



An  
Bord  
Pleanála

## Inspector's Report

### ABP-311479-21

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<b>Development</b>	Raise the ridge height of roof by 200mm; construct a dormer window and enclosed entrance porch with pitched roof over to the front elevation.
<b>Location</b>	43 Swan's Nest Road, Donaghmede, Dublin 5, D05 NY61
<b>Planning Authority</b>	Dublin City Council North
<b>Planning Authority Reg. Ref.</b>	3098/21
<b>Applicant(s)</b>	Anthony and Natalie Law.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	First Party v Condition
<b>Appellant(s)</b>	Anthony and Natalie Law.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	December 27 <sup>th</sup> 2021.
<b>Inspector</b>	Paul Caprani

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## 1.0 Site Location and Description

1.1. No 43 Swans Nest Road is located in the suburban area of Donaghmede on the north side of Dublin, c. 9km from the city centre. No 43 faces southwards onto Swans Nest Road. It comprises of a two storey mid-terrace red bricked dwelling containing 3 bedrooms at 1<sup>st</sup> floor level. The residential estate in which the site is located probably dates from the 1970's /1980's. Off street parking is provided in the front garden. The rear garden has a depth of c.9.5m. The overall site has a gross floor area of 162 sq .m. While the existing building on site has an area of 84 sq.m. No 43 Swans Nest Road backs onto the rear of no. 32 Mount Olive Grove to the north.

## 2.0 Proposed Development

2.1. Planning permission is sought to convert the attic area into an additional bedroom. It will involve the creation of a new dormer box to the rear. This will involve raising part of the ridge level of the existing roof by 200mm for the length of 400mm along the ridgeline of the existing dwelling (the entire width of the house is just less than 7m). The new attic area will provide an area of 18 sq.m. The dormer box will incorporate two windows overlooking the rear garden. It is also proposed to provide a new porch area (2 sq.m) on the front elevation of the building.

## 3.0 Planning Authority Decision

### 3.1. Decision

Dublin City Council granted planning permission subject to 7 conditions.

Condition 2 (a) requires that *the existing ridge to the dwelling shall be retained as existing. A revised dormer to the rear which shall not extend above the main ridge to the dwelling and shall match the width and set back from the eaves as proposed on the submitted drawings.*

### 3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The planning report notes that there is no planning precedent for raising the ridge height of a dwelling on Swan's Nest Road. It is considered the proposal would look incongruous when viewed from street level and would set an undesirable precedent which would negatively impact on the character of the area. It is on this basis that Condition 2(a) was attached

3.2.3. Other Technical Reports

A report from the Engineering Department, Drainage Division stated that there is no objection subject to conditions.

**3.3. Prescribed Bodies**

None

**3.4. Third Party Observations**

None

**4.0 Planning History**

No appeal files are attached. The planners report makes reference to a grant of permission at no.33 Swan's Nest Road for the conversion of the attic space to a box room with dormer windows to the rear of the pitched roof.

**5.0 Policy Context**

**5.1. Development Plan**

5.1.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022. The subject site is zoned Z1 – *“to protect, provide and improve residential amenities”*.

5.1.2. Section 16.10.12 of the development plan specifically relates to extensions and alterations to dwellings. It states that 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 scale to the main unit.

- 5.1.3. 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 amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.
- 5.1.4. Further details in relation to extensions and alterations to dwellings and roof profiles are contained in Appendix 17 of the development plan.
- 5.1.5. Appendix 17 requires in general terms that residential extensions should not have an adverse impact on the scale and character of the dwelling, should have no unacceptable effect on the amenities enjoyed by occupants of adjacent buildings in terms of privacy and adequacy to daylight and sunlight and achieve a high quality of design. Section 17.8 of the Appendix refers to the subordinate approach which means that the extension plays more of “supporting role” to the original dwelling. In general, the extension should be no larger or higher than existing.

## **5.2. Natural Heritage Designations**

- 5.2.1. There are no natural heritage designations or Natura 2000 sites adjacent or contiguous to the subject site. The nearest Natura 2000 site is the North Bull Island SPA (Site Code: 004006) and the North Dublin Bay SAC (Site Code: 000206) which are located at their closest point 1.2 kilometres from the subject site.

