



An
Bord
Pleanála

Inspector's Report

ABP-310848-21

Development	Construction of extensions and conversion of attic
Location	210, Kincora Road, Clontarf, Dublin 3, D03 K7K7
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2700/21
Applicant(s)	Brian Cunningham
Type of Application	Planning Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	First Party v Condition
Appellant(s)	Brian Cunningham
Observer(s)	None
Date of Site Inspection	24 th September 2021
Inspector	Susan Clarke

1.0 Site Location and Description

- 1.1. The site is located at 210 Kincora Road and has a stated area of 241.2 sq m. The dwelling is an end of terrace, located on the southern side of Kincora Road. It is a 2-storey 2 bay dwelling with a single storey side extension. While the side extension has a flat roof, the original dwelling has a hipped end roof. The property has a front and rear garden. The front garden provides for two vehicular parking spaces.
- 1.2. The area is predominately residential and is characterised by groups of four terraced, two-storey houses and semidetached houses. Many of the houses in the area have been extended to the rear. Kincora Road joins Kincora Court immediately east of the site. The houses on Kincora Court are terraced redbrick houses and have a more modern appearance to those on Kincora Road.

2.0 Proposed Development

- 2.1.1. The proposed development consists of:
 - Construction of a Ground Floor single storey extension to the rear (6.4 sq m),
 - Construction of First Floor extension to the side (17.6 sq m),
 - Attic conversion,
 - Change of roof profile from hip end to gable end, and
 - Installation of rooflights to the front and rear roof slopes.

The proposed development will result in an increase of gross floor area by 24 sq m.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Local Authority issued a Notification of Decision to Grant Permission on 24th June 2021, subject to 9 No. conditions, most of which are of a standard nature, but also including the following condition (No. 4):

“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 extension to the roof above the side extension shall have a fully hipped roof
- b) The roof ridge of the proposed roof extension shall match the existing roof ridge level except where the roof slopes on its eastern plane
- c) The roof angle of the eastern plane of the proposed extended fully hipped roof (as indicated above) shall be [the] same as the current angle of the eastern plane of the roof of the house
- d) The eaves level of the roof extension shall match the existing eaves level.
- e) This fully hipped roof, including any projecting eaves and guttering shall be contained within the subject site and shall not over-sail the property boundary.
- f) There shall be no retaining parapet wall on the property boundary which exceeds the height of the eaves level. A concealed guttering system and a vestigial or sheared roof overhang may be applied as an alternative.
- g) The proposed roof lights on the front plane of the roof of the house shall be omitted
- h) There shall be two roof lights only on the rear plane of the roof of the house with maximum dimension of 1.180 x 0.940 metres
- i) The attic level shall not be used for human habitation unless it complies with the current building regulations
- j) 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
- k) All 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
- l) The rear dormer shall not accommodate solar panels whether or not they would be exempted development under the Planning & Development Act 2000 (as amended)
- m) 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 Reports

The Planning Officer’s report reflects the decision of the Planning Authority. The Planning Officer considered that the proposed alteration of the roof from a fully hipped roof to a standard A gable roof would be inconsistent with the established character of the area. In addition, the provision of rooflights in the front plane would be inconsistent with the character of the area.

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. 4 attached to the Planning Authority's Notification of a Decision to Grant Permission. The following grounds of appeal are raised:

- The adjacent existing dwelling (1 Kincora Court) which is immediately to the east side of the proposed new roof is a gable ended roof. This roof and the proposed roof would only be approx. 1,350mm apart upon completion.
- It is very difficult to achieve the drainage requirements specified in the condition in a tiled roof and introduces an unnecessary risk of leaking directly above habitable areas. A gable ended roof can be easily constructed without any overhang and removes any need for specialised gutter construction.
- The Applicant is happy to concede the removal of the rooflights to the front roof slope but asks that consideration is given to allowing three roof lights to the rear roof slope to allow natural light into the stairwell and landing areas as well as the attic space.
- There are a number of examples of similar attic conversions with gable ended roof profiles previously granted permission and constructed in the area. Photographs of such developments are included with the Appeal.
- Condition No. 4(i) relates to dormer windows, none of which are proposed as part of the development. The Applicant contends that it would not be necessary to fit the rooflights with opaque glazing as overlooking is not an issue due to the angle of the roof.
- Condition No.4(j) requires that no solar panels be included on the rear dormer. The Appellant outlines that no dormer is proposed and would like to retain the right to install solar panels on the roof in the future.

6.2. Planning Authority Response

None.

6.3. Observations

None.

7.0 Assessment

The First-Party Appeal relates to Condition No. 4 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. 4 (including its subsections) is 'In the interest of visual and residential amenity'. The Planning Authority considered that the gable roof would be inconsistent with the established character of area. Many of the semi-detached houses between Vernon Avenue and the junction of Kincora Road and Vernon Grove have hipped roofs. The houses positioned between the site and the junction of Kincora Road and Vernon Grove are similar to the subject house (i.e. groups of terraces comprising four houses with hipped roofs on either end of the terrace). The houses immediately east of the site along Kincora Court are also groups of terraces comprising four houses, but have gable ends on either end of the terrace. As such, I do not concur with the Planning Authority that the proposed gable end as illustrated on the planning drawings would be out of character with the area or have a negative impact on the residential amenity 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. Furthermore as highlighted by the Appellant, the proposed gable roof will eliminate the need for specialised guttering as required in Condition No. 4(f).

In respect to the proposed rooflights (Condition No. 4(g) and 4(h)), I note from my site visit that none of the surrounding dwellings have rooflights on the front plane. Notwithstanding this, I do not consider that the proposed three windows on the front plane will reduce the visual or residential amenity of the area. The proposed three rear rooflights will not be visible from Kincora Road or Kincora Court and will facilitate natural light in the storage space at Attic level. I agree with the Appellant's arguments that due to the slope of the roof, overlooking will not be an issue and as such, I do not

consider it necessary that the subject windows are constructed with opaque glazing. In conclusion, I consider the proposed rooflights to be acceptable.

In respect to Condition No. 4(l) relating to solar panels on the rear dormer, I consider that this Condition was erroneously attached to the Notification of Decision to Grant Permission as the proposed development does not include the development of a rear dormer. As such, I recommend that this Condition be removed. The installation of solar panels in the future should comply with the provisions of the *Planning and Development Act 2000 (As amended)* and the *Planning and Development Regulations 2001 (As amended)*.

As stated above, the Appellant has only sought to appeal Condition No. 4 attached to the Notification of Decision to Grant Permission. However I highlight that Condition No. 9, relating to works to the entrance to the site, may also have been erroneously attached to the Decision as no such works were sought as part of the application. Furthermore, I do not consider that the works required by Condition No. 9 are necessary to facilitate to the proposed development. As such, the Board may wish to consider removing this Condition also.

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

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 Nos. 4 and 9 be omitted.

10.0 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 and the proposed 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.

Condition No. 9 refers to works to the entrance to the site however no such works are proposed in the application. As such, the omission of this Condition would be in accordance with the proper planning and sustainable development of the area.

Susan Clarke
Planning Inspector

4th October 2021