



An  
Bord  
Pleanála

## Inspector's Report ABP-311985-21

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<b>Development</b>	Modifications to previously permitted Reg. Ref: 2639/21 to include: (i) an attic conversion to non-habitable storage space with contemporary dormer to rear roof to be 4.4 metres wide to accommodate stairs to attic floor; (ii) Window to dormer to be clear glazing; (iii) 2 no. roof windows to front roof with all ancillary works.
<b>Location</b>	No. 55 Dollymount Park, Dublin 3
<b>Planning Authority</b>	Dublin City Council North
<b>Planning Authority Reg. Ref.</b>	3412/21
<b>Applicant(s)</b>	Thomas Galvin
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	First party against condition
<b>Appellant(s)</b>	Thomas Galvin
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	26 <sup>th</sup> February 2021
<b>Inspector</b>	Donal Donnelly

## 1.0 Site Location and Description

- 1.1. The appeal site is located within Dollymount Park in Clontarf approximately 5km north-east of Dublin city centre. Dollymount Park and adjoining Dollymount Rise is a housing estate of 2-storey dwellings situated off Clontarf Road (R807). The overall appearance of the estate is largely intact, comprising of terraces of dwellings with hipped roofs on end units. The roofs of some dwellings have been altered through installation of roof lights to front and rear, rear dormers, side dormers in hips or raising of hipped roof to mini-hipped profile.
- 1.2. No. 55 Dollymount Park is an east facing mid terraced dwelling located at the turning circle of a cul de sac. There is a single storey extension to the rear of the property with two flat roof levels. The higher section projects further than the lower section of the extension. The stated area of the site is given as 263 sq.m. The adjoining dwelling to the north has a 2-storey and single storey rear extension and there is a large box dormer to the rear of No. 58 to the south.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for modifications to previously permitted development Reg. Ref: 2639/21 to include the following:
  - An attic conversion to non-habitable storage space with contemporary dormer to rear roof to be 4.4m wide to accommodate stairs to attic floor;
  - Window to dormer to be clear glazing;
  - 2 no. roof windows to front roof; and
  - All ancillary works.

## 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.

3.1.2. Condition 2 states that the attic space shall not be used for human habitation unless it complies with current Building Regulations. Condition 3 the subject of this appeal states as follows:

*3. The development hereby approved shall adhere to the following:*

- a) The proposed dormer 'box' extension shall have a maximum width of 3.0 metres (measured externally).*
- b) The dormer box shall have one window only. The maximum dimension of this window shall be 2 metres (width) x 0.6 metres (height).*
- c) The proposed two no. roof lights indicated on the front plane of the roof of the house shall be omitted.*
- d) The attic level shall not be used for human habitation unless it complies with the current building regulations.*
- e) 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.*
- f) The rear dormer shall not accommodate solar panels whether or not they would be exempted development under the Planning & Development Act 2000 (as amended).*
- g) All internal and external works to give the effect of the above.*

***Reason:*** *In the interest of visual amenity and the proper planning and sustainable development of the area.*

## **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:

- Decision of the Planning Authority to reduce the scale of the dormer extension by Condition 3 of Reg. Ref: 2639/21 was not appealed to An Bord Pleanála.
- Drawings of permitted development indicate the dormer as 3m in width and visually subordinate to the existing roof slope, enabling a large proportion of the roof to remain visible.

- Current proposal would involve the construction of a dormer that is 75% of the width of the roof of the house – proposal would not be subordinate.
- Previous proposal under Reg. Ref: 2639/21 included a dormer that would have been 87.7% of the width of the house and was considered excessive. Condition 3 reducing the width of the dormer to 3m would be 51.6% of the width of the house. This is considered appropriate and reasonable and reflects the permitted box dormer extensions in the vicinity.
- Proposal for 4.4m wide dormer would set a precedent for excessive roof level conversions in the vicinity, which dominate the rear plane of the roof of the house that would be contrary to Section 17.1 and Appendix 17 of the Development Plan.
- Access to this non-habitable attic level is not prohibited by a dormer box extension of 3m in width.
- Lower cill level of dormer window would be above 1.8m from the floor level of the attic conversion – provision of clear glazing would have no effect on either the light penetration to the attic level or to increase views from the attic level. Proposal to provide clear glazing is acceptable.
- Provision of roof lights on the front roof plane is contrary to the established character of the area and would set an undesirable precedent for similar visually obtrusive and incongruous front extensions in the vicinity. Applicant has provided no rationale for 2 no. roof lights.
- Reg. Refs: WEB 1247/13, 3226/08 and 2216/10 were carried out under the previous Development Plan and are not considered precedent setting. Under Reg. Ref: 3607/19, the decision of the Board does not supersede the provisions of the current Development Plan and this decision of the Board is not precedent setting.

