



An  
Bord  
Pleanála

## Inspector's Report ABP-311597-21

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| <b>Development</b>                  | Second floor rear extension and associated site works. |
| <b>Location</b>                     | 44 Clayton Terrace, Chapelizod, Dublin 20              |
| <b>Planning Authority</b>           | Dublin City Council South                              |
| <b>Planning Authority Reg. Ref.</b> | WEB1792-21   |
| <b>Applicant(s)</b>                 | David & Kathleen Lonergan                              |
| <b>Type of Application</b>          | Permission   |
| <b>Planning Authority Decision</b>  | Grant permission with conditions                       |
| <b>Type of Appeal</b>               | First Party  |
| <b>Appellant(s)</b>                 | David & Kathleen Lonergan                              |
| <b>Observer(s)</b>                  | None   |
| <b>Date of Site Inspection</b>      | 14 <sup>th</sup> November 2021                         |
| <b>Inspector</b>                    | Donal Donnelly   |

## 1.0 Site Location and Description

- 1.1. The appeal site is located at Clayton Terrace, which is situated on the south-western side of St. Lawrence Road in Chapilizod village to the west of Dublin city. St. Lawrence Road continues south-west from the main junction with Lucan Road (R109) to Sarsfield Road (R833). The north-western end of the road runs parallel to the River Liffey and is within the built-up area of the village. There is a mix of architectural styles and dwelling types at this location.
- 1.2. No. 44 Clayton Terrace is a mid-terrace 2-storey red brick property on a site of 192 sq.m. The stated area of the existing dwelling is 122 sq.m. To the rear of the property is a 2-storey lean-to element, which is mirrored on the adjoining dwelling to the north-west. There are also modern single storey extensions to the rear.
- 1.3. The rear garden has pedestrian access to a laneway to the rear. Most dwellings in the terrace have garage or shed structures along the rear boundary. To the west of the laneway is Knockmaree Apartments.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for the following:
  - Addition of a new second floor rear extension above the existing two-storey rear return;
  - Alternation of existing rear roof of main house and addition of new setback roof extension to provide ceiling height for habitable room;
  - Addition of raised planting area to rear roof for privacy; and
  - All ancillary works necessary to facilitate the development.
- 2.1.1. The floor area of new buildings proposed within the development is 22 sq.m.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Dublin City Council issued notification of decision to grant permission for the proposed development subject to eight conditions. The first party appeal relates to Condition 2 which states as follows:

*2. The development shall incorporate the following amendments:*

*a) The roof extension over the two storey rear return containing the study shall be omitted.*

*b) The box dormer located on the rear facing roof plane of the main roof structure shall be set back at least 1 metre from the eaves and the raised planter shall be omitted.*

*c) The box dormer located on the rear facing roof plane of the main roof structure dormer shall be offset at least 500mm from the adjoining boundaries and centred on the roof plane.*

*d) The external walls of the dormer shall be of a similar colour to the existing roof finish.*

*e) All fascia/soffits; rainwater goods, window frames glazing bars shall be finished in a dark colour so as to blend with the existing roof.*

**Reason:** *In the interests of visual and residential amenity.*

### 3.2. Planning Authority Reports

- 3.2.1. The recommendation to grant permission in the Planner's Report reflects the decision of the Planning Authority. The main points raised under the assessment of the proposal are as follows:

- The scale of the roof extensions are excessive and would appear overbearing in relation to adjoining property.

- Proposal would have a negative impact on the scale and character of the existing dwelling which is located within an ACA.
- Roof extension containing study over 2-storey rear return should be omitted and box dormer on rear facing roof plane should be set back 1m from the eaves, with raised planter omitted.
- Dormer should be offset at least 500mm from the adjoining boundaries and centred on the roof plane by way of condition.
- Subject to compliance with conditions, proposal is deemed to be acceptable and in accordance with the Development Plan and the proper planning and sustainable development of the area.
- No objection subject to conditions from the Drainage Division.

