



An
Bord
Pleanála

Inspector's Report ABP310550-21

Development

Construction of a new attic conversion to include W.C. along with alterations to the existing hipped roof forming a new gable wall with high level window to side elevation and new flat dormer roof to the rear at roof level.

Location

Oglebay House, 4 Mornington Park,
Artane, Dublin 5.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

WEB 1315/21.

Applicants

Stephen and Lorraine Cleary.

Type of Application

Permission.

Planning Authority Decision

Grant.

Type of Appeal

First Party -v- Condition.

Appellants

Stephen and Lorraine Cleary.

Observers

None.

Date of Site Inspection

21st September, 2021.

Inspector

Paul Caprani.

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1.0 Introduction

ABP310550-21 relates to a first party appeal against a single condition attached to a grant of planning permission for the construction of a new attic conversion including a new flat roof dormer box on the rear elevation at roof level.

Condition 2(a) of the grant of planning permission states that the rear dormer shall be amended to have a maximum width of 3.5 metres and shall be centred upon the new rear roof plain as far as possible. The grounds of appeal argue that the condition is unreasonable and makes reference to other precedent decisions where large roof box dormer bungalows were permitted to the rear of dwellings and it is argued that the development will not be feasible if the dormer is reduced by 1.6 metres as required by way of condition.

2.0 Site Location and Description

- 2.1. The subject site relates to a two storey semi-detached dwelling with an existing single storey extension along the south-western gable and rear of the dwelling. The house also incorporates an existing dormer window at first floor level. The subject site is located on the north-western side of the Artane Road approximately 100 metres on the city side of the Artane Roundabout. The Artane Road/Malahide Road (R107) is an important radial route linking the north-eastern suburbs of the city with the city centre. The dwellinghouse in question and surrounding residential development poss mid-1960s. The subject site forms the south-western dwelling in a pair of semi-detached dwellings facing onto the Malahide Road. The dwelling incorporates a front garden length of approximately 17 metres and a rear garden length of c.19 metres. A laneway runs to the rear of the dwelling serving both the houses fronting onto the Malahide Road and houses to the north-west of the site fronting on Ardcollum Road. The subject site is located approximately 5.5 kilometres north-east of Dublin City Centre.
- 2.2. It appears from the site inspection that the side of the dwellinghouse at ground floor level was previously used as a physiotherapy clinic.

- 2.3. The existing dwelling comprises of an office, study and store together with a toilet along the single storey extension to the side of the dwelling. The single storey extension to the rear accommodates a large kitchen area. The main footprint of the dwellinghouse accommodates a lounge and dining area together with a hallway and utility room. Three bedrooms and a bathroom were located at first floor level and a roof storage area is also incorporated into the roof pitch. The attic space is served by a small dormer window and two skylights on the front and side elevation.

3.0 Proposed Development

- 3.1. The existing dwelling incorporates a hipped gable roof. It is proposed to extend the roof profile transforming it from a hip gabled roof to a full 'A shaped' gable roof. The existing dormer window to the rear is to be replaced by a larger dormer box 5.1 metres in width (externally) and 2.2 metres in height. The dormer box is to incorporate two separate windows and is to be centrally located within the roof plain c.1 metre from each side of the roof profile. The dormer box is to incorporate a very shallow pitched roof c.300 millimetres below the ridge height of the existing roof. Details of the external finishes of the box extension are not indicated on the drawings submitted with the application.
- 3.2. The new dormer attic space is to incorporate additional roof space the purpose of which is not indicated in the drawings submitted. The drawings however do indicate that the total area of the space will increase the 17 square metres of which 10.5 square metres would be 2.4 metres in height. The remaining 6.5 metres will be between 1.5 and 2.4 metres in height. It will also include a shower and toilet. The new attic space will be served by rear facing dormer windows and the existing rooflight on the front roof pitch.

4.0 Planning Authority's Decision

Dublin City Council issued notification to grant planning permission for the proposed development subject to 8 conditions. Condition No. 2(a) states that the rear dormer shall be amended as follows:

- (a) *The rear dormer shall have a maximum width of 3.5 metres and shall be centred upon the new roof plain as much as possible.*

Reason: To ensure a satisfactory standard of development.

4.1. Planning Authority Assessment

- 4.1.1. A report from the Engineering Department Drainage Division stated that there was no objection to the proposed development subject to standard conditions.
- 4.1.2. The planner's report notes that a review of planning history of neighbouring properties indicates that there has been grants of planning permission for the replacement of hipped roofs to gable end roofs including most recently No. 2 Mornington Park which is granted under WEB 1366/20. On the basis of this and other development in the area, it is considered that the proposed replacement of the existing hipped roof profile within the gable end is acceptable.
- 4.1.3. Reference is made to Appendix 17.11 of the Development Plan which states that dormer extensions should be visually subordinate to the roofspace enabling a large proportion of the original roof to remain visible. To ensure that the dormer will remain subordinate to the roof plain, it is recommended that the subject dormer be not more than 50% of the width of the rear roof plain and shall be centrally positioned. On this basis, it appears that Condition No. 2(a) was incorporated into Dublin City Council's grant of planning permission.

