



An
Bord
Pleanála

Inspector's Report

ABP-314283-22

Development

RETENTION: Development will consist of setback additional storey at second floor bedroom, modified flat roof and three additional windows at front, side and rear.

Location

No. 243, Phibsborough Road, Dublin 7.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

3986/22.

Applicant(s)

Carolyn & Derek Brennan.

Type of Application

Retention Permission.

Planning Authority Decision

Refusal.

Type of Appeal

First Party.

Appellant(s)

Carolyn & Derek Brennan.

Observer(s)

1. Patricia McKenna.
2. Cllr. Joe Costello.

Date of Site Inspection

29th September, 2022.

Inspector

Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. No. 243 Phibsborough Road (R135), the irregular triangular appeal site, has a stated site area of 178m² and is located on the eastern side of the heavily trafficked R135, c70m to the north of its junction with the Western Way, in the inner-city suburb of Phibsborough, c835m to the north west of O'Connell Street Upper, as the bird would fly.
- 1.2. The site contains an end-of-terrace much modified dwelling that sit on higher ground levels than the adjoining public domain of the R135. Each dwelling of the three dwellings that make up the terrace group No. 243 forms part of are accessed via steps from independent pedestrian gates. These gates provide access onto the public domain. Which at this point includes a separate single carriage lane that runs parallel with the eastern side of the R135. With this lane running in a northerly direction from the northern most point of the subject site to where it ends to the front of No. 232 Phibsborough Road and the public domain of White Lane's North. This end point is c67m to the north of the site.
- 1.3. The boundaries of the site have been modified to include tall solid perimeter walls providing enclosure for a private amenity space located to the front and side of the subject dwelling. Running along the southern boundary of the site is a cul-de-sac access lane that provides vehicle access to a car parking basement contained within a student accommodation building (Broadstone Hall). The surrounding area has a predominantly residential character.

2.0 Proposed Development

- 2.1. Retention Permission is sought for:
 - Set back additional storey at second floor level.
 - Modified flat roof and three additional windows at front, side, and rear of roof structure over No. 243 Phibsborough Road, Dublin 7.
- 2.2. According to the planning application form the floor area to be retained is given as 98m²; the total floor area of new build is given as 25m² and the total new and retained floor area is given as 123m².

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 11th day of July, 2022, the Planning Authority decided to **refuse** retention permission for the following stated reason:

“The proposal to retain a wrap-around dormer extension to the front, side and rear of the existing two-storey end-of-terrace house would be contrary to the provisions set out in the current Dublin City Development Plan (2016-2022), including Section 16.2.2.3 and 17.11, in respect of roof extensions. The extent of the amendments to the roof profile would result in the existing house appearing visually incongruous and out of character with the existing terrace and, in itself and in the precedent it would set for similar developments of this type, would be seriously injurious to the visual amenities of the area and to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officers report is the basis of the Planning Authority’s decision. It includes the following comments:

- Raises concern that this development fails to comply with Section 16.2.3.3 and Appendix 17 of the Development Plan. The Development Plan requires such developments to be in keeping with the character of the area and be visually subordinate to the roof slope.
- Concern is raised in relation to the visual relationship of the attic extension and the terrace group it forms part of.
- Concern is raised that if permitted it would give rise to an undesirable precedent for other similar developments to two storey buildings throughout the city.
- Development is not consistent with the proper planning and sustainable development as provided for under the Development Plan and it is therefore recommended that permission for retention be refused.

3.2.2. Other Technical Reports

Drainage: No objection.

3.3. Prescribed Bodies

3.3.1. Transport Infrastructure Ireland (TII): Advises in the event of a grant of retention permission that it is not exempt from the payment of the Section 49 Levy for the Light Rail.

3.4. Third Party Observations

3.4.1. The Planning Authority received three Third Party submissions during its determination of this planning application. I key issues raised in this submission correlate with those made by them in their Observers submission to the Board.

4.0 Planning History

4.1. Site

- **P.A. Ref. No. 3307/15:** On the 18th day of July 2015, retention permission was granted for a 25m² second level attic bedroom conversion with the addition of two dormer window extensions to the side and rear of the property. Of note are the requirements of the following conditions:

Condition No. 1: *“Insofar as the Planning & Development Act 2000 (as amended) and the Regulations made thereunder are concerned, the development shall be retained in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the conditions attached hereto. For the avoidance of doubt, this permission shall not be construed as approving any development shown on the plans, particulars and specifications, the nature and extent of which has not been adequately stated in the statutory public notices.*

Reason: To comply with permission regulations.”

