



An
Bord
Pleanála

Inspector's Report

ABP-312188-21

Development

Permission is sought for the demolition of existing single storey extension to the rear & for the construction of a single storey ground floor extension & for the conversion of the existing attic to an office/store area & for a dormer to side and rear of existing house & for all associated site works.

Location

No. 52, Dollymount Park, Clontarf, Dublin 3.

Planning Authority

Dublin City Council North.

Planning Authority Reg. Ref.

WEB1945/21.

Applicant(s)

Cormac O'Dalaigh & Dearbhla Aogain.

Type of Application

Planning Permission.

Planning Authority Decision

Split Decision.

Type of Appeal

First Party.

Appellant(s)

Cormac O'Dalaigh & Dearbhla Aogain.

Observer(s)

None.

Date of Site Inspection

11th day of February, 2022.

Inspector

Patricia-Marie Young.

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1.0 Site Location and Description

1.1. No. 52 Dollymount Park, the appeal site has a stated site area of 878m² and it consists of 2-storey end-of-terrace dwelling that has been subject to alterations and additions over the decades since its construction in the c1930s. These can be summarised as comprising single and two storey side and rear additions. The subject dwelling occupies the western end of a group of four that faces onto the end of a tree lined cul-de-sac residential road that is aligned by what were once highly uniform in built form and appearance groups of 2-storey residential terrace groups. The site itself is located c388m by road to Clontarf Road, and c5km to the north east of Dublin city centre as the bird would fly. The surrounding area has a mature residential character.

2.0 Proposed Development

- 2.1. Planning permission is sought for the demolition of existing single storey extension to the rear & for the construction of a single storey ground floor extension & for the conversion of the existing attic to an office/store area & for a dormer to side and rear of existing house & for all associated site works.
- 2.2. According to the accompanying planning application form the development details are given as follows: floor area of new buildings proposed – 26.2m²; total floor area of proposed development (new and retained) – 215.1m²; floor area of existing residential extensions – 69.8m² and the floor area of buildings to be demolished – 27.3m².

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 17th day of November, 2021, the Planning Authority decided to:

- **Grant** planning permission for the single storey rear extension subject to mainly standard conditions. Of note Condition No. 2 omitted the attic dormers to the side and rear in their entirety.
- **Refuse** planning permission for attic dormers side and rear for the following stated reasons:

“1. The current Dublin City Development Plan 2016-2022 sets out in Appendix 17.11 the requirements for roof extensions which state, inter alia, that the design of dormers should reflect the character of the area and the appearance of the existing building and that dormer windows should be visually subordinate to the roof slope. 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. The proposed development of the side and rear dormers would therefore be contrary to the policies and objectives of the current Dublin City Development Plan 2016-2022 and the proper planning and sustainable development of the area”.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Authority’s Planning Officer’s report dated the 15th day of November, 2021, is the basis of the Planning Authority’s decision. It includes the following comments:

- The removal of the single storey domestic extension is considered reasonable.
- No serious diminishment of residential amenity of property in the vicinity would arise.
- The side and rear dormer extensions are contrary to the requirements set out in Appendix 17.11 of the Development Plan.
- Permitting such an over-scaled and out of proportion dormer extensions to the roof structure would set an undesirable precedent.
- This report concludes with a split decision.

3.2.2. Other Technical Reports

- **Engineering:** No objection, subject to safeguards.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. During the course of the Planning Authority's determination of this application it received one Third Party Observation, from the occupiers of No. 50 Dollymount Park, the adjoining property to the west, which can be summarised as follows:

- This development would adversely impact their amenities by way of overlooking and overshadowing.

4.0 Planning History

4.1. Site:

4.1.1. **P.A. Ref. No. 2162/01:** Planning permission was granted subject to conditions for a development consisting of a two-storey extension to the side; a bay window to the front and a single storey extension to the rear.

4.2. Setting

4.2.1. **No. 55 Dollymount Park**

ABP-311985-21 (P.A. Ref. No. 3412/21)

Concurrently on appeal with the Board is ABP-311985-21. This appeal case relates to a development described as modifications to previously approved 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.

which relates to a First Party Appeal in relation to Condition No. 3 of the grant of permission and grant of retention which related to the attic component of the development sought.

