



An  
Bord  
Pleanála

## Inspector's Report

### ABP-311620-21

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<b>Development</b>	Retention for dormer to rear roof of house.
<b>Location</b>	5 Saint Mary's Avenue North, Dublin 7
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	3193/21
<b>Applicant</b>	Wendy Gannon
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party vs. Refusal
<b>Appellant</b>	Wendy Gannon
<b>Observer(s)</b>	Thomas & Rosaleen Ronan
<b>Date of Site Inspection</b>	8 <sup>th</sup> March 2022
<b>Inspector</b>	Stephen Ward

## 1.0 Site Location and Description

- 1.1. The subject site has a stated area of 131m<sup>2</sup> and comprises a two-storey dwelling within a staggered terrace of 10 dwellings. It is part of a larger residential area bounded by Paradise Place to the east, Wellington Street Lower to the north, Mountjoy Street to the west, and an undeveloped site to the south along St Mary's Place North. The site is approximately 500m northwest of the O'Connell St/Parnell St Junction.
- 1.2. The site itself fronts onto a small, enclosed space to the west containing a pedestrian access and adjoining open space. There is a small front garden area enclosed by low boundary walls. The site backs onto Paradise Place to the east where the rear yard area is enclosed by high boundary walls. There is a sliding gate access onto Paradise Place.
- 1.3. The existing building is a 2-storey red-brick 3-bedroom terraced dwelling with a converted attic space and dormer extension to the rear. The dormer extension marginally exceeds the former ridge height and is finished in metal cladding. It has two windows facing to the rear (east). A roof window has also been installed in the front roof plane, which is otherwise finished in concrete tiles. There is a modern flat-roof ground floor extension to the rear, which appears to have replaced a previous pitched-roof extension.

## 2.0 Proposed Development

In summary, the development comprises the retention of the dormer extension to the rear roof and the roof window to the front roof. It is stated that the dormer extension was installed to accommodate stairs to allow the conversion of attic into non-habitable storage space. The new attic space has a stated area of 29.21m<sup>2</sup>

## 3.0 Planning Authority Decision

### 3.1. Decision

By order dated 14<sup>th</sup> September 2021 the planning authority issued notification of a decision to refuse permission for the following reason:

*Having regard to the requirements of the Dublin City Development Plan 2016-2022, it is considered that the development as constructed, by reason of the overall height and scale is unduly obtrusive and out of character at this location. The development is therefore contrary to Section 16.10.12 and Appendix 17 of the Dublin City Development Plan 2016-2022 and if permitted would set an undesirable precedent contrary to the proper planning and sustainable development of this location.*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The report of the Planning Officer reflects the decision of the Planning Authority and can be summarised as follows:

- The proposal is consistent with the Z1 zoning objective and would be acceptable in principle, subject to further assessment of relevant development plan criteria.
- The scale of the dormer is not subservient to the host dwelling. In particular, the projection above the ridgeline is an incongruous and unacceptable design element that is not in keeping with the host property or the adjoining dwellings.
- The floor to ceiling height (c. 2.17m) is below the minimum 2.4m requirement and would fail to provide an acceptable standard of accommodation for a habitable room. If otherwise acceptable, a condition could have been imposed restricting the space to non-habitable use.
- It is unlikely that the development has significantly reduced the levels of daylight and sunlight to the neighbouring properties. If otherwise acceptable, further information could have been requested on this matter.

- Subject to non-habitable use of the space, it is not considered that the development would not (sic) increase the level of overlooking of neighbouring properties.
- It is recommended that permission be refused, which forms the basis of the DCC notification of decision.

### 3.2.2. **Other Technical Reports**

The Engineering Department (Drainage Division) states that there are no objections subject to standard conditions.

### 3.3. **Prescribed Bodies**

TII – No observations to make. The section 49 Levy Scheme for Light Rail should be considered.

### 3.4. **Third Party Observations**

One submission objected to the application, the grounds of which are covered in section 6.0 of this report.

Another submission from Cllr Joe Costello supported the application on the grounds of the family needs for additional space.

