



An
Bord
Pleanála

Inspector's Report ABP-310445-21.

Development	Dormer window to the front and rear of dwelling.
Location	301 Clontarf Road, Clontarf Dublin 3.
Planning Authority	Dublin City Council North.
Planning Authority Reg. Ref.	WEB1279-21.
Applicants	Niall and Sharon Gaffney.
Type of Application	Permission.
Planning Authority Decision	Grant with conditions
Type of Appeal	First Party (condition)
Appellant	Niall and Sharon Gaffney.
Observer	Rachel & Liam Doyle Vanessa Fitzsimmons John & Cassie Kennedy.
Date of Site Inspection	24 th July 2021.
Inspector	Philip Davis.

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1.0 Introduction

This appeal is by the applicant against a condition on a permission for alterations to a proposed dormer to the roof of a dwelling on the Clontarf Road under S.139 of the 2000 Act, as amended.

2.0 Site Location and Description

2.1. General area

The appeal site is on the Clontarf Road as it runs east to west along the shore of Dublin Bay. The appeal site is located on a stretch just south-west of the Bull Wall, characterised by a mix of substantial mostly terraced dwellings dating from the earlier part of the 20th Century on a stretch of coast reclaimed from a wetland formerly known as Crab Lake. The houses are generally bay fronted and 2-storey, mostly with original dormer second storey levels. To the west are more modern flat roofed 2 storey dwellings.

2.2. Appeal site

The appeal site, no. 301 Clontarf Road, is a 2-storey early 20th Century rendered end of terrace dwelling with a bay front. It is on a site with an area given as 305 m², with a floorspace of 165 m². It is noticeably smaller than the seemingly contemporary terrace extending to the east and may have been an addition to the original terrace. To the west is a terrace of flat roofed 2-storey dwellings on substantial sites. The house has a gated entry directly onto the Clontarf Road and a separate mews dwelling to the rear.

3.0 Proposed Development

The key elements of the proposed development are described as:

- I. Installation of a new flat roof dormer window to the front of existing pitched roof
- II. Installation of new flat roof dormer window to the rear of existing pitched roof.

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to grant permission, subject to 9 no. conditions.

Condition 9 states:

Development shall not commence until revised plans, drawings and particulars showing the following amendments have been submitted to, and agreed in writing by, the Planning Authority, and such works shall be fully implemented prior to the occupation of the building:

- a) *The front dormer shall be reduced in width to not exceed an external width of 1.8m and shall be moved so that it sits above the existing bay window and such that its centre line aligns with that of the principal window to the front of the bay.*
- b) *The front dormer shall be amended to a gable fronted pitched roof structure similar to those in the dwellings to the east.*
- c) *The glazing to the amended dormer shall have a width not exceeding that of the principal window to the bay window below.*
- d) *The foot of the dormer shall be a minimum of 300mm above the ridge of the roof of the two storey bay.*

Reason: *In the interest of the visual amenity of the streetscape and to reflect and integrate with the vertical character of the existing windows as required by the Current Dublin City Development Plan Appendix 17.11.*

4.2. Planning Authority Reports

4.2.1. Planning Reports

- Notes one previous permission – alterations to the rear of no.301 and similar proposed dormer decision on no.286.
- Outlines the policy context.
- The dwelling is considered to align architecturally with the terrace to the east.

- Notes potential issue with dormer at no. 286 Clontarf Road which may not have been built as per the condition.
- It is considered that the front dormer as designed would be incongruous, but the principle of a front dormer is not unreasonable. Permission is therefore recommended, but with a condition substantially altering the design.

4.2.2. Other Technical Reports

Drainage engineering: No objections.

4.3. Prescribed Bodies

None on file.

4.4. Third Party Observations

Three observations made, generally objecting for amenity reasons.

5.0 Planning History

4836/04: Detached mews to the rear of the property.

WEB1001/16: no. 286 Clontarf Road – similar dormer proposed.

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 specifically relates to 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 a number of EU designated habitats in Dublin Bay, within 100 metres from the site. The closest is the **South Dublin Bay and River Tolka SPA**, site code 004024 and a little further to the east at Bull Island there are two, the **North Dublin Bay SAC**, site code 00206 and the **North Bull Island SPA**, site code 004006, all designated for a variety of littoral and coastal habitats and wildfowl. It is likely that surface water drains directly to the bay. The site is paved or built upon and so would not have any potential link or benefit to those species or related habitats and since the external works are minor there would be no disturbance of birds. The site is fully served by the public sewer and water system, and the proposed change of use would not substantively increase drainage or run-off, so there are no pathways for pollution or any other possible direct or indirect impact on the conservation interests of those designated sites. 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

Condition no.9 is appealed under Section 139(1) of the 2000 Act, as amended.

- It is argued that the condition is unwarranted and onerous due to the building being a standalone terrace house which abuts the gable end of the terrace to the east but is not part of the terrace.
- It is argued that a dormer of this nature as the dormers on the adjoining terrace are a continuation of the front wall, and the bay window do not have a hipped roof like 301. It is arguing that attempting to match these dormers would result in an incongruous feature.

