



An
Bord
Pleanála

Inspector's Report ABP-312472-22

Development	Internal modifications to facilitate new kitchen diner & ground floor bathroom. 2 no. roof dormers to front & rear, 2 no Velux windows.
Location	No. 70 Kincora Court, Dublin 3
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	WEB5038/21
Applicant(s)	Conor Irwin
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Mary Finnerty
Observer(s)	None
Date of Site Inspection	26 th March 2022
Inspector	Donal Donnelly

1.0 Site Location and Description

- 1.1. The appeal site is located at Kincora Court in Clontarf approximately 4.5km to the east of Dublin city centre. Kincora Court is a residential estate of more than 100 dwellings arranged around a number of cul de sacs. Most dwellings are set within terraces of four units in single storey and 2-storey formats. A single 'T' junction off Kincora Road provides access to Kincora Court. A number of dwellings in Kincora Court have dormer extensions to the front and rear.
- 1.2. No. 70 Kincora Court is a mid-terraced north-facing single storey property with stated floor area of 57 sq.m. There is a driveway to the front of No. 70 and the rear garden has a depth of 8.13m. The site area is given as 118 sq.m. A laneway that commences off Conquer Hill Road continues to the rear of the No's. 68A to 85 Kincora Court.

2.0 Proposed Development

- 2.1. Planning permission is sought for the following:
 - Removal of spiral staircase, demolition of all ground floor stud partitions,
 - Removal of rear door and window,
 - Installation of new stud partitions to form new kitchen/ diner, ground floor bathroom, new timber staircase and new rear door and window.
 - Installation of 2 no. new roof dormers to front and rear to form two new bedrooms and new bathroom,
 - Provision of 2 no. Velux windows to front and new Velux flat roof light to rear.

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 front dormer shall have a minimum width of 2m, and the rear dormer shall be set back 0.5m from the boundary line with adjoining dwellings. It is also conditioned that the dormer shall blend with the existing roof finishes. Two roof lights to the front are to be omitted under Condition 2(e).
- 3.1.3. Under Condition 3, the attic space shall not be used for human habitation unless it complies with current Building Regulations.

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:

- Proposed development is acceptable in principle subject to a review against relevant Development Plan criteria.
- There is significant precedent for dormer extensions to the front of dwellings in Kincora Court.
- Proposed dormer to the front will not be subordinate to the front roof plane and is not in-keeping with other such developments to the streetscape – majority of front dormer extensions have a width of between 1.8m and 2m.
- Recommended that the front dormer should have a maximum width of 2m to ensure than it is subordinate and well proportioned.
- Recommended that a condition be attached requiring that the front dormer be of a colour which blends with the roof profile.
- There are no overlooking concerns relating to the proposed front dormer.
- Juxtaposition of front dormer alongside 2 no. rooflights will create a cluttered appearance which will be harmful to the character of the dwelling and visual amenity of the streetscape.
- Proposed dormer to the rear is generally of a similar scale to other permitted dormer extensions to the rear of dwellings on Kincora Court.
- Recommended that the dormer be a minimum of 0.5m from the boundary to ensure there is not a terracing effect or impact on neighbouring dwellings.

- Dormer should also be of a colour that blends with the roof profile.
- Subject dwelling adjoins a laneway to the rear and will not overlook the rear private open space or any opposing first floor windows to dwellings on Seafield Court.

3.3. Third Party Observations

- 3.3.1. A third party observation was received by the appellant on this case. The issues raised are broadly similar to those raised in the appeal.

4.0 Planning History

- 4.1. No planning history at the appeal site.

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- 4.2. Permitted granted at No. 13B Kincora Court for a single storey rear extension and a front dormer window extension to existing terrace dwelling. A condition attached to this permission stated that the front dormer shall have a maximum width of 2m and shall be finished in dark colours.

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. 120m to the north of South Dublin Bay and River Tolka Estuary SPA (Site Code:004024) and North Dublin Bay proposed Natural Heritage Area (Site Code: 000206).

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A third party appeal against the Council's decision was submitted by the resident of No. 69 Kincora Court, which adjoins the appeal site to the west. The grounds of appeal and main points raised in this submission are summarised as follows:

- There is potential for greater disturbance/ inconvenience and nuisance if the planning permission proceeds.
- Usage of proposed alteration to the downstairs bathroom, together with the inclusion of toilet/ wash-hand basin and shower directly overhead on 1st floor will doubly increase noise/ nuisance levels and will impact on future enjoyment of appellant's home.
- Existing stud wall on the lounge side of proposed toilet and handbasin at ground level has been extended to the point of encroaching on appellant's existing lounge space.
- Proposed position of new toilets/ shower/ bathroom on both ground floor and 1st floor will impinge on appellant's peace/ enjoyment and use of her lounge through flushing noises.
- Proposal could impact on the value of appellant's property.

6.2. Response

- 6.2.1. The applicant responded to the third-party appeal with the following comments:
- Appeal should be dismissed as there are no objections based on valid planning grounds.