Condition No. 2: *“The external cladding of the side flank walls of the dormer window extension hereby approved shall be clad in tiles to match the existing main roof.*

Reason: To protect existing amenities.”

Of further note Section 8 of the accompanying application form sets out that the floor area of the ground and first floor is 48m² and 50m² respectively and the area for retention is 25m².

• **P.A. Ref. No. 4895/04:** On the 22nd November, 2004, planning permission was **refused** for 1 no. 3 storey, 2-bedroom dwelling attached to side of existing end of terrace dwelling (incorporating ground floor garage for 2 cars) on site to side of 243 Phibsborough Road for the following stated reasons:

“1. The proposal would, due to its size, siting, and design, be out of scale and character with the adjoining dwelling house at 243 Phibsborough Road and the terrace of dwelling houses at 241 - 243 Phibsborough Road. Instead it would represent over development of the application site and a strident addition to the local streetscape that would cause it to appear as an anomalous and incongruous feature. Accordingly, it would seriously injure the amenities of property in the vicinity and, as such, be contrary to the proper planning and sustainable development of the area.

2. The proposal would result in a significant loss of private open space that presently serves the existing dwelling house at 243 Phibsborough Road. Such loss would leave this dwelling house with a substandard amount of such space under the standards set out in the Dublin city Development Plan 1999. Conversely, the proposal would result in a substandard amount of private open space for future occupiers of the proposed dwelling house. Accordingly, this proposal would seriously injure the amenities of property in the vicinity and fail to afford a satisfactory standard of amenity to future occupiers. It would thus be contrary to the proper planning and sustainable development of the area.”

• **P.A. Ref. No. 2297/98:** On the 1st day of October, 1998, planning permission was **refused** for an attic conversion for the following stated reason:

“The proposed attic extension would, by reason of its height, mass and design, represent an incongruous feature unrelated to the modest proportions of the original

dwelling, would be detrimental to the amenities of this area and would set an undesirable precedent for similar such developments, would be contrary to the objective of the 1991 Dublin City Development Plan and as such would be contrary to the proper planning and development of the area.”

4.2. Other side garden of No. 243 Phibsborough Road

- **P.A. Ref. No. 4895/04:** on the 7th day of October, 2004, permission was **refused** for a 3-storey dwelling house attached to side of existing end of terrace dwelling (incorporating ground floor garage for 2 cars) for James Donnelly for the following stated reasons:

“1. The proposal would, due to its size, siting and design, be out of scale and character with the adjoining dwelling house at 243 Phibsborough Road and the terrace of dwelling houses at 241 - 243 Phibsborough Road. Instead it would represent over development of the application site and a strident addition to the local streetscape that would cause it to appear as an anomalous and incongruous feature. Accordingly, it would seriously injure the amenities of property in the vicinity and, as such, be contrary to the proper planning and sustainable development of the area.

2. The proposal would result in a significant loss of private open space that presently serves the existing dwelling house at 243 Phibsborough Road. Such loss would leave this dwelling house with a substandard amount of such space under the standards set out in the Dublin City Development Plan 1999. Conversely, the proposal would result in a substandard amount of private open space for future occupiers of the proposed dwelling house. Accordingly, this proposal would seriously injure the amenities of property in the vicinity and fail to afford a satisfactory standard of amenity to future occupiers. It would thus be contrary to the proper planning and sustainable development of the area.”

5.0 Policy Context

5.1. Development Plan

5.1.1. The Dublin City Development Plan, 2022-2028, came into effect on the 14th day of December, 2022, under which the site is zoned ‘Z1 – Sustainable Residential Neighbourhoods’.

- 5.1.2. Section 14.7.1 of the Development Plan in relation to 'Z1' zoned land states that the land use objective is: *"to protect, provide and improve residential amenities"* and that the vision is: *"for residential development in the city is one where a wide range of high quality accommodation is available within sustainable communities, where residents are within easy reach of open space and amenities as well as facilities such as shops, education, leisure and community services"*.
- 5.1.3. Section 15.5.3 of the Development Plan deals with alterations and extensions.
- 5.1.4. Volume 2 Appendix 18 of the Development Plan provides detailed guidance on side and rear extensions as well as dormer extensions at roof level.

