



An
Bord
Pleanála

Inspector's Report ABP – 312019 – 21.

Development	Conversion of attic including a new dormer roof window to the rear of the house and roof lighting to the front.
Location	21 Marine Drive Sandymount, Dublin 4.
Planning Authority	Dublin City Council .
Planning Authority Reg. Ref.	1912/21.
Applicant	Maurice and Mary Hennessy.
Type of Application	Permission.
Planning Authority Decision	Grant permission.
Type of Appeal	First Party
Appellant	Maurice and Mary Hennessy.
Observer	None.
Date of Site Inspection	28 January 2022.
Inspector	Mairead Kenny.

1.0 Site Location and Description

1.1. The subject house is a two-storey semi-detached dwelling house in the inner suburban area of Sandymount. The stated area of the house is 225 m² and the overall site area is stated to be 462 m². The dwellinghouse has been extended to the rear including by the addition of a two-storey rear extension containing a first-floor master bedroom and bathroom. At the time of inspection, I did not gain access to the rear of the house, but it is depicted in detail in the application drawings and photographs. The rear roof has a width of 11m and contains two small velux windows.

2.0 Proposed Development

2.1. The proposed development comprises:

- Conversion of the existing attic.
- Installation of a dormer window to rear.
- Installation of 4 no. roof lights to the front.
- Ancillary works.
- The stated floor area of the proposed works is 21.3 m².

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission. The conditions include a number of standard conditions.

Condition 4 states:

The proposed development shall be modified as follows:

- a) The proposed rear dormer extension shall be set in a minimum of 1.2m from the party line with the adjoining dwelling (No. 19 Marine Drive).

Reason: In the interest of residential and visual amenity.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The planner's report includes the following comments:

- The proposed 6.5m wide rear dormer includes a recess at either end to reduce its massing and the principal face measures 4.9m width. Notwithstanding the recessed elements the proposed dormer is considered somewhat excessive relative to the main roof of the house.
- Under the development plan dormer windows should be subordinate to the roof slope, enabling a large proportion of the original roof to remain visible.
- This matter could be addressed by way of a condition requiring that the southwestern cheek of the dormer be set in a minimum from the party line thereby removing the recessed element on the more visually prominent side of the dormer.

3.2.2. Other Technical Reports

Drainage Division – no objection subject to standard requirements.

3.3. **Prescribed Bodies**

No reports.

4.0 **Planning History**

The recent relevant planning history relating to this site includes two permissions granted for extensions to the dwellinghouse under reg. ref. 0454/02 and 2338/11.

The planning authority refers also to applications for rear dormer extensions at no. 28 and no. 10 Marine Drive under reg. ref. 2482/18 and 2810/12. These are at the opposite side of the street.

Under ABP-310536 the Board recently decided an appeal relating to development at 9 Marine Drive, including development of a rear dormer window. This plot is significantly narrowed than the subject house.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

Under Chapter 3 the planning authority acknowledges the need for people to extend and renovate their dwellings. Extensions will be favourably considered provided they do not have a negative impact on adjoining properties or the nature of the surrounding area.

DMS 28 sets a minimum standard of 22 m separation between directly opposing windows.

DMS 41 refers to dormer extensions to roofs. These will only be considered where there is no negative impact on existing character and form, and the privacy of adjacent properties. Dormer extensions shall not form a dominant part of a roof. Consideration may be given to dormer extensions up to the ridge level of a house.

DMS 42 is to encourage more innovative design approaches for dormer extensions.

PM 46 is to encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.

The site is not within the Sandymount ACA.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal is against condition 4.

The main points of the appeal may be summarised as follows:

- The reduction in width of the dormer by setting it back a minimum of 1.2m from the party line would require omission of the recessed portion of the dormer at one side.
- The dormer would thus look imbalanced.
- The usability of the attic level space would be impacted.

- The recessed elements significantly reduce the visual mass of the dormer from the adjoining properties.
- The roof width is 11.2m and the proposed dormer including the recessed elements is 6.495m. In the context of the 12m wide plot and existing roof width the proposed dormer is not out of scale.
- Enclosed images.

6.2. Planning Authority Response

No substantive response has been received.

6.3. Observations

None.

7.0 Assessment

- 7.1. The appeal relates solely to the required reduction in the width of the proposed rear dormer level. I have considered the overall development in terms of scale, nature and character and consider that it is acceptable in principle and in terms of its detailed design. I do not consider that *de novo* consideration is warranted.
- 7.2. I therefore focus my assessment of this case on the design of the dormer extension and the impact on the visual and residential amenities of the area. In doing so I address whether condition 4 is warranted. The effect of condition 4 would be the omission of a recessed portion of the proposed dormer.
- 7.3. Regarding the design of the dormer level extension, I consider that the scale of the actual structure is not significant in the context of the dwelling house, including the width of the roof and the overall plot. Approximately half of the width of the roof would be unaffected by the proposed dormer window.
- 7.4. The policy pertaining to dormer extensions as described under DMS 41 includes that there be no negative impact on the privacy of adjoining properties. This policy is reflected also under objective PM 46 which relates to all extensions and sets a requirement that they do not negatively impact on the adjoining properties. No

objection has been received from any residents relating to any adverse effect on residential amenities. The report of the planning authority does not reflect any such concerns. I am satisfied that there is no impact on residential amenities.

- 7.5. I am unconvinced that there is sufficient merit in the approach of the planning authority to warrant condition 4 on the basis of the visual amenities of the area. The roof profile has already been altered by the construction of the two-storey rear extension. This exacerbates the effect of the proposed development in my opinion. However, I consider that the development plan objectives have to be interpreted in the context of the overarching objectives contained in that plan including in relation to sustainable development and use of urban lands. The objective set out relating to extensions including dormer extensions are not overly prescriptive and require a degree of interpretation. In this case I consider it especially relevant to note the fact that there are no conservation objectives relating to this street or to the individual house. I consider it follows that some degree of flexibility operates. In the circumstances of this case and having regard to the width of the main façade of the dormer extension relative to the overall roof, I do not consider that condition 4 is warranted in the interest of the protection of visual amenities.
- 7.6. I conclude that the development proposed is reasonable in scale and of acceptable design. I consider that it does not give rise to significant adverse effects on the visual or residential amenities and is in compliance with the development plan requirements.

8.0 Appropriate Assessment

- 8.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, the likely emissions arising from the proposed development, the availability of public water and sewerage in the area, and distance to the nearest European sites, I am satisfied that 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

I recommend a draft order as follows:

ORDER

Having regard to the nature of the condition 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 REMOVE condition number 4 and the reason therefor.

REASONS AND CONSIDERATIONS

It is considered that the proposed dormer window would not seriously injure the visual or residential amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

Mairead Kenny
Senior Planning Inspector

30 January 2022