



An
Bord
Pleanála

Inspector's Report

ABP-314943-22

Development

Permission is sought for the replacement of an extension, conversion of an attic and all associated site works.

Location

No. 87 Iveagh Gardens, Dublin 12, D12 EE78.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

WEB1744/22.

Applicant(s)

Louise White & Alan Brady.

Type of Application

Planning Permission.

Planning Authority Decision

Grant.

Type of Appeal

First Party - V - Condition No. 2.

Appellant(s)

Louise White & Alan Brady.

Observer(s)

1. Brian & Sibéal Sullivan.
2. Nora Mason.
3. Margaret Mason & George Keogh.
4. Michael Browne & Geraldine McCaughey.

Date of Site Inspection

2nd day of February, 2023.

Inspector

Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. No. 87 Iveagh Gardens, the appeal site has a stated site area of 272m² and it is located and it is located c152m to the north west of Iveagh Gardens junction with the Crumlin Road (R110), as the bird would fly, in the city suburb of Crumlin, just over 4km to the south west of historic centre of Dublin city, in Dublin 12.
- 1.2. The site contains a two-storey period brick terrace dwelling with a single storey gable shaped rear extension that projects into a deep back garden that backs onto Trinity College Iveagh Sports Grounds and the St. James Gaels GAA Club complex. This garden is accessed from the public domain by a modest in width pedestrian passageway that also provides shared access to the rear of No. 86 Iveagh Gardens. This passageway contains a first floor level over it and its roof structure carrying through the hipped roof profile and shape that characterises the subject terrace group No. 87 Iveagh Gardens forms part of. There is also a modest timber shed structure positioned alongside the rear elevation in proximity to the boundary with No. 88 Iveagh Gardens. The side and rear rear garden boundaries contain tall solid timber panel fencing supported by tall concrete posts.
- 1.3. To the front, the subject property is setback from the northern side of Iveagh Gardens by a soft landscaped garden space, which is mainly defined by period railed fencing set on stone plinths. The roadside boundary is punctuated by a matching pedestrian gate. This is placed on the south easternmost corner of the site.
- 1.4. The surrounding streetscape scene comprises of highly coherent in built form, design, layout and appearance dwellings. The public domain includes single mature trees and car parking occurs in an ad hoc fashion along it. The site setting can be described as mature residential.

2.0 Proposed Development

- 2.1. Planning permission is sought for:
 - Removal of the existing rear extension.
 - Construction of a replacement single storey extension.
 - Construction of a dormer attic conversion.

- All associated site works.

2.2. According to the accompanying planning application form the floor area to be retained on site is 94m²; the floor area of new buildings is 53m²; the floor area to be demolished is 10m²; and, the new and retained floor area is 147m².

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 6th day of October, 2022, the Planning Authority decided to **grant** permission subject to eight number mainly standard conditions. Of relevance to this appeal case is the requirements of Condition No. 2 which reads:

“Prior to the commencement of development the applicant shall submit revised drawings for the written agreement of the planning authority to show the following amendment:

a) The rear dormer window shall be omitted.

Reason: In the interests of the visual amenity and to protect the character of these house.”

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 dormer would be a harmful as well as detrimental insertion to the character of the area. This is on the basis of its failure to comply with the provisions set out in the Development Plan.
- No AA or EIA issues arise.
- Recommends a grant permission subject to the omission of the dormer.

3.2.2. Other Technical Reports

Drainage: No objection, subject to standard safeguards.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. During the course of the Planning Authority's determination of this application they received two 3rd Party Observations objecting to the dormer component of the proposed development. The issues raised in these observations correlate with those observations received by the Board objecting to the appellant's request to omit Condition No. 2 from the Planning Authority's notification to grant permission due to the adverse visual and residential amenity outcomes it would give rise to.

4.0 Planning History

4.1. Site and Setting

- **ABP-307558-20 (P.A. Ref. No. 2427/20) – 53 Iveagh Gardens, Dublin 12:** On appeal to the Board permission was granted for the construction of two storey extension to the side and single storey extension with rooflight to the rear. (Decision date: 09/11/2020).

