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Bord  
Pleanála

## Inspector's Report ABP 312687-22

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<b>Development</b>	Attic conversion for storage, raised gable to side with dormer window to rear and obscure window to the new side gable.
<b>Location</b>	167 Charlemont, Grace Park, Dublin 9
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	WEB5105/21
<b>Applicant</b>	Paul Conlon
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	1 <sup>st</sup> Party v. Condition
<b>Appellant</b>	Paul Conlon
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	14/04/22
<b>Inspector</b>	Pauline Fitzpatrick

## 1.0 Site Location and Description

No. 167 is a two storey, semi-detached dwelling in the residential estate of Charlemont accessed from Griffith Avenue. Numerous houses within the estate have been extended at attic level, many with dormer windows to the gable and rear elevations. The site backs onto St. Vincent's GAA grounds.

## 2.0 Proposed Development

The proposal entails attic conversion to provide for storage. The works include:

- Change in the main roof profile from hip to gable with an additional window serving the stairwell to the attic.
- Dormer window on the rear roof plane and an additional rooflight.
- 2 no. rooflights on the front roof plane.

## 3.0 Planning Authority Decision

### 3.1. Decision

Grant permission for the above described development subject to 8 conditions. Of note:

Condition 3 (a) roof alteration to be amended from a gable end roof to a side dormer structure. Any associated window shall have obscure glazing.

(b) rear roof dormer to be revised so as to be fully contained within the existing rear roof plane as a floating and subordinate roof element to be centred on the roof plane as much as possible so as to be physically and visually disaggregated from the side dormer. Window to have a vertical emphasis.

Revised plans and drawings to be submitted for written agreement prior to commencement of development.

## 3.2. **Planning Authority Reports**

### 3.2.1. Planning Reports

The Area Planner notes:

- Whilst there is a precedent for dormers and attic conversions in the estate, none has been set for changing of the roof profile from hipped to gable.
- The proposal should be amended to a side dormer within the existing hipped roof. Similar conditions were attached to permissions for dormer development in the vicinity (cases cited).
- The amendments to be conditioned will result in the loss of one of the rooflights on the front plane and potentially the removal of the rooflight to the rear roof plane.
- The dormer window will be required to have a vertical emphasis.
- No impact on adjoining residential amenities.

A grant of permission subject to conditions recommended.

### 3.2.2. Other Technical Reports

None.

## 3.3. **Prescribed Bodies**

None.

## 3.4. **Third Party Observations**

None

## 4.0 **Planning History**

I am not aware of any previous planning applications on the site.

## 5.0 Policy Context

### 5.1. Development Plan

Dublin City Development Plan 2016

The site is within an area zoned Z1 the objective for which is to protect, provide and improve residential amenities.

Chapter 16 sets out the development management requirements.

Section 16.10.12 Alterations and Extensions to Dwellings

The design of residential extensions should have regard to the amenities of adjoining properties and in particular the need for light and privacy. In addition, the form of the existing building should be followed as closely as possible, and the development should integrate with the existing building through the use of similar finishes and windows. Extensions should be subordinate in terms of scale to the main unit.

Applications for planning permission to extend dwellings will only be granted where the planning authority is satisfied that 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.

Appendix 17 sets out the Guidelines for Residential Extensions

Section 17.11 set outs the principles for dormer extensions.

### 5.2. Natural Heritage Designations

None in the vicinity.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The 1<sup>st</sup> Party against condition 3 (b), which is accompanied by supporting details, can be summarised as follows:

- Precedent has already been set at 94, 197 and 211 Charlemont. The rear dormers appear significantly larger than the largest window at 1<sup>st</sup> floor level in each of the properties. The requirements in the appeal case are considered unfair and without proper justification.
- 94 Charlemont is comparable to the appeal site in that it backs onto the GAA pitch in the Mario Institute of Education grounds.
- No observations were received from 3<sup>rd</sup> parties which would suggest that residents have no objection and that the development would not result in a negative impact on residential amenities.

