



An
Bord
Pleanála

Inspector's Report

ABP-310806-21

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| Development | Attic conversion with rooflight windows. |
| Location | 21, Killester Park, Dublin 5 |
| Planning Authority | Dublin City Council |
| Planning Authority Reg. Ref. | 2632/21 |
| Applicant(s) | Brian O'Reilly |
| Type of Application | Planning Permission |
| Planning Authority Decision | Grant with Conditions |
| Type of Appeal | First Party Appeal v Condition |
| Appellant(s) | Brian O'Reilly |
| Observer(s) | None |
| Date of Site Inspection | 24 th September 2021 |
| Inspector | Susan Clarke |

1.0 Site Location and Description

The site is located at 21 Killester Park and has a stated area of 253 sq m. The dwelling is one of a pair of semi-detached dwellings located on the western side of a small circular park area. It is a 2-storey 2 bay dwelling with a side garage. It has a total gross floor area of 108 sq m. The dwelling has a front and rear garden. The front garden provides for one vehicular parking space.

The area is predominately residential and is characterised by a mix of semi-detached and terraced two-storey houses. Many of the houses in the area have been extended and modified over time. The majority of the houses located around the park have hipped roofs.

2.0 Proposed Development

2.1.1. The proposed development consists of:

- Change of side roof profile from hipped to Dutch gable end;
- Attic conversion with dormer window to rear;
- Provision of two rooflights to the front, one rooflight to the rear, and one gable window; and
- Associated site works to facilitate the development.

The proposed development will result in an increase of gross floor area by 21 sq m, from 108 sq m to 129 sq m.

3.0 Planning Authority Decision

3.1. Decision

The Local Authority issued a Notification of Decision to Grant Permission on 15th June 2021, subject to 7 No. conditions, most of which are of a standard nature, but also including the following condition (No. 3):

“Development shall not commence until revised plans, drawings and particulars showing the following amendments have been fully submitted to, and agreed in

writing by the Planning Authority, and such works shall be fully implemented prior to the commence of development.

a) The proposed alteration of the roof of the house from a fully hipped roof to a Dutch gable roof shall be omitted.

b) A subordinated floating side dormer extension shall be provided which projects through the side (south facing) plane of the retained existing side hipped roof plane.

c) The side dormer box extension shall have a fully hipped roof matching the existing roof pitch and shall be set a minimum of 200 mm below/off the existing ridge lines and pulled up from the existing eaves line.

d) The proposed rear dormer box shall be confined within the existing rear roof plane and shall not be physically integrated with the side dormer, and its width shall not exceed 50% of the existing rear roof plane and shall be as centred as much as possible.

e) There shall be one window only in the rear dormer 'box' extension. This window shall have a maximum dimension of 1.4 metres (width) x 1.0 metres (height).

f) The proposed roof lights in the front plane of the roof of the house shall be omitted.

g) The attic level shall not be used for human habitation unless it complies with the current building regulations.

h) The windows to the attic development including the dormer windows shall be permanently fitted with opaque glazing to at least 1.8m above finished floor level.

i) All the dormers' elevations; fascia/soffits; rainwater goods, window frames glazing bars shall be finished in a dark colour so as to blend with the existing roof finish. No White uPVC shall be used.

j) Any downpipes on the side dormer shall be located on its rear elevation only.

k) The rear dormer shall not accommodate solar panels whether or not they would be exempted development under the Planning & Development Act 2000 (as amended).

l) All internal and external works to give the effect of the above.

Reason: In the interest of visual and residential amenity.”

3.2. Planning Authority Reports

3.2.1. Planning Report

The Planning Officer’s report reflects the decision of the Planning Authority. The Planning Officer considered that the Dutch gable roof would be inconsistent with the established character of the house and its adjoining neighbour. It is stated that the dormer box extension proposed to the rear plane of the roof is considered to be excessive and in order to achieve an attic level conversion and extension, the proposed development shall require significant modifications.

3.2.2. Other Technical Reports

Drainage Division: No objection subject to conditions.

3.3. Prescribed Bodies

Irish Water: No comments received.

3.4. Third Party Observations

No observations were submitted to the Local Authority in respect of the planning application.

4.0 Planning History

No records of previous applications relating to the site were identified.

5.0 Policy Context

5.1. Development Plan

The appeal site has a zoning objective 'Z1 - Sustainable Residential Neighbourhoods' within the Dublin City Development Plan 2016-2022, with a stated objective 'to protect, provide and improve residential amenities'.

Under Section 16.10.12 of Volume 1 to the Development Plan, it is stated that applications for planning permission to extend dwellings will only be granted where the Planning Authority is satisfied that the proposal would:

- 'not have an adverse impact on the scale and character of the dwelling;
- have no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight'.

Appendix 17 (Volume 2) of the Development Plan provides guidance specifically relating to residential extensions. Section 17.11 of this Appendix outlines that the following principles should be observed when extending in the roof:

- '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

None.