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 which deals with alterations and extensions. It sets out that works of alteration and extension should be integrated with the surrounding area, ensuring that the quality of the townscape character of buildings and areas is retained and enhanced, and environmental performance and accessibility of the existing building stock improved. It further sets out that: *“alterations and extensions will be sensitively designed and detailed to respect the character of the existing building, its context, and the amenity of adjoining occupiers. In particular, alterations and extensions should:*

- *Respect any existing uniformity of the street, together with significant patterns, rhythms, or groupings of buildings.*
- *Not result in the loss of, obscure, or otherwise detract from, architectural features which contribute to the quality of the existing building.*
- *Retain characteristic townscape spaces or gaps between buildings.*
- *Not involve the infilling, enclosure, or harmful alteration of front lightwells.*
- *Incorporate a high standard of thermal performance and appropriate sustainable design features.”*

5.1.4. Volume 2, Appendix 18 of the Development Plan is also relevant. In particular, Section 1.1 which sets out general design principles; Section 1.2 which deals with Extensions to Rear; Section 1.4 which deals with the matter of Privacy and Amenity; Section 1.5 which deals with Separation Distances; Section 1.6 which deals with Daylight and Sunlight; Section 1.7 which deals with Appearance and Materials; Section 4 which deals with Alterations at Roof Level/ Attics/ Dormers/ Additional Floors; and Section 5 which deals with Attic Conversions / Dormer Windows.

5.2. Natural Heritage Designations

5.2.1. None within the zone of influence. The nearest such site is South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) which is located, c6.4km to the north east, as the bird would fly.

5.3. EIA Screening

5.3.1. Having regard to the nature, extent and scale of the proposed development, the separation distance from the nearest European site through to the site's brownfield

serviced urban location, 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 this First Party Appeal can be summarised as follows:

- Appeal relates to Condition No. 2 only which the appellant seeks the Board to omit.
- It is not accepted that the dormer window would be contrary to the residential and/or visual amenities of the area.
- A revised design is submitted as part of this submission to address the Planning Authority's residential and visual amenity impact concerns. This puts forward a smaller dormer and reduces the habitable portion of the attic but also seeks compliance with Building Regulations. Notwithstanding the revised design the Board is sought to omit Condition No. 2 and permit the dormer attic extension as originally sought under this planning application.
- Extra space is required to meet their family and working arrangement needs.
- They are strongly tied to this area and its community.
- There is a pattern of rear extensions in Iveagh Gardens.
- There is a housing crisis, and it is difficult to find an alternative home.
- The ground floor extension generally meets exempted development provisions.
- The floor to ceiling height and dormer specifications arises from Building Regulation required standards.
- The external materials seek to harmonise with the existing.
- In order to provide habitable space at attic level a dormer extension is required.

- It is accepted that the area has a unique character and high architecture quality. However, the local planning provisions do not provide any special protection for the houses in Iveagh Gardens.
- The extension permitted to No. 53 Iveagh Gardens has resulted in more significant impact on the character of the area than this proposed dormer would.
- The proposed dormer has been designed to minimise visual impact.
- The proposed dormer is consistent with local planning provisions.

6.2. Planning Authority Response

6.2.1. None.

6.3. Observations

6.3.1. An observation was received from Brian and Sibéal Sullivan, with an address of No. 88 Iveagh Gardens, on the 18th day of November, 2022, which supports the Appellants in seeking that the Board overturn the decision to omit the dormer from the Planning Authority's notification to grant permission. It includes the following comments:

- The appellants are intrinsic linked with this locality.
- They understand the needs for additional space to accommodate family needs.
- The back of the houses of Iveagh Gardens are not identical and face onto Iveagh Grounds.
- The appellants discussed the dormer extension prior to making this application.
- They do not have any overlooking concerns in relation to the dormer.

6.3.2. An observation was received from Nora Mason, with an address of No. 66 Iveagh Gardens, on the 21st day of November, 2022, which supports the Planning Authority's decision to omit the dormer. It includes the following comments:

- This development should be considered against the provisions of the new Development Plan.
- The dormer would interfere with the special architectural quality and integrity of Iveagh Gardens.

- Permitting the dormer would give rise to an undesirable precedent.
- The dormer would be visually obtrusive and out of character with the pattern of development in the area.
- The dormer would dominate the rear roof structure of these attractive set piece houses.
- The attic space can be used as an office space and/or a bedroom without the addition of a dormer.
- Access for furniture via the spiral staircase proposed is questioned.
- It would make more sense to include the additional space at ground floor level.
- The dormer would adversely impact the use of private amenity space by way of overlooking.
- The dormer would be visible from neighbouring properties and negatively impact upon their visual amenities.