- It is argued that it is contradictory to the decision made for no.286 Clontarf Road (WEB1001/16), where a wide modern dormer was permitted.
- In seeking to address some of the concerns, revised plans are submitted reducing the width to 3 metres and centralising the dormer over the bay of the house.
- The Board is requested to delete or amend the condition accordingly.

7.2. Planning Authority Response

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

7.3. Observations

John & Cassie Kennedy of 302 Clontarf Road

- Submits that the proposed development will be overbearing when viewed from their property.
- It will be out of scale and character with the local area.
- There would be a significant loss of light and privacy (refers to Development Plan Policy) on their property.
- The proposed development is too close to their property.
- It would set an undesirable precedent.
- It is further argued that it is not consistent with design guidelines in Appendix 17 of the Development Plan and would have a serious impact on local amenities.

Vanessa Fitzimmons of 16 The Mews, Seafield Close

- It is argued that the rear dormer would overlook the mews property to the rear.
- It is submitted that the planners report did not adequately address the issue of amenity impacts to the rear and used inappropriate precedents.
- It is argued that skylights flush with the roof would be more appropriate.

Rachel & Liam Doyle of 15 Seafield Close

- It is argued that the proposed works would have a significant impact on the three surrounding properties.
- It is argued that the planning report did not take fully into account that the site has mews houses to the rear, compared to other dwellings along the street, and as such would look directly into the rear of these dwellings.

8.0 Assessment

8.1. Section 139 of the Act 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. I note that the observers have raised significant issues regarding the overall proposed development, including the rear dormer element. The overall development was comprehensively reviewed by the planning authority, and I do not consider that

there are any issues with the assessment that would justify a full *de novo* assessment of the decision.

- 8.3. Having inspected the site and reviewed the file documents, I am therefore satisfied that the grant of permission is in accordance with the zoning designation and related guidelines 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.
- 8.4. I therefore propose to address condition 9 only.

Condition no.9

Development shall not commence until revised plans, drawings and particulars showing the following amendments have been submitted to, and agreed in writing by, the Planning Authority, and such works shall be fully implemented prior to the occupation of the building:

- a) The front dormer shall be reduced in width to not exceed an external width of 1.8m and shall be moved so that it sits above the existing bay window and such that its centre line aligns with that of the principal window to the front of the bay.*
- b) The front dormer shall be amended to a gable fronted pitched roof structure similar to those in the dwellings to the east.*
- c) The glazing to the amended dormer shall have a width not exceeding that of the principal window to the bay window below.*
- d) The foot of the dormer shall be a minimum of 300mm above the ridge of the roof of the two storey bay.*

Reason: *In the interest of the visual amenity of the streetscape and to reflect and integrate with the vertical character of the existing windows as required by the Current Dublin City Development Plan Appendix 17.11.*

- 8.5. The dwelling is at the end of an attractive terrace of rendered houses, all with upper dormers with the front flush with the main wall. The houses are in an attractive and very visible stretch of road along the Clontarf Promenade close to the Bull Wall. The appeal site is very similar in style, but is somewhat smaller than the other houses, so it is unclear as to whether it is contemporary with the terrace or was built somewhat later to a matching design.

- 8.6. The dormer as proposed is generally contemporary in style, similar to those on other dwellings along Clontarf Road, often with varying degrees of quality and impact. The planning authority noted a large dormer for no.286 on a somewhat similar terrace – this is clearly less successful in design terms than the pair of dormers on the west end of that terrace. I would concur with the planning authority that this type of dormer (which it is suggested in the planning report may be somewhat larger than was granted permission) is inappropriate in visual terms.
- 8.7. The applicant has submitted a revised drawing with the appeal for a somewhat scaled down version of that originally submitted. I would concur that this does have some merit, but on balance I consider that the approach of the planning authority was correct and appropriate in the circumstances. In this specific context, especially with regard to the design and overall proportions of the terrace to the east of the dwelling, a narrower gable pitched dormer would be more appropriate.
- 8.8. I therefore recommend that the Board does not delete or amend Condition 9 of the decision.

9.0 Recommendation

I recommend that the Board does not use its powers under S.139 of the Act, as amended, to delete or amend condition no. 9 of decision no. P3472.

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 ATTACH condition number 9 and the reasons therefor:

Having regard to the provisions of the Dublin City Development Plan 2016-2022 and to the existing pattern of development in the vicinity of the appeal site along with the visual qualities of the streetscape along the Clontarf Promenade, it is considered that the development, as proposed in accordance with the plans and particulars lodged

with the Planning Authority, would be acceptable in principle, but the particular details of the designs would seriously injure the visual amenities of the area and would not be compatible with the overall pattern of development along this stretch of Clontarf Road. It is considered therefore that the modifications required as set out in Condition No. 9 are justified in this instance and that it would not be appropriate to delete this condition.

Philip Davis
Planning Inspector

26th July 2021