5.2. **Natural Heritage Designations**

- 5.2.1. None relevant. In this regard I note that the nearest Natura 2000 site, which is the South Dublin Bay & River Tolka Estuary SPA (Site Code: 004024) is located c2.98km to the east as the bird would fly.

5.3. **EIA Screening**

Having regard to the existing development on site, the limited nature and scale of the development sought under this application and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- 6.1.1. The First Party grounds of appeal can be summarised as follows:
- They are a family of eight and the additional habitable area is required.
 - The stress of being refused retention has caused significant stress.
 - If permission is not granted they would be put under huge financial difficulty.

- It is not accepted that the works to their property are visually incongruous.
- There are examples of similar additions to other properties and there are also three storey properties present along this road.
- There are no complaints from neighbours to this development.
- They were not aware of the works requiring permission.
- The Board is sought to overturn the decision of the Planning Authority.
- A number of written submissions of support are attached.

6.2. Planning Authority Response

6.2.1. The Planning Authority's response can be summarised as follows:

- The Board is sought to uphold their decision.
- Should the Board decide to grant permission it is requested that the appropriate financial contributions are included.

6.3. Observations

6.3.1. On the 26th day of August, 2022, the Board received a submission from a Patricia McKenna, with an address of 11 Iona Road, objecting to the retention of the development sought under this application and seeking that the Planning Authority's decision be upheld on the following grounds:

- This development is out of character with the terrace it forms part of and its streetscape scene.
- If permitted, this development would give rise to an undesirable precedent.
- This proposal conflicts with the planning history of the site.
- There is no evidence to support that the works accord to required building standards and if they were carried out under proper professional supervision.
- Substantial unauthorised works have been carried out to this property and it is not accepted that they resulted from the property being destroyed by a flood or poor workmanship.

- Submissions effectively requesting the setting aside of compliance with required planning and other standards are misguided.
- This is not a minor breach in compliance with planning laws.
- The personal consequence of carrying out the unauthorised works are not a planning matter for the determination of the acceptability or not of the development sought under this application.
- It is in the public interest to uphold and maintain planning control as part of orderly and sustainable development.
- Concerns are raised that there are inconsistencies in the drawings provided.
- The floor areas do not appear to reflect what has been constructed and the roof structure is not correctly represented in the submitted drawings.

6.3.2. On the 5th day of August, 2022, the Board received a submission from a Cllr. Joe Costello, with an address of 66 Aughrim Street, supporting the retention of the development sought under this application and seeking that the Planning Authority's decision be overturned. It includes the following comments:

- There were exceptional circumstances arising for the applicants when the attic works were carried out.
- The attic conversion has been carried out to a high standard.
- The building that is out of sympathy with the site setting is the five-storey block of student accommodation immediately adjoining the site and adversely impacting on the amenities of this property.
- It would be appreciated that the conversion of the attic is allowed to be retained.

7.0 **Assessment**

7.1. By way of this application retention permission is sought for a setback second floor bedroom together with modified flat roof and three additional windows to the front, side, and rear of No. 243 Phibsborough Road, an end-of-terrace dwelling which dates to c1940s/50s.

- 7.2. By way of this First Party Appeal the appellant seeks that the Board overturn the Planning Authority's decision, which was refused retention permission on the basis that it would be contrary to the local planning provisions applicable to this type of residential development as set out in the Dublin City Development Plan, 2016 to 2022.
- 7.3. In this regard it was considered that the extent of the amendments sought to the roof profile of No. 243 would be visually incongruous as well as would be out of character with the existing terrace it forms part of. Moreover, it was considered that, if permitted, it would result in an undesirable precedent for similar developments of this type which would further add to visual amenity diminishment.
- 7.4. For these reasons, the Planning Authority considered that the development sought under this application would be contrary to the proper planning and sustainable development of the area.
- 7.5. The basis upon which the appellant seeks that the Board overturn the decision of the Planning Authority to refuse permission is that it is their contention that this development has not and will not diminish the visual amenities of the area; that their residential amenities are already diminished by the adjoining student accommodation building; that the works were carried out on foot of what is described in brief flooding arising from bad workmanship on the property; that this dwelling accommodates 8 persons; that they were unaware that the works carried out required permission; and that, if retention permission was not permitted, it would result in undue hardship financially as well as personally upon them as the property. With the property no longer being suitable to accommodate their needs.
- 7.6. The Planning Authority in their response to the grounds of appeal seek that the Board uphold its decision due for the basis it sets out in its reasons for refusal but should the Board grant retention permission they seek request that the relevant development contributions be applied by way of condition.
- 7.7. For clarity on this particular comment by the Planning Authority, I note that in this case that the development sought, together with having regards to the planning history of the site as implemented, the location of the site through to the terms of the applicable Section 48 and 49 Development Contribution Schemes, that both Section 48 and Section 49 financial contributions are applicable to any grant of retention permission.

