



An
Bord
Pleanála

Inspector's Report

ABP-312774-22

Development	Conversion of attic, construction of extension and all associated site works
Location	5, Mountain View Road, Dublin 6, D06 YF60
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB5109/21
Applicant(s)	Aiden Golden
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant	Aiden Golden
Observers	Philip O' Reilly Brian O' Mahony
Date of Site Inspection	23 rd April 2022
Inspector	Máire Daly

1.0 Site Location and Description

- 1.1. The subject site which has a stated area of c. 227.5sq m is located on the eastern side of Mountain View Road, which is a mature residential street which connects Anna Villa to the north with Albany Road to the south, and is located c. 500m southeast of Ranelagh Village centre.
- 1.2. The street comprises predominantly late 19th Century and early 20th Century dwellings characterised by two storey redbrick with cut granite window lintels, most of which have mirrored rear returns. The dwelling houses along the street have small front gardens and larger rear gardens which are orientated to the east on the subject site's side of the street. Several of the houses on the eastern side of the street have ground floor wrap around rear extensions and several of the rear returns appear to have skylights inserted to make use of attics/roof space.
- 1.3. The subject site has a two-storey red-brick end of terrace dwelling located on it, with a blank gable wall facing northwards onto Mountain View Cottages cul de sac. The front gardens of Nos. 1A, 1, 2 and 3 Mountain View Road are larger than that of the subject site's and same houses are stepped back off the road by c. 21m, thus the side gable of No.5 (the subject site) is exposed to the street and clearly visible on approach from north to south along the street. Given the stepped back form of the houses to the north, the rear return of the subject dwelling house is also visible from the public domain. Unlike the adjoining rear returns the subject property has two windows located on its rear elevation facing east, the other rear returns of similar houses along this street have only one window, thus an additional window was added at some stage to the first-floor rear elevation.
- 1.4. The rear garden of the subject site is accessed via a double gate which faces north onto Mountain View Cottages cul de sac. The back of the site adjoins the garden to the rear of a mid-20th century semi-detached house at the No.21 Cullenswood Gardens. A c. 2m high stone wall divides the subject site from No.21.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:

- Re-configuration of existing two-storey rear return pitched roof to incorporate an additional storey (attic conversion) comprising of a flat stepped roof of upper parapet height 8.31m (28.77m OD) and lower flat roof height 7.79m (28.25m OD) adjoining the shared rear return roof ridge of no. 7 Mountain View Road to the south, all with a pressed metal cladding finish with 6 no. vertical emphasis windows facing north and 2 no. windows facing east.
- The additional floor will add 32sq m to the overall dwelling house area bringing it to a total of 214sq m and will comprise a bedroom, home office and bathroom.
- General reconfiguration of interior layout, which includes the incorporation of a new staircase at first level to accommodate access to the proposed reconfigured second floor (former attic).

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority decided to refuse planning permission for the following reason:

1. *The proposed development to provide for a dormer extension to the roof of the existing rear return is considered to be contrary to policy CHC4 which states that development must not harm the building which involves the loss of the building's form, features which includes roofscapes and which would constitute a visually obtrusive or dominant form of development. The proposal is considered to seriously injure the amenities of properties in the vicinity, would set an unacceptable precedent for other unsuitable types of development and as such is considered contrary to the Z2 zoning objective of the site which is 'to protect and/or improve the amenities of residential conservation area' and is therefore considered contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer dated January 2022 reflects the decision of the planning authority and can be summarised as follows:

- The proposed flat roof would extend above the existing ridge of the rear return.
- There are no other dormer extensions of this type along the road and it is considered that the development would be highly visible and visually out of keeping with the existing rear return.
- The proposal is considered to be contrary to policy CHC4 which recommends that development will not harm the setting of the Conservation Area or involve the loss of traditional building forms and would constitute a visually obtrusive or dominant form of development.
- The proposal is therefore considered to be contrary to the Z2 zoning objective of the site and the proper planning and sustainable development of the area and would also set a precedent for other unsuitable types of development.

3.2.2. Other Technical Reports

- Drainage Division – DCC – Report dated 7th December 2021 - no objection subject to standard conditions.

3.3. Prescribed Bodies

- Irish Water - No response received.

3.4. Third Party Observations

3.4.1. 2 no. third party submissions were made in relation to the development. A brief summary of the issues raised in the submission to the Planning Authority are set out below:

- Setting and character of the property would be destroyed
- Proposal would be out of character with the main house.