### 3.3. Third Party Observations

- 3.3.1. A third party observation on the planning application was received from the residents of No. 46 to the south-east on issues of overlooking and privacy, loss of light and visual impact.

## 4.0 Planning History

Dublin City Council Reg. Ref: 2857/20

- 4.1. Permission granted for extension and conversion works providing two additional bedrooms comprising of a first floor pitched roof extension to the rear return with photovoltaic panels on the south east facing pitch and a conversion of the attic of the main house, providing habitable accommodation consisting of a flat roof dormer roof extension to the rear of the existing pitched roof including all associated site and removal works at 34 Clayton Terrace, Saint Laurence Road, Dublin 20, D20 A728 (located in an Architectural Conservation Area).
- 4.2. It was a condition of this permission that the dormer shall be set back 1m from the eaves. The dormer is also set back from adjoining boundaries by 1.9m and 1.3m respectively.

## 5.0 Policy Context

### 5.1. Dublin City Development Plan, 2016-2022

- 5.1.1. The appeal site is zoned “Z2” where the objective is “to protect and/ or improve the amenities of residential conservation areas.” It is a general objective to protect residential conservation areas from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.
- 5.1.2. Development standards for extensions to residential dwellings are set out in Section 16.10.12. It is stated that permission to extend dwellings will only be granted where 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.
- 5.1.3. Appendix 17 contains guidelines for residential extensions including roof extensions.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. A first party appeal against Condition 2 of the Council’s decision was submitted on behalf of the applicant. The grounds of appeal and main points raised in this submission are summarised as follows:
- Original design should be granted in its entirety – proposal was carefully designed to take account of its particular context and amendments proposed detract from the coherence of the design and the future use of the home.
  - The three elements of the design work in unison, and provide a sensitive and coherent approach to the extension of the house.
  - Contemporary design references the advice of the Department’s ‘Architectural Heritage Protection: Guidelines for Planning Authorities’.

- Visual Impact Assessment illustrates that the proposed extensions will not have a negative impact on the character of the ACA, or the scale and character of the existing dwelling.
- Application should be assessed on its own merits in relation to the particular context of this mid-terrace house – adjoining property at No. 46 already has an existing larger 2-storey return of substantial scale.
- Applicants have sought to carefully minimise the impact by extending over the existing house rather than proposing a larger 2-storey return out into the garden.
- Proposed extension will increase the floor area within footprint of existing house. To the front the house will appear completely unaltered.
- It is unusual for a house of this size to only have two bedrooms – addition of habitable bedroom in attic and small study over rear return will be of enormous benefit to applicants and any future occupants.
- This is intelligent and sustainable use of existing building stock that meets national objectives to increase density, and a promote compact city beside existing amenities.
- Proposed planting area will not adversely affect the privacy or increase the potential for any overlooking of No. 46. Raised planting area has been carefully designed to complement the roof extensions, and increase biodiversity and visual amenity.
- Bedroom extension has been set back 0.5m from the eaves to reduce the potential for overlooking.
- Proposed extensions are to the north-west of No. 46 and set back from the boundary and there is no obvious issue with loss of light or overshadowing.
- Design of zinc cladding, windows and rainwater goods are proposed to be dark grey/ anthracite in order to be a similar colour to the existing roof and complement the existing single storey extension. Sample can be agreed with the Planning Authority.

- Proposed extension constitutes a well-designed architectural intervention, which is modern in style, but fully respectful of its context.