- 7.8. As this application is for permission for retention, it is immaterial to the consideration of such an application the reasons as to why the development was carried out by the applicants.
- 7.9. It is also immaterial to the considerations of such an application the implications that arise from any refusal of such applications given that the Development Management Guidelines for Planning Authorities, 2007, make it clear that, in dealing with applications for retention, they must be considered “*as with any other application*”. This is in accordance with planning law and with proper planning practice, in that all applications for retention should be assessed on the same basis as would apply if the development in question were proposed.
- 7.10. The essence of this fact is also put forward by one of the Third-Party Observers in their submission to the Board, with this particular submission for also raising valid planning matters of concern to them which is their right to put to the Board in a valid Third-Party Observation as provided for under planning legislation
- 7.11. Therefore, no account can, or should, be taken of the fact that the development has already taken place.
- 7.12. Since the Planning Authority determined this application it is of relevance that local planning provisions have changed and the Dublin City Development Plan, 2016 to 2022, has now been superseded by the Dublin City Development Plan, 2022 to 2028. This the applicable Development Plan for the consideration of this application before the Board for its consideration.
- 7.13. Like under the previous Development Plan the subject property is located in a larger parcel of urbanscape zoned objective ‘Z1’ under the recently adopted Development Plan, i.e., to protect, provide and improve residential amenities. On land zoned ‘Z1’ the general principle of residential development is deemed to be acceptable subject to safeguards, in particular the acceptance or otherwise of site specifics / other policies within the development plan and government guidance.
- 7.14. To this I also note that the planning history of the site includes the refusal of an attic conversion of lesser scale under P.A. Ref. No. 4895/04 primarily considering that it would be injurious to the visual amenities of the area. In addition, more recently under P.A. Ref. No. 3307/15, a side and rear dormer extension, was permitted retention with

this relating to an additional 25m² to a dwelling house that was indicated as containing a total of 98m² at ground and first-floor level cumulatively.

- 7.15. Of concern this application sets out that despite the substantive additions that have been made to the attic space in recent times that the applicants seek to contend that there is no additional habitable floor area arising from the development works now sought for retention permission were set out to be 25m² and with the cumulative floor area arising being 123m². As such I raise a concern that the development for which retention is now sought does not correspond with the quantum of development carried out on site and what is applied for.
- 7.16. I also raise a concern that the drawings submitted do not reflect the roof structure as constructed and provides no elevational or contextual drawings showing its side profile alongside the adjoining middle terrace dwelling No. 242 Phibsborough Road.
- 7.17. Of further note Sheet No. 4 of 4 also misrepresents the roof structure of development in its context and appears to suggest that it forms part of a semi-detached pair as opposed to a terrace group of three 2-storey properties.
- 7.18. Having examined the documentation submitted with this application and on appeal, together with having regard to the planning history documentation pertaining to this site as well as having inspected the site I am not satisfied that development sought is accurately set out and described.
- 7.19. Moreover, I am not satisfied that the development for which retention is sought under this application has in any way meaningfully addressed previous visual amenity concerns raised in relation to the provision of an attic conversion to this property. Nor further the planning history to the side of this property where permission was refused for a 3-storey dwelling with the reasons for refusal including adverse visual amenity impacts (Note: P.A. Ref. No. 4895/04).
- 7.20. In this regard I note that the first reason for refusal for the development sought under P.A. Ref. No. 4895/04 considered that it would be out of scale and character with the adjoining dwelling house at 243 Phibsborough Road and the terrace of dwelling houses at No.s 241 - 243 Phibsborough Road.
- 7.21. I therefore raise a concern that there is precedent for substantive attic conversion through to a third floor level being deemed inappropriate in the context of the host

dwelling and in the context of the terrace group it forms part of. With this terrace group being a set piece in its own right that once shared a uniform visual appearance and uniformity as viewed from the public domain as well as within its visual setting.