6.3.3. An observation was received from Margaret Mason and George Keogh, with an address of No. 12 Iveagh Gardens, on the 21st day of November, 2022, which supports the Planning Authority's decision to omit the dormer. It includes the following comments:

- The quality of residential amenity for properties should not be compromised by others providing unsightly developments.
- The view from rear windows and gardens, whilst not in the public domain, is an important feature for residents in their private spaces.
- The requirements of the Appellants for additional space is not an unusual requirement that could not be achieved by way of ground floor level extensions instead.
- The dormer is not subservient in its nature and scale.
- The dormer would be visually obtrusive in its context.
- This area is of significant architectural merit and specific protection by way of designations as a Conservation Area should not be necessary to protect it.

- The decision of the Board in relation to No. 53 Iveagh Gardens is a disappointing outcome.
- There are two dormers present in the original development of Iveagh Cottages. These are No.s 298 and 306 Crumlin Road. These are not within the visual context of the site.
- The roof of the subject property and the rear elevation of the group of period properties it forms part of are visible from the adjoining sports grounds.
- If permitted, this dormer would give rise to an undesirable precedent.
- The modified dormer put forward as part of the appeal is of a significant size and gives rise to the same concerns as the dormer that was omitted by way of condition by the Planning Authority.
- Iveagh Gardens deserves to be treated as one of the finest examples of social housing in Ireland due to its design quality, architectural features and materials.

6.3.4. An observation was received from Michael Brown & Geraldine McCaughey, with an address of No. 86 Iveagh Gardens, on the 13th day of November, 2022, which supports the Appellants in seeking that the Board overturn the decision to omit the dormer from the Planning Authority's notification to grant permission. The comments in this observation correlate with those raised by observes Brian and Sibéal Sullivan which I have summarised under Section 6.3.1 above.

7.0 **Assessment**

7.1. This is an appeal against Condition No. 2 of the Planning Authority's decision notification to grant permission for the proposed development set out under Section 2.1 of this report above, which was issued by the Planning Authority on the 6th day of October, 2022. In this regard, I consider it is appropriate that the appeal should be confined to Condition No. 2 only on the basis that 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.

- 7.2. For clarity I note that Condition No. 2 required the proposed development to be revised by way of the omission of the dormer window. The given reason for the requirements set out under this condition is given as being in the interest of residential amenity.
- 7.3. The Planning Authority's Planning Officer's report raised concerns that the design of the proposed dormer window was not consistent with the local planning provisions, guidance, and standards for alterations to the rear of existing dwellings. In particular those relating to roof structures and the provision of dormer insertions. Concern was also raised that the dormer would be both a harmful and detrimental insertion to the character of the area. Subject to the omission of this dormer window the proposed development was considered to otherwise accord with the proper planning and sustainable development of the area.
- 7.4. The Appellants in their appeal submission to the Board do not accept that the dormer window would give rise to any significant diminishment of the visual amenities of the area, and they set out in that in their view why this component of the proposed development is consistent with local planning provisions including those relating to dormer window insertions. This analysis is they say based upon the previous Development Plan, i.e., Dublin City Development Plan, 2016 to 2022, which I note has been superseded by the Dublin City Development Plan, 2022 to 2028, on the 14th day of December, 2022. For clarity I therefore note that my assessment is based on this recently adopted Development Plan.
- 7.5. The Board received four Third Party observations during its deliberation of this appeal case. Two Third Parties with addresses in close proximity to the appeal site supporting the grounds of appeal and essentially seeking the Board to omit Condition No. 2 from the Planning Authority's notification to grant permission on the basis that no undue disamenity would arise from the dormer window. Alongside supporting the Appellants requirement for additional habitable space and wish to stay at this locality, a locality which is contended that they are socially intrinsically linked to.
- 7.6. In addition, the Board also received two Third Party observations supporting the Planning Authority's omission of the dormer window on a number of grounds including but not limited to the adverse visual diminishment it would give rise to. In what is considered to be a high quality formally designed social residential scheme whose character is contended to warrant protection from inappropriate development in its own

right. Alongside, the undue residential disamenity that would arise from the overlooking and visual overtness of the dormer window when appreciated from other dwellings as well as within its visual context. It is also contended that there is sufficient room within the rear garden space to accommodate any additional habitable space requirements of occupants of this dwelling. At such a location extension of this period property has the potential to give rise to less adverse residential and/or visual amenity impacts.