5.0 Planning History

No history files are attached. The planner's report makes reference to the following relevant planning decisions.

Under Reg. Ref. 4437/02 Dublin City Council granted planning permission for rooflights to the front, back and side of the house which is the subject of the current application and appeal together with an extension to the rear and side of the house to allow for physiotherapy treatment rooms and also to provide signage in relation to the same and the front boundary

Under WEB/1366/20 retention of planning permission was granted by Dublin City Council for an existing attic conversion including alterations to the previous hipped roof to form a new gable wall to the side elevation and three rooflights in the rear elevation.

Under Reg. Ref. ABP305488 the Board on foot of a first party appeal against a decision of Dublin City Council to refuse planning permission, overturned the decision and granted planning permission for the construction of a new house on site to the side of No. 1 Mornington Park, Malahide Road, County Dublin. Permission was granted subject to four conditions on 9th January, 2020.

6.0 Grounds of Appeal

- 6.1. The decision of Dublin City Council was the subject of a first party appeal specifically in relation to Condition 2(a). Condition 2 states that *“the rear dormer shall be amended as follows: (a) the rear dormer shall have a maximum width of 3.5 metres and shall be centred upon the new rear roof plain as much as possible”*. The grounds of appeal argue that this condition is unreasonable having regard to the scale and mass of other dormers granted in the general area. It is argued that the proposed roof dormer is not visually intrusive in scale and if it were to be scaled back to 3.5 metres it completely compromises the workability and layout options of the proposed internal space. It is argued that comfortable head space at the stairs leading to the attic space would be prohibited.
- 6.2. The applicants’ neighbours were consulted throughout the design process and have no objections to the development.
- 6.3. Reference is made to the grant of planning permission under Reg. Ref. 5498/05 at 7 Ardcollum Avenue directly to the north of the subject site. This included a dormer box extension in the rear pitch of the roof which is larger than that proposed under the current application and no conditions were attached requiring a reduction in the size and scale of the dormer box. This it is argued sets a relevant precedent for the current application before the Board.
- 6.4. The existing area in plan of the northern section of the sloped roof would be 30 square metres. It is therefore suggested that the proposal complies with Appendix 17.11.2 in that the dormer window in this instance is visually subordinate to the roofslope and enables a large proportion of the original roof to remain visible. It also states that the proposal complies with other criteria set out in Appendix 17.11 of the development plan.

- 6.5. On the basis of the above it is recommended that Condition 2(a) be removed from the grant of permission.

7.0 Appeal Responses

Dublin City Council have not submitted a response to the grounds of appeal.

8.0 Development Plan Provision

- 8.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022. The subject site is governed by the zoning objective Z1.
- 8.2. Section 16.2.2.3 relates to alterations and extensions. It states that Dublin City Council will seek to ensure that alterations and extensions will be sensitively designed and detailed to respect the character of the existing building, its context, and the amenity of adjoining occupiers.
- 8.3. In particular extensions should:
- Respect any existing uniformity of the street, together with significant patterns, rhythms or groupings of buildings.
 - Retain a significant proportion of garden space, yard or other enclosure.
 - Not result in the loss of, obscure, or otherwise detract from the 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.
- 8.4. In addition to the above, alterations and extensions at roof level, including roof terraces are to respect the scale, elevation proportions and architectural form of the building and will:

- Respect the uniformity of terraces or groups of buildings with a consistent roofline and 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 where they are of historic interest or contribute to the local character and distinctiveness.
- 8.5. Section 16.10.12 of the Development Plan also relates to extensions and alterations to dwellings.
- 8.6. 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.
- 8.7. 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 the amenities enjoyed by occupants of adjacent dwellings in terms of privacy, access to daylight and sunlight.
- 8.8. Appendix 17 also provides additional guidelines in relation to alterations and extensions to dwellings.
- 8.9. It notes that the roofline of the building is one of the most dominant features and it is important that any proposal to change the shape, pitch, cladding or ornament of the roof is carefully considered. If not treated sympathetically, the dormer extension can cause problems for immediate neighbours in the way that the street is viewed as a whole.
- 8.10. 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 appearance of the existing building.
 - Dormer windows would be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible.

- Any new windows should relate to the shape, size and position and design of the existing doors and windows on the lower floors.
- Roof material should be covered with materials that match or complement the main building.
- Dormer windows should be setback from the eaves level to minimise the visual impact and reduce the potential for overlooking of adjoining properties.

8.11. Natural Heritage Designations

8.11.1. The subject site is not located within or contiguous to a Natura 2000 site. The nearest Natura 2000 sites are located c.3 kilometres to the east of the subject site namely the North Bull Island SPA (Site Code: 004006) and the North Dublin Bay SAC (Site Code: 000206).

