



An  
Bord  
Pleanála

## Inspector's Report

### ABP-312772-22

#### Development

Conversion of their attic to storage including changing the existing hipped end roof to a Dutch hipped, gable end roof, a window to the new side gable wall a dormer window to the rear all at roof level.

#### Location

30, Blackheath Gardens, Clontarf,  
Dublin 3, D03 HX89

#### Planning Authority

Dublin City Council North

#### Planning Authority Reg. Ref.

WEB5121/21

#### Applicant(s)

Ronan and Orla Leahy

#### Type of Application

Permission.

#### Planning Authority Decision

Grant

#### Type of Appeal

First Party v Condition

#### Appellant(s)

Ronan and Orla Leahy.

#### Observer(s)

None.

#### Date of Site Inspection

21<sup>st</sup> April 2022.

**Inspector**

Paul Caprani

## Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Decision .....	4
3.1. Decision .....	4
3.2. Documentation Submitted .....	5
3.3. Planning Authority Reports .....	5
3.4. Prescribed Bodies .....	5
3.5. Third Party Observations .....	6
4.0 Planning History.....	6
5.0 Policy Context.....	6
5.1. Development Plan.....	6
5.12. Natural Heritage Designations .....	8
5.13. EIA Screening .....	8
6.0 The Appeal .....	8
6.1. Grounds of Appeal .....	8
6.2. Planning Authority Response .....	10
6.3. Observations .....	10
7.0 Assessment.....	10
8.0 Appropriate Assessment.....	13
9.0 Decision.....	13
10.0 Reasons and Considerations .....	14

## 1.0 Site Location and Description

- 1.1. The site is located within the suburban area of Clontarf c. 6km from Dublin City Centre. Blackheath Gardens is a residential cul-de-sac on the east side of Castle Avenue. No 30 Blackheath Gardens is located at the end of the cul-de-sac. Like other dwellings along the street, it comprises of a semi-detached dwelling with a single storey garage which has been converted to living accommodation. The dwellings appear to date from the 1960's. The existing house accommodates a kitchen/dining and living area at ground floor level and 3 bedrooms (1 en-suite) and a bathroom upstairs. The dwelling also accommodates a front garden with off street parking and a generously sized back garden in excess of 20 m in length

## 2.0 Proposed Development

- 2.1. Permission is sought for the alterations in the roof profile with the provision of a flat roof box dormer to the rear roof profile in order to enlarge the attic space within the roof pitch. The change in roof profile will involve changing the existing hipped end roof to a Dutch hipped gable end roof. It is also proposed to place a new window in the gable end of the roof facing northwards towards no 28 Blackheath Gardens. An additional 26 sq.m is to be provided at attic level increasing the overall GFA of the dwelling from 165 sq.m to 191 sq.m.

## 3.0 Planning Authority Decision

### 3.1. Decision

Dublin City Council granted planning permission subject to 7 conditions.

Condition 3 (a)(b)(c)&(f) required the following:

*(a) The proposed alteration of the roof to create a Dutch gable type roof and (sic) shall be omitted. The existing fully hipped roof profile of the existing roof shall be retained.*

*(b) The proposed dormer box on the rear plane of the roof shall not exceed 2.5 metres in width.*

*(c) The proposed additional window in the modified gable end hereby omitted shall also be omitted.*

*(f) All elevations; fascia/soffits; rainwater goods, window frames, glazing bars shall be finished in a dark colour so as to blend in with the existing roof finish.*

### **3.2. Documentation Submitted**

- 3.2.1. A covering letter was submitted with the application stating that there are numerous precedents in the area for similar alterations to the roof profile of dwellings in the vicinity including existing dwellings on Blackheath Gardens.