- 7.22. Against this context I raise concern that to permit what is essentially a third floor level of accommodation and modifications to the roof structure of an end of terrace 2-storey dwelling that forms part of a coherent group. With the subject property historically and formally designed to visually balance its counterpart of No. 241 Phibsborough Road, i.e., the terrace property on the northern end of this terrace group of three. With the formal design including a distinct setback between the front building line that exists between No. 243 and No. 241, with No. 242 slightly back. Together with the roof structure over the three subject terrace properties. Historically designed and implemented to consist of one coherent distinct hipped roof over each of the three properties, so that it seamlessly blended together over the building envelope punctuated only by regularly placed chimneys. In this circumstance the development sought under this application would result in a visually incongruous third floor addition. It would also blur the visual built form, appearance and balance of this terrace group by way of the lack of subservience of this attic structure to the hipped roof structure of this terrace group as well as the visual imbalance arising from the addition of a distinct third floor level when this end of terrace property is viewed in the round.
- 7.23. The overall attic extension and the modifications to the roof structure would also fail to be subservient to the host dwelling or the terrace group it forms part of. When taken with the other changes made to the host dwelling including the significant changes to the external envelope through to boundary treatments it would add to this structures visual incongruity in the streetscape despite the presence of a taller building to its immediate south.
- 7.24. On this point I consider that the presence of this other building which relates to a different site context is not justification for the lack of respect, sympathy and harmony with the host dwelling as well as the host dwellings contribution to this terrace group setpiece as appreciated in its streetscape scene.
- 7.25. In addition the addition of a distinct third floor level to the rear with two clear glazed windows would give rise to unacceptable levels of overlooking of adjoining and neighbouring properties in its vicinity. In particular to the east and north east.

- 7.26. When these concerns are considered against the local planning provisions I note that firstly the land use zoning objective for 'Z1' zoned land seeks to achieve a reasonable balance between protecting and improving amenities. For the considerations set out above the proposed development does not achieve a reasonable balance. In addition to this Section 15.5.3 of the Development Plan deals with alterations and extensions that these should be integrated with the surrounding area as well as ensure that a high quality of the townscape character of buildings and areas is retained and enhanced.
- 7.27. Moreover, Section 15.5.3 of the Development Plan requires alterations and extensions to be sensitively designed and detailed to respect the character of the existing building, its context, and the amenity of adjoining occupiers.
- 7.28. It goes on to state that they should respect any existing uniformity of the street, together with significant patterns, rhythms, or groupings of buildings and not result in the loss of, obscure, or otherwise detract from, architectural features which contribute to the quality of the existing building.
- 7.29. Volume 2 Appendix 18 of the Development Plan also provides further guidance on residential extensions and under Section 1.1 states that: "*the form of the existing building should be respected, and the development should integrate with the existing building through the use of similar or contrasting materials and finishes*". This Section of the Development Plan also sets out that they should:
- Not have an adverse impact on the scale and character of the existing dwelling.
 - Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, outlook and access to daylight and sunlight.
 - Achieve a high quality of design.
 - Make a positive contribution to the streetscape.

For the reasons set out in the assessment above this development does not demonstrate compliance with these factors of consideration.

- 7.30. Further direction is given under Section 4.0 of the said Appendix which deals with alterations to roof structures of dwellings. With this section recognising that the: "*roofline of a building is one of its most dominant features and it is important that any proposal to change the shape, pitch or cladding of a roof is carefully considered*". It also recognises that alterations at roof level can include the conversion of an attic

space and inclusion of dormer windows or the provision of an additional storey modifying the roof profile entirely, but it sets criteria in which such developments will be assessed against. Including:

- *Careful consideration and special regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures.*
- *Harmony with the rest of the structure, adjacent structures, and prominence.*

For the reasons set out above this development does not demonstrate this.

