



An  
Bord  
Pleanála

## Inspector's Report

### ABP-315205-22

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<b>Development</b>	Permission is sought for a single storey side extension, construction of a dormer window, and all associated site works.
<b>Location</b>	No. 74, Abbeyfield, Killester, Dublin 5 D05 A3C3.
<b>Planning Authority</b>	Dublin City Council.
<b>Planning Authority Reg. Ref.</b>	WEB1838/22.
<b>Applicant(s)</b>	Daniel & Jennifer Ashton.
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Grant with conditions.
<b>Type of Appeal</b>	First Party.
<b>Appellant(s)</b>	Daniel & Jennifer Ashton.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	2 <sup>nd</sup> day of February, 2023.
<b>Inspector</b>	Patricia-Marie Young.

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## 1.0 Site Location and Description

1.1. No. 74 Abbeyfield, the appeal site, has a stated area of 432m<sup>2</sup>. It contains a single storey semi-detached dwelling that forms part of a planned year estate of matching semi-detached pairs, dating to circa 1920s, in suburb of Killester, just under 5km to the north east of Dublin's city centre. The subject property is setback from the roadside boundary by a soft landscaped garden area that accommodates a hard stand area for two off- street car parking spaces. The rear garden area is mainly in kept lawn and at its widest point it has a depth of 7.9m and its length is c18.75m. The surrounding area has a mature residential character. Photographs taken during inspection of the site are attached.

## 2.0 Proposed Development

2.1. Planning permission is sought for the following:

- Construction of a single storey side extension at ground level incorporating a flat roof light.
- Construction of a dormer window to the rear elevation taking in the existing roof space at first floor level and incorporating a flat roof light.
- 3 windows to form a new room and bathroom,
- All associated site works.

2.2. According to the planning application form the floor area to be retained on site is 130.2m<sup>2</sup> and the new floor area is 28m<sup>2</sup>. The total floor area of new and retained is given as 158.2m<sup>2</sup>. A plot ratio of 0.37 and site coverage of 36.57 is proposed.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. The Planning Authority decided to **grant** permission for the proposed development subject to 11 no. mainly standard conditions. Of relevance to this appeal is the requirements of Condition No. 3. It reads:

*"The development hereby approved shall incorporate the following amendment:*

(a) *The rear dormer shall be reduced in width to no wider than five metres externally with this reduction being equal from both sides.”*

The stated reason reads: *“To ensure the development is consistent with the scale and character of this residential conservation area and to comply with Development Plan requirements, particularly Appendix 17”.*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The Planning Officers report is the basis of the Planning Authority decision, and it includes the following comments:

- The width of the dormer at c10m would be overly dominant and obtrusive.
- This development would not comply with Development Plan provisions for roof extensions.
- The scale of the dormer is effectively a second storey.
- The previous dormer approved under P.A Ref. 4249/15 was significantly smaller and was not constructed.
- Reducing the dormer width to 5m would still allow for an extremely large structure that would be more respectful of its setting. It is further considered that given that the uses are non-habitable the reduction in dormer width would give rise to no undue residential amenity impact.

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

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

## **3.3. Prescribed Bodies**

3.3.1. None.

## **3.4. Third Party Observations**

3.4.1. None.

## 4.0 Planning History

### 4.1. Site

- 4.1.1. **P.A. Ref. No. 4249/15:** Permission was **granted** for a side extension, front porch, a room in the attic space, rooflights to front and rear elevation, a rear dormer window and alterations to the front elevation including the replacement of the pebbledash finish with cement and render.

### 4.2. Setting

#### 4.2.1. No. 77 Abbeyfield

**P.A. Ref. No. 3280/14:** Retention permission was **granted** for a development that included a flat roof dormer window to the rear.

## 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: *"residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale" ... "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. Appendix 18 Section 1.1 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 1.5 of the Development Plan on deals with the matter of separation distances.

5.1.7. 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*".

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

5.1.9. Section 5.1 of the Development Plan deals with the matter of additional floor levels to existing residential dwellings.

## 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 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

6.1.1. The grounds of appeal can be summarised as follows:

- This is an appeal seeking the omission of Condition No. 3 only.
- The percentage of roof together with the width covered by the proposed dormer is similar to other dormers in Abbeyfield.
- It is accepted that the width is slightly dominant, and they are willing to reduce it to 6m.
- It is sought that the equal reduction of the dormer width on both sides is omitted due to the issues that would arise internally for the positioning of the staircase and proposed bathroom. On this matter it is proposed to move the central point of the proposed 6m dormer 1.8m eastwards.
- There are no objections from neighbouring properties.
- It is requested that the Board vary the requirements of Condition No. 6.