### **3.3. Planning Authority Reports**

- 3.3.1. Planning Report. The planners report expressed concerns that the alterations of the roof profile would alter the appearance of the house which would result in a visual imbalance across the elevation of the pair of semi-detached houses. It is indicated that the width of the dormer box window to the rear of the roof pitch is proposed at 3.6 m and would have a set back from the eaves level of approximately 1.5m, this is considered to be excessive. In order for the dormer box not to be visible from the public realm, the dormer box shall be reduced to a maximum width of 2.5m. No significant impacts on adjoining dwellings will arise will result from the proposal in terms of daylight and sunlight. On the basis of the above assessment a recommendation to grant planning permission was issued subject to the alterations specified above in condition 3.

#### **3.3.2. Other Technical Reports**

A report from the Engineering Department Drainage Division stated that their was no objection subject to the applicant complying with the Greater Dublin Region Code of Practice for Drainage.

### **3.4. Prescribed Bodies**

No reports received.

### **3.5. Third Party Observations**

None received.

## **4.0 Planning History**

There is no planning history associated with the appeal site. Details of similar type applications for alterations and extensions to dwellings in the vicinity are referred to in the planner's report and in the grounds of appeal.

## **5.0 Policy Context**

### **5.1. Development Plan**

5.2. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022. The subject site is governed by the zoning objective Z1.

5.3. Section 16.2.2.3 relates to alterations and extensions. It states that Dublin City Council will seek to ensure that alterations and extensions will be sensitively designed and detailed to respect the character of the existing building, its context, and the amenity of adjoining occupiers.

5.4. In particular extensions should:

- Respect any existing uniformity of the street, together with significant patterns, rhythms or groupings of buildings.
- Retain a significant proportion of garden space, yard or other enclosure.
- Not result in the loss of, obscure, or otherwise detract from the architectural features which contribute to the quality of the existing building.
- Retain characteristic townscape spaces or gaps between buildings.
- Not involve the infilling enclosure or harmful alteration of front lightwells.
- Furthermore, extensions should be confined to the rear in most cases.
- Be clearly subordinate to the existing building in scale and design.

- Incorporate a high standard of thermal performance and appropriate sustainable design features.
- 5.5. In addition to the above, alterations and extensions at roof level, including roof terraces are to respect the scale, elevation proportions and architectural form of the building and will:
- Respect the uniformity of terraces or groups of buildings with a consistent roofline and not adversely affect the character of terraces with an attractive varied roofline.
  - Not result in the loss of roof forms, roof coverings or roof features where they are of historic interest or contribute to the local character and distinctiveness.
- 5.6. Section 16.10.12 of the Development Plan also relates to extensions and alterations to dwellings.
- 5.7. 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.
- 5.8. 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 the amenities enjoyed by occupants of adjacent dwellings in terms of privacy, access to daylight and sunlight.
- 5.9. Appendix 17 also provides additional guidelines in relation to alterations and extensions to dwellings.
- 5.10. It notes that the roofline of the building is one of the most dominant features and it is important that any proposal to change the shape, pitch, cladding or ornament of the roof is carefully considered. If not treated sympathetically, the dormer extension can cause problems for immediate neighbours in the way that the street is viewed as a whole.
- 5.11. When extending the roof, the following principles should be observed.

- The design of the dormer should reflect the character of the area, the surrounding buildings and the appearance of the existing building.
- Dormer windows would be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible.
- Any new windows should relate to the shape, size and position and design of the existing doors and windows on the lower floors.
- Roofs should be covered with materials that match or complement the main building.

Dormer windows should be setback from the eaves level to minimise the visual impact and reduce the potential for overlooking of adjoining properties.

## 5.12. Natural Heritage Designations

- 5.12.1. The site is not located within or contiguous to a designated Natura 2000 site. The nearest Natura 2000 site is the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) located c.700m to the south. The North Bull Island SPA (Site Code: 004006) and the North Dublin Bay SAC (Site Code: 000206) are located c.1.5km to the east..

## 5.13. EIA Screening

- 5.13.1. Extensions and alterations to existing dwellings are not a class of development for which EIAR is required.

