



An
Bord
Pleanála

Inspector's Report 313062-22

Development	Retention of alterations & extensions to existing single-storey house.
Location	18 Niall Street, Dublin 7
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4097/21
Applicant(s)	Sinead Quish
Type of Application	Retention Permission
Planning Authority Decision	Grant Retention Permission
Type of Appeal	First Party v. Condition
Appellant(s)	Sinead Quish
Observer(s)	None
Date of Site Inspection	23 rd April 2022
Inspector	Louise Treacy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 62.5 m² and is located at No. 18 Niall Street, Dublin 7. The existing property comprises a single-storey, mid-terrace cottage with a stated floor area of 44.7 m². The dwelling accommodates a living room, study, bedroom and toilet, with a kitchen/dining room located in the single-storey extension to the rear opening onto a small courtyard space of 9 m². There is an existing roof light to the front roof slope of the dwelling.

2.0 Proposed Development

- 2.1.1. The proposed development comprises the retention of amendments to previously approved planning permission reg. ref. 3504/11 comprising alterations and extensions to the existing mid-terraced, single-storey house. The amendments comprise minor modifications to the internal layouts, modifications to the fenestration of the single-storey rear extension and additional rooflights on the front and rear roofs.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Grant Retention Permission subject to 5 no. conditions issued on 18th February 2022.
- 3.1.2. Condition no. 3 excludes the retention of the existing rooflight in the front roof. All other conditions are generally standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. Basis of Planning Authority's decision.

- 3.2.3. In recommending that the rooflight on the front roof slope be omitted, Dublin City Council's Planning Officer acknowledged the additional light it provides to the main living room but had concerns in relation to its impact on the streetscape of this

residential conservation area. It was also noted that there is no precedent for the granting of permission for front rooflights elsewhere along the street.

3.2.4. **Other Technical Reports**

3.2.5. **Engineering Department Drainage Division:** No objection to the proposed development subject to condition.

3.3. **Prescribed Bodies**

3.4. **Irish Water:** None received.

3.5. **National Transport Authority:** None received.

3.6. **Transport Infrastructure Ireland:** TII has no observations to make on the application.

3.7. **Third Party Observations**

3.7.1. None.

4.0 **Planning History**

4.1. **Planning Authority Reg. Ref. 3504/11:** Planning permission granted on 14th February 2012 for the demolition of the existing rear extension structure and the construction of a proposed pitched roofed, single-storey extension. The development consists of internal renovations and the addition of a bathroom and velux rooflight to the existing house, and a proposed kitchen / dining room extension incorporating 2 no. velux rooflights, the construction of an opening gate to provide access to the rear, and all associated site/drainage works.

5.0 **Policy and Context**

5.1. **Dublin City Development Plan 2016-2022**

5.2. **Land Use Zoning**

5.2.1. The site is subject to land use zoning "Z2" (Residential Neighbourhoods Conservation Areas) which has the objective, "to protect and/or improve the amenities of residential conservation areas". Section 14.8.2 of the development plan states that the overall quality of such areas in design and layout terms is such that it

requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected.

- 5.2.2. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.

5.3. **Conservation Areas**

- 5.3.1. **Policy CHC4:** To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.
- 5.3.2. Development will not, inter alia, (1) harm buildings, spaces, original street patterns or other features which contribute positively to the special interest of the Conservation Area; (2) involve the loss of traditional, historic or important building forms, features, and detailing including roofscapes, shop-fronts, doors, windows and other decorative detail; (3) harm the setting of a Conservation Area; (4) constitute a visually obtrusive or dominant form.

5.4. **Alterations and Extensions**

- 5.4.1. The policy regarding extensions and alterations to dwellings is set out in Sections 16.2.2.3 and 16.10.12 and Appendix 17 of the development plan. In general, applications for planning permission to extend dwellings will only be granted where the planning authority is satisfied the proposal will: (1) not have an adverse impact on the scale and character of the dwelling, and (2) not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight.

