



An
Bord
Pleanála

Inspector's Report

ABP-315422-22

Development	Planning permission for a flat roof rear dormer at attic level to existing pitched roof at existing dwelling
Location	140, Tonlegee Road, Dublin 5 D05 CF84
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	WEB1919/22
Applicant(s)	Cian and Lorraine Coghlan
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party v Condition
Appellant(s)	Cian and Lorraine Coghlan
Observer(s)	None
Date of Site Inspection	15/07/2023
Inspector	Gillian Kane

1.0 Site Location and Description

- 1.1.1. The subject site is located on the southern side of Tonlegee Road, a mature residential area in a north Dublin suburb. Currently on site is a semi-detached dwelling with garage to the side. The dwelling is bound on all sides by similar dwellings.

2.0 Proposed Development

- 2.1. On the 5th October 2022, planning permission was sought for a rear flat roof dormer at attic level to existing pitched roof at the dwelling.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 29th March 2023 the Planning Authority issued a notification of their intention to GRANT permission subject to the following conditions:

3. The development shall be revised as follows: The rear dormer structure shall have a maximum external width of 2.95 metres and shall be centred as much as possible on the roof plane. The opes on the dormer structure shall be no wider or taller than the largest window at first floor level below. Reason: In the interests of visual and residential amenity.

4. No part of the rear dormer structure shall breach the height of the existing primary ridgeline. Reason: In the interests of visual and residential amenity

3.2. Planning Authority Reports:

- 3.2.1. **Drainage Division, Engineering Department:** No objection subject to condition.
- 3.2.2. **Planning Report:** width of the proposed rear dormer constitutes more than 50% of the width of the semi-detached roof, of 5.9m. Not considered to be subordinate to the original roof slope in accordance with development plan Appendix 17.11. No overlooking due to 33m separation distance. Recommendation to grant subject to condition.

3.3. Prescribed Bodies

- 3.3.1. None on file.

3.4. Third Party Observations

3.4.1. None on file.

4.0 Relevant Planning History

4.1.1. None on file.

5.0 Policy Context

5.1. Dublin City Development Plan 2022-2028

5.1.1. The subject application was assessed by the Planning Authority under the previous Development Plan 2016-2022.

5.1.2. In the 2022-2028 Development plan the subject site is zoned Z1 Sustainable Residential Neighbourhoods, which has the stated objective “to protect, provide and improve residential amenities”.

5.1.3. Appendix 18, section 5.0 refers to attic conversions and dormer windows. It states:

“The conversion of attic spaces is common practice in many residential homes. The use of an attic space for human habitation must be compliant with all of the relevant design standards, as well as building and fire regulations. Dormer windows, where proposed should complement the existing roof profile and be sympathetic to the overall design of the dwelling. The use of roof lights to serve attic bedrooms will be considered on a case-by-case basis. Where it is proposed to extend the ridge height to accommodate an increased floor-to-ceiling height, the design should avoid an overly dominant roof structure. The proposed scale of the roof should retain similar proportions to the building where possible. Dormer windows may be provided to the front, side or rear of a dwelling.

Guidelines for attic conversions and the provision of dormer windows are set out in

Table 18.1 Dormer Window Guidance

Use materials to complement the existing wall or roof materials of the main house.	Do not obscure the main ridge and eaves features of the roof, particularly in the case of an extension to the side of a hipped roof.
Meet building regulation requirements	Avoid extending the full width of the roof or right up to the gable ends

Be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible.	Avoid dormer windows that are over dominant in appearance or give the impression of a flat roof.
Relate to the shape, size, position and design of the existing doors and windows on the lower floors.	Avoid extending above the main ridge line of the house.
Be set back from the eaves level to minimise their visual impact and reduce the potential for overlooking of adjoining properties.	Side dormer windows shall not be located directly on the boundary of adjoining/ adjacent property.
In the case of a dormer window extension to a hipped/ gable roof, ensure it sits below the ridgeline of the existing roof.	
Where a side dormer is proposed, appropriate separation from the adjoining property should be maintained.	
Side dormers should be set back from the boundary.	

5.2. EIA Screening

- 5.2.1. Having regard to nature of the development comprising redevelopment of an existing dwelling and the urban location of the site 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 the appeal can be summarised as follows:
- The applicants wish to appeal condition no. 3. It is unnecessary as the design and width of the dormer will have no adverse visual or residential amenity impact.
 - Renovations and extensions of these late 50's early /60's three bed dwellings are necessary to adapt the houses to current spatial needs, living tastes and patterns of modern living.