Of note Condition No. 3 of the notification to grant permission restricted the width of the dormer box extension to a maximum width of 3.0m (measured externally) under sub-condition (a). In addition, sub-condition (b) restricted the dormer box to having one window with its maximum dimensions being 2m in width by 0.6m in height and

sub-condition (d) restricted the use of the attic, i.e., that it shall not be used human habitation unless it complies with current building regulations. The stated reason for these amendments is in the interest of visual amenity as well as the proper planning and sustainable development of the area.

ABP-310839-21 (P.A. Ref. No. 2639/21): Concurrently on appeal with the Board is appeal case ABP-310839-21 which relates to a First Party Appeal in relation to Condition No. 3 of the grant of permission and grant of retention which related to the attic component of the development sought. This condition is similar to that attached to the more recent appeal case relating to No. 55 Dollymount Park set out above.

4.2.2. **No. 35 Dollymount Park**

ABP-308007-20 (P.A. Ref. No. 2851/20): This appeal case related to an application consisting of the following: (1) To replace the existing hip roof with gable roof to the side; (2) Change of use of attic to storage; (3) 1no. rooflight to the front roof; (4) 2no. rooflights to the rear roof; (5) 3no. obscured glazed windows to the side gable and all associated site works which was granted permission subject to conditions which included Condition No. 2 which related to attic component of the development and included but was not limited to the omission of a side dormer. The Board decided to treat this appeal case under Section 139 of the Planning & Development Act, 2000, as amended and omitted Condition No. 2 based on the proposed development would not injure the visual or residential amenities of the area or of adjoining properties and was designed in an acceptable manner which took adequate account of the context and setting.

5.0 **Policy & Context**

5.1. **Development Plan**

- 5.1.1. The appeal site has a zoning objective 'Z1 - Sustainable Residential Neighbourhoods' within the Dublin City Development Plan 2016-2022, with a stated objective '*to protect, provide and improve residential amenities*'.
- 5.1.2. Relevant planning policies and objectives for residential development are set out under Section 5 (Quality Housing) and Section 16 (Development Standards) within

Volume 1 of the Development Plan. Appendix 17 to Volume 2 of the Development Plan provides guidance specifically relating to residential extensions.

5.1.3. The following Sections are of particular relevance:

- Volume 1 - Section 16.2.2.3 Alterations and Extensions.
- Section 16.10.12 - Extension and Alterations to Dwellings.
- Volume 2 - Section 17.11 Roof Extensions.

5.2. **Natural Heritage Designations**

5.2.1. The site is located c308m to the west of North Bull Island SPA SPA (Site Code: 004006) and North Dublin Bay SAC (Site Code: 000206) at its nearest point.

5.3. **EIA Screening**

5.3.1. Having regard to the existing development on site, the nature and scale of the proposed development and the location of the site, 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.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. The grounds of this First Party Appeal can be summarised as follows:

- This proposal represents an appropriately scaled residential extension which is respectful of the dwelling and properties in its setting.
- There are a number of dormer extensions within this residential area.
- The proposed dormer elements together with the proposed development cumulatively is consistent with local planning provisions.
- The proposed development would enhance the character of the existing dwelling and the extension to respect the character of Dollymount Park as well as adjoining amenities.

- The proposed rear dormer is designed to complement the main dwelling.
- The dormer would not give rise to any adverse impacts on the amenity of properties in its vicinity by way of overlooking, overshadowing or otherwise.
- The use of a contemporary design seeks to mitigate undue visual impact and differentiates original and new architectural works on site.
- There are multiple dormer windows in this setting, and it is not accepted that the dormer as proposed would result in any undesirable precedent.
- The works proposed would not alter the front building line of the dwelling and would not dominate the building as viewed in the context of its immediate terrace setting.
- The Board is requested to permit the proposed dormer windows as part of the development as granted permission by the Planning Authority.

