



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314904-22

<b>Development</b>	Permission is sought to increase ridge height to roof to incorporate attic conversion, extension to rear of house, and all associated site works.
<b>Location</b>	No. 5 Saint Broc's Cottages, Donnybrook, Dublin 4, D04 K7K5.
<b>Planning Authority</b>	Dublin City Council.
<b>Planning Authority Reg. Ref.</b>	WEB1746/22.
<b>Applicant(s)</b>	Patrick Twomey.
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Refuse.
<b>Type of Appeal</b>	First Party.
<b>Appellant(s)</b>	Patrick Twomey.
<b>Observer(s)</b>	Philip O'Reilly.
<b>Date of Site Inspection</b>	16 <sup>th</sup> day of January, 2023.
<b>Inspector</b>	Patricia-Marie Young.

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## 1.0 Site Location and Description

1.1. No. 5 Broc's Cottages, the appeal site, has a stated 78.31m<sup>2</sup> area. The site contains an end of terrace cottage that has been extended to the rear located on the north eastern corner of Broc's Cottages where Broc's Cottages meets Home Villas, in the city suburb of Donnybrook, c4km by road to the south of Dublin's city centre. The subject property opens onto the public domain of Broc's Cottages. On the northern roadside boundary a pedestrian sized timber gate provides access into a modest yard space. Broc's Cottage is characterised by highly intact brick finished with hip roof over period workers cottage that are highly uniform in their appearance. To the north of the site is Herbert Park. The immediate setting can be described as mature residential in its character.

## 2.0 Proposed Development

2.1. Planning permission is sought for the increased ridge height to existing roof to incorporate attic conversion with dormer to rear and two storey extension to rear incorporating first floor north-east facing balcony and new pedestrian access to side of No. 5 Broc's Cottages.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. On the 7<sup>th</sup> day of October, 2022, the Planning Authority decided to **refuse** permission for the following stated reasons:

- “1. *It is considered that the proposed development, by reason of scale, mass and height would be visually obtrusive in views from both the roadway and the private amenity spaces of adjoining properties and would seriously injure the residential amenities of such properties contrary to Section 16.10.12 Extensions and Alterations to Dwellings of Dublin City Development Plan 2016-2022.*
2. *The proposal which includes the raising of the existing ridge height would result in an overdevelopment of the site, be out of character with the established*

*architectural style and pattern of the cottages and would set an undesirable precedent for the area. The proposed development would therefore be contrary to the stated provisions of 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 Planning Officer’s report is the basis of the Planning Authority’s decision. It includes the following comments:

- The proposal is identical to that previously refused under P.A. Ref. No. WEB1222/12. Of concern no changes have been made to overcome the reasons for its refusal.
- This is an intact terrace of cottages with no alteration to the ridge heights.
- The raising of the ridge height would be out of character with the uniformity of the pitch of the roofs of the terrace and set an undesirable precedent.
- No AA or EIA issues arise.
- Concludes with a recommendation for refusal.

### **3.2.2. Other Technical Reports**

**Drainage:** No objection, subject to safeguards.

## **3.3. Prescribed Bodies**

3.3.1. None.

## **3.4. Third Party Observations**

3.4.1. 2 No. Third Party Observations were received by the Planning Authority during the course of its deliberation of the subject planning application. The concerns raised related to adverse visual amenity impact; over development; frustration that the same development is again sought; through to inconsistency of the proposed development with local planning provisions.

## 4.0 Planning History

### 4.1. Site

- **P.A. Ref. No. 1222/22:** Permission was **refused** for the increase in ridge height to existing roof to incorporate attic conversion with dormer to rear and two storey extension to rear incorporating first floor north-east facing balcony and new pedestrian access to side. Of note the two stated reasons for refusal are the same as those cited by the Planning Authority in their notification to refuse permission for the proposed development sought under this application. (Decision date: 6<sup>th</sup> May 2022).

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. Dublin City Development Plan, 2022-2028, is applicable, under which the site is zoned 'Z2' (Note: Residential Neighbourhoods (Conservation Areas)) which has a stated objective: *"to protect and/or improve the amenities of residential conservation areas"*.
- 5.1.2. Section 14.7.2 of the Development Plan in relation to conservation areas states that: *"the general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area."*
- 5.1.3. Chapters 11 of the Development Plan deals with Built Heritage.
- 5.1.4. Chapter 15 of the Development Plan sets out Development Standards.
- 5.1.5. Section 1.1 Volume 2 Appendix 18 of the Development Plan in relation to residential extensions acknowledges that these play an important role in promoting a compact city as well as providing for sustainable neighbourhoods and areas where a wide range of families can live. It states that 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 respected"*. It also sets out the following design principles for residential extensions:
  - 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 (front extensions).