### 6.2. Planning Authority Response

6.2.1. None.

### 6.3. Observations

6.3.1. None.

## 7.0 Assessment

7.1. This is a First-Party appeal only against Condition No. 3 attached to the Planning Authority's decision to grant permission for the development sought under planning application P.A. Ref. No. WEB1838/22. The Planning Authority's notification to grant permission was issued on the 2<sup>nd</sup> day of November, 2022. Condition No. 3 reads:

*The development hereby approved shall incorporate the following amendment:*

- (a) *The rear dormer shall be reduced in width to no wider than five metres externally with this reduction being equal from both sides.*”

The stated reason reads: *“To ensure the development is consistent with the scale and character of this residential conservation area and to comply with Development Plan requirements, particularly Appendix 17”.*

- 7.2. The First Party seeks that the Board amend Condition No. 3’s sub condition (a) to read six metres in place of the five metres as they contend that this reduction would be consistent with the Development Plan requirements for dormer windows and with the pattern of development in this area. They also seek that the Board omit the requirement of the dormer window being positioned equal from both sides due to the adverse impacts this would give rise to in terms of the functionality of the internal space of No. 74 Abbeyfield at ground and at attic level.
- 7.3. The Board did not receive a response to the grounds of appeal and there are no Third-Party observations or indeed any submitted to the Planning Authority during its determination of the planning application.
- 7.4. In this regard, I consider it is appropriate that the appeal should be confined to Condition No. 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.
- 7.5. I consider that the key issues in this case relate to the dormer windows compliance with Development Plan, impact of the dormer window on the visual amenities and character of the host dwelling, as well as its residential conservation area setting. For clarity I note that since the Planning Authority’s decision that a new Development Plan has superseded the Dublin City Development Plan, 2016-2022. Therefore, my assessment is based on the recently adopted Dublin City Development Plan, 2022-2028, which carries through similar but more robust provisions and considerations for development in residential conservation areas as well as extensions to existing residential dwellings.
- 7.6. The original proposal sought a 9.375m wide by 3.695m deep by c1.2m high at its rearmost elevation dormer insertion. The main roof structure has a ridge length of just



below 10m and the proposed dormer window insertion would maintain 0.7m of the roof slope to where it meets the eaves. The hip shaped roof at its eaves extends 14.5m. The drawings also show that the dormer window insertion would be positioned with a setback of 0.3m from the roof structure from the host dwellings adjoining semi-detached pair, i.e., No. 75 Abbeyfield. I note that the adjoining semi-detached property maintains its single storey hipped roof profile. Internally, the attic space would accommodate an office, bathroom and playroom which would be accessed from asymmetrically in place staircase that is *in situ* and provides access to an existing storage/office space lit by two velux rooflights.

7.7. The First Party accept that the dormer window insertion is slightly dominant in terms of the roof structure of the host dwelling and that it is not consistent with the requirements of the Development Plan for such insertions. They do not consider that it is at odds with the pattern of this type of development in Abbeyfield. They consider that to amend the width to 5m is unreasonable and not meet their needs from this attic space. They consider a length of 6m in the context of Condition No. 3 is more reasonable as this would result in in 58% of the rear roof plane being visible. This is in comparison to 48.43% being visible at a 5m width. They also seek that the placement on the roof is one that allows for its access via the existing attic stairs as this would require less reconfiguration of the host dwelling, particularly the existing ground floor which they hoped to have kept as is except for where it would open into the proposed single storey side extension also proposed.

7.8. Under the new Development Plan the site forms part of a residential conservation area where it is a general objective to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area. The reduction of the width to 6m and allowing the asymmetrical placement of the dormer window would result in little, if any, of the dormer window insertion being visible from the public domain, given the configuration layout and separation distance of this property relative to the public access road and other adjoining and neighbouring properties in this planned interwar highly uniform residential estate of semi-detached

pairs. There are also a small number of second floor level additions including dormer window insertions within this estate.