- Appeal relates to toilet/ bathroom/ shower facilities which are exempt from planning permission.
- Proposed development will not give rise to undue noise and/ or disturbance and will not impact on the residential amenity of adjoining properties.
- There is no encroaching on the neighbouring property as there is a party wall separating the two properties – stud wall mentioned in the appeal is an internal wall within applicant’s property.
- Proposed development will fully comply with all building regulations including extra insulation and high grade stud walls to ensure no unnecessary noise travels between the two properties.
- Location of internal rooms has no relevance and does not constitute reasonable grounds for appeal.
- Proposed development carried out to the highest standards and would be in keeping with and sensitive to its surroundings.
- Proposed development is very similar to many that have been granted permission and built in the locality – No’s. 91 & 12A are very similar to that proposed.
- Applicant is happy to abide by any planning authority conditions apart from Condition 2(e) which states that the 2 no. roof lights to the front shall be omitted. There are several properties in the locality that have had permission granted for Velux roof lights/ windows to the front.
- Overall proposal is consistent with government policy on compact growth where existing housing stock is used to the maximum degree possible.

7.0 **Assessment**

7.1. I consider that the key issues in determining this appeal are as follows:

- Development principle;
- Impact on residential amenity;
- Visual impact;

- Appropriate Assessment.

7.2. Development Principle

- 7.2.1. The appeal site is zoned “Z1” where the objective is “*to protect, provide and improve residential amenities.*”
- 7.2.2. In normal circumstances, dormer extensions to dwellings would be acceptable in principle subject to an assessment of the proposal under relevant Development Plan criteria.

7.3. Impact on residential amenity

- 7.3.1. The third party appellant has raised a number of issues relating to the potential of the proposed development to give rise to disturbance/ inconvenience and nuisance. There are also concerns that the proposed development could encroach upon the appellant’s property; however, this matter is outside the remit of planning.
- 7.3.2. The internal configuration of the proposed development would fall under exempted development regulations and therefore this has no material bearing on the outcome of the appeal. Notwithstanding, a valid appeal has been accepted by the Board and the case is therefore assessed *de novo* under the relevant Development Plan criteria.
- 7.3.3. The potential for disturbance from a development proposal of this nature could occur in the form of overbearing/ overshadowing impacts or loss of privacy. It should be noted, however, that the proposed dormer to the rear is set sufficiently back from eaves level to avoid any significant overlooking of adjoining properties. Furthermore, the dormer structure to the rear is not of significant scale that it might cause overshadowing or overbearing effects.
- 7.3.4. Any other disturbance impacts from the proposed development would take place during the construction phase of the proposal. These impacts are temporary and can be controlled by way of condition. Overall, I would be satisfied that the proposed development will not adversely affect the amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.

7.4. Visual Impact

- 7.4.1. The other main Development Plan criteria pertaining to development proposals of this nature is the potential for adverse impacts on the scale and character of the dwelling.
- 7.4.2. 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; roofs 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.
- 7.4.3. With respect to the scale and proposed finishes of the proposed dormers, and in reference to Appendix 17 of the Dublin City Development Plan, 2016-2022, I would agree that, subject to the condition recommending its reduction in width, the dormer structure to the front would be visually subordinate to the roof slope with a large proportion of the roof plane remaining visible. Otherwise, this dormer would have a pitched roof which is similar to other front dormers in the estate. As noted above, the rear box dormer is set back adequately from eaves and is also set down from the ridge level. This structure is also similar to others in the row of dwellings further to the east. I agree with the Planning Authority that the dormer structures should be finished in dark colours in the interests of visual amenity.
- 7.4.4. In response to the third party appeal, the applicant requests that the Board omit Condition 2(e) which states that the 2 no. rooflights to the front shall be omitted. The condition was not appealed by the applicant; however, as the Board is addressing the case *de novo* I would be of the opinion that the matter can be considered in this assessment. I note that the proposed rooflights are placed symmetrically either side of the front dormer. These window openings will not be over-scaled or overly

apparent in the streetscape. There is precedent for front roof lights in the area and I would be satisfied that they not give rise to a cluttered appearance in this case. I recommend therefore that Condition 2 (e) should be omitted. The applicant has no issue with any other conditions attached to the notification of decision and I agree that these conditions should stand in the interests of orderly development and visual and residential amenity.

7.5. Appropriate Assessment

- 7.5.1. 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.

8.0 Recommendation

- 8.1. It is considered that the proposed development should be granted for the reasons and considerations hereunder and subject to the conditions below.

9.0 Reasons and Considerations

Having regard to the zoning objective for the site and pattern of development in the area, together with the design, scale and layout, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity and would provide for a satisfactory standard of accommodation for future residents. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 front dormer shall have a maximum width of 2m;
 - (b) The rear dormer shall have a minimum set-back of 0.5m from the boundary line with the adjoining dwellings.
 - (c) All the front and rear dormer's elevations; fascia/soffits; rainwater goods, window frames, glazing bars shall be finished in a dark colour so as to blend with the roof finish. White uPVC shall not be used.
 - (d) The rear dormer shall not accommodate solar panels whether or not they would be exempted development under the Planning & Development Act 2000(as amended).

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 interests of residential amenity.

3. 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.

4. Site development and building works shall be carried out only between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

5. The construction of the development shall be managed in accordance with a Construction 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 noise management measures and off-site disposal of construction/demolition waste.

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

Donal Donnelly
Senior Planning Inspector

28th March 2022