



An
Bord
Pleanála

Inspector's Report ABP-314819-22

Development	Alteration to the approved attic extension (reg. ref. 1049-22), being a lean-to dormer window, to the front roof pitch.
Location	130, Clontarf Road, Dublin 3
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1665/22
Applicant(s)	Glenn and Sandra Murphy
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Glenn and Sandra Murphy
Observer(s)	None
Date of Site Inspection	22/03/2023
Inspector	Lorraine Dockery

1.0 Site Location and Description

1.1 The subject site, which has a stated area of 917m², is located on the northern side of Clontarf Road and comprises a two-storey, semi-detached dwelling with a hipped roof profile. This is an established residential area.

2.0 Proposed Development

2.1 Permission is sought for alteration to the approved attic extension (Reg. Ref. 1049-22), namely a lean-to dormer window to the front roof pitch.

3.0 Planning Authority Decision

3.1 Decision

The planning authority decided to GRANT permission subject to 9 conditions.

Condition No. 4:

4. The proposed lean-to dormer window, to the front roof pitch shall adhere to the following modifications:
 - a) The roof of the dormer 'box' structure shall have a maximum dimension of 1.8 metres (width) x 1.62 metres (length).
 - b) The roof of the dormer structure shall be a minimum of 800 mm below the existing ridge level.
 - c) The dormer structure shall be set a minimum of 500 mm above the eaves level.
 - d) The window opening shall have a maximum dimension of 1.3 (width) x 0.8 metres (height).
 - e) The materials of the roof of the dormer extension shall match the existing roof tiles.
 - f) The flank walls of the projecting dormer structure shall be finished in render.
 - g) All internal and external works to ensure the above.

Reason: In the interest of visual amenity and the protection of 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

1049/22

Permission GRANTED for alterations to existing semi-detached dwelling to include:

a) a 1st floor flat roof extension to rear, b) a non-habitable attic conversion with a dormer window to front and to rear, c) a bay window & entrance portico to front, along with all associated site works

Condition No. 3 of that decision was as follows:

The development hereby approved shall adhere to the following:

a. The proposed dormer extension and 'roof lobby' located on the front plane of the roof of the house shall be omitted

b. The materials proposed for the rear dormer box extension shall match the colour of the existing roof

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

d. 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

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

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

g. The flat roof of the proposed first floor rear extension shall not be used for recreational purposes and shall only be accessible for the purposes of a fire emergency or for maintenance

Reason: In the interest of visual and residential amenity.

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. 4 only
- Specified dimension and material changes in this Condition render the dormer window unbuildable due to pitch of roof and internal dimensions- overly prescriptive and restrictive set of criteria
- Requests its removal from grant of permission
- Planning authority permitted a dormer extension to front in January 2022, in addition to another property at 128 Clontarf Road- contends that planning authority is inconsistent in their decision-making
- Precedent set with many properties along Clontarf Road having similar extensions
- Outlines rationale for proposed materials- less visually evident than a render/tile finish

5.2 Planning Authority Response

None

5.3 Observations

None

5.4 Further Responses

None

6.0 Assessment

- 6.1 I have read all documentation attached to this file including inter alia, the appeal and the report of the Planning Authority, in addition to having visited the site. This is an appeal against Condition No. 4 only of the decision to grant permission of Register Reference WEB1665/22, which issued from the planning authority on 13th September 2022. In this regard, I consider it is appropriate that the appeal should be confined to Condition No. 4 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. 4** (as detailed above), in summary, relates to alterations to the proposed lean-to dormer window on front roof pitch which includes for a reduction in its size; its position relative to existing ridge and eaves level; opening dimension and materials.
- 6.3 I note that Condition No. 4 makes significant alterations to the proposal and impacts on the usability of the space that it is to serve and I note the contents of the appeal submission in this regard. 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 impacting on the visual or residential amenities of the area or the character of the street to such an extent as to warrant the significant alterations put forward in Condition No. 4. In terms of setting of precedent, I note that each application is assessed on its own merits. However, I also note that other dwellings in the vicinity have been permitted similar type developments. A number of varying roof types/styles and elevational treatments are evident in the vicinity of the site. I am satisfied that the proposed materials and finishes which include for a pre-patinated zinc finish in heather colour are of a high quality, would provide a durable finish at this location and would integrate well with the existing dwelling.

6.4 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. 4 be OMITTED.

7.0 Appropriate Assessment Screening

7.1 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

8.1 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 OMIT Condition No. 4 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 recommended omission of Condition No. 4 attached to the grant of permission under planning register reference number WEB1665/22 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.	The development shall be in accordance with Condition No.s 1 – 9 attached to the grant of permission under P. A. Reg. Ref: WEB1665/22 on 13 th day of September, 2022 except as may otherwise be required in order to comply with the following conditions. Reason: In the interest of clarity
2.	Condition No. 4 attached to the grant of permission under P. A. Reg. Ref. WEB1665/22 on 13 th day of September, 2022 shall be OMITTED

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Lorraine Dockery
Senior Planning Inspector

24th March 2023