5.1.6. Section 1.7 of the Development Plan state that: “*the extension should not dominate the existing building and should normally be of an overall scale and size to harmonise with the existing house and adjoining buildings*”.

5.1.7. Section 4.0 of the Development Plan deals with the matter of alterations at roof level.

## 5.2. Natural Heritage Designations

5.2.1. None within the zone of influence.

## 5.3. EIA Screening

5.3.1. Having regard to the nature, scale and extent of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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 grounds of appeal can be summarised as follows:

- The proposed development is the same as P.A. Ref. No. WEB1222/22.
- There is precedent for similar development's permitted by the Planning Authority during the lifespan of Dublin City Development Plan, 2016-2022.
- The Board overturned a decision of the Planning Authority to refuse a similar development at No. 45 Pembroke Cottages under PL29S.241986.
- This traditional terrace has a staggered roofline.
- The extension would not be seen from the road onto which this house fronts.

- The Board permitted a similar raised roofline under ABP-309612.
- The proposed development would not adversely affect the residential amenity, or the appearance of this dwelling as observed from its street scene.
- The extension is not unduly large, and the proposed improvements would meet modern living standards. This outweighs any minor effect on residential and visual amenities of the area.
- The Board is sought to overturn the Planning Authority's decision.

## 6.2. **Planning Authority Response**

6.2.1. None.

## 6.3. **Observations**

6.3.1. The Third-Party Observation can be summarised as follows:

- The proposed development was previously refused in 2022 and no material changes are made to it under this application.
- This development would adversely impact visual and residential amenities.
- The host dwelling can not be considered in isolation from the uniform and coherent terrace it forms part of.
- This proposal is deficient in terms of private amenity open space.
- This proposal would represent overdevelopment of a restricted site.
- The proposed development is not consistent with Development Plan provisions.
- The Planning Authority's decision is supported, and it is considered its decision accords with the Development Plan provisions.

## 7.0 **Assessment**

### 7.1. **Preliminary Comment**

7.1.1. I consider that the key issues in determining this appeal case are as follows:

- Principle of the Proposed Development

- Planning History
- Compliance with Development Plan Provisions
- Precedent

7.1.2. The matter of ‘*Appropriate Assessment*’ also requires examination.

## 7.2. Principle of the Proposed Development

7.2.1. In summary the proposed development includes the construction of an additional floor level to an end of terrace single storey dwelling situated on a site and setting that is zoned residential conservation area under the Dublin City Development Plan, 2022-2028 (Note: ‘Z2’). The land use zoning objective for ‘Z2’ is: “*to protect and/or improve the amenities of residential conservation areas*”. On such land residential developments are considered to be generally acceptable development in principle, subject to the acceptance or otherwise of site specifics/other planning provisions.

## 7.3. Planning History

7.3.1. I note to the Board that the proposed development which seeks the construction of an additional floor area by way of increasing the existing ridge height and the provision of a rear dormer window incorporating a north east facing balcony together with new pedestrian access to the side accessing onto the public domain was the same development that was subject to planning application P.A. Ref. No. 1222/22. This previous application was refused for the same reasons as that cited by the Planning Authority in their notification order to refuse permission for the same development that is now sought for permission under this subject planning application. There are no material and/or significant changes between the two developments sought and as such the proposed development now sought does not seek to overcome the two given reasons for refusal for P.A. Ref. No. 1222/22.

7.3.2. In relation to the reasons for refusal of P.A. Ref. No. 1222/22, in summary they related to the Planning Authority’s concerns with regards to the adverse visual amenity impact of the proposed development. Through to the developments inconsistency with the Development Plan provisions for this type of development on this residential conservation area zoned land.

7.3.3. Since the Planning Authority has made its decision on this case the planning context has changed by way of the recent adoption of the Dublin City Development Plan, 2022-



2028. I therefore propose to determine this subject planning application on its merits and accordance with the proper planning and sustainable development of the area, in particular the changed local planning context which is now applicable to the development sought.