### 6.2. Planning Authority Response

None

### 6.3. Observations

None

## 7.0 Assessment

I am satisfied, having examined the details of the application and having visited the site, that the determination of the application by the Board, as if it has been made to it in the first instance, would not be warranted. Accordingly, I consider that it is appropriate to use the provisions of Section 139 of the Planning and Development Act 2000, as amended, and to consider the issues arising out of the disputed condition only. Whilst the appeal is with respect to the requirements of subsection (b) of condition 3 the legislative provisions do not allow for a review of part of a condition, only.

I consider that the requirements of subsection (a) which requires amendments to the roof profile from gable end to a side dormer structure with obscure glazing to be reasonable. I note that this arrangement is prevalent throughout the estate with numerous examples in the immediate vicinity including Nos. 168, 197, 202, 211, 213, 216 and 218.

Subsection (b) requires the rear roof dormer be revised so as to be fully contained within the existing rear roof plane and to be centred as much as possible so as to be physically and visually disaggregated from the side dormer. The window is to have a vertical emphasis and is to be no larger than the largest window at 1<sup>st</sup> floor level.

As with the side dormer windows many dwellings within the estate have dormer windows to the rear. They are of varying sizes and, in this regard, I note the examples given in support of the appeal submission, many of which would appear to be in situ for a period of time. I note that No.90 referenced in the appeal was subject of an appeal under ref. PL29N.243348 (2293/14) and would have been assessed against the provisions of the previous development plan. I note from the Area Planner's report that a consistent approach has been adopted in more recent applications with examples of similar conditions attached to grants of permission for comparable development within the Charlemont Estate cited (planning refs. 1807/21 at No.79, 1091/19 at No.94). I also note permission granted at No.344 (1026/22) and No.363 (2112/21). I note that the rear dormer to No.169 to the east of the appeal site is reflective of what is required.

The dormer as proposed would have an external width of 3.5 m and would occupy the majority of the rear roof plane. I submit that it is overscaled and would be visually dominant with views available from the St. Vincent's GAA grounds to the south. This is inconsistent with Development Plan policy under Appendix 17.11 which requires dormer extensions to be visually subordinate. Furthermore the window to the dormer is noticeably wider than the windows in the floor below which adds to the visual dominance. Whilst the principle of a rear dormer is reasonable the approach taken in this instance does not take account of Development Plan policy in any way. I submit that any dormer to the rear should not exceed 2m maximum external width with the window not to exceed the proportions of the largest window at 1<sup>st</sup> floor level.

I consider that subject to amendments the requirements of condition 3 are reasonable in view of the precedent set by the more recent decisions made within the estate thereby allowing for a consistency in approach in providing for dormer structures which comply with the development plan requirements and ensuring that the structure is subordinate to the roof slope.

*Appropriate Assessment – Screening*

Having regard to the location of the site and the nature and scale of the proposed development it is concluded no appropriate assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

Having regard to the documentation on file, the grounds of appeal, my site inspection, and the assessment above I recommend that the planning authority be directed to **AMEND** condition 3 as follows for the following reasons and considerations.

### Condition 3

- (a) The roof alteration shall be amended from gable end roof to a side dormer structure. Any associated window shall be fitted with obscure glazing.
- (b) The rear dormer shall be reduced in width to not exceed a maximum external width of two metres. The window shall not exceed the proportions of the largest window in the 1<sup>st</sup> floor rear elevation of the dwelling.

Revised plans and elevation drawings with the necessary alterations shown thereon shall be submitted to the planning authority for written agreement prior to commencement of development.

**Reason:** In the interest of visual amenity.

## **REASONS AND CONSIDERATIONS**

Having regard to the existing and permitted pattern of development in the Charlemont area for rear dormer roof extensions, it is considered that the proposed amendments would provide for an appropriate level of development, that would not seriously injure the visual or residential amenities of the area and would comply with the guidance set out in Appendix 17 of the Dublin City Development Plan 2016.

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**Pauline Fitzpatrick**  
**Senior Planning Inspector**

**April, 2022**