6.2. **Planning Authority Response**

6.2.1. None received.

6.3. **Observations**

6.3.1. None received.

7.0 **Assessment**

- 7.1. Having carried out an inspection of the site and its setting, alongside having had full regard to the nature, scale and extent of the proposed development sought to No. 52 Dollymount Park, all of the documentation including submissions received by the Board on file, together with an examination of the pattern of development and relevant planning provisions I consider that the assessment of this case can be limited to the issues raised by the First Party Appellant which essentially relate to the reasons given by the Planning Authority to refuse planning permission in their split decision by way of Condition No. 2 of Schedule 1 and Schedule 2 for the conversion of the attic to an office/store area, a dormer window to the side and a dormer window to the rear.
- 7.2. The reasons for refusal of the attic and dormer elements of the alterations and additions sought under this application are cited as being based on their inconsistency

with the requirements set out under Appendix 17.11 of the Development Plan, adverse visual amenity impacts through to undesirable precedent these components of the development would give rise to if permitted.

- 7.3. In relation to the remainder of the development that was sought under this application and granted permission under Schedule 1 of the Planning Authority's decision notification I note that this part of the development related to a demolition of an existing single storey extension and the construction in its place of a replacement single storey extension with a given floor area of 26.2m².
- 7.4. This extension would extend the width of the existing dwelling, would have a flat roof over with a given height of 3.32m (Note: there is a mono-pitch roof over the single storey extension to be demolished which at its maximum height is c4m and slopes down to an eave height of c2.9m) through to would have a depth of 5.89m (Note: 2.175m deeper than the existing single storey).
- 7.5. Given the built form of the proposed extension as described despite the rear elevation of the existing dwelling facing north this extension would not give rise to any material additional level of overshadowing or overlooking for adjoining and neighbouring properties in its vicinity when compared to the existing context.
- 7.6. A generous garden area remains to the rear for occupants of the subject dwelling with mature trees and robust boundaries behind the front building line and encompassing the site to the rear with the private amenity space remaining meeting required standards.
- 7.7. The proposed single storey extension is consistent with the pattern of development within Dollymount Park which has by and large consisted of single storey rear extensions of various built forms and designs.
- 7.8. The proposed design resolution is light weight and would be legible as a distinct separate building layer from the surviving 1930s exterior envelope and its later rear extension for which demolition is sought is of no particular architectural or other interest.
- 7.9. The site, the terrace group it forms part of, and the neighbouring properties all form part of a larger suburban setting zoned 'Z1 - Sustainable Residential Neighbourhoods' under the Development Plan with a stated objective '*to protect, provide and improve*

residential amenities'. In this regard, I consider that the demolition of an existing single storey extension and replacement with a new single storey extension that improves the residential amenities of No. 52 Dollymount Park without compromising the residential and visual amenities of its setting is consistent with residential development deemed to be permissible on Z1 zoned land. It is also, as said previously in my report, consistent with the pattern of development that has occurred in its setting of 1930s properties with the single storey extension not legible from the public domain and therefore not resulting in any further erosion of No. 52 Dollymount Park's intrinsic character and quality.

- 7.10. Based on these reasons I concur with the Planning Authority in that the principal of this component of the proposed development is acceptable as it accords with the proper planning and sustainable development of the area.
- 7.11. The appellant raises concern that Condition No. 2 and Schedule 2 of the Planning Authority's notification omits the remainder of the development and seeks that the Board overturn this. I note that the remainder of the proposed development consists of the conversion of the existing attic/store area, a dormer to the side and a dormer to the rear of the existing dwelling.
- 7.12. The appellant contends that the proposed design of the side and rear dormer elements would not detract from the character of the main dwelling or its appreciation within its suburban context.
- 7.13. It is also contended by the appellant that these elements of the proposed development are of qualitative standard of contemporary design and would incorporate the use high quality materials that would compliment those of the main dwelling, the terrace group they would form part of and its setting. Moreover, they contend that the design resolution had regard to ensuring that no undue overlooking, overshadowing or other adverse residential amenity impact would arise for properties in its vicinity.
- 7.14. They also note that the subject dwelling is not a Protected Structure, that its streetscape scene does not form part of a designated Architectural Conservation Area or otherwise and that there are a wide variety of dormer insertions within the roof structures of two-storey and single properties within the immediate as well as the wider setting.

