



An
Bord
Pleanála

Inspector's Report ABP-315052-22

Development

Conversion of the existing attic space into 36 sq.m of floor area consisting of 2 No. bedrooms (14 sq.m & 11.4 sq.m) and shower room (3.4sq.m) storage and circulation. A dormer window at the rear to facilitate head clearance for additional stairs and a rooflight at each new bedroom at rear of the dwelling.

Location

15, Parkside Crescent, Balgriffin,
Dublin 13,

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

4761/22

Applicant(s)

Andrej and Marija Blagojevic

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

First Party

Appellant(s)

Andrej and Marija Blagojevic

Observer(s)

None

Date of Site Inspection

15th March 2023

Inspector

Lorraine Dockery

1.0 Site Location and Description

1.1 The subject site contains a two-storey detached dwelling at the junction of Parkside Way and Parkside Crescent, Balgriffin, Dublin 13. The dwelling has frontage onto both streets with the front door on the Parkside Crescent elevation.

2.0 Proposed Development

2.1 Permission is sought for conversion of the existing attic space into 36m² of floor area consisting of 2 no. bedrooms, shower room, storage and circulation space. Permission is also sought for a dormer window at the rear to facilitate head clearance for additional stairs and a rooflight at each new bedroom at rear of the dwelling.

3.0 Planning Authority Decision

3.1 Decision

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

Condition No. 2:

2. The development shall be revised as follows:
 - a) The rooflight to Proposed Bedroom 2 shall be omitted and replaced by a vertical window set into the northeast gable with this window being similar in scale and appearance to the existing first floor window to Bedroom 1 below.
 - b) The rooflight to the Proposed Bedroom 1 shall be moved higher up the rear roof plane to be a minimum of 1.6m above finished floor level. This room shall not be used as a bedroom.
 - c) The window to the rear dormer shall be fitted with and permanently retained in obscure glazing.

Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the buildings

Reason: In the interests of orderly development and residential amenity.

Condition No. 3:

3. The attic space hereby approved shall not be used for human habitation unless it complies with the current building regulations.

Reason: To provide for an adequate standard of development

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 by condition

3.2.2 Other Technical Reports

Drainage Division- no objections, subject to conditions

4.0 Planning History

None

Parent Permission

2296/16

Permission GRANTED for 48 dwellings on site circa 1.46 hectares

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. 2(a), 2(b) and 3 only
- Requests their removal from grant of permission
- In relation to Condition 2(a), gives further detail in relation to proposed velux rooflight; condition makes it more costly and difficult to install; need to erect scaffolding adjacent to footpath raises health and safety concerns; similar velux rooflights in place on Parkside Boulevard
- In relation to Condition 2(b), appellants sole purpose is to ensure this space cannot be used as habitable room; meets both ventilation and fire escape standards; don't understand justification for this; changes use of space from proposed bedroom to oversized storage space; no visual impacts
- In relation to Condition 3, refers to points made above; considers reasoning to be vague and unclear

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. 2(a), 2(b) and Condition 3 only of the decision to grant permission of Register Reference 4761/22, which issued from the planning authority on 25th October 2022. In this regard, I consider it is appropriate that the appeal should be confined to Condition No. 2(a), 2(b) and 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.s 2 (a), 2(b) and 3** (as detailed above), in summary, relate to the omission of proposed rooflight to proposed Bedroom 2 and its replacement with a window in the northeast gable (Condition 2a); the relocation of the rooflight to proposed Bedroom No. 1 higher up the rear roofslope (Condition 2b) and that the attic space not be used for human habitation unless it complies with current building regulations (Condition 3).

6.3 In terms of Condition No. 2(a), I acknowledge the rationale of the planning authority to provide a window to bedrooms as opposed to being solely lit by rooflights. The provision of a window in the gable elevation would provide a superior option to that

proposed in terms of residential amenity. However, in this instance, I note the justification put forward by the applicants and I also note that all existing bedrooms are lit by windows so having this bedroom lit by rooflight only would not give rise to a situation whereby the main/only bedroom has access to light by rooflight only. Given its location at attic level, it is common for such spaces to be lit solely by rooflights and therefore I am satisfied in this regard and recommend the omission of Condition No. 2(a).

- 6.4 In terms of Condition No. 2(b), I note the planning authority accept the principle of the conversion of the attic space to habitable space but in terms of proposed Bedroom 1 have concerns regarding overlooking of No. 13 Parkside Way. While I again acknowledge these concerns, I note that the primary direct overlooking would be of the gable elevation of No. 13 Parkside Way. I consider that any such overlooking would not be so great as to warrant the omission of the rooflight. Given the urban nature of the location, a certain degree of overlooking is to be anticipated. In terms of the use of the space as a bedroom, I do not have issue with its use as such, provided to complies with current building regulations, assessment of which is outside the remit of this planning appeal. I therefore recommend that Condition No 2(b) be omitted.
- 6.5 In terms of Condition No. 3, I note the argument put forward by the appellants. While Condition 2(b) prevents the use of proposed Bedroom 1 as a bedroom, the planning authority are satisfied with the use of proposed Bedroom 2 as such. As stated above, I do not have issue with either proposed bedrooms being used as such, provided they comply with current Building Regulations (which I again acknowledge is outside of the planning code). I do not agree with the appellants assertion that the reasoning for this condition is vague and unclear- it clearly sets out in the decision notice that this condition is to provide for an adequate standard of development. I consider that if Condition No. 2(b) is omitted, this paves the way for either room to be used as a bedroom provided they comply with current building regulations and therefore recommend that this condition be upheld.

6.6 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. 2(a) and 2(b) be OMITTED and Condition No. 3 be UPHELD.

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 I recommend that Condition No. 2(a) and 2(b) be OMITTED and that Condition No. 3 be UPHELD 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. 2(a) and 2(b) and the upholding of Condition No. 3, attached to the grant of permission under planning register reference number 4761/22 would provide an adequate level of residential amenity; 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 – 8 attached to the grant of permission under P. A. Reg. Ref: 4761/22 on 25 th day of October, 2022 except as may otherwise be required in order to comply with the following conditions. Reason: In the interest of clarity
2.	Condition No. 2(a) and 2(b) attached to the grant of permission under P. A. Reg. Ref. 4761/22 on 25 th day of October, 2022 shall be OMITTED
3.	Condition No. 3 attached to the grant of permission under P. A. Reg. Ref. 4761/22 on 25 th day of October, 2022 shall be UPHELD

Lorraine Dockery
Senior Planning Inspector

21st March 2023