellings in part of the grounds of St. Patricks College, now part of DCU, between Griffith Avenue and Collins Avenue in north Dublin. The estate is laid out as cul-de-sacs from a central spine road which joins Griffith Avenue at a shared entry with the college. The area is mature and well landscaped and many of the dwellings have had conversions to the side and rear.

### 2.2. Appeal site

The appeal site, no. 312 Charlemont, is one of a pair of semi-detached dwellings on a cul-de-sac running north from the main spine road of Charlemont. It is a 2-storey 2 bay dwelling, the northernmost of a semi-detached pair of houses. The site area is given as 175 m<sup>2</sup>, the house has a floorspace of 92 m<sup>2</sup>.

## 3.0 Proposed Development

### 3.1. The proposed development is described on the site notice as:

*Conversion of attic space to storage, alterations to roof profile with 2 new rooflight windows to the rear, new dormer style roof structure to the side with obscure window to side gable wall, and all associated site works.*

## 4.0 Planning Authority Decision

### 4.1. Decision

The planning authority decided to grant permission for 8 generally standard conditions. Condition 7 states:

*The walls of the side dormer hereby approved shall be clad in vertically hung slates/tiles to match the existing roof in respect of materials and colour. The window to the side dormer shall be fitted in and permanently retained in obscure glazing.*

**Reason:** *To protect existing amenities.*

### 4.2. Planning Authority Reports

#### 4.2.1. Planning Reports

- The planning authority noted that there was a pattern of Board decisions permitting this type of side dormer, including an appeal into the adjoining no.313. It states '*The established pattern of development in Charlemont is now comprised of such side dormers, in many cases approved by ABP following appeal. In this context it would be inequitable to require this example to be modified to take due consideration of clear Development Plan policy on subordination of dormer extensions.*'
- Permission recommended subject to conditions.

#### 4.2.2. Other Technical Reports

**Engineering (Drainage):** No objection.

### 4.3. Prescribed Bodies

None on file.

### 4.4. Third Party Observations

None received.

## 5.0 Planning History

There is no planning history for the site on file.

There have been a number of appeals relating to conditions on dormer windows in Charlemont, including one for the adjoining property to the north, **PL 29N.248717**. In this, the Board upheld a S.139 appeal to alter a similar side dormer window. A similar decision was reached in appeal **PL29N.243348**.

## 6.0 Policy Context

### 6.1. Development Plan

The site is zoned Z1 with the objective '*to protect, provide and improve residential amenities*' in the Dublin City Development Plan 2016 – 2022.

General guidance for residential extensions throughout the city is set out in Section 16.10.12. It requires that all extensions and alterations should protect the amenities of adjoining dwellings in particular the need for light and privacy. The form of the existing building should be followed as much as possible and similar finishes should be used on the extension.

Applications for proposals will be granted provided that:

- The proposed development has no adverse impact on the scale and character of the dwelling.
- Has no unacceptable effect on the amenities enjoyed by occupants of adjacent buildings in terms of privacy and access to daylight and sunlight.

Paragraph 17.11 of Appendix 17 outlines policy on roof extensions. It notes that 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 the way the street is viewed as a whole.

When extending 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 levels to minimise their visual impact and reduce the potential for overlooking of adjoining properties.

## 6.2. EIAR

Having regard to the small scale of the proposed development within an existing urban area on a developed site and the absence of any sensitive receptors, the development would not result in a real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded and a screening determination is not required.

## 6.3. Natural Heritage Designations

There are no designated habitats in the vicinity of the appeal site. It is approximately 3km directly west of the closest Natura 2000 site, the **South Dublin Bay and River Tolka Estuary SPA, site code 004024**. It is within the Liffey catchment, which flows to the above SPA and the SAC site code 000210. The proposed works are very small in scale and would have no potential for impacting or run-off or associated species or habitats. I therefore consider that it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 004024 or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

The applicant wishes to appeal condition 7.

- It is argued that the first line of the condition would lead to a design inconsistent with the neighbouring property, which has a similar dormer – i.e.