### 3.3. Third Party Observations

3.3.1. None.

## 4.0 Planning History

Dublin City Council Reg. Ref: 2639/21 (ABP-310839-21)

4.1. Retention permission was granted at the appeal site for (i) an extended vehicle access to front and (ii) material change from pebble dash finish to render to front elevation. Planning Permission was also granted for an attic conversion to non-habitable storage space with dormer to rear roof to accommodate stairs to attic floor.

4.2. Condition 3 attached to this decision stated as follows:

*3. The development hereby approved shall adhere to the following:*

*a) The proposed dormer 'box' extension shall have a maximum width of 3.0 metres (measured externally).*

*b) The dormer box shall have one window only. The maximum dimension of this window shall be 2 metres (width) x 0.6 metres (height)*

*c) The proposed two no. roof lights indicated on the front plane of the roof of the house shall be omitted.*

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

*e) 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*

*f) All the dormer's 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)*

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

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

**Reason:** *In the interest of visual amenity and the proper planning and sustainable development of the area.*

4.3. An appeal on this case was declared invalid.

Dublin City Council Reg. Ref: 3607/ 19 (ABP-305671-19)

- 4.4. Permission sought at No. 99 Dollymount Park for demolition of existing single storey extension and shed, construction of a single storey extension to rear, new attic room with dormer roof construction to rear with new roof lights to front elevation and all associated works.
- 4.5. The Board removed Condition 2 (a) & (b) of the Council's notification of decision which required the dormer to have a width of 3.5m and the front rooflights to be omitted.

Dublin City Council Reg. Ref: 6668/07

- 4.6. Permission sought at No. 54 Dollymount Park for a part 2-storey with roof terrace extension and part single storey extension all to the rear of the house, a pitched roof garage with access from the laneway at the rear of the dwelling and all associated site, drainage and internal works. Permission was granted on condition that the proposed roof terrace is omitted.

Dublin City Council Reg. Ref: 3226/08

- 4.7. Permission granted at No. 72 Dollymount Park, Clontarf for a velux window in attic roof to the front and new window in the side gable bedroom wall. It was a condition of this permission that the velux window shall be positioned centrally over the 1<sup>st</sup> floor window below.

Dublin City Council Reg. Ref: 2851/20 (ABP-308007-20)

- 4.8. Permission was sought at No. 35 Dollymount Park (i) to replace the existing hip roof with gable roof to the side, (ii) change of use of attic to storage, (iii) 1 no. rooflight to the front roof, (iv) 2 no. rooflights to the rear roof and (v) 3 no. obscured glazed windows to the side gable and all associated site works.
- 4.9. The Board decided to remove a condition attached to the Council's notification of decision that would have required *inter alia* the omission of the proposed gable and its replacement with a side facing dormer.

- 4.10. There is a current appeal at No. 52 Dollymount Park relating to the demolition of rear extension and construction of ground floor extension, attic conversion and dormer to side & rear.
- 4.11. The Planning Authority issued a split decision in this case granting permission for the single storey extension and refusing permission for the attic dormers to the side and rear. It was considered by Dublin City Council that “...*the scale, bulk, position and appearance of the proposed side and rear dormers would be excessive, visually incongruous, and visually obtrusive and would detract from the visual appearance of the existing house and the streetscape such as to cause, in itself and by the precedent established for similar overscaled development, serious injury to the residential amenity of the area...*”.

## 5.0 Policy Context

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

- 5.1.1. The appeal site is zoned “Z1” where the objective is “*to protect, provide and improve residential amenities.*”
- 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.

### 5.2. Natural Heritage Designations

- 5.2.1. The site is located c. 300m to the west of North Bull Island SPA (Site Code: 004006) and North Dublin Bay SAC (Site Code: 000206).