5.5. **Natural Heritage Designations**

- 5.5.1. None.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first-party appeal has been lodged by The House Architects on behalf of the applicant in relation to condition no. 3 of the Planning Authority's Notification of the Decision to Grant Retention Permission. The grounds of appeal can be summarised as follows:

- In implementing planning reg. ref. 3504/11 on the subject site, a number of impracticalities were identified in the approved development which had to be resolved, including – the roof shape, position and size of windows and doors and the position and size of the velux rooflights.
- Notwithstanding the clear benefit to the amenity of the existing house, Dublin City Council's Planning Officer noted the absence of a precedent for front rooflights along this street, which formed the basis for requiring its omission under condition no. 3.
- The subject dwelling was built in the early part of the 20th century and will require continual upgrading and improvement to meet modern living standards.
- The head height of the original windows is only 2.1 m, resulting in less internal daylighting than would be considered acceptable by modern standards.
- The provision of the rooflight, centrally positioned over the living room, significantly improves the residential amenity of the house and has no negative impact on adjoining properties.
- Such improvement of residential amenities is a fundamental cornerstone of policy within the development plan and should be encouraged, rather than restricted.
- Dublin City Council has consistently granted planning permission for velux rooflights to the front of dwellings across the city, in both single and 2-storey properties within Z1 and Z2 land use zones (precedent cases identified). While there are no similar rooflights on Niall Street, the local precedent within the same city block supports the retained development in this instance.

- No overlooking occurs in this instance. The rooflight is aligned with the roof slope and minimises any change to the building profile. This principle has previously been accepted by the Planning Authority, including on listed buildings.
- Thus, the imposition of condition no. 3 is unwarranted and should be omitted from the final grant of permission.

6.2. Planning Authority Response

6.2.1. None received.

6.3. Observations

6.3.1. None.

7.0 Assessment

7.1. This is a first-party appeal against condition no. 3 of Dublin City Council's Notification of the Decision to Grant Retention Permission, which excludes the retention of the existing rooflight on the front roof slope in the interests of protecting the visual amenities of the residential conservation area. Following my examination of the planning file and grounds of appeal, I consider it appropriate that the appeal should be confined to condition no. 3 only. As such, I am satisfied that the determination by the Board of this application as if it had been made to it in the first instance would not be warranted and that the Board should determine the matters raised in the appeal only in accordance with Section 139 of the Planning and Development Act 2000, as amended.

7.2. Dublin City Council's Planning Officer acknowledged that the rooflight provides additional light to the main living room but had concerns regarding its impact on the streetscape of this residential conservation area. The Planning Officer also noted there are no precedents for the granting of permission for front rooflights elsewhere along this street. In submitting a justification to retain the rooflight, the applicant's agent states that it significantly improves the residential amenity of the house, has no negative impact on the adjoining properties and is aligned with the roof slope, thus

minimising any changes to the building profile. It is also submitted that the Planning Authority should encourage the improvement of residential amenities and that planning permission has been granted for such developments in Z1 and Z2 land use zones elsewhere across the city.

7.3. Having undertaken an inspection of the subject site, I acknowledge that no rooflights have been provided to the front of the other dwellings along Niall Street. I also acknowledge that the subject site forms part of a residential conservation area. However, the existing property is modest in scale, and as identified by the applicant's agent, I consider that alterations which serve to improve the standard of living of older dwellings such as this should generally be encouraged, subject to their compliance with relevant development plan policies and standards. The retained rooflight is flush with the roof profile and is situated towards the roof apex, and in my opinion, is not visibly obtrusive in streetscape views of the site. The colour of the rooflight frame is also sympathetic to that of the roof slates. As such, I do not consider that the retained development can reasonably be described as having a negative visual impact on the streetscape.

7.4. In my opinion, the retained development has no negative visual impact on the existing dwelling or the streetscape, is not contrary to development plan policy concerning residential conservation areas, and as such, is in accordance with the proper planning and sustainable development of the area. As such, I recommend that the Planning Authority be directed to omit condition no. 3.

7.5. **Appropriate Assessment**

7.5.1. Having regard to the nature and scale of the retained development, and its location relative to Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the retained development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

8.0 **Recommendation**

8.1. I recommend that the Planning Authority be directed to omit condition no. 3.

9.0 Reasons and Considerations

- 9.1. Having regard to the nature and scale of the retained development, and the residential land use zoning of the site, it is considered that the modifications and requirements of the Planning Authority, in its imposition of condition no. 3, are not warranted, and that the retained development, with the omission of this condition, has no significant negative visual impact on the dwelling or the streetscape of this residential conservation area. Thus, the retained development is in accordance with the proper planning and sustainable development of the area.

Louise Treacy
Planning Inspector

24th April 2022