- The applicant has a young family and requires additional living space.
- The proposed attic conversion with dormer measuring 5.9m wide will maximise headroom. This will be used as a play area and home office. The 22sq.m. floor area is 15% of the overall floor area of the house, is cost effective and integrates with the house.
- Drawings demonstrate how the extension integrates in plan form and finishes. The roof structure is centred and window proportions are in compliance.
- The proposed development complies with the Z1 zoning objective and section 16.2.2.3 of the development plan. The proposed development will not have an adverse impact on the scale and character of the dwelling or adversely affect the amenities of adjacent dwellings.
- The proposed development complies with four of the five guidelines set out in appendix 17.11 and arguably could be considered moderately subordinate to the roof slope. The rear slope is not visible from the adjoining street.
- There is precedent for similar development within 200m of the subject site 90A Tonlegee Road (3159/08), 92 Tonlegee Road, 55 Tonlegee Drive. Photos submitted.
- The Board omitted such a condition under ABP-308355-20 at 9 Rosemount Avenue.
- Large dormers to the rear have been permitted without onerous conditions at 48 Rosemount Avenue (3284/18), 28 Brookwood Avenue (4673/18), 34 Brookwood Crescent (3073/17) and 50 Rosemount Avenue (WEB1245/17).
- The proposed windows will not overlook the houses on Tonlegee Drive due to the large separation distance. There will be no impact on sunlight or daylight.
- The proposed structure does not exceed the height of the main roof, has 807mm and 748mm separations to the side. The original roof profile is visible.
- The subject condition is onerous and excessive, reducing the width of the structure by 43%. The proposal would not be viable.
- The proposed development will not be visible from Tonlegee Road and only limited visibility from Tonlegee Drive. It will not have a negative visual impact.
- The Board is requested to grant permission.

6.2. **Planning Authority Response**

6.2.1. None on file.

6.3. **Observations**

6.3.1. None on file

7.0 **Assessment**

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance and inspected the site.

7.1.2. Section 139 of the Planning and Development Act 2000- 2016 provides that where an appeal is made to the Board against only conditions of a permission and where the Board is satisfied that a de-novo assessment of the appeal is not required, that the Board may issue a direction to the Planning Authority relating to the attachment, amendment or removal of the condition. In the case of the current appeal against condition no. 3 only, I am satisfied that the appeal accords with the criteria of section 139 and therefore I restrict my assessment of the appeal to condition no. 3 only.

7.1.3. As noted above condition no. 3 states: "The development shall be revised as follows: The rear dormer structure shall have a maximum external width of 2.95 metres and shall be centred as much as possible on the roof plane. The opes on the dormer structure shall be no wider or taller than the largest window at first floor level blow. Reason: In the interests of visual and residential amenity."

7.1.4. The Planning Authority in their report for the application state that the width of the proposed dormer cannot be considered to be subordinate to the roof slope as it constitutes more than 50% of the roof width.

7.1.5. Appendix 18 of the 2022 development plan notes that the conversion of attic spaces is common practice in many residential homes. This section of the development plan advises that dormer complement the existing roof profile and be sympathetic to the overall design of the dwelling.

7.1.6. I am satisfied that the proposed dormer as originally proposed, namely without the modification required by condition no. 3, does complement the existing roof, being below the ridge line and not visible form the streetscape. That the dormer is more than 50% of the width of the roof is not relevant where the roof slope is not visible

except from the rear of opposing dwellings. The proposed dormer will remain a subordinate structure, whilst allowing the subject dwelling to respond to the accommodation needs of the residents. I am satisfied that there will be no undue or adverse visual impact arising from the proposed development. The central positioning of the dormer allows it to be clearly read as attic conversion rather than a third storey. The proposed finishes are in keeping with the existing dwelling.

7.1.7. I concur with the Planning Authority that the proposed development will not cause overlooking.

7.2. **Appropriate Assessment**

7.2.1. Having regard to the nature and scale of the proposed development in a fully serviced built-up urban area, no appropriate assessment issues arise, and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

8.0 **Recommendation**

8.1.1. 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 said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to **OMIT** condition number 3, for the following reasons and considerations.

9.0 **Reasons and Considerations**

9.1.1. Having regard to the nature and scale of the proposed development, to the pattern of development in the area and the Z1 residential land use zoning of the site, it is considered that the imposition of condition number 3 is unnecessary and the omission of this condition would not contravene the provisions of the 2022-2028 Dublin City Development Plan. The proposed development, with the omission of condition no. 3, would have no significant negative visual impact on the dwelling or the streetscape and would have no negative impact on the future development of the subject site. Thus, the proposed development would be in accordance with the proper planning and sustainable development of the area.

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.

Gillian Kane
Senior Planning Inspector

17 July 2023