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. A first party appeal against Condition 3 (a), (b) & (c) only 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:

- Amended proposal submitted with appeal to set back the left side of the dormer in line with the first floor window to the left to respect the neighbouring dwelling – overall size of dormer is changed from 4.77m wide to 4.1m.
- Various other properties in the immediate vicinity have been allowed to implement roof windows to the front of their properties, which contradicts the condition the appellant received.
- Various dormers in the area have numerous windows of varying sizes meaning the restriction being imposed in Condition 3(b) is not based on existing precedent and if anything would result in the proposed dormer being different to existing developments in the area.
- Removal of condition would not visually harm or impact the existing streetscape.
- Development is appropriately scaled, which does not give rise to any undue impacts on the amenity of the site or any adjacent properties.
- Under ABP-305671-19, roof windows to the front were reinstated and condition to reduce dormer was omitted.
- Condition means attic will not be accessible – door would be unable to open with reduced dormer size.



## 7.0 Assessment

- 7.1. This is a first party appeal against Condition 3 (a), (b) & (c) only attached to Dublin City Council's decision to grant permission for modifications to a previously permitted development on site for an attic conversion to non-habitable storage space to include a contemporary dormer with clear glazing. Under Condition 3 (a), (b) & (c), the proposed dormer 'box' extension shall have a maximum width of 3.0 metres (measured externally); the dormer box shall have one window only with maximum dimension of 2 metres (width) x 0.6 metres (height); and the proposed 2 no. roof lights indicated on the front plane of the roof of the house shall be omitted.
- 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 dormer windows to the rear of varying sizes. The proposal to fit the dormer with clear glazing is acceptable and I agree that this will not give rise to any adverse impacts on adjoining residential amenities. 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 proposal for 4.4m wide dormer would set a precedent for excessive roof level conversions in the vicinity, which dominate the rear plane of the roof of the house that would be contrary to Section 17.1 and Appendix 17 of the Development Plan. In addition, it is considered that the provision of roof lights on the front roof plane is contrary to the established character of the area and would also set an undesirable precedent for similar visually obtrusive and incongruous front extensions in the vicinity. In contrast, the appellant submits that there are various dormers and front rooflights in the area and that the condition is not based on existing precedent. As part the appeal submission, the applicant proposes to reduce the width of the dormer down to 4.1m, thereby setting back the northern side of the dormer in line with first floor fenestration. It is considered by the appellant that the proposed development is appropriately scaled, and that the removal of the condition would not visually harm or impact the existing streetscape.
- 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. Drawings submitted with the planning application show the dormer with a width of 4.7m occupying most of the approximate 6m width of the roof. However, the dormer is set back from eaves by approximately 2m and appears to be slightly below the ridge level. The proposed materials and finishes and the overall design of the proposed dormer is consistent with the host dwelling and the surrounding context.
- 7.2.4. The amended proposal submitted with the appeal reduces the width of the dormer so that it is set back approximately 1.13m from the northern boundary and 750mm from the southern boundary. In my opinion, this allows for a suitably large proportion of the roof to remain visible. Accordingly, Condition 3(a) should be amended to reflect the proposal submitted with the appeal.
- 7.2.5. The window opening in the amended dormer is appropriately scaled and relates to the northern side of the narrow central window at first floor level. The positioning of the window off-centre within the dormer structure also appears to be visually appropriate. Condition 3(b) should therefore be amended to reflect the dimensions of the window opening in the revised submission (1.95m width x 0.8m height).
- 7.2.6. Overall, it should be noted that there is precedent for dormer windows of varying scales and designs in the immediate area and the proposed development will not therefore look out of place or inconsistent with the established pattern of development. I also note the precedent for front roof lights in the vicinity, albeit other examples containing only the single rooflight to the front. Notwithstanding this, I consider that there is sufficient spacing on the front roof plane for the 2 no. rooflights proposed. Condition 3(c) should therefore be omitted.

### 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 the conditions 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, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND conditions numbers 3 (a) and (b) so that it shall be as follows for the reason set out, and to REMOVE condition number 3(c) and the reason therefor.

- 3 (a) The proposed dormer 'box' extension shall have a maximum width of 4.1 metres (measured externally).
- (b) The dormer box shall have one window only. The maximum dimension of this window shall be 1.95 metres (width) x 0.8 metres (height).

### **REASONS AND CONSIDERATIONS**

Having regard to the nature and scale of the proposed development and the existing pattern of development in the area, it is considered that, the width of the proposed dormer window, and the rooflights in the front roof slope would not seriously injure the 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.

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Donal Donnelly  
Senior Planning Inspector

28<sup>th</sup> February 2022