# 6.0 The Appeal

## 6.1. Grounds of Appeal

The decision was the subject of a first party appeal specifically in relation to conditions 3(a) (b) (c) & (f) of the decision to grant permission. The grounds of appeal are outlined below:

- With regard to the proposed roof alterations, it is contended that the conclusions set out in the planner's report is at variance with previous



decisions made by Dublin City Council in the same estate. Specifically, reference is made to the modifications permitted at No. 16 Blackheath Gardens (Reg Ref 0312/21) and roof alterations permitted at No. 6 and No.12 Blackheath Gardens (Reg Ref 5961/05 and (Reg Ref 2994/05 respectively). Photo's of these roof extensions are contained in the grounds of appeal. Reference is made to numerous other precedent decisions in the wider area of suburban Dublin.

- The proposal has been designed in accordance with the principles for residential extensions set out in S16.10.12 and Appendix 17 of the development plan, in that:
  - The proposal respects the scale and character of the existing dwelling and dwellings in the vicinity. It will have no adverse impact on the amenities of neighbouring dwellings by way of privacy through overlooking or access to daylight or sunlight through overshadowing.
  - The proposed window in the side gable will incorporate opaque glazing to prevent overlooking. The presence of mature landscaping along the common boundary will also mitigate against overlooking. The nearest dwelling to the rear is almost 60 m away which will ensure that no overlooking will occur. Having regard to the orientation of the extension and the presence of an existing neighbouring gable in proximity, any potential impact in terms of overshadowing would be minimal.
  - In accordance with the requirements of the development plan, all materials used will either match or harmonise with the existing finishes. It is proposed to incorporate dark coloured windows and fascias as required under condition 3(f).
  - The alteration to the roof profile is, it is contended, subordinate to the original dwelling as it is no larger or higher than the existing structure. The introduction of a Dutch hip cap to the gable further softens the visual impact and is in line with other roof modifications within the estate.

- If the gable conversion as originally proposed is permitted, the rationale for restricting the width of the dormer box to the rear is not justified, as it would not be visible from the front elevation.
- Finally, it is reiterated that the gable window will be fitted with opaque glass and therefore will not give rise to any overlooking.

## 6.2. Planning Authority Response

- Dublin City Council have not submitted a response to the grounds of appeal.

## 6.3. Observations

- No observations are contained on file

## 7.0 Assessment

7.1.1. As the appeal relates to a first party against a particular aspect of a particular condition attached to a grant of permission (condition 3(a)(b)(c)&(f)) and having regard to the acceptability of the proposed development in principle, it is considered that a determination by the Board of the application as if it had been made to it in the first instance would not be warranted on this occasion. I consider the Board can restrict its deliberations to the issues raised in the grounds of appeal namely whether or not Conditions 3(a)(b)(c) & (f) is appropriate in this instance.

## 7.2. Condition 3 (a)

7.2.1. The condition 3(a) is predicated on the basis that it will improve the visual amenities of the area. It requires the retention of the existing roof profile so as to maintain a visual balance across the pair of semidetached dwellings. However, as the grounds of appeal set out, there are numerous precedent decisions in the wider area, and more particularly within Blackheath Gardens where Dublin City Council have permitted developments very similar to that proposed in this instance. The roof

profile of dwellings in the immediate vicinity have therefore been the subject of alternations similar to that proposed under the current application. The original roof profiles are not pristine or unaltered within the cul-de-sac, and have been the subject of significant changes. Nor or the houses in the cul-de-sac afforded protected structure status, located in a Residential Conservation Area or an Architectural Conservation Area. Thus there is no strong requirement to maintain any existing architectural conformity of the area.

7.3. I would therefore agree with the argument set out in the grounds of appeal that there is relevant planning precedents in the area for similar type development. Including houses in the immediate vicinity have been subject to alterations and extensions including significant alterations of the roof profile. Of most relevance is the extension which was granted planning permission at No.6 and No 12 Blackheath Garden, which incorporates near identical alterations in the roof profile. It is my considered opinion that the planning authority are being inconsistent in applying different design criteria to two applications along the same section of roadway. Thus I consider that there is a relevant precedent to grant planning permission for the roof profile of the proposed development as originally designed.