#### **7.4. Compliance with Development Plan**

- 7.4.1. The Development Plan acknowledges the important role of residential extensions in promoting a compact city and providing for sustainable neighbourhoods and areas where a wide range of families can live. Section 1.1 of Volume 2, Appendix 18 of the Development Plan sets out a number of design principles for residential extensions including that they should not have an adverse impact on the scale and character of the existing dwelling; that they achieve a high quality of design; as well as that they make a positive contribution to their streetscape scene.
- 7.4.2. In addition, Section 1.2 of Volume 2, Appendix 18, in relation to extensions to the rear of existing dwellings, sets out that these interventions should match or complement the main house and that first-floor extensions will be considered on their merits. It also sets out in relation to first floor extensions that factors including but not limited to overbearing, overlooking, setback from mutual side boundaries, through to general harmony with existing will be considered.
- 7.4.3. Of further relevance Section 1.7 of Volume 2, Appendix 18, sets out that extensions: *“should not dominate the existing building and should normally be of an overall scale and size to harmonise with the existing house and adjoining buildings; the appearance of the existing structure should be the reference point for any consideration of change that may be proposed. The materials used should complement those used on the existing building; features such as windows and doors on the new extension should relate to those on the original building in terms of proportion and use of materials”*.
- 7.4.4. In relation to general principles set out under Section 1 of Volume 2, Appendix 18 of the Development Plan, particularly in relation to the guidance and standards set out above, I raise concern that the increased ridge height proposed is out of character with the period terrace group the host dwelling forms part of.
- 7.4.5. The ridge height is described by the appellant as staggered. This is indeed the case. But I observed that this staggering in ridge height is reflective of the fall in ground levels that occur along Broc’s Cottages with in the case of the eastern side of Broc’s

Cottages, the ridge height falling in a harmonious stepped manner downwards to where it ends at the host dwelling with a ridge height of c4.53m but all maintaining a uniform ridge height and roof structure over. This is echoed on the opposite side of Broc's Cottages. Thus, the host dwelling and the highly coherent as well as uniform in built form and appearance period residential streetscape of period workers cottages has survived to the present day highly intact as observed within the public domain of Broc's Cottages. As well as views to it from Herbert Park and Home Villas.

- 7.4.6. This proposal seeks to raise the roof height over to 4.854m. At this height the ridge height of No. 5 St. Broc's Cottages would be marginally higher than No. 6 St. Broc's Cottages, the adjoining terrace property. Currently No. 5 St. Broc's Cottages sits c300mm lower than this adjoining property. This increase in height is at odds with the character of St. Broc's Cottages streetscape scene where the ridge height and roof structures of its highly uniform and highly intact workers cottage correspond with the changing ground levels. Which as said slopes downwards towards its northernmost end St. Broc's Cottages where the subject property is located at the intersection with Home Villas and opposite Herbert Park. There is no precedent for roof alterations that include raising the ridge height, including raising the ridge height so that the roofline effectively is higher than adjoining and neighbouring properties that sit on higher ground levels.
- 7.4.7. St. Broc's Cottage as a streetscape scene is provided collective protection under its 'Z2' land use zoning and reflects that it is considered that these areas are recognised to have conservation merit alongside warrant protection. Section 11.5.3 of the Development Plan sets out that the special interest and value of such areas lies in the historic and architectural interest as well as in their design and scale. This section of the Development Plan sets out that the Council will encourage development which enhances its setting and character. This is further provided for under Policy BHA9 of the Development Plan.
- 7.4.8. I also raise concern that the design seeks for the host dwelling to be legible to the side, rear including as viewed from properties in its vicinity as a two storey dwelling. This is at odds with the single storey character and an established residential setting where the very modest rear garden spaces.

- 7.4.9. Of further concern is the lack of subservience of the rear extension. It effectively sits only slightly below the raised ridge line and extends at first floor level c9.5m to the rear of the side. This structure has a flat roof with end parapet design. This gives rise to a highly angular single storey addition whose built form would read as bulky and over dominant against the original built form of the host dwelling. The palette of materials is also not detailed nor does the architectural design resolution seek to harmonise with the original dwelling in being a concept that is respectful in a traditional approach or as a legible new light weight of its time new building layer. The proposed extension would also obscure the brick chimney stack of the host property and views towards the roof structures of the terrace group it forms part of when viewed from the public domain, particularly from Herbert Park and Home Villas.
- 7.4.10. In relation to the more detailed guidance and considerations for extensions to residential dwellings, I note that Section 4.0 of Volume 2 Appendix 18 of the Development sets out that the roofline of a building is one of its most dominant features and that additional floor levels, alterations to roof structures through to the provision of dormer insertions require careful consideration and special regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures.
- 7.4.11. It is therefore a concern that the design as proposed seeks an addition that is not subservient to the host dwelling. But is one by way of its angular built form which accommodates a second floor level in a context where such insertions would dilute the surviving architectural integrity, special character and intrinsic attributes of its streetscape scene, as well as visual context that is defined by single storey workers cottages with uniform gable ended roofs over that were not designed to accommodate an additional second floor level.
- 7.4.12. This section of the Development Plan also requires that the use of the attic spaces and such interventions should be compliant with Building and Fire Regulations. I am not satisfied on the basis of the information provided that this is demonstrated, and I do not accept that the building envelope can provide ground and first floor levels of accommodation of 2.4m respectively as shown. With this conclusion based on modern methodology for construction which requires for example appropriate space to be provided to accommodate insulation, services and the like in the roof structure over.