- 7.15. In relation to the proposed dormer side and dormer rear extension to facilitate the proposed conversion of the attic space over the main dwelling for an office/storage use Appendix 17.11 of the Development Plan sets out a number of requirements for this type of development. These requirements are:
- In relation to the design that they reflect the character of the area, the surrounding buildings and the age and appearance of the existing building.
 - That they are visually subordinate to the roof slope, enable a large proportion of the original roof to remain visible.
 - Any new windows should relate to the shape, size, position and design of the existing doors and windows on the lower floor levels.
 - Roof materials should be covered in materials that match or complement the main building.
 - Dormer windows should be set back from the eaves level to minimise their visual impact and reduce the potential for overlooking of adjoining properties.
- 7.16. Having regard to these requirements as set out above I raise a concern that both the side and rear dormer roof insertions lack of any subordination with both structures maintain the maximum 8.915m ridge height of the main roof structure over No. 52 Dollymount Park Road.
- 7.17. In addition, the side dormer effectively doubles the 8.915m ridge height by extending this ridge height westwards with the new roof structure being of a different shape and profile of the front slopping roof.
- 7.18. In my view, this in itself would create a significant change to the roof structure over what was designed to be a highly uniform in appearance and built form terrace group that occupied a highly prominent position at the end of this residential cul-de-sac within the Dollymount residential scheme.
- 7.19. Whilst proposing a height to match that of the ridge height over the main dwelling the side dormer would be positioned slightly to the west of where the original ridge height ends, and the roof begins its westerly slope. Thus, it would be visually disconnected from it yet being of the same maximum height as the main dwelling which would add a level of visual incongruity as well as further heighten the side dormers visual incongruity.

- 7.20. Of further concern is the significant additional bulk, mass and scale of the side dormer which effectively wraps around into the rear dormer insertion proposed.
- 7.21. Together both insertions due to their size, their positioning in the original roof structure, their different built form and use of material effectively overbear the original roof structure by their lack of visual subordination and being a highly visible new built insertion into what is a roof structure over a terrace group that has maintained its original profile, shape, and slope.
- 7.22. Cumulatively, when considered against the substantive changes made to No. 52 Dollymount Park Road, in particular the insertion of a bay window and the setback two storey side extension, they would significantly add to the eroded and diluted architectural integrity of this terrace group that has arisen from the subject property but in a manner that is overbearing and out of scale as well as character with its original built form. The addition of the attic conversion as proposed would effectively result in No. 52 Dollymount Park Road being visually at odds with the other three terrace properties it forms part of. It would significantly change the careful symmetrical balance of their largely intact roof structure over when viewed from the public domain.
- 7.23. While I accept that there is precedent within this setting for dormer side and rear extensions, I note that these relate to more subservient additions, in terms of their placement relative to the original roof ridge, built form, scale, mass and volume, than that proposed under this application. As such they are significantly less dominant new features in the roof structure to that proposed under this application with only two examples being visible in the streetscape scene the subject property forms part of.
- 7.24. It is also a concern that the attic conversion as proposed is one that could not accommodate habitable use in a manner that would be in compliance with Building Regulations. Yet it is indicated for use office study/storage. It also includes a rooflight in the original front sloping roof to accommodate a WC.
- 7.25. I am cognisant that compliance with Building Regulations and also having regard to the additional Fire Regulations requirements for buildings above two storeys in height are subject to different codes and authorities. In relation to the rooflight in the front roof slope while I observed precedent for this within the terrace group the subject site forms part of, notwithstanding, cumulatively in my view it would add to the diminishment of the visual integrity of No. 52 as appreciated from the public domain.