8.12. EIA Screening

8.12.1. Extensions and alterations to existing residential units are not a class of development for which EIAR is required.

9.0 Planning Assessment

9.1. I have read the entire contents of the file, visited the subject site and its surroundings and have had particular regard to the single issue raised in the first party appeal relating to the restriction on the size and extent of the dormer extension at roof pitch level. Having regard to the zoning objective for the site and the nature and extent of the development which relates to an extension of an existing residential dwelling, I consider the principle of the development to be acceptable on the subject site and therefore the Board in my view can restrict its deliberations to the single issue raised. A full de novo assessment of the application in the first instance is neither warranted nor justified in my opinion.

9.2. Condition No. 2(a) requires that the rear dormer shall be amended so as to incorporate a maximum width of 3.5 metres and shall be centred upon the new rear roof plain. The proposed dormer box as originally proposed in the drawings submitted is intended to be 5.2 metres in width. The reduction in this instance amounts to 1.7 metres and it is argued that if such a reduction were to take place it would have implications for the ceiling height above the stairway leading to the

enlarged attic space. I refer the Board to drawing entitled Sheet No. 4 (proposed floor layout plans). It clearly indicates that the stairwell serving the roofspace would be somewhat compromised in terms of head space were the dormer reduced in width to 3.5 metres. It would in my view however still be possible with a reduction in the width of the dormer, to incorporate a floor to ceiling height of 2.4 metres of c.10 metres in size in order to accommodate habitable accommodation at roof level.

- 9.3. I would refer the Board to the provisions of Section 17.11 of the Development Plan (referred to in the previous section of my report) which specifically relates to roof extensions. It acknowledges that dormer extensions of a significant size and scale can cause problems for immediate neighbours and that the design of the dormer should reflect the character of the area. I consider that the a dormer box of 5.2 m in width would constitute a dominant feature on the roof space and would not result in an feature which could be considered subordinate is scale and size.
- 9.4. It is considered that a reduction in the width of the dormer box would result in habitable room area (i.e. 2.4 metres from floor to ceiling) above the minimum floor area of 7.1 square metres. The Board will note that additional floor area would be available between 1.5 and 2.4 metres in height within the room. It would be possible therefore to reduce the size and scale of the dormer box while still providing a habitable room of a sufficient size.
- 9.5. On the basis of the above therefore, I would consider it appropriate that the dormer box be reduced in size. I note in the case of a recent application and appeal before the Board (Reg. Ref. 310298) which related to an appeal in respect of a dormer box extension at No. 77 Bettyglen Raheny' that the Planning Authority reduced the width of the dormer box from 6.6 metres to 4.3 metres in size. The Bettyglen residential housing estate is not dissimilar in terms of the house design than the current application before the Board (mid to late 20th century suburban housing). It is my considered opinion that the Board could consider incorporating a compromise in terms of the overall width of the dormer box. The Board could therefore consider altering the condition to allow for a dormer box of 4.3 metres in width. This in my view would result in greater scope to provide a larger habitable room area within the attic area while at the same time ensuring that the dormer box remains subsidiary in terms of size to the overall roof pitch. It is noted that there is a precedent decision by

Dublin City Council which permits dormer boxes to be 4.3 metres in width in the case of suburban semi-detached residential dwellings.

- 9.6. The applicant makes reference to precedent decisions made by Dublin City Council in respect of dormer boxes which are of a similar size and scale to that proposed under the current application. Particular reference is made to No. 7 Ardcollum Road to the immediate north of the site (photographs of this extension are contained in the grounds of appeal and are attached to the photographic index accompanying this report). It is acknowledged that the precedent decision referred to relates to a dormer box which is of a similar size and scale to that proposed under the current application. However, the Board will note that this decision was granted under a previous development plan and was granted 16 years ago. In adjudicating on the current application and appeal it is respectfully suggested that the Board have regard to the current policies and provisions contained in the development plan and in particular the criteria for alterations for roofs contained in Appendix 17.11 of the Development Plan. This clearly and unambiguously requires that dormer box extensions be subordinate in terms of size and scale to the overall roof. On this basis I consider that a reduction in the external width of the dormer box from 5.2 metres to 4.3 metres would be more in keeping with the criteria referred to.

10.0 Conclusions and Recommendation

Arising from my assessment above therefore I recommend that the Board alter the said condition permitted the external width of the dormer box to be 4.3 metres wide.

11.0 Appropriate Assessment

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the 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.

12.0 Decision

Having regard to the nature of the condition 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 2(a) so it shall be as follows for the reason set out.

2. (a) The rear dormer shall have a maximum width of 4.3 metres and shall be centred upon the rear roof plain.

Reason: In the interest of visual amenity.

13.0 Reasons and Considerations

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 separation distance between the subject site and the adjoining dwellings the Board considered that a dormer box incorporating a maximum width of 4.3 metres would be acceptable in visual terms and would be in accordance with the proper planning and sustainable development of the area.

Paul Caprani,
Senior Planning Inspector.

17th November, 2021.