



An
Bord
Pleanála

Inspector's Report ABP-314604-22

Development	Replace existing gabled pitched roof at attic floor level on rear of house with new flat roofed zinc clad dormer
Location	63 Grosvenor Court, Dublin 3
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1614/22
Applicant(s)	Ian Redmond
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Ian Redmond
Observer(s)	Eileen and Brendan Moran
Date of Site Inspection	20/02/2023
Inspector	Lorraine Dockery

1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 183 square metres, contains a two-storey, end-of-terrace dwelling in this established residential area.

2.0 Proposed Development

- 2.1 Permission is sought to replace existing gabled pitched roof at attic floor level on rear of house with new flat roofed zinc clad dormer.
- 2.2 The proposed additional floor area is stated as being 10m²

3.0 Planning Authority Decision

3.1. Decision

Permission REFUSED for one reason, as follows:

1. The proposed development of a dormer structure projecting out from the main roof ridge and extending over both the original rear roof plane and the roof area of the previously permitted two storey rear extension would in effect create a third storey on what is a two storey terraced dwelling. The proposal is, for all intents and purposes, materially identical to that previously refused permission under WEB1145/22 and WEB5011/21. The current Dublin City Development Plan 2016-2022 sets out in Appendix 17.11 the requirements for domestic roof extensions including that such structures be visually subordinate and in scale with the dwelling with dormer extensions generally being restricted to the area of the original main rear roof slope and not upon the roof of any later extension. The scale, height and extent of the proposed development would cause serious injury to the residential amenities of dwellings in the vicinity through overbearing, overshadowing and visual intrusion. The proposed development would therefore, in itself and by the precedent which would be established for grossly overscaled and obtrusive roof level structures, be contrary to both the policies and objectives of the

Dublin City Development Plan 2016-2022 and the proper planning and sustainable development of the area

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points of the planner's report include:

- Reflects the decision of the planning authority, recommends refusal of permission

3.2.2 Other Technical Reports

Drainage Division- No objections, subject to condition

3.3 Prescribed Bodies

None

4.0 Planning History

I refer the Board to a long and protracted planning history on this site, as set out in the Planner's Report. The two most recent applications of relevance are as follows:

WEB1145/22

Permission REFUSED to replace existing gabled pitched roof at attic floor level on rear of house with new flat roofed and canted walled zinc clad dormer. The reason for refusal is similar to that which issued from the planning authority in this current appeal.

WEB5011/21

Permission REFUSED to replace existing gabled pitched roof at attic floor level on rear of house with new flat roofed and canted walled zinc clad dormer. The reason for refusal is similar to that which issued from the planning authority in this current

appeal.

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 deals with Alterations at Roof Level/Attics/Dormers/Additional Floors (section 4).

5.2 Natural Heritage Designations

The appeal site is not located in or immediately adjacent to a designated European Site, a Natural Heritage Area (NHA) or a proposed NHA.

5.3 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.

6.0 The Appeal

6.1 Grounds of Appeal

An appeal was received on behalf of the first party and may be broadly summarised as follows:

- Outlines reasons for need for additional floorspace
- Precedent set for similar type developments, examples cited including ABP-311620-21 (5 Saint Mary's Avenue North, Dublin 7)
- Not visible from the public arena; would not adversely affect the character or appearance of any streetscape
- Planning authority do not state which properties would be impacted upon by overshadowing
- Planning authority decision not in compliance with national policy guidance

6.2 Planning Authority Response

Request An Bord Pleanála uphold their decision and that if permission is granted, a condition requiring the payment of a section 48 development contribution be applied.

6.3 Observations

The observation received may be summarised as follows:

- Repeat application -a number of previous applications on this site to provide third storey
- Regards setting of precedent, each application should be assessed on its own merits
- Overlooking, overshadowing, loss of outlook and overbearing impacts due to excessive scale, bulk and massing with poor use of highly visible zinc
- Not in compliance with operative County Development Plan

6.4 Further Responses

None

7.0 Assessment

7.1 I have read all the documentation attached to this file including inter alia, the appeal submission, the report of the Planning Authority and response received, observation received, in addition to having visited the site. I highlight to the Board that a new City Development Plan has been adopted, since the decision of the planning authority issued.

7.2 I highlight to the Board that a number of similar type applications have previously been made to the planning authority, all of which have been refused permission. This appears to be the first such application on this site to be appealed to An Bord Pleanála. The primary planning issues, as I consider them, are impact on the visual and residential amenity of the adjoining property arising from the proposed works.

Visual and Residential Amenity

7.3 In terms of visual amenity, I consider that the extent and scale of the proposed works is inappropriate and excessive in this location and context, in particular when viewed from neighbouring properties. While I accept it would not be unduly visible on the streetscape, it would be highly visible when viewed from neighbouring properties and has the potential to impact on the visual and residential amenities of nearby properties. Given its excessive size, the proposed development would be significantly out of scale and character with other dwellings in the vicinity and would have overbearing and visual intrusion impacts when viewed from their properties. In this context, given the overall size, scale and location of the proposed development at roof level, I consider the proposed design solution to be unacceptable in this instance and I would concur with the planning authority in this regard.

7.4 Regarding examples cited in the first party appeal of other decisions made by An Bord Pleanála at roof level, I would note that each application is assessed on its own merits and it would appear that there has been no grant of permission by An Bord Pleanála for a similar type development to that proposed, within this estate. I do note, however, that any grant of permission on this current site, could set a precedent for further similar inappropriate developments on similar such sites in the vicinity.

Conclusion

- 7.5 The subject site is zoned 'Objective Z1' in the operative City Development Plan with 'residential' being a permissible use. I consider that the proposed development is not in compliance with this zoning objective for the site.
- 7.6 I also consider that the proposal is not in accordance with the provisions of the operative City Development Plan including Appendix 18, is not in keeping with the pattern of development in the area and is not in accordance with the proper planning and sustainable development of the area.

8.0 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.

9.0 Recommendation

- 9.1 I recommend permission be REFUSED.

10.0 Reasons and Considerations

1. Having regard to the zoning objective of the area, the design and scale of the proposed development and the pattern of development in the area, it is considered that the proposed development would be visually incongruous and dominant in this context, would seriously injure the visual and residential amenities of the area and would set an undesirable precedent for further similar developments in the vicinity. The proposed development would, be contrary to Development Plan policy in this regard and would therefore, not be in accordance with the proper planning and sustainable development of the area

Lorraine Dockery
Senior Planning Inspector

21st February 2023