



An  
Bord  
Pleanála

## Inspector's Report ABP-313333-22

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<b>Development</b>	Proposed single storey extensions to the side and to the rear. Proposed attic conversion with dormer extension to the rear. Proposed widening of the vehicular entrance.
<b>Location</b>	58 The Demesne, Clontarf East, Dublin 5
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	WEB 1048/22
<b>Applicant(s)</b>	Louise Smyth
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant, subject to 14 conditions
<b>Type of Appeal</b>	First Party -v- Condition 3
<b>Appellant(s)</b>	Louise Smyth
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	6 <sup>th</sup> October 2022
<b>Inspector</b>	Hugh D. Morrison

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## 1.0 Site Location and Description

- 1.1. The site is on northern side of a residential street, known as The Demesne, which forms a crescent of inter war single storey dwelling houses to the south of the DART line and to the west/north of Howth Road (R105). This site lies 75m east of Killester DART station. It is in a row of sites that run between The Demesne and the DART line, and it has an area of 545 sqm.
- 1.2. The site accommodates a single storey, two-bed/four-person, semi-detached dwelling house (77.5 sqm) with a front and rear garden. The front garden has a drive-in, and the rear garden is of elongated form and abuts the southern embankment to the DART line. The sites of other dwelling houses lie on either side of the site: To the east, the adjoining dwelling house at No. 59 The Demesne has been extended to the side and to the rear and, to the west, the adjacent dwelling house at No. 57 The Demesne has been extended to the side.

## 2.0 Proposed Development

- 2.1. The proposal would entail the following elements:
  - The construction of a 5.7 sqm single storey side extension to the northern half of the exposed western elevation and the construction of a bike and bin store to the southern half of this elevation. The existing fully hipped roof would be extended c. 1.4m over these elements and the gradient of the western roof plane would steepen.
  - The construction of a 55 sqm single storey flat roof extension to the rear and the conversion of the attic in conjunction with the construction of a flat roof dormer extension over the extended rear roof plane and partially over the flat roof extension to provide 36 sqm of bedroom and circulation space.
  - The internal layout of the existing dwelling house (77.5 sqm) would be altered in conjunction with the above extensions (96.7 sqm). Accordingly, the envisaged floorspace would total 174.2 sqm.
- 2.2. The proposal would also entail the widening of the vehicular entrance by 520mm.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission was granted subject to 14 conditions, including the following one, which is the subject of the appeal:

*3. The development hereby approved shall incorporate the following amendments:*

*(a) The roof extension to the side shall match the slope of the existing hipped roof exactly.*

*(b) The rear dormer shall be reduced in width to not exceed a maximum external width of 3.5m and shall be a minimum of 750mm from the shared roof boundary with No. 59.*

*(c) The window to the reduced dormer shall be no wider than 2m and shall be no taller than 1.5m from cill to lintel.*

*Reason: In the interest of the visual and residential amenities of this important residential conservation area and to comply with the current Dublin City Development Plan, in particular Appendix 17.11.*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

See Condition No. 3 above.

#### 3.2.2. Other Technical Reports

- Irish Rail: Advises against the use of a stormwater soakaway so close to a railway embankment out of concern to avoid landslips, and on the need for noise mitigation to be incorporated in the development.
- Dublin City Council:
  - Drainage: No objection, standard drainage advice given.
  - Transportation Planning: No objection, standard access advice given.

## 4.0 Planning History

Site:

- None.

Sites elsewhere on The Demesne:

- 2107/18: Amongst other things, the provision of a new dormer window to the rear, at No. 60 The Demesne: Permission granted subject to conditions, including a condition requiring that the dormer window be a maximum of 3m wide and the glazing within it be a maximum of 2m wide, in the interest of visual amenity and to comply with Appendix 17.11.

## 5.0 Policy and Context

### 5.1. Development Plan

Under the Dublin City Development Plan 2016 – 2022 (CDP), the site is shown as lying within an area zoned Z2, wherein the objective is “To protect and/or improve the amenities of residential conservation areas.”

Section 16.10.12 of the CDP addresses extensions and alterations to dwellings as follows:

*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 of the CDP sets out “Guidelines for Residential Extensions”. Extracts from their introduction are set out below:

*...Given the wide variety of house types and styles within Dublin city, it is not possible to deal with every type of addition. Rather, this document sets out a number of general*

*principles that should be addressed in all cases and which will be applied by the planning authority in assessing applications for permission.*

*The guidelines should be interpreted in the context of the Development Plan Core Strategy, which promotes a compact city, sustainable neighbourhoods and areas where a wide range of families can live.*

Section 17.11 of this Appendix addresses roof extensions as follows:

*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**

Portions of Dublin Bay are the subject of European designations.

## **5.3. EIA Screening**

The proposal is for domestic extensions to an existing dwelling. Such extensions are not a class of development for the purpose of EIA.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- The applicant acknowledges that the proposed dormer window can more adequately be described as a roof extension and so, notwithstanding the description of the proposal, this term is used below.