- 7.26. Though I accept that both the side and rear dormers would not give rise to seriously residential amenity impact on residential properties in their vicinity due to the lateral separation distance between properties, the orientation of the dwelling relative to adjoining and neighbouring properties together with the presence of mature trees to the rear of the site. And notwithstanding the use of a contemporary design and contemporary materials to distinguish these as new building layers of their time. In this case I concur with the Planning Authority that their design resolution is such that it fails to be sufficiently subservient to the roof structure over the main dwelling and the terrace group it forms part of by way of its built form, height, mass through to scale. If permitted, it would be visually overbearing and incongruous with the terrace group it forms part of. It would diminish the careful balance of the surviving roof structure over and would set an undesirable precedent for similar overly dominant dormer structures in its setting, particularly in the context of surviving 2-storey end of terraces where such insertions can also give rise to a three-storey appearance.
- 7.27. Moreover, I note that Section 16.10.12 of the Development Plan sets out that applications for planning permission to extend dwellings will only be granted where the Planning Authority is satisfied that the proposal would not have an adverse impact on the scale and character of the host dwelling.
- 7.28. In this case I consider that whilst the principle of extension of an existing dwelling on 'Z1' zoned lands is acceptable and that the Development Plan provides for dormer extensions, subject to safeguards including that they meet the Development Plan requirements for such insertions in this case the proposed side and rear dormer extensions visual overbearance can not be resolved by way of condition(s) alone.
- 7.29. Based on the above considerations I recommend that the Board uphold the decision of the Planning Authority in the interest of protecting the visual amenities of the area as well as in the interests of proper planning and sustainable development.
- 7.30. **Appropriate Assessment**
- 7.30.1. Having regard to the nature and scale of the proposed development within a serviced suburban setting, the separation distance to the nearest European site and the nature of the intervening urban landscape, 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.

8.0 Conclusion and Recommendation

- 8.1. In conclusion, I recommend that the planning permission be granted for the demolition and replacement of a single storey to the rear of an existing dwelling subject to condition be upheld as per Schedule 1 below and that the planning permission be refused for the conversion of the attic to an office/store area and for a dormer to the side and rear of the existing house as per Schedule 2 below. I also recommend given the proximity of the rear extension to the side boundary with No. 51 Dollymount Park Road that an advisory note reiterating Section 34(13) of the Planning and Development Act, 2000 as amended, be included as a precaution.

Schedule 1

Planning permission is **granted** for the demolition of existing single storey extension to the rear and the construction of a single storey extension to the rear as well as its associated works for the reasons and considerations set out below and for the conditions set out thereunder.

Reasons and Considerations

Having regard to the pattern of development characterising this area, the separation distance between the development sought and properties in its vicinity, the design, built form and layout of the development and to the provisions of the Dublin City Development Plan, 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure amenities of nearby dwellings or would it seriously injure the visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such

details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

(a) The attic dormers to the side and rear be omitted in their entirety.

(b) The rooflight serving the attic level WC be omitted in its entirety.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenities.

3. Only structures indicated for demolition on the plans lodged with this application shall be removed.

Reason: In the interests of the proper planning and sustainable development of the area.

4. The external finishes of the proposed works shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interests of architectural harmony and visual amenity.

5. The entire premises shall be used as a single dwelling unit and shall not be subdivided in any manner or used as two or more separate habitable units.

Reason: To prevent unauthorised development.

6. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

7. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. The site development works, and construction works shall be carried out in such a manner as to ensure that the public roads are kept clear of debris, soil, and other materials and if the need arises for cleaning works or repair to be carried out to the same, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining lane and roads are kept in a clean and safe condition during construction works in the interests of orderly development.

9. The construction of the development shall be managed in accordance with a Construction and Demolition Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the

authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Advisory Note: Section 34(13) of the Planning and Development Act, 2000 as amended, indicates that: *“a person shall not be entitled solely by reason of a permission or approval under this section to carry out a development”*.

Schedule 2

Planning permission is **refused** for the conversion of the attic to an office/store area and for a dormer to the side and rear of existing dwelling for the reasons and considerations set out below.

Reasons and Considerations

The Dublin City Development Plan, 2016-2022, sets out in Appendix 17.11 the requirements for roof extensions which state, inter alia, that the design of dormers should reflect the character of the area and the appearance of the existing building and that dormer windows should be visually subordinate to the roof slope. 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 over-scaled development, serious injury to the residential amenity of the area. The proposed development of the side and rear dormers would therefore be contrary to the policies and objectives of the current Dublin City Development Plan, 2016-2022, and would therefore be contrary to the proper planning and sustainable development of the area.

Patricia-Marie Young
Planning Inspector

14th day of February, 2022.