- Overlooking would occur of adjoining rear gardens and habitable rooms.
- Development will be highly visible.
- New 3rd storey will have a direct impact with two windows facing eastwards directly into an adjoining home.
- The roof will be 500mm higher than the existing roof ridge line and represents an over-densification of the site.
- The proposal would be contrary to roof extensions and Section 17.11 on roof extensions of the Development Plan.

4.0 Planning History

4.1. Subject site:

No recent recorded planning history on subject site.

4.2. Sites in the vicinity:

- No. 25 Mountain View Road: ABP Ref: 305704-19 Permission refused in December 2019 for construction of a dormer window with balcony and provision of a new roof window to existing rear roof slope of the existing rear roof slope of the existing dwelling and all associated site development works. Reason for refusal as follows:

The site of the proposed development is located in a residential conservation area designated by zoning objective Z2 of the Dublin City Development Plan 2016-2022. The proposed development would be out of keeping with the architectural character of the house and as such would contravene policy CHC4 of the development plan which seeks “to protect the special interest and character of residential conservation areas”, as well as the guidance on roof extensions at appendix 17.11 to the plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- No. 37 Mountain View Road: ABP Ref: 245375 – Permission granted in November 2015 for part demolition of an extension to the rear of existing

house, construction of a single store, extension, erection of a new shed/plant room and all associated site works.

5.0 Policy Context

5.1. Development Plan

5.1.1. The operative Development Plan is the Dublin City Development Plan 2016-2022. The following land use zoning objective applies to the site - Z2 “to protect and/or improve the amenities of residential conservation areas”.

5.1.2. In terms of Conservation Areas, Dublin City Council seek to ensure the development proposals within all Architectural Conservation Areas and conservation areas complement the character of the area and comply with development standards.

Conservation Areas

5.1.3. Policy CHC4: To protect the special interest and character of all Dublin’s Conservation Areas (Section 11.1.5.4). Development within or affecting all conservation areas will contribute positively to the character and distinctiveness; and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

5.1.4. Relevant sections of the Development Plan include:

Section 16.2.2.3: Alterations and extensions (general)

- Extensions will be sympathetic to the existing building and adjoining occupiers,
- Alterations and extensions to roof will respect the scale, elevational proportion and architectural form of the building.

Section 16.10.12: Extensions and Alterations to Dwellings

Relates to alterations and extensions to dwellings and states that development will only be granted where it will not have an adverse impact on the scale and character of the area and will not adversely affect amenities enjoyed by occupants of adjacent buildings.

Appendix 17 of the Plan sets out design guidance with regard to residential extensions. The following subsections are relevant:

- 17.3: Residential amenity: extensions should not unacceptably affect the amenity of the neighbouring properties.
- 17.4 Privacy: Extensions should not result in any significant loss of privacy to the residents of adjoining properties.
- 17.6 Daylight and Sunlight: care should be given to the extensions and the impact on the adjoining properties.
- 17.11 Roof Extensions - When extending in 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 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.
 - 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.

5.2. Natural Heritage Designations

- 5.2.1. None relevant.

5.3. EIA Screening

- 5.3.1. The proposed extension to the existing residential dwelling is not a class of development for which EIAR is required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. This is a first-party appeal against the decision of the Planning Authority to refuse planning permission for the proposed development. The issues raised are summarised as follows:

- In order to enlarge this family home various options were examined by the applicant. To convert the attic would have required major alterations to the existing hallway and staircase which would have been detrimental to the architectural heritage of the house. This would also have produced non-compliant accommodation.
- Unwieldy circulation and the loss of the back garden does not favour extending the ground floor.
- Having reviewed the available options it was considered that the current option to provide additional accommodation in the extended attic space over the rear return was best.
- The proposed works respect the architectural integrity by maintaining the eaves line and the gable of the existing two storey rear return. This also maintains the balance with the adjacent house.
- The layout of the proposed attic conversion allows for reduced ceiling heights along the party wall with the neighbouring property. This allows the ridge line of the two-storey rear return to remain intact which preserves the architectural character of the building and ensures no run-off of rainwater or interference with the adjoining neighbour's roof.
- As the rear of the house is east facing this ensures there would be no issues with overshadowing of adjoining houses or houses to the rear of the site.
- The position of the house forward of the houses to the left (north) of the applicant's property ensures that the windows of the proposed attic conversion only overlook the front gardens of these houses which are already overlooked by the first-floor windows of the existing rear return.

