



An
Bord
Pleanála

Inspector's Report ABP-314373-22

Development	Attic conversion to a home office incorporating a change of roof from hipped to pitched by raising the gable wall, a rear dormer and a roof light to the front.
Location	19, The Close, Beaumont Woods, Beaumont, Dublin 9
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1516/22
Applicant(s)	Séamus and Sandra Culhane
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Séamus and Sandra Culhane
Observer(s)	Barbara Dillon
Date of Site Inspection	26 th January 2023
Inspector	Lorraine Dockery

1.0 Site Location and Description

- 1.1 The subject site is located on the northern side of The Close, Beaumont Woods and comprises a two-storey, end of terrace dwelling with a hipped roof profile.

2.0 Proposed Development

- 2.1 Permission is sought for attic conversion to a home office incorporating a change of roof from hipped to pitched by raising the gable wall, a rear dormer and a roof light to the front.

3.0 Planning Authority Decision

3.1 Decision

The planning authority decided to GRANT permission subject to 8 conditions.

Condition No. 3:

3. The development hereby approved shall adhere to the following:
- a. The proposed alteration of the roof profile from a fully hipped roof to a standard 'A' gable roof shall be omitted
 - b. The proposed development may provide a dormer 'box' extension, if required, which projects through the retained side plane of the roof of the house (as indicated above) .
 - c. The proposed side dormer 'box' extension shall be set back from its eaves by a minimum of 0.4 metres and set a minimum of 0.2 metres below the existing roof ridge level. This dormer box extension shall have a fully hipped roof.
 - d. The rear dormer 'box' extension shall be reduced in width to have a maximum external width no greater than three metres.
 - e. The additional gable end window in the projecting side dormer box extension shall be fitted with permanently obscure glazing. This window shall be permanently fixed and shall not open.

f. The attic level shall not be used for human habitation unless it complies with the current building regulations

g. All elevations; fascia/soffits; rainwater goods, window frames glazing bars shall be finished in a dark colour so as to blend with the existing roof finish. No white upvc shall be used.

h. The extended roof shall be clad in slates/tiles to match the existing roof

i. The rear dormer shall not accommodate solar panels whether or not they would be exempted development under the Planning & Development Act 2000 (as amended)

j. All internal and external works to give the effect of the above.

Reason: In the interest of visual and residential amenity.

3.2 Planning Authority Reports

3.2.1 Planning Reports

The main points of the planner's report include:

- Recommends a grant of permission, subject to amendment of elements by condition

3.2.2 Other Technical Reports

Drainage Division- no objections, subject to conditions

4.0 Planning History

None

5.0 Policy and Context

5.1 Development Plan

The Dublin City Development Plan 2022-2028 is the operative Development Plan for the area.

Zoning: 'Objective Z1' which seeks 'to protect, provide and improve residential amenities'.

Appendix 18: Ancillary Residential Accommodation

4.0 Alterations at Roof Level/Attics/Dormers/Additional Floors

5.0 Attic Conversions/Dormer Windows

4.1 Natural Heritage Designations

None

4.2 EIA Screening

Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area which is served by public infrastructure and outside of any protected site or heritage designation, the nature of the receiving environment and the existing pattern of residential development in the vicinity, and the separation distance from the nearest 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.

5.0 The Appeal

5.1 Grounds of Appeal

The main points of the appeal are:

- Appeal against Condition No. 3 only
- A number of properties in Beaumont Woods and environs have been granted permission for alterations to roof profiles, extensions and dormers- examples submitted which include 24 The Green permitted in June 2022 (Reg. Ref. 3887/22)- precedent already set
- Gable-ended houses evident in vicinity

- No overlooking due to separation distances- no issue with provision of obscure glazing; willing to omit proposed window on gable if necessary

5.2 Planning Authority Response

None

5.3 Observations

An observation was received from Barbara Dillon, 18 The Close, Beaumont Woods, which may be summarised as follows:

- Concerns regarding overlooking from proposed development- examples cited as precedent by first party are not comparable as they don't overlook an adjacent single storey dwelling
- Seeks Condition No. 3 (i) and (ii), as attached by the planning authority be upheld

5.4 Further Responses

None

6.0 Assessment

6.1 I have read all documentation attached to this file including inter alia, the appeal, the report of the Planning Authority and the observation received, in addition to having visited the site. This is an appeal against Condition No. 3 only of the decision to grant permission of Register Reference WEB1516/22, which issued from the planning authority on 22nd July 2022. In this regard, I consider it is appropriate that the appeal should be confined to Condition No. 3 only and 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 it would be appropriate to use the provisions of Section 139 of the 2000 Act in this case.

- 6.2 **Condition No. 3** (as detailed above), in summary, relates to the omission of the proposed standard 'A' gable roof; inclusion of box dormer to side, if required; alterations to proposed rear dormer, permanent obscure glazing to proposed gable window; materials, finishes and uses, together with restriction of use of solar panels on rear dormer.
- 6.3 I note that Condition No. 3 makes significant alterations to the proposal. I am satisfied that such significant alterations are not warranted in this instance. I am of the opinion that the proposal is such that it would allow for the provision of additional floorspace to this dwelling without negatively impact on the visual or residential amenities of the area to such an extent as to warrant the significant alterations put forward in Condition No. 3. I am of the opinion that the proposal would not impact on the character of the property or that of the street to such an extent as to warrant a refusal of permission or alterations to the design solution put forward. In terms of setting of precedent, I note that each application is assessed on its own merits. I also note that other dwellings in the vicinity have been permitted similar type developments, including that at 24 The Green permitted in June 2022 (Reg. Ref. 3887/22). A number of varying roof types/styles and elevational treatments are evident in the vicinity of the site. I am satisfied in this instance that it is sufficient to condition details relating to exact materials and finishes.
- 6.4 In terms of the concerns expressed in the observation regarding overlooking, I consider that the permanent obscure glazing of the proposed windows in gable and that this window would be unopenable would negate any issues of overlooking/perceived overlooking. I note that this window serves a stairwell only and not a habitable space. I am satisfied in this regard. Concerns expressed regarding possible future non-compliance with conditions, are a matter for the enforcement section of the planning authority.
- 6.5 Having regard to the nature of the conditions the subject of the appeal and based on the reasons and considerations set out below, I am 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 recommend that the said Council be directed under subsection (1) of Section 139 of the Planning and Development Act, 2000 that Condition No. 3 be AMENDED.

7.0 Appropriate Assessment Screening

8.1 Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the physical separation distances to designated European Sites, and the absence of an ecological and/or a hydrological connection, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

8.0 Recommendation

9.1 Having regard to the nature of the condition the subject of the appeal and based on the reasons and considerations set out below, I am 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 recommend that the said Council be directed under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND Condition No. 3 so that it shall be as follows for the reason and considerations set out:

Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2022-2028 and to the nature, form, scale and design of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed alterations to Condition No. 3 attached to the grant of permission under planning register reference number WEB1516/22 would not seriously injure visual amenities, established character or appearance of the area and would, otherwise, be in accordance with the proper planning and sustainable development of the area.

9.0 Conditions

1.	<p>The development shall be in accordance with Condition No.s 1 – 8 attached to the grant of permission under P. A. Reg. Ref: WEB1516/22 on 22nd July, 2022 except as may otherwise be required in order to comply with the following conditions.</p> <p>Reason: In the interest of clarity</p>
2.	<p>Condition No. 3 attached to the grant of permission under P. A. Reg. Ref. WEB1516/22 on 22nd July, 2022 shall be amended as follows:</p> <p>(a) The glazing to the proposed window on the gable elevation, on the western (side) elevation shall be manufactured opaque or translucent glass and shall be permanently maintained. This window shall be unopenable.</p> <p>(b) Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual and residential amenity.</p>

Lorraine Dockery
Senior Planning Inspector

31st January 2023