- 7.7. In relation to the Appellants submission to the Board. While I note that it is requested that the Board omit Condition No. 2 so that the proposed development as originally submitted to the Planning Authority can be implemented. Notwithstanding, should the Board share similar concerns to the Planning Authority in relation to the visual impact of the proposed dormer a revised dormer extension is put forward for consideration as a compromise.
- 7.8. In relation to the original design a spiral staircase is proposed to provide access to an attic space with this staircase incorporated into part of the dormer window structure that would project c2.7m beyond and just below the rear ridge height of the host dwelling. This dormer has a 5.86m width and a maximum height of 2.07m along its rear elevation. The main external finishes to its rear elevation are timber cladding in vertical panels and asymmetrically placed c2.3m in width by c1.2m height clear glazing. This is broken into four vertical panels of fenestration widths similar to the timber panelling cladding detailing on either side. Of note the suite of drawings do not set out the side elevational treatment of the dormer extension nor do they clarify the treatment over the flat roof of the dormer window.
- 7.9. Having regard to the local planning provisions set out under Section 1.2 of Volume 2, Appendix 18 of the Development Plan, it sets out that extensions to the rear will be considered in terms of a number of factors. Including the level of visual overbearing and overlooking that arise. Also in terms of the external finishes and design which will generally be in harmony with existing.
- 7.10. In relation to these factors I consider that the overall built form of the dormer, if permitted, would be visually overbearing as a result of its excessive width, mass, height, and lack of adequate step down of its height relative to the ridge height of the roof structure. In addition, the external palette of materials, despite the inadequate

information provided do not in my view harmonise or respect that of the host dwelling or the terrace group they form part of. Moreover, the extensive use of timber is not a durable finish and would be a finish that would be difficult to maintain as opposed to a finish whose patina does not get diminished as quickly by the passage of time and climatic conditions. Furthermore, the palette of materials, finishes and treatments do not in my view fully synergise in the manner proposed with what is contended to be a contemporary design approach.

- 7.11. The level of glazing is also excessive in its context with Section 1.1 of Volume 2, Appendix 1, of the Development Plan, also setting out that extensions to existing dwellings should not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy and outlook. Despite this context being one where the properties to the east and west of the host dwelling giving rise to overlooking of private amenity space from windows above ground floor level. The overlooking that is established is relative to these properties having distinct two storey built forms with the window openings at first floor level relative to the internal spaces that they serve. With these not being excessive in their width or their height. Whereas the level of glazing together with the overall excessive bulk and width of the dormer extension would give rise to overlooking from a distinctive new third floor level of habitation with an excessive level of glazing that has no harmony with the lower floor levels below. In its context the dormer window would give rise to change of circumstance in terms of the actual level of overlooking and perception of being overlooked that would arise.
- 7.12. I am cognisant however that the concerns in relation to materials and glazing could however be addressed by way of condition if the dormer window insertion to the rear roof of the host dwelling was otherwise acceptable.
- 7.13. In this case I raise concern that Section 4 of Volume 2, Appendix 18 of the Development Plan, sets out that dormers and alterations at roof level require careful consideration. In this regard it sets out that special regard should be had to the character and size of the structure, existing roof variations, harmony with the rest of the structure, adjacent structures, and prominence.
- 7.14. I am not satisfied that the dormer window in this case, as a result of its lack of subservient built form, and its overall design being one that seeks to obscure a large portion of the hipped roof of this period building within a visual setting where there is

no such additions present is in harmony or respectful of the pattern of development and the host dwelling. Alongside with extensions to the rear of the group that the host dwelling forming part of being confined to single storey rear extensions with their first floor level and roof structure over, albeit with a small number of examples of velux windows, being largely legible as being highly intact.

7.15. In addition, the intactness and integrity of these structures are visible within their wider setting due to the fact that the host dwelling and the dwellings to the east as well as west backing onto a large area of open space amenity as well as from the private domain to the rear of these properties due to the lack of any robust natural and/or manmade screening.

7.16. In this context the dormer window as proposed would be visually at odds with the character of this setting and would also be highly visible.

7.17. In relation to Section 5 of Volume 2, Appendix 18 of the Development Plan, it states that: "*dormer windows, where proposed should complement the existing roof profile and be sympathetic to the overall design of the dwelling*". It also states that: "*the design should avoid an overly dominant roof structure. The proposed scale of the roof should retain similar proportions to the building where possible*".