- The windows to the rear of the proposed attic extension are 11.3m from the property's rear boundary and are at a similar distance to the existing windows at first floor level.
- The proposed finish is to contrast with the existing building which will retain its architectural integrity as the original building.
- In compliance with Policy CHC1 - The proposal is completely to the rear of the property and has no adverse impact on the streetscape.
- The proposal is in compliance with Sections 16.2.2.3 and 16.10.12 of the plan and the development seeks to protect the existing character of the house while also visually articulating the contemporary nature of the extension while maintaining the original shape of the structure including eaves and ridge lines.
- In response to residential amenity issues as outlined in Section 17.3 of the plan, the applicant states that if the windows proposed to the rear of the extension are considered a diminution of the neighbour's amenity (of the house to the rear) then these can be omitted.
- The orientation of the house and the location of the new structure ensures that there is no overshadowing of neighbouring properties – a sun path assessment has been submitted which illustrates same point.
- There are several precedents of similar proposals that seek to protect the integrity of existing buildings e.g. 97 Anglesea Road and 39 Trees Road Lower.
- The proposal is a more satisfactory solution than other precedents recently set for example at no. 58 Mountain View Road and 67 Cowper Road.

6.2. Planning Authority Response

- None received.

6.3. Observations

- 6.3.1. Two observations were received from concerned third parties, Philip O' Reilly and Brain O' Mahony. The issues raised by observers can be summarised as follows

- The proposal will significantly impact on the residents of no. 21 Cullenswood Gardens and their privacy (house to the immediate rear (east) of the subject site).
- The description of the works does not reflect the application submitted – the works proposed are in fact the addition of a new third floor to the subject property which will rise half a metre above the existing roofline. The proposal does not respect the height, mass and scale of surrounding buildings. Other properties on the street have converted their attic spaces and respected the character of the existing building and surrounding area.
- The extension will have a visually dominant form and there is no precedent for such an extension on the street. The proposal is visually obstructive and nothing short of outrageous in this area.
- The extension will have an impact on the light to property no. 21 Cullenswood Gardens. The windows to the rear will significantly impact on the residents' privacy and lead to overlooking and directly look into the habitable rooms e.g. kitchen, living room, bedrooms.
- Originally the property had one window facing the rear garden and rear of house no.21 Cullenswood Gardens, the applicant then inserted an additional window at this level.
- The shading assessment submitted by the applicant is unclear and does not demonstrate that no.21 is not negatively impacted.
- The proposal does not respect the Z2 zoning objective of the area or the Edwardian heritage of the existing house or street. If approved, it would set a disastrous precedent for the entire area.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Impact on Adjacent Residential Amenity
- Design and Visual Amenity within a Residential Conservation Area
- Appropriate Assessment – Screening

7.2. Impact on Adjacent Residential Amenity

- 7.2.1. Concerns are expressed in both observations received on the appeal that the proposed development would have an unacceptable impact in terms of overshadowing and overlooking. A separation distance of c.11.285m is proposed from the eastern elevation of the proposed attic floor extension (third floor) and the shared boundary to the rear with No.21 Cullenswood Gardens. In an urban context this separation distance would normally be regarded as adequate to mitigate the impact of overlooking on the privacy of a neighbouring property. While I acknowledge that there will be some increase in the opportunity to overlook from the proposal, given the additional height and presence of two proposed windows on the eastern elevation, I would not consider this overlooking significant given the urban location and separation distance involved, as well as the fact that two other windows already exist at first floor level on the eastern elevation of the rear return. It is not, considered, therefore, that overlooking from the proposed extension would warrant a refusal. However, if the Board have concerns regarding these additional east facing windows they could always be omitted by way of condition should the development be permitted.
- 7.2.2. In relation to overlooking from the proposed northern facing windows at second floor level, these windows face onto the cul de sac laneway which leads to Mountain View Cottages and the side (southern) gable of No.3 Mountain View Road. There are no windows present in this house's side gable and the front garden of this property is already overlooked by the appeal site's existing rear return north facing windows at first floor level. Thus, I would have no concerns regarding overlooking in this case.
- 7.2.3. In relation to loss of daylight and sunlight/overshadowing, the BRE Guidelines (Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice, 2011) note that consideration of impacts is limited to rooms where daylight is required, including living rooms, kitchens and bedrooms. I note the rear of the site is east/southeast facing. I further note that the adjoining properties to the south are already overshadowed by the existing rear return of their neighbouring properties. I further

consider that owing to site orientation the development will not result in undue adverse impacts on sunlight and daylight access to the neighbouring properties. I have examined the submitted sun path studies and having visited the site I am further satisfied that the rear garden spaces of the adjoining properties to the east will not be determinately impacted by the development due to the site orientation. I consider a degree of overshadowing is acceptable in an urban context, however, I am satisfied that there would be no significant loss of light or overshadowing to the adjoining properties resulting from the development.