## 7.0 Assessment

- 7.1. This is a first party appeal against Condition 2 only attached to Dublin City Council's decision to grant permission for alterations to the existing rear roof of the main house to provide for habitable attic space at No. 44 Clayton Terrace, Chapelizod, Dublin 20. Under Condition 2, the applicant is required to omit the roof extension over the 2-storey rear return containing the study, and to set back the box dormer by 1m from the eaves and omit the proposed planter. It is also stated in the condition that the box dormer shall be offset at least 500mm from adjoining boundaries and centred on the roof plane. External walls of the dormer shall be of similar colour to the existing roof, and fascia/ soffit, rainwater goods and window frames shall also be a dark colour.
- 7.2. I concur with the Planning Authority that the principle of the roof extension is acceptable. It should also be noted that a number of other dwellings along this road have been extended to the rear above eaves level. I am therefore satisfied that an assessment of the case *de novo* would not be warranted, and that the Board should determine the matters raised in the appeal only, in accordance with Section 139 of the Planning and Development Act, 2000 (as amended).
- 7.2.1. The Planning Authority consider that the scale of the roof extensions is excessive, would appear overbearing in relation to adjoining property, and would have a negative impact on the scale and character of the existing dwelling which is located within an ACA. In contrast, the first party appellant submits that the original design should be granted in its entirety. It is considered that the proposal was carefully designed to take account of its particular context and that the amendments proposed by condition detract from the coherence of the design and the future use of the home. It is stated that the three elements of the design work in unison and provide a sensitive and coherent approach to the extension of the house.
- 7.2.2. It is recognised within Appendix 17 of the Dublin City Development Plan, 2016-2022 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. It is stated that 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; and the dormer windows should be set back from the eaves level to minimise their visual impact and reduce the potential for overlooking of adjoining properties.

- 7.2.3. From the outset, it should be noted that a dormer extension has recently be constructed at No. 34 Clayton Terrace (Reg. Ref: 2857/20). There are also shared 2-story extensions with cross-gabled roofs at neighbouring properties to the south-west that would be of greater scale to the current proposal. It should also be noted that the proposed roof extension will be largely concealed to the rear at street level. Views of the structure will be limited to the rear of properties on Clayton Terrace and Knockmaree Apartments.
- 7.2.4. Notwithstanding this, I consider that the proposed development should be assessed within the context of the guidance on roof extensions provided within Appendix 17 of the Development Plan. In particular, it is an established principle that proposed dormers should be visually subordinate to the roof slope. I would be in agreement that Condition 2 is necessary to reduce the scale of the dormer in this regard. I note that a 1m setback from eaves was also conditioned as part of the permitted dormer at No. 34 to the north-west. This dormer was also set back from side boundaries by 1.3m and 1.9m respectively and appears subordinate to the main roof. The proposed dormer as conditioned would be offset at least 500mm from adjoining boundaries when the applicant requests that the dormer is constructed up to the boundary on one side and 700mm setback on the other. I would be in agreement that the 500mm set backs on both side and 1m setback as conditioned are acceptable interventions and should be retained.
- 7.2.5. In terms of the proposed extension over the lean-to, I note that this element of the proposal continues into the roof dormer and will appear as one development with no degree of separation in terms of materials. This extension will therefore prevent the proposed dormer from being viewed as a subordinate structure on the main rear



roof. I have given consideration to allowing this element of the extension with the dormer setback from eaves and side boundaries. However, I consider that this would increase the prominence of the extension of the lean-to and the overall balance of the development. I agree with the Planning Authority that this element of the proposed development should also be omitted.

- 7.2.6. Observations were received on the planning application from the resident of the adjoining dwelling to the south-west objecting to the proposed vertical window with ledge outside for planting. It is considered that the window and the fact that access is required outside the window for tending to plants will increase opportunities for overlooking. I agree that this element of the proposal should be omitted on visual grounds.

### 7.3. **Appropriate Assessment**

- 7.3.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise.

### 7.4. **RECOMMENDATION**

Having regard to the nature of condition no. 2 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 directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 (as amended) to RETAIN said condition for the reasons and considerations hereunder.

## **REASONS AND CONSIDERATIONS**

Having regard to the nature and scale of the proposed extensions to the rear of a property within an Architectural Conservation Area, and to the established precedent along this terrace for roof extensions that are subordinate in scale to the host dwelling, it is considered that Condition 2 shall be retained so that the proposal is reduced in extent to a scale that is in compliance with the guiding principles on roof extension contained within Appendix 17 of the Dublin City Development Plan, 2016-2022.

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Donal Donnelly  
Senior Planning Inspector

15<sup>th</sup> November 2021