



An
Bord
Pleanála

Inspector's Report ABP315435-22

Development	Conversion of attic with associated modifications and all associated site works.
Location	124, Landsdowne Park, Ballsbridge, Dublin 4, D04P2K6.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	WEB1965/22.
Applicant(s)	Patricio Brennan & Grace Loring.
Type of Application	Permission.
Planning Authority Decision	Grant subject to conditions.
Type of Appeal	First Party against Condition 3
Appellant(s)	Patricio Brennan & Grace Loring.
Observer(s)	None.
Date of Site Inspection	16/07/23.
Inspector	Anthony Abbott King.

1.0 Site Location and Description

- 1.1. The applicant site is located on the west side of Landsdowne Park. Landsdowne Park is a mews type lane to the rear of houses on Northumberland Road. Northumberland road is one of the principal routes into the city centre from the south; the applicant site is located at the northern end of Northumberland Road close to the Haddington Road junction proximate to the city core.
- 1.2. Landsdowne Park extends form Haddington Road to the mews lane behind the houses on the north side of Landsdowne Road. The majority of plots along the laneway have been developed for two-storey and three-storey housing. Two-storey terraced houses set back from the laneway predominate. The site area is approximately 130 sqm.
- 1.3. No. 124 Landsdowne Park is a modern mews type two-storey two-bay rendered house in a terrace of five non-identical two-storey mews houses. The second and fourth houses project from the terrace and have a gable frontage to the lane with a red-brick material finish. The subject house is an end house within the mews terrace.
- 1.4. The adjoining house, at no. 125 Landsdowne Park, to the south is detached and incorporates a three-storey gable projection to the lane.
- 1.5. The houses on this section of Landsdowne Park to the west of the lane are setback from the carriageway incorporating front yards and off-street car parking behind a high boundary wall.
- 1.6. No. 124 Landsdowne Park is located to the rear of no. 36 Northumberland Road. No. 36 Northumberland Road is a substantial two-storey over garden level Victorian terraced house constructed circa.1880. This house is a protected structure located within a conservation area.

2.0 Proposed Development

- 2.1. The conversion of the attic and associated modifications, including a front and rear roof dormer.

3.0 Planning Authority Decision

3.1 Decision

Grant permission subject to 9 conditions. Condition number 3 states:

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

- (a) The proposed rear dormer window shall be omitted.*
- (b) The proposed attic level shall contain one ensuite bedroom only.*
- (c) Any proposed window for an ensuite/shower room at attic level shall have opaque glazing.*

Reason: In the interests of residential amenity of the proposed development and neighbouring units.

3.2 Planning Authority Reports

- 3.2.1. The decision of the CEO of Dublin City Council reflected the recommendation of the planning case officer.
- 3.2.2