## **5.3. EIA Screening**

- 5.3.1. A domestic extension is not a class of development for which EIAR applies.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The decision was the subject of a first party appeal specifically in relation to condition 2(a). It states that the dormer attic conversion is necessary for the provision of an additional bedroom. The occupants are struggling to provide enough space to provide for a growing family. They have 4 children in a 3-bed house, with the youngest (a 4 year old) having the share a room with his parents.

The works to be undertaken will require the insertion of a steel beam to reinforce the floor area of the attic. Without the additional 200mm in the ridge height, the floor to ceiling height will be too low for a bedroom.

There are several dormer attic conversions on surrounding streets at Grange Park where the roof ridge has been raised in order to accommodate attic conversions.

### **6.2. Planning Authority Response**

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

### **6.3. Observations**

None

## **7.0 Assessment**

7.1. As the appeal relates to a first party against a particular condition, Condition 2 (a) of the grant of planning permission. Having regard to the acceptability of the proposed development in principle, it is considered that a determination by the Board of the application as if it had been made to it in the first instance would not be warranted on this occasion. I consider the Board can restrict its deliberations to the issues raised in the grounds of appeal namely whether or not Condition No. 2(a) is appropriate in this instance.

7.2. The applicant argues that the proposed dormer box is necessary in order to accommodate additional living space to cater for the needs of a growing family. It

should be a reasonable expectation that applicants should be permitted to extend and alter dwellings to cater for changing family requirements. I have sympathy with the applicants needs in this regard with 6 persons living in a 3 bedroomed house.

- 7.3. However, would have some concerns that, even with the increase in ridge height sought, the floor to ceiling height would be insufficient to accommodate an additional bedroom. Technical Document F (Ventilation) in Building Regulations suggests that the minimum floor to ceiling height consistent with good room design is 2.4m for habitable rooms. The existing house incorporates a shallow attic roof pitch with an internal height from floor to ridge of approximately 1.7 m. Therefore, even with the proposed increase of 200mm sought by the applicant in the grounds of appeal, this would result in a floor to ceiling height of 1.9m which is considerable below the minimum standard of 2.4m.
- 7.4. It is clear from the grounds of appeal that the intended use of the dormer box attic conversion is for use as a bedroom. The Board in my view should not consider increasing the ridge height of the of the building in order to accommodate an additional bedroom which does not incorporate the requisite floor to ceiling height to accommodate a bedroom.
- 7.5. While it does appear that there is at least one precedent where the ridge height has been increased to accommodate a new box dormer, (No. 4 Grange Park Green), this should not in itself provide justification for granting permission for the increase in ridge height in this instance.
- 7.6. The proposed extension to the ridge height would also be contrary to section 17.8 of appendix 17 of the development plan. In the case of roof extensions, it refers to the subordinate approach in designing roof extensions. This means that the extension plays more of “supporting role” to the original dwelling. In general, the extension should be no larger or higher than existing roof. This guideline would be breached if the Board were to omit Condition 2(a).

## 8.0 **Appropriate Assessment**

Having regard to the minor nature of the proposed development and 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 proposed 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. Arising from my assessment above therefore I recommend that condition no. 2(a) in this instance be retained on the basis that the increase in ridge height would not result in an adequate floor to ceiling height to facilitate a habitable room.
- 9.2. It is recommended that the Board treat this case under section 139 of the Planning and Development Act, 2000. Based on the Reasons and Considerations set out below, It is recommended that the planning authority be directed as follows:
- 9.3. Attach condition 2 (a)

## 10.0 Reasons and Considerations

It is considered that the increase in the ridge height of 200mm, sought by the removal of condition No. 2(a) would result in a floor to ceiling height within the dormer attic space of c.1.9 meters, which is below the minimum standard of 2.4 meters. As such and notwithstanding the increase in the ridge height by 200 mm, the proposal would result in a bedroom which is substandard in terms of floor to ceiling height. The proposal is therefore contrary to the proper planning and sustainable development of the area

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Paul Caprani  
Senior Planning Inspector

January 5<sup>th</sup> 2022