- 7.31. Further direction is given on attic conversions and dormer windows under Section 5.0 of the said Appendix, and it states that they: “*must be compliant with all of the relevant design standards, as well as building and fire regulations*”.
- 7.32. I note that this has not been demonstrated in the drawings submitted with this application and by the appellant on appeal.
- 7.33. Section 5.0 of the said Appendix also sets out that: “*dormer windows, where proposed should complement the existing roof profile and be sympathetic to the overall design of the dwelling*”. It also sets out that the design should not be overly dominant on the roof structure.
- 7.34. As set out above the dormer windows sought in this case which effectively merge from the front, side, and rear as a setback third floor level is not sympathetic to the host dwelling or the terrace group it forms part of and as a result visually diminishes the contribution of this terrace group to its streetscape and visual setting by way of its incongruity.
- 7.35. Moreover, the design is one that erodes the hipped roof structure over to the extent that only a small slope between the eaves and the lower level of the attic conversion is visible to the front and little of the roof structure is visible to the rear.
- 7.36. I therefore do not consider the design of the dormer extension to be consistent with these guidelines and also with the guidance set out under Table 18.1 of the said Appendix which includes but is not limited to such developments being visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible; relate to the shape, size, position and design of the existing doors and windows on the lower floors; through being set back from the eaves level to minimise their visual

impact and reduce the potential for overlooking of adjoining properties. The design put forward under this application does not demonstrate this.

7.37. I also note that Section 5.1 requires applications for additional storey ensure that all relevant internal residential standards are complied with as required under this Appendix. This is not demonstrated in the documentation submitted with this application.

7.38. In conclusion, the development for which retention is does not accord with the proper planning and sustainable development of the area for the type of development sought on the basis that, if permitted, it would be contrary to the land use zoning of the site through to it would be a type of development that does not accord with the requirements set out in the Dublin City Development Plan, 2022-2028, for additions and extensions to existing dwellings. It would also give rise to undesirable precedent if permitted. Thus, I concur with the Planning Authority in this case that the retention of the proposed development would be contrary to the proper planning and sustainable development of the area.

7.39. **Other Matters Arising**

7.39.1. **Pattern of Development:**

The pattern of development that characterises residential development along the stretch of Phibsborough Road that the site forms part of is characterised by 2-storey residential dwellings. Despite the presence of a taller student building which defines the corner of Phibsborough Road and Western Way, which is a different site context together occupies much lower ground levels due to the ground levels on this stretch of Phibsborough Road sloping steadily in a southerly direction.

Against this context the development sought under this application is out of context with the pattern of development that characterises the site setting alongside the residential to the east and north east which is similarly characterised by 2-storey dwellings.

7.39.2. **Procedural Concerns:**

A number of procedural concerns are raised in relation to the Planning Authority's handling of this application. Such matters are outside of the Boards remit to consider in their deliberation of this appeal case.

7.39.3. **Void to Solid Ratio:**

There is a lack of harmony between the dimensions of glazing and their placement in the attic conversion to the front and rear. Should the Board be minded to grant permission this should be addressed in a manner consistent with the guidance set out in Appendix 18 of the Development Plan for such developments.

7.39.4. **Appeal Submission:**

This submission makes comments that falls outside of the Boards remit in the consideration of this case.

7.39.5. **Drainage:**

This application does not clarify surface water drainage and therefore any grant of planning permission should include a condition to deal with this matter.

7.39.6. **Contributions:**

Should the Board be minded to grant permission appropriately worded conditions requiring the payment of Section 48 and 49 Development Contributions should be attached.

8.0 **Recommendation**

8.1. I recommend that retention permission be **refused**.

9.0 **Reasons and Considerations**

1. It is considered that the development sought under this application would be inconsistent with the provisions of the Dublin City Development Plan 2022-2028, Section 15.3.3 concerning Extensions and Alterations to Dwellings, and the design standards for such development under Volume 2 Appendix 18; that the proposed development would not be obtrusive and out of character with the host dwelling, the terrace group it forms part of and the visual amenities of the area, it would seriously injure the amenities of property in the vicinity by way of overlooking and loss of privacy, it would be consistent with the zoning objective pertaining to the site and its setting, that is to say '*Z1 – Sustainable Residential Neighbourhoods*'

which seeks “*to protect, provide and improve residential amenities and by way of the undesirable precedent it would set for similar developments of this type. The development sought under this application would therefore be contrary to the proper planning and sustainable development of the area.*”

Patricia Marie Young
Planning Inspector
21st December, 2022.