## 4.0 **Planning History**

There would not appear to be any planning history relating to the site.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

- 5.1.1 The operative Development Plan for the area is the Dublin City Development Plan 2016-2022. The site is zoned as 'Z1', the objective for which is '*To protect, provide and improve residential amenities*'.

5.1.2 Section 16.2.2.3 of the Plan is part of the general design standards and principles. It deals with 'Alterations and Extensions', which should be designed to respect the existing building, its context and the amenity of adjoining occupiers. Of relevance to the current application, it is stated that development should:

- Respect street uniformity, patterns and rhythms
- Retain a significant portion of garden / yard / enclosure
- Not detract from the architectural quality of the existing building
- Be confined to the rear in most cases
- Be clearly subordinate to the existing building in scale and design

5.1.3 Section 16.10.12 deals more specifically with 'Alterations and Extensions to Dwellings'. In summary, it is recommended that proposals should respect the visual amenity / character of the area and should protect the residential amenity of adjoining properties. Appendix 17 'Guidelines for Residential Extensions' sets out more detailed advice and principles in this regard, including section 17.11 relating to roof extensions.

## 5.2. **Environmental Impact Assessment – Preliminary Examination**

Having regard to the existing development on site, the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 5.3. **Natural Heritage Designations**

None relevant.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The decision of DCC to refuse permission has been appealed by the applicant. In summary, the appeal raises the following points:

- There is a large-scale apartment block to the rear of the site.
- There is a large dormer to the rear of No. 3 Devlins Terrace, which appears to be the subject of a grant of permission under P.A. Reg Ref. 1753/01.
- It is proposed to alter the existing dormer roof to step back and tie into the tiled roof, which would further decrease its visual impact. The dormer roof would not be visible at street level to the front of the site.
- The dormer addition is not invasive in its form and material choice.
- There is other precedence for similar development at 6 Mountjoy Street Middle (P.A. Reg. Ref. 4403/17, granted 16<sup>th</sup> March 2018); at 26 Daniel Street, Dublin 8 (P.A. Reg. Ref. 2156/21, granted 14<sup>th</sup> May 2021); and in numerous other similar properties on Daniel Street terraces.
- The development is an appropriately scaled proposal which does not give rise to any undue impacts on the amenity of the site or adjacent properties.

### 6.2. Planning Authority Response

None.

### 6.3. Observations

A submission from Tomas & Rosaleen Ronan, of No. 4 St Marys Avenue North, objects to the retention of the development on the following grounds:

- It questions the need for 2 windows if the application is for non-habitable storage space.
- The proximity of a vent from the newly constructed extension to their kitchen window.

- Noise levels have increased significantly, and it would not appear that proper insulation/noise-proofing materials have been used.
- The use and enjoyment of their property has been affected, including the loss of light to the garden and privacy concerns.
- An area of the lower roof level appears to be used as a deck/patio, which does not comply with fire safety legislation. Concerns are raised about previous and potential future fire incidents.
- The extension negatively alters the sight line of the entire terrace, and the description of the development is not accurate.

## 7.0 **Assessment**

7.1. Having regard to development plan policy and the Z1 zoning objective for the site, I consider that an extension to the dwelling is acceptable in principle. Having inspected the site and considered the documentation and drawings on the appeal file, including all submissions received in relation to the appeal, and having regard to the planning authority's reason for refusal, I consider that the main issues for assessment of this case are as follows:

- The nature of the development
- Visual amenity
- Residential amenity

### 7.2. **The nature of the development**

7.2.1. Concerns have been raised by the observers and the planning authority about the nature and use of the attic space, more particularly whether or not it would be used as a habitable space.

7.2.2. However, I consider that the terms of the application clearly specify that retention of the space is sought as a non-habitable storage space. Furthermore, the ceiling height within the space does not meet 2.4m at any point and does not comply with Building Regulations. Accordingly, I am satisfied that the design and description of

the development is consistent with non-habitable space, and I am satisfied that this matter can be clarified by condition.