- 7.9. I therefore consider in terms of visual impact on the residential conservation area the reduced scale of 6m and placement of the dormer window with its central point of the 1.8m eastwards would not give rise to any significant adverse impact on the visual integrity and appreciation of the host dwelling as well as its contribution to its residential conservation area streetscape scene.
- 7.10. Under Section 1.1 Volume 2 Appendix 18 of the Development Plan it sets out that: *“the design of residential extensions should have regard to the amenities of adjoining properties and in particular, the need for light and privacy”*. On these particular matters I consider that the level of overshadowing that would arise from the dormer window despite its northerly aspect would be minimally and despite as said its placement towards the western side of the roof so that the existing stairs for access can be maintained as is.
- 7.11. In relation to privacy, I accept that there will be a change of context for the properties adjoining the host dwelling were the proposed dormer permitted as sought under this appeal submission. Notwithstanding, the host dwelling to the rear is bound by the rear gardens of properties with a perpendicular alignment and these gardens have more generous in-depth rear garden areas when compared to the host dwelling. There is within this visual context, albeit limited in number, examples of first floor level windows. As such there is a level of existing overlooking within this context and it is generally accepted that a level of overlooking can be expected in suburban contexts. I also note that the level of glazing proposed is not excessive relative to the width of the rear external elevation of the dormer window as amended in the submitted appeal with one of the windows glazed in frosted glass.
- 7.12. In light of the above considerations I do not consider that the amended dormer as suggested by the Appellant in their appeal submission would adversely affect

amenities enjoyed by the occupants of adjacent buildings in terms of privacy, outlook and access to daylight and sunlight.

7.13. Section 1.1 of Volume 2, Appendix 18 of the Development Plan, also sets out that the existing building should be respected whilst I consider that an angular dormer window extension would be very evident against the host dwelling as a new insertion. At the reduced width of a maximum of 6m and sitting below the ridge height and slightly above the eaves height the original roof structure over the host dwelling and its adjoining pair of No. 75 would still be highly legible as appreciated in its context. This outcome is in my view consistent with Section 4.0 of Volume 2, Appendix 18, which requires this type of intervention to be carefully considered with special regard had to the character of the and size of the structure through to its harmony with adjacent structures and its prominence.

7.14. Moreover, it is consistent with Section 5.0 of Volume 2, Appendix 18 of the Development Plan, which sets out that this type of intervention should avoid being overly dominant. It also sets out in its guidance that the amended dormer window is consistent with. With this consistency including the following:

- It is visually subordinate to the roof slope, enabling a sizeable proportion of the original roof to remain visible.
- The window openings relate to the shape, size, position, and design of the windows on the lower floors.
- As noted before the dormer is set back from the eaves level with this in part helping to minimise its visual impact and reduce the potential for overlooking of adjoining properties.
- It does not extend above the main ridge line of the house, and it does not extend the full width of the roof.
- The host dwelling and its semi-detached pair's original roof structure is hipped with the dormer window sitting below its ridgeline.

7.15. Based on the above considerations I am satisfied that the amended 6m and omission of the reduction being equal on both sides accords with the residential conservation

area land use zoning objective of the Dublin City Development Plan, 2022-2028, that it would be a type of development that is consistent with the pattern of development in the area and that would be in accordance with the proper planning and sustainable development of the area. 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 Amend Condition No. 3.

#### **7.16. Appropriate Assessment Screening**

- 7.16.1. 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. It is recommended to AMEND Condition No. 3 of Register Reference WEB1838/22.

### **9.0 Reasons and Considerations**

- 9.1. Having regard to the provisions of the provisions of the Dublin City Development Plan 2022-2028 and to the nature, form, scale and design of the proposed dormer window, it is considered that subject to compliance with the condition set out below, the proposed amendment of Condition Number 3 attached to the grant of permission under planning register reference number WEB1838/22 would not seriously injure residential amenities of properties in the vicinity, it would not seriously injure visual amenities, the established character or appearance of its residential conservation area setting and it would, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be in accordance with Condition No.s 1 to 11 attached to the grant of permission P.A. Ref. No. WEB1838/22 on the 2<sup>nd</sup> day of November, 2022, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. Condition No. 3 attached to the grant of permission under P.A. Ref. No. WEB1838/22 on the 2<sup>nd</sup> day of November, 2022, shall be amended to read:

*“3. The development hereby approved shall incorporate the following amendment:*

*(a) The rear dormer shall be reduced in width to no wider than 6 meters externally and its central point positioned 1.8m eastwards from the centre point of the roof.*

*Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.*

*Reason: In the interests of visual and residential amenity.”*

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Patricia-Marie Young  
Planning Inspector

7<sup>th</sup> day of March, 2023.