7.2.4. Overall, I do not consider the proposal results in any injurious impact on residential amenity and therefore should not be refused on these grounds.

7.3. Design and Visual Impact within a Residential Conservation Area

7.3.1. The proposal is located in an area designated under objective Z2 of the operative development plan which seeks “to protect and/or improve the amenities of residential conservation areas” and therefore an additional level of consideration is necessary for proposals in this area. The house on the subject site and the other ones along Mountain View Road have a special Edwardian architectural character that is worthy of protection. The applicant states that the architectural design of the proposed extension is a contemporary take on the traditional zinc clad dormer window, familiar throughout Dublin. This allows for the extension to be of its time and distinguished from the existing building while still integrating with the architecture of the city.

7.3.2. The applicant proposes a stepped roof extension which will firstly extend northwards by about 800mm from the shared rear return ridge with no. 7 (to the south) and then step up by c. 500mm to extend then by a further c.3m to the north. The lower step will result in a floor to ceiling height of c. 2m, with the upper step extending to c. 2.45m. I would have some concerns regarding the height of the access hallway to the rooms in the proposed extension at 2m which would be below the recommended standard floor to ceiling height of 2.4m.

7.3.3. The proposed flat roof clad in pressed metal would be out of keeping with the character of the house and of the area. As such it would be contrary to the development plan’s policy on residential conservation areas and its guidelines on roof extensions as detailed in Appendix 17.11. While the applicant did state in their appeal that the design of the extension was a challenge given that the location of the

extension would be visible from the street, they considered that the proposal was sensitively dealt with by using a contemporary design that maintains the shape and the detail of the existing building while being totally subordinate to the main building. I would not agree with this assertion. In fact, due to the location of the subject end of terrace dwelling and the positioning of the adjacent dwelling houses to the north at Nos. 1A to 3 Mountain View Road, which are stepped back off the street by c. 21m, the proposed modern second storey extension will be clearly visible from the street and public domain. Therefore, I would consider that the proposal by virtue of its visibility and nonconformity with the existing style of architecture in the area would be a contravention of policy.

7.4. Furthermore, the applicant's assertion that this form of extension is commonplace in the south city area is not established by the single grant of permission from the council which he cites and is not accepted. The examples given are not located in the immediate area and in fact relate to dwellings or former rear garden areas which have no relation to the subject site or its surrounding historic architectural context. Therefore, in my opinion the current proposal could be taken as a precedent to support a proliferation of similar extension and alterations to existing roof designs and rear returns which would have a significant negative impact on the character of the residential conservation area. For these reasons I would conclude that the proposed extension represents an inappropriate insertion at this visibly sensitive end of terrace location and is completely at variance with the prevailing mature Edwardian character of the residential conservation area. Permitting contemporary style development, no matter how good architecturally, where it represents a significant departure from the prevailing architectural style does little to enhance and in my view in fact diminishes the character of special interest which the development plan seeks to protect and preserve. It is therefore considered that the proposal is not in keeping with the proper planning and sustainable development of the area.

7.5. **Appropriate Assessment – Screening**

7.5.1. Having regard to the modest nature and scale of the proposed extension 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 development would be likely to give rise to a significant effect individually or in combination with other plans or projects on any European site.

8.0 Recommendation

- 8.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

The site of the proposed development is located in a residential conservation area designated by zoning objective Z2 of the Dublin City Development Plan 2016-2022. It is considered that the proposed development due to its contemporary style and design, would harm the character of a residential conservation area and as such would seriously injure the visual amenities of the area and would therefore be contrary to policy CHC4 of the Dublin City Development Plan 2016-2022 which seeks to protect the special interest and character of all Dublin's Conservation Areas and states that development within or affecting a conservation area must contribute positively to its character and distinctiveness. In addition, the proposal would be contrary to the guidance on roof extensions detailed in Appendix 17.11 of the plan. It is therefore considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

Máire Daly
Planning Inspector

24th April 2022