7.18. As discussed previously the proposed design is not consistent with this approach and of further concern it is not consistent with the following guidance set out in Table 18.1 which accompanies Section 5 of Volume 2 of Appendix 18 of the Development Plan. In particular I note the following:

- 1) As discussed previously the use of materials do not complement the existing wall or roof materials of the main house.
- 2) The dormer is not visually subordinate to the roof slope, and it does not enable a large portion of the original roof to remain visible. In this regard it sets out that over dominant in appearance dormer windows should be avoided.
- 3) The dormer window's shape, size, position and design, does not relate to the design of the existing doors and windows on the lower floors.
- 4) There is minimal step down between the ridgeline of the existing roof and the dormer. When viewed outside of the context of the host dwelling site and in the

context of the terrace hipped roof this design approach would obscure and be visually overly dominant.

- 7.19. Whilst No. 87 Iveagh Gardens and its setting is not afforded any special protection, it is notwithstanding a highly uniform in the design and layout residential area that includes a high degree of consistency between the 2-storey residential dwellings it contains. The pattern of development permitted since its initial construction in terms of increasing habitable floor area is also characterised by single storey rear extensions. In recent times however the Board has permitted a two-storey side and rear extension to No. 53 Iveagh Gardens under ABP-307558-20 (P.A. Ref. No. 2427/20). This site in my considered opinion is not comparable with No. 53 Iveagh Garden occupying a corner site within this residential scheme. Nor is the proposed design and/or visual or residential amenity outcomes comparable.
- 7.20. In this case the design resolution for the dormer window attic conversion would, if permitted, result in development that is not consistent with the provisions and guidance set out in the Development Plan. It would give rise to both adverse residential and visual amenity outcomes as well as have the potential to give rise to an undesirable precedent that would result in more cumulative diminishment of both residential and visual amenities in this mature residential scheme in a manner that would be contrary to the land use zoning of the site. Which I note seeks to achieve a reasonable balance between the protection and improvement of residential amenities.
- 7.21. Based on the above considerations I concur with the reasons behind the requirements for Condition No. 2 of the Planning Authority's notification order to grant permission and I consider that the Board would have reached the same conclusion.
- 7.22. In relation to the amended proposal put forward by the Appellant as part of their appeal submission to the Board I am not satisfied that reducing the width to 4.14m and the modest reduction in glazing width to 1.97m overcomes the concerns raised above. In particular, it would still fail to overcome the undue visual and residential amenity impacts that would arise. Alongside it is still inconsistent with the local planning provisions for rear extensions, alterations to roof structures and dormer insertions under the recently adopted Development Plan. If permitted, as revised, it would still in my view give rise to an undesirable precedent for other similarly poorly resolved in their context and in their consistency with local planning provisions interventions to the

roof structure of existing dwellings where these dwellings have been designed as distinctly 2-storeys of habitable accommodation. With their roof structures being one of the features that add to their identity as such alongside being one of the features that in site settings like this adds to the visual unity of a particular residential design scheme.

7.23. Conclusion

7.23.1. Based on the above considerations, to omit Condition No. 2 from the Planning Authority's notification order to grant permission, would seriously injure amenities of the area in a manner that give rise to an undesirable precedence, would be contrary to the pattern of development and would be a type of development that would be contrary to the proper planning as well as sustainable development of the area.

7.24. Appropriate Assessment

7.24.1. This appeal site is located in an established serviced residential area, and it is not located adjacent to nor in close proximity to any European sites, as defined in Section 177R of the Habitats Directive. Having regard to the nature and scale of the proposed development and/or the nature of the receiving environment and/or proximity to the nearest European site, no appropriate assessment issues arise and therefore 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. Having regard to the nature of the condition the subject of the appeal, the Board is 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, based on the reasons and considerations set out below, directs the Planning Authority under subsection (1) of Section 139 of the Planning and Development Act, 2000 (as amended), to ATTACH Condition Number 2 in its entirety and for the reason therefore.

9.0 Reasons and Considerations

9.1. Having regard to the nature and scale of the proposed development, it is considered that Condition Number 2 is reasonable in order to ensure the proposal would not

seriously injure the residential or visual amenities of the area. It is further considered that Condition No. 2 is required to ensure that the proposed development is consistent with the proper planning and sustainable development of the area as provided for under the Dublin City Development Plan, 2022-2028.

Patricia-Marie Young
Planning Inspector

7th day of March, 2023.