- The applicant appeals Condition No. 3 attached to the Planning Authority's permission. However, she raises no objection to item (a), which requires that the roof extension to the side match the slope of the existing hipped roof exactly. Compliance with this item would reduce the width of this extension from 7.265m to c. 6.8m and, correspondingly, the width of the window. Similarly, she raises no objection to item (c) insofar as it requires that the height of the window be no more than 1.5m. By contrast, item (b) and the remainder of item (c) would have a severe impact upon the proposal, as they would entail the omission of one of the proposed attic bedrooms.
- The applicant draws attention to the fact that the roof extension would be wholly to the rear and so it would not be visible from the street side of the site, i.e., the public presence of the existing dwelling within the residential conservation area would be maintained. Its position on the eastern side of the rear roof plane, adjoining No. 59, and the accompanying hipped roof end to the west would ensure that this extension would be incapable of even being glimpsed by the public.
- The applicant also draws attention to similar proposals elsewhere on The Demesne, which establish precedents for the proposed roof extension, e.g., 2627/09 at No. 28, 3751/17 at No. 47, and 2042 at No. 48. In each case the extensions, being to the rear, are not visible from the street.
- The applicant reviews the proposed roof extension in the light of Section 16.10.12 of the CDP. This extension would be subordinate to the existing dwelling within the context of its generous rear garden. It would be compatible with the amenities of the adjoining residential properties, e.g., views into No. 59 would be limited by an existing rear extension and views into No. 57 would be limited by an existing landscaped boundary. While Condition 3(b)'s 750mm set back requirement would not benefit No. 59, it would reduce the floorspace achievable by the applicant.
- The applicant reviews the proposed roof extension in the light of Appendix 17 of the CDP. This Appendix acknowledges that its Guidelines are not intended to be prescriptive to every scenario and that they acknowledge the importance of compact and sustainable neighbourhoods. The case planner's critique of

the proposed roof extension is considered to be overdrawn and the specification of a width of 3.5m lacks justification. Turning to Section 17.11, the applicant responds to each of its provisions as follows:

- *The design of the dormer should reflect the character of the area...*The above cited precedents are referred to, as is the siting of the proposed roof extension to the rear and so away from public view.
  - *Dormer windows should be visually subordinate to the roof slope...*The roof extension would not encroach on the hipped end to the roof, which would be reproduced in accordance with Condition No. 3(a).
  - *Any new window should relate to...the existing doors and windows on the lower floors.* The existing openings would be omitted and the size and pattern of new openings in the rear elevation of the new single storey extension below would share the aesthetic of the windows in the roof extension.
  - *Roof materials...should match or complement...*Uncontested Condition No. 4 of the Planning Authority's permission addresses this subject.
  - *Dormer windows should be set back from the eaves level...*The existing eaves level would be replaced by the flat roof to the single storey rear extension. The roof extension would sit on this roof at some remove from the new eaves to this rear extension.
- In the light of the above considerations the Board is requested to omit Condition 3(b) & (c).

## 6.2. Planning Authority Response

None

## 6.3. Observations

None



## 6.4. Further Responses

None

## 7.0 Assessment

7.1. The applicant has appealed Condition 3(b) & (c) attached to the permission granted by the Planning Authority. Under Section 139 of the Planning and Development Act 2000 – 2022, the Board has the discretion to determine this appeal without undertaking a *de novo* assessment of the proposal. I have reviewed the proposal in the light of the Dublin City Development Plan 2016 – 2022 (CDP), relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that the Board should exercise the aforementioned discretion in this case. I also consider that the appealed condition should be assessed under the following headings:

- (i) Description of the proposal,
- (ii) Visual and residential amenity, and
- (iii) Appropriate Assessment.

### **(i) Description of the proposal**

7.2. The description of the proposal refers to “a 36 sqm attic conversion with a flat roof dormer extension to the rear of the existing 77.5 sqm single storey property”. In the applicant’s grounds of appeal, the view is expressed that the proposed dormer extension can more adequately be described as a roof extension. While both phrases refer to an extension, the former refers to the nature of the extension as being a “dormer” one, i.e., an extension that serves a window that projects vertically from a sloping roof, while the latter refers simply to the roof. These phrases are not equivalent and, insofar as the former is incorporated in the description of the proposal, it is the legally relevant one. I will therefore use this phrase in my assessment.

### **(ii) Visual and residential amenity**

7.3. The applicant accepts the requirement of Condition No. 3(a) that the roof extension to the side of the existing roof match the slope of the existing hipped roof exactly. I

estimate that compliance with this Condition would entail a reduction in the extension to the ridgeline of 1.2m, from 2.6m to 1.4m. A corresponding reduction of 1.2m in the width of the proposed dormer extension would be required to ensure that it does not over-ride the new hipped end to the extended roof. The applicant estimates that a lesser reduction would occur and so this may explain why she considers that the bedroom denoted as No. 3 can be retained. By contrast, I anticipate that compliance with Condition No. 3(a) would be likely to entail more extensive alterations to the envisaged internal layout of the extended dwelling house centred around the siting and design of the staircase.