### **7.3. Visual Amenity**

- 7.3.1. I have considered the development plan design guidance for extensions, and in particular Appendix 17.11 regarding roof extensions and dormers. I also acknowledge the concerns raised by the observers and the planning authority in relation to the height and scale of the dormer.
- 7.3.2. The front elevation drawings demonstrate that the height of the dormer exceeds the established ridge line by 300mm, and that the rooflight would also be visible on the front roof plane. However, I would highlight that the area to the front of the site is quite enclosed and concealed, meaning that the visual impact of the dormer is extremely limited in this context. I would also state that the staggered alignment of the existing terrace naturally results in a varied ridge line. For example, the ridge line of the neighbouring dwelling to the south (No. 6) is advanced in front of No. 5, and therefore appears higher. Accordingly, having regard to the marginal exceedance of the existing ridge height and the ridge variations that appear at this location, together with the concealed nature of the site, I do not consider that the proposed development would significantly impact on visual amenity as viewed from the front (west) of the site.
- 7.3.3. To the rear, I note that the dormer is obviously more visible along Paradise Place. It is a notable exception from the other pitched roof profiles in the terrace. However, I accept that the proposal must be assessed in the wider context, and particularly the large-scale 3 to 4-storey façade on the opposite side of Paradise Place. This juxtaposition of low and high-density development is evidence of the transitory nature of this inner-city location. In that context, I consider that there is more flexibility for the accommodation of extensions of larger scale.
- 7.3.4. I acknowledge that the scale of the proposed dormer is significant in relation to the host dwelling and adjoining properties. However, I would contend that the development plan guidance is more applicable to more typical residential areas where an extension proposal would be surrounded by dwellings of similar scale and character. In this case, the proposed dormer is to the rear of the terrace and faces



onto an urban street and large-scale development. The design is simple and contemporary and is not excessive in scale when considered in the wider context. Accordingly, I do not consider that it would seriously detract from the visual amenity of the area.

- 7.3.5. Having regard to the above, I do not consider that the development detracts from the character of the house or adjoining development when viewed from the front or rear of the site. I note the proposed amendments submitted as part of the appeal, but I do not consider that they are necessary in this case. Accordingly, I have no objections on grounds of visual amenity.

#### **7.4. Residential Amenity**

- 7.4.1. The proposed development involves a rooflight to the front and two windows in the dormer extension facing to the rear (east) of the site. The rooflight clearly has no potential for overlooking. I am also satisfied that any overlooking impact from the dormer windows would be minimal and would be consistent with the established arrangement of existing 1<sup>st</sup> floor windows to the rear of this terrace. Accordingly, I do not consider that the development would adversely impact on the privacy of adjoining properties.
- 7.4.2. In terms of impacts on light, I note that the dormer extension does not protrude beyond the existing rear building line of the terrace and only marginally exceeds the established roof ridge height. And while I accept that it adds to the overall volume of the house, I do not consider that it is of a height or scale that would have any significant impact on the availability of daylight or sunlight to the adjoining dwellings or garden spaces.
- 7.4.3. In relation to noise impacts, I do not consider that there are any reasonable grounds to indicate that the provision of additional domestic storage space within a residential area would adversely impact on residential amenity by reason of noise disturbance.
- 7.4.4. Otherwise, the observers appear to question the existence of a patio/deck area and vent associated with the lower level (ground floor) extension to the rear. However, the ground floor extension and any associated elements do not form part of the current application. Any concerns in this regard, including any fire safety concerns,

would be a matter for investigation by the relevant enforcement or fire safety authorities.

- 7.4.5. Having regard to the above, I do not consider that the development would seriously detract from the residential amenities of adjoining properties.

## **8.0 Appropriate Assessment**

Having regard to the nature and scale of the proposed development within 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**

Having regard to the above, I recommend that retention planning permission should be granted, subject to conditions, for the reasons and considerations set out hereunder.

## **10.0 Reasons and Considerations**

Having regard to the pattern and character of development in the area, the design and scale of the development, and the provisions of the Dublin City Council Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the visual amenities of the area or the residential amenity of surrounding properties and would be in accordance with the Z1 zoning objective for the area. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application.

**Reason:** In the interest of clarity

2. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to non-habitable storage space (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission

**Reason:** To protect the amenities of property in the vicinity

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Stephen Ward  
Senior Planning Inspector

8th March 2022