6.0 The Appeal

6.1. Grounds of Appeal

A First-Party Appeal has been lodged only against Condition No. 3 attached to the Planning Authority's Notification of a Decision to Grant Permission. The following grounds of appeal are raised:

- The Planning Authority failed to take account of the health benefits provided from additional light, air and space as per the zoning requirement to improve residential amenity, by changing to a gable roof and adding substantial air light and space.
- The Planning Authority failed to take into account the numerous examples of gable roofs and front mounted velux in the area and has attached the same conditions to other developments without proper investigation.
- There are many examples of houses being changed from hipped to gable having received permission from Dublin City Council and An Bord Pleanála.
- It is argued that there is nothing wrong with the proposed changes as long as the finishes are harmonising in terms of quality. It is wrong to condemn housing to remain as it was originally designed in the mid-20th century especially in light of Covid 19.
- Form must follow function and the function of these houses is to protect and shelter the residents and provide for their needs in 2021 and for the next 50 years. There is a need for extra space, volume, light and air.
- The proposed development will not result in any overlooking as there is a park located in front of the house.
- The proposed changes will not alter the character of the street.
- The side dormer box will result in a restrictive, substandard, car buckle attached to the side of the existing roof, limiting the space, light, and volume of fresh air, needlessly and slavishly maintaining the hip roof, when many examples of gable roofs are in the area.

- Restricting the space and volume of the dormer extension by denying the gable roof, does not promote the sustainable improvement of residential amenity, it only serves to maintain the mistakes in the original design.
- A gable roof means there is less gutters to clean, which is a health and safety bonus.
- Adding a hip roof up against the boundary will inevitably result in a bad boundary detail.

6.2. **Planning Authority Response**

None.

6.3. **Observations**

None.

7.0 **Assessment**

The First-Party Appeal relates to Condition No. 3 only attached to the Planning Authority's Notification of Decision to Grant Permission. I am satisfied that the development is otherwise in accordance with the proper planning and sustainable development of the area, and that the determination by the Board of the application as if it had been made to it in the first instance would not be warranted. My assessment will therefore be limited to the matters raised in relation to the terms of the Condition, pursuant to the provisions of section 139 of the Planning and Development Act 2000 (as amended).

The stated reason for the application of Condition No. 3 (including its subsections) is 'In the interest of visual and residential amenity'. The Planning Authority considered that the Dutch gable roof would be inconsistent with the character of the house and its adjoining neighbour. I appreciate that semi-detached houses are generally designed as pairs and this is generally reflected in the dwellings that front onto the park. However, whilst the houses have largely retained their original appearance, I note that a number of them have been altered/extended, including amendments to the roof profiles. The alteration to the side roof profile is necessary to enable the provision of

stairs with appropriate head height to the attic space. The proposed development provides the new stairs over the existing stairs. The proposed roof revision is in effect a compromise situation between the provision of a full gable instead of the existing hipped roof. Whilst I do not consider the proposed Dutch gable roof will have a negative impact on the residential amenity of the area, in the interest of visual amenity, and having regard to An Bord Pleanála's recent determination for a similar development (Ref. 310320-21, see details attached to this Report), I consider that a simple gable would be less visually obtrusive. Furthermore, in my opinion, a gable would have a more traditional appearance and would be more in keeping with the character of the area. The gable will not negatively impact on the residential amenity of adjoining properties in terms of overshadowing leading to a loss of daylight/ sunlight.

In respect to the proposed rear dormer, I consider the design and size to be acceptable. It would be set back from the eaves of the house and would not exceed the height of the existing roof. It would not unduly overlook or overbear other residential properties and as such, I do not consider it necessary to reduce the size of the windows. It would generally comply with the provisions of the Development Plan, including those set out in Appendix 17. I do not consider that a reduction in its width would be required by the proper planning and sustainable development of the area.

In respect to the rooflights, I have had regard to the Appellant's references to precedent and I would concur that there are several similar examples of rooflights on adjoining properties and properties in the surrounding area. I do not consider that these additions have detracted from the character or residential amenity of the area in any significant manner. The proposed rooflight in the bathroom at attic level will be the only source of natural light for this space.

In respect to Condition No. 3(k) regarding solar panels, any future installation of such equipment should comply with the provisions of the *Planning and Development Act 2000 (As amended)* and the *Planning and Development Regulations 2001 (As amended)*.

8.0 Appropriate Assessment

Having regard to the minor nature of the proposed development and to the location of the site in a serviced urban area and the separation distance to the nearest European

site, no Appropriate Assessment issues arise, and it is not considered that the 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. Having inspected the site and reviewed the drawings and documents on file, I am satisfied that the determination by the Board of this application as if it had been made to it in the first instance would not be warranted. Accordingly, I consider that it would be appropriate to use the provisions of Section 139 of the 2000 Act, as amended.

I recommend that Condition No. 3 be omitted and replace with:

The proposed Dutch gable roof shall be omitted, and a full gable shall be provided.

Reason: In the interest of visual and residential amenity.

9.2. Reasons and Considerations

Having regard to the nature and scale of the proposed development, the residential Z1 'Sustainable Residential Neighbourhoods' zoning for the site, and the provisions of the Dublin City Development Plan 2016-2022, it is considered that, the proposed amendments to the roof profile, the dormer roof extension to the rear, and the proposed front rooflights would not seriously injure the residential and visual amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Susan Clarke
Planning Inspector

4th October 2021