7.4.13. This section of the Development Plan also includes Table 18.1 which the proposed second floor level sought fails to demonstrate compliance with. For example, the following is contrary to the provisions set out in this table.

- 1) It is not demonstrated that materials to complement the existing wall or roof materials of the main house would be used.
- 2) The attic extension obscures the eaves of the roof and significantly modifies the gable ended roof over. This roof structure is highly visible in its streetscape scene and reflects the coherence and uniformity of the period terrace group of single storey gable ended roof dwellings the host dwelling forms part of.
- 3) It is not satisfactorily demonstrated that the alterations and additions would meet Building Regulation requirements.
- 4) The first-floor level removes and extends across the width of the main rear roof structure of the host dwelling and continues to the near the gable end.
- 5) As discussed above the design concept is not one that achieves a subordinate insertion to the host dwelling, in particular at roof level and at roofline. It also does not enable a large proportion of the original roof to remain visible.
- 6) Dormers that are overly dominant in appearance or give the impression of a flat roof are to be avoided.
- 7) The shape, size, position, and design of openings to reflect lower floors is not demonstrated in the design proposed.
- 8) The extension extends above the main ridge line of the house and the adjoining dwelling No. 6 St. Broc's Cottages.
- 9) The extension is not setback from the eaves level to minimise visual impact and potential for overlooking.
- 10) The dormer extension does not sit below the ridgeline of the existing roof.
- 11) The design does not achieve any separation distance from No. 6 Broc's Cottages.

7.4.14. Based on the above considerations, I generally concur with the Planning Authority's reasons for refusing permission for the development sought under this planning application. I consider that there is no planning basis to warrant the overturning of this

decision given that the proposed development does not achieve an appropriate balance between protecting and improving the amenities at a residential conservation area location that is highly sensitive to change. To permit the proposed development would materially erode the visual character of St. Broc's Cottages streetscape scene and the first floor level addition would be overtly dominant as well as out of character with the pattern of development that defines its setting. Particularly in its corner site context, with the subject property also being highly visible from Herbert Park and Home Villas. All forming part of a residential conservation area setting. Moreover, the proposed development fails to demonstrate compliance with the local planning provisions for this type of development and would, if permitted, have the potential to give rise to an undesirable precedent that would cumulatively would give rise to further adverse deterioration of this highly intact and legible period workers cottage streetscape scene as appreciated from the public domain. On this basis I therefore consider that the proposed development would be contrary to the proper planning and sustainable development of the area.

## 7.5. **Precedent Cases**

- 7.5.1. The appellant in their grounds of appeal contend that there are precedent cases, including developments that were permitted on appeal to the Board, for similar proposed developments. On this matter as set out the local planning provisions relevant to the type of application have evolved and it is in accordance with proper planning practice that each planning application is considered on its individual merits.

## 7.6. **Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the proposed development, the distance from the nearest European site, the lack of any excavations and the serviced nature of the site and intervening urban landscape, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

## 8.0 **Recommendation**

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

## 9.0 Reasons and Considerations

9.1. Having regard to the pattern of development, the planning history of the site, the site's location within a highly intact terrace group of single storey workers cottages that form part of a larger residential conservation area, the provisions of the Dublin City Development Plan, 2022-2028, which seeks to balance the protection and improvement of their amenities alongside provide suitable protection from new developments or works that would have a negative impact on their amenity and/or the architectural quality of the area. Alongside sets out standards and guidance for extensions to existing residential dwellings, which the proposed development fails to demonstrate compliance with, particularly by way of its failure to be subservient and respectful to the visual amenities as well as character of the host dwelling and adjacent properties which in this location are highly uniform and highly intact. It is considered that the proposed development by reason of its design, layout, scale, height, massing, and detailing would be out of character with the single storey scale and built form character of its setting, the streetscape scene of St. Broc's Cottages generally. The proposed development would, seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

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Patricia-Marie Young  
Planning Inspector – 7<sup>th</sup> day of March, 2023.