- 7.4. The applicant has appealed Condition 3(b) and (c), which relate to the width and siting of the proposed dormer extension and the width of its window, i.e., the width of the dormer extension should be no more than 3.5m, it should be sited at least 750mm from the shared roof boundary with No. 59 The Demesne, and its window should be no more than 2m wide. (She has accepted that the cill to lintel height of this window should be no more than 1.5m).
- 7.5. The applicant considers that, as the proposed dormer extension would be added to the extended rear roof plane, it would not be visible from the street front. Consequently, she considers that Condition 3(b) and (c) are unwarranted and that their restrictive parameters have not been justified by the Planning Authority.
- 7.6. Under the CDP, the site lies within a residential conservation area wherein the zoning objective is to protect and/or improve the area's amenities. Domestic extensions and alterations are addressed generally in Section 16.10.12, where, amongst other things, the need to follow the form of the existing building as closely as possible is cited. Dormer extensions are specifically addressed in Section 11 of Appendix 17, where, amongst other things, the need for such extensions to be subordinate to the host roof, the need for proposed and existing windows to correspond, and the need for the eaves line to be cleared are all cited.
- 7.7. In the light of the CDP's above cited advice, I consider that, as the proposed dormer extension would be added to the entire extended rear roof plane except for its hipped end, it would not be subordinate to its host roof. Accordingly, in principle, this extension needs to be reduced in size. I note that it would be constructed as part of a wider project that would entail the provision of a flat roofed single storey rear

extension. The provision of this extension would entail the removal of the existing rear elevation of the dwelling house with its openings and eaves line and the establishment of a new rear elevation that would have projecting and recessed elements. I note, too, that the Planning Authority accepted that, in these circumstances, any set back of the dormer extension from a superseded eaves line was unnecessary, i.e., the slight encroachment of this extension onto the roof of the flat roofed single storey rear extension was acceded to.

- 7.8. I consider that the appropriate application of the CDP's advice to the proposed dormer window would be for its size and design to relate to the corresponding projecting element of the single storey rear extension. The rear elevation of this element would have a width of 4.5m and a window opening of 3.7m. If the proposed dormer extension were to be sited 0.8m in from the common boundary with the neighbouring dwelling house at No. 59 The Demesne, then the opportunity to align vertically with this rear elevation could be realised. It would thereby reflect the form of the emerging dwelling house.
- 7.9. During my site visit, I observed that the applicant has an elongated rear garden that extends to the embankment with the adjoining DART line to the north-west. Horizontal views from within this lengthy garden would allow the envisaged alignment of the proposed dormer window and the rear elevation of the projecting element of the single storey extension to be seen.
- 7.10. I conclude that, subject to revisions in the width and siting of the proposed dormer window, it would reflect CDP advice and uphold the zoning objective for the site.

### **(iii) Appropriate Assessment**

- 7.11. The site is not in or beside any European site. It is a fully serviced suburban site. Under the proposal, the dwelling house on this site would be extended. No Appropriate Assessment issues would arise.
- 7.12. Having regard to the nature, scale, and location of the proposal, and proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposal 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

That the Planning Authority be directed to attach the following version of Condition No. 3 to the permission granted to application WEB 1048/22:

The development hereby approved shall incorporate the following amendments:

- (a) The roof extension to the side shall match the slope of the existing hipped roof exactly.
- (b) The rear dormer shall be reduced in width to not exceed a maximum external width of 4.5m and shall be a minimum of 800mm from the shared roof boundary with No. 59.
- (c) The window to the reduced dormer shall be no wider than 3.7m and shall be no taller than 1.5m from cill to lintel.

Reason: In the interest of the visual and residential amenities of this important residential conservation area and to comply with the current Dublin City Development Plan, in particular Appendix 17.11.

## 9.0 Reasons and Considerations

Having regard to the following provisions of the Dublin City Development Plan 2016 – 2022:

- The site's location within a residential conservation area, wherein the zoning objective is "To protect and/or improve the amenities of residential conservation areas", and
- Section 16.10.12 and Appendix 17.11, which, variously, address extensions and alterations, and dormer extensions,

It is considered that Condition No. 3 attached by the Planning Authority to the permission it granted to application WEB 1048/22 would, subject to revised wording, ensure that the proposed dormer extension complies with the above cited provisions of the Development Plan. This extension would thus be compatible with the visual and residential amenities of the area, and it would accord with the proper planning and sustainable development of the area.

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Hugh D. Morrison  
Planning Inspector

18<sup>th</sup> October 2022