7.4. **Condition 3(b)**

7.5. Having inspected the site, I would agree with the 1st party appellant that permitting the gable extension as proposed, will completely conceal any views of the box extension on the rear roof plane from public vantage points along the Blackheath Gardens. The only view of the rear dormer box will be private views from the rear of dwellings to the north east. The dwellings to the north east are located almost 60m away. At this distance I am satisfied that the proposed dormer box will not adversely impact on the residential amenities of the residents of the dwellings to the north east. The orientation of the existing dwelling will ensure that dwellings either side of the application site will not be adversely impacted upon through overlooking or over shadowing. On the basis of the above, any argument that the proposed dormer box extension to the rear of the dwelling as proposed will adversely impact on the visual amenities of the area does in my view, not stand up to scrutiny.

7.6. Finally, I note that the grounds of appeal suggest that to incorporate the alterations are required by condition no.3(b), the proposed dormer box to the rear would be required to be reduced from c.3.6m to 2.5m in width and this would result in an attic space that would serve a lesser useful purpose. It should be a reasonable expectation that families be permitted to alter and extend their dwellings in order to cater to changing family needs subject to qualitative safeguards in terms of amenity. The size of the dormer box at 3.5m in width cannot be considered excessive. I note that the Board in granting planning permission to a similar type dormer box extension to the rear of a suburban dwelling house in, a suburban area in nearby Raheny, stipulated that the dormer box to the rear be a maximum of 5.6m in width. In this context the current proposal before the Board which seek the provision of a dormer box on the rear plane of 3.5m in width cannot in my view be considered to be excessive in scale.

**7.7. Condition 3(c)**

7.8. Condition 3 (c) required the omission of the gable end window to the side of the proposed roof extension. The appellant argues that this window will incorporate opaque glazing (although this is not specified in the plans submitted) and therefore will not give rise to any overlooking issues. The proposed gable window does face a number of windows located at first floor level on the opposing gable at No. 28 Blackheath Gardens. These windows are c.6m away. However, I note the that the gable window proposed in this instance merely serves the stairwell leading to the attic area, which in itself will not be used as a habitable room. The fact the public notices specifically refer to the storage use and also that the floor to ceiling heights are less than the minimum requirements set out in the Building Regulations to allow for the use of the space as a habitable room, I am satisfied that the placement of a window in the gable end of the dwelling to serve a storage space will not give rise to any material overlooking issues. I therefore consider that condition 3(c ) can also be omitted.

**7.9. Condition 3(f)**

7.10. Condition 3 (f) specially relates to the external finishes it requires that all elevations including fascia/soffits gutters window frames etc shall be finished in a dark colour. The applicant has indicated that it is intended that all material used will either match

or harmonise with the existing building finishes and will where possible incorporate dark colours in the case of windows, facias etc as per condition 3(f).

7.11. I consider that the proposed finishes set out in the grounds of appeal are not inherently dissimilar to the requirements of the planning authority. To this end the Board in my opinion could consider omitting this condition in its entirety or incorporated a standard condition stating:

“Details of the proposed external finishes shall be agreed in writing with the planning authority prior to the commencement of development”.

However, I note that any such details of the development, not specifically referred to in the public notices are required to be agreed with the planning authority as per condition No. 1 of the grant of permission. On this basis the applicant would be required to submit details of the finishes and agree such details with the planning authority in any event.

## **8.0 Appropriate Assessment**

Having regard to the minor nature of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site 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 Decision**

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 No. 5 and the reason therefore.

## 10.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development and the pattern of development in the area, including character of the streetscape, it is considered that the modifications to the proposed development, as required by the planning authority in its imposition of Condition No. 3 (a),(b)(c )&(f) are not warranted. The proposed development, with the omission of these Conditions, would not have a significant impact on the residential or visual amenities of the area, and would, therefore be in accordance with the proper planning and sustainable development of the area.

---

Paul Caprani  
Senior Planning Inspector  
April 23rd 2022

---