



An  
Bord  
Pleanála

## Inspector's Report ABP-312026-21

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<b>Development</b>	Conversion of attic and all associated site works.
<b>Location</b>	No. 35 Tynan Hall Avenue, Dublin 24
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD21B/0431
<b>Applicant(s)</b>	Richard & Nikki Potts
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Richard & Nikki Potts
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	29 <sup>th</sup> January 2021
<b>Inspector</b>	Donal Donnelly

## 1.0 Site Location and Description

- 1.1. The appeal site is located on Tynan Park Avenue, a residential estate that forms part of a wider suburban area situated to the south-east of Ballymount Park and to the south-west of the M50. The surrounding area is dominated by 2-storey semi-detached dwellings in cul de sac layouts accessed off distributor roads.
- 1.2. Tynan Park Avenue contains approximately 50 no. dwellings located around a 'F' shaped cul de sac arrangement. No. 35 is within a row of 8 no. north facing semi-detached dwellings. Dwellings within the estate are of similar design with minor differences. No. 33 and 35 share a tiled canopy roof over front entrance and ground floor window. The adjoining dwellings at No's 37 & 39 have a 2-storey projections to the front. All dwellings in the estate have hipped roofs apart from one.
- 1.3. The stated area of the site is 0.0197 hectare and the existing dwelling has a floor area of 97.8 sq.m. There is a single storey lean-to return to the rear of the property. The rear boundary of the site backs onto No. 29.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for the conversion of an existing attic space to include the following:
  - Modification of existing roof structure from hip to gable profile;
  - Construction dormer window on rear roof slope;
- 2.2. The proposed development will increase the floor area of the dwelling by 28.1 sq.m. to include the use of the attic as non-habitable space. The proposed dormer will be set back from the eaves by approximately 1.452m and will be slightly below the roof ridge. The width of the dormer will be 3.22m.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. South Dublin County Council issued notification of decision to grant permission for the proposed development subject to 3 no. conditions. Condition 2 the subject of the first party appeal states as follows:

*Prior to the commencement of development, the applicant, owner or developer shall submit for the written agreement of the Planning Authority revised plans that have a roof profile with a 'Dutch' half-hipped roof. The 'Dutch' hip shall not be token and shall have the same slope as the existing fully hipped roof. As a result of any changes to the proposed roof profile the applicant should ensure that the proposed rear dormer extension is appropriately located on the roof and that the edge of the proposed dormer does not go beyond the intersection of the main roof ridge and the ridge of the 'Dutch' hip.*

*REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.*

### 3.2. Planning Authority Reports

- 3.2.1. The recommendation to grant permission, as set out in the final Planner's Report, reflects the decision of the Planning Authority. The main points raised under the evaluation of the proposal in the initial Planner's Report are as follows:
- Proposal for an attic conversion, alteration to roof profile and dormer extension is acceptable in principle having regard of the use of the site for residential purposes and the presence of the existing dwelling.
  - Full gable end at the subject site is not in compliance with the House Extension Design Guide, and notwithstanding the Board's decision to grant permission for such a development at No. 32, the proposal appears out of character with the predominant roof form in the area.
  - Gable end roof would be out of character with hipped roofs along the row of houses within which the dwelling is situated. Proposal would not be in keeping

with the dominant character of the area and would not accord visually at this location.

- Proposed roof profile should be redesigned to incorporate a 'Dutch' half-hipped roof. Changes to roof profile should ensure that the proposed rear dormer extension is appropriately located on the roof.
- Materials to be used for the roof would match the existing – this is considered to be in compliance with the Design Guide.
- Dormer extension would be set back from the roof ridge and at least 3 tile courses from the eaves – would also be setback from the sides although it is noted that it has different setbacks from either side so appears unbalanced.
- Should be conditioned in the event of a grant of permission that all external finishes shall harmonise in colour and texture with the house or its context.
- Dormer is setback 12.4m from the rear boundary and would not therefore create unacceptable levels of overlooking.
- Note should be attached in the event of a grant of permission that in order to use the attic for habitable space, it must comply with Building Regulations.
- Water Services has no objection to the proposed development subject to conditions.