*The walls of the side dormer hereby approved shall be clad in vertically hung slates/tiles to match the existing roof in respect of materials and colour. The window to the side dormer shall be fitted in and permanently retained in obscure glazing.*

**Reason:** *To protect existing amenities.*

- A number of other decisions are noted – including **PL29N.248717** (2602/17) (the adjoining property and appeal in regard to an argument that the usual condition is for finishes to match the existing house. Other such examples are given for five other dwellings in Charlemont.
- It is noted that the Board previously (**PL29N.240978**) removed a similar condition (condition 4 of that permission).
- The Board is requested to remove this condition so that the dormer can be completed as designed, with finish to match the existing home.

### 7.2. Planning Authority Response

The planning authority has not responded to the grounds of appeal.

### 7.3. Observations

None.

## 8.0 Assessment

8.1. Section 139 of the 2000 Act, as amended, states:

**139.—(1) Where—**

*(a) an appeal is brought against a decision of a planning authority to grant a permission,*

*(b) the appeal relates only to a condition or conditions that the decision provides that the permission shall be subject to, and*

*(c) the Board is satisfied, having regard to the nature of the condition or conditions, that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted,*

*then, subject to compliance by the Board with subsection (2), the Board may, in its absolute discretion, give to the relevant planning authority such directions as it considers appropriate relating to the attachment, amendment or removal by that authority either of the condition or conditions to which the appeal relates or of other conditions.*

*(2) In exercising the power conferred on it by subsection (1), apart from considering the condition or conditions to which the relevant appeal relates, the Board shall be restricted to considering—*

*(a) the matters set out in section 34(2)(a), and*

*(b) the terms of any previous permission considered by the Board to be relevant.*

8.2. Having inspected the site and reviewed the file documents, I am satisfied that the grant of permission is in accordance with the zoning designation and policy and there are no new issues that would justify the Board determining the proposed development as if it had been made in the first instance.

8.3. I therefore propose to address condition 7 only. This condition states:

*The walls of the side dormer hereby approved shall be clad in vertically hung slates/tiles to match the existing roof in respect of materials and colour. The*



*window to the side dormer shall be fitted in and permanently retained in obscure glazing.*

**Reason:** *To protect existing amenities.*

- 8.4. The applicant wishes to change this condition as it is argued that the original design matches that of the neighbour and would be more in keeping with the area. The planning authority did not explain in any detail as to why it prefers slates/tiles, although it may have had in mind the example at the end of the cul-de-sac which is tiled, as is a rear dormer at the cul-de-sac entrance (photographs are attached in the appendix to this report). There have been a number of appeals on the issue, and I note that there has not been an entirely consistent approach either by the planning authority or the Board on the matter of external cladding and appearance.
- 8.5. A number of dwellings around Charlemont have build side and rear dormers, and I observed on my site visit that there was no clear pattern, with roughly equal examples of rendered walls, tiles, and slates to match existing. I have attached a number of photographs to this report giving some examples. It seems to me to be largely subjective as to which works better for the area as all these dormers appear to be quite satisfactory visually.
- 8.6. I consider it reasonable of the applicant to wish to match the neighbours dormer for aesthetic reasons and I would agree that whatever the judgement is with regard to which finish is more suitable for an estate of this design, in this case a matching set of materials would be more appropriate.
- 8.7. I therefore recommend that the Board amend the conditions as follows:

*All finishes shall match the existing dormer on the adjoining property to the north. The window to the side dormer shall be fitted in and permanently retained in obscure glazing.*

**Reason:** *To protect existing amenities.*

## 9.0 Recommendation

I recommend that the Board, under its powers under Section 139 of the 2000 Act, as amended, direct the planning to amend condition no.7 of decision order P3353 as follows, for the reasons and considerations set out in section 10 below:

*All finishes shall match the existing dormer on the adjoining property to the north. The window to the side dormer shall be fitted in and permanently retained in obscure glazing.*

**Reason:** *To protect existing amenities.*

## 10.0 Reasons and Considerations

Having regard to the nature of the conditions, the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND condition 7 as below and the reasons therefor:

Having regard to the existing pattern of development in the vicinity of the appeal site together with the limited scale of the proposed development and the precedents previously set in the Charlemont estate for similar side dormer roof extensions, it is considered that the proposed development, as proposed in accordance with the plans and particulars lodged with the Planning Authority, would be compatible with the established streetscape character at this location, would not seriously injure the visual or residential amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

It is considered therefore that the modifications required as set out in Condition No. 7 would not be justified or warranted in this instance and that it would be more appropriate to match that of the neighbouring property to the north.

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Philip Davis

Planning Inspector

26<sup>th</sup> July 2021