3.2.2. Further information was requested from the applicant seeking a redesign of the roof profile that may incorporate the inclusion of a half-hipped roof that shall not be token in nature. The applicant was also asked to ensure that the proposed rear dormer is appropriately located on the roof and that the edge of the proposed dormer does not go beyond the intersection of the main roof ridge and the ridge of the 'Dutch hip'.

3.2.3. The applicant submitted a further information response stating that the original proposal should be allowed on the basis that there are similar designs in the area. It is also considered by the applicant that the proposal should be allowed to maximise their internal space.

3.2.4. The Planning Authority notes that the examples cited by the applicant were in keeping with the immediate streetscape or were houses of different form. Most of these examples were assessed under the previous County Development Plan. It is

reiterated that a full gable end would not be visually in keeping with the row of houses. Permission should be granted on condition that the proposed development is revised to include a 'Dutch hip' that would soften the visual impact of a change in roof profile and would be more visually in accordance with the character of the streetscape.

- 3.2.5. Finally, it is highlighted that a Dutch hip would not compromise the proposed development as it will have no implications for head height in the attic stairwell.

### 3.3. Third Party Observations

- 3.3.1. None.

## 4.0 Planning History

South Dublin County Council Reg. Ref: SD09B/0046

- 4.1. Permission refused at no. 32 Tynan Hall Avenue for conversion of existing attic to bedroom including raising of existing hip to form new gable and 3 no. velux roof lights to rear.
- 4.2. It was stated under the reasons for refusal that the proposed change in roof profile would disturb the symmetry of the pair of semi-detached homes in the street where the architectural character has remained largely intact. Reference was also made to the existence of alternative less obtrusive options and the undesirable precedent that the proposed development would set.

South Dublin County Council Reg. Ref: SD09B/0260 (PL06S.234768)

- 4.3. The Board overturned the Council's decision and granted permission at No. 32 for conversion of existing attic to bedroom including raising of existing hip to form new gable and 3 no. velux roof lights to rear.
- 4.4. The Board had regard to the built forms of development in the area and considered that the creation of a gabled roof would not be unduly discordant or visually obtrusive.

## 5.0 Policy and Context

### 5.1. South Dublin County Development Plan, 2016-2022

5.1.1. The appeal site is zoned “OS” where the objective is *“to preserve and provide for open space and recreational amenities.”*

5.1.2. Housing (H) Policy 18 states that the Council will support the extension of dwellings subject to the protection of residential and visual amenities. H18 Objective 1 states as follows:

*“To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).”*

5.1.3. The Design Guide states the following with respect to attic conversions and dormer windows:

- Use materials to match the existing wall or roof materials of the main house.
- Meet Building Regulation requirements relating to fire safety and stairs in terms of headroom on stairs and means of escape.
- Locate dormer windows below the ridge of the roof, even if the roof has a shallow pitch.
- Locate dormer windows as far back as possible from the eaves line (at least three tile courses).
- Relate dormer windows to the windows and doors below in alignment, proportion and character.
- In the case of a dormer window extension to a hipped roof, ensure it sits below the ridgelines of the existing roof and matches the materials used in the main house.
- Do not obscure the main ridge and eaves features of the roof, particularly in the case of an extension to the side of a hipped roof.

- Avoid extending the full width of the roof or right up to the gable ends – two small dormers on the same elevation can often be a suitable alternative to one large dormer.
- Avoid dormer windows that are over-dominant in appearance or give the appearance of a flat roof.
- Avoid the use of flat-roofed dormer window extensions on houses with hipped rooflines.
- Extending a hipped roof to the side to create a gabled end or half-hip will rarely be acceptable, particularly if the hipped roof is visually prominent and typical of other houses along the street.

## **5.2. Natural Heritage Designations**

5.2.1. None nearby.

## **6.0 The Appeal**

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

6.1.1. A first party appeal has been submitted by the applicant against Condition 2 of the Council's decision only. The grounds of appeal and main points raised in this submission are summarised as follows:

- Do not agree with the rationale from South Dublin County Council for the roof redesign for reasons relating to precedent in the local area.
- Request to have the right to extend attic space, maximising the space available using full gable roof design as per a number of developments in the local area.
- Examples given at No. 32 Tynan Hall Avenue (SD09B/0260), No. 2 Dunmore Lawn (SD06B/0190), No. 17 Tynan Hall Park (SD06B/0591), No. 19 Tynan Hall Park (SD19B/0382), No. 61 Walnut Close (SD08B/0083), No. 69 Walnut Close (SD10B/0028) and No. 71 Walnut Close (SD06B/0915).

## 6.2. Planning Authority Response

6.2.1. The Planning Authority responded with the following comments:

- The Planning Authority confirms its decision. Issues raised in the appeal have been covered in the Planner's Report.

## 7.0 Assessment

7.1. This is a first party appeal against Condition 2 only attached to South Dublin County Council's decision to grant permission for the conversion of an existing attic space comprising modification of hipped roof structure to form a gable end design; construction of a flat roof dormer window to the rear; and new internal access stairs. Under Condition 2, the applicant is required to submit revised plans showing a non-token 'Dutch' half-hipped roof with the same slope as the existing fully hipped roof. It is also stated in the condition that the proposed rear dormer extension shall be appropriately located on the roof and that the edge of the proposed dormer shall not go beyond the intersection of the main roof ridge and the ridge of the 'Dutch' hip.

7.2. I concur with the Planning Authority that the principle of the roof extension is acceptable. Notwithstanding the fact that the site is zoned 'OS' where the objective is *"to preserve and provide for open space and recreational amenities"*, the use of the cul de sac is for residential purposes and the proposal seeks to extend an existing dwelling. It is also considered that the proposal 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 to replace the existing hip end of the roof with a gable is unacceptable, as it would not be in keeping with the dominant character of the surrounding area and would not accord visually at this location. The applicant was invited to amend the roof profile to include a half-hipped design. However, in response to this further information request, the applicant submitted that they should be allowed to extend as per the original proposal. The Planning Authority disagreed and decided to attach Condition 2. The applicant has appealed



Condition 2 mainly on the grounds that there is established precedent in the surrounding area for the development with full gable height.

- 7.2.2. It is an objective of the Development Plan (H18 Objective 1) *“to favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).”* It is stated in the Design Guide with respect to side extensions that *“extending a hipped roof to the side to create a gabled end or half-hip will rarely be acceptable, particularly if the hipped roof is visually prominent and typical of other houses along the street.”* It is also recommended that the use of flat-roof dormer extensions should be avoided on houses with hipped rooflines.
- 7.2.3. Clearly, the originally proposed development with gable end and the conditioned development with half-hipped design are both at variance with certain recommended standards for this type of development. Notwithstanding the fact that there is visible precedent in the wider area for the amendment of hipped roofs to gable ends, I consider that the introduction of a mini-hipped or half-hipped roof profile is the most appropriate compromise in this case. It is recognised that there is difficulty in providing reasonable attic accommodation without alteration of the roof profile within dwellings with hipped roofs due to the required head height for staircases. However, as pointed out by the Planning Authority, a ‘Dutch’ hip would have no implications for head height for the attic stairwell. Thus, there is little to be gained internally in terms of extra space if a gable was constructed instead of a half-hipped profile. Externally, the half-hipped design fits better with the prevailing pattern of development in the immediate area comprising mostly of fully hipped roofs.
- 7.2.4. I acknowledge the appellant’s contention that there is precedent for gables replacing hip ends in the wider area. However, every proposal should be treated on its own merits, and I note the visibility of the roof of No. 35, the staggered building lines of dwellings within the row, and the largely intact design and appearance of the estate. The most appropriate precedent is at No. 32 to the north-east. However, this dwelling is located at the end of a row of dwellings with the gable end facing away from the street. Its visual impact is also mitigated by the single storey extension to

the side. It should also be noted that there is precedent for a half-hipped roof design at No. 167 Dunmore, which faces south towards the appeal site beside No. 32.

### **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 guiding principles on roof extensions contained in the South Dublin County Council House Extension Design Guide, 2010, and to the nature, scale and location of the proposed dormer extension and alteration to the roof, it is considered that Condition 2 requiring a half-hipped roof profile to the dwelling shall be **RETAINED** so that the proposal is more visually consistent with the established development pattern within the streetscape, consisting mainly of 2-storey dwellings with hipped roofs.

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Donal Donnelly  
Senior Planning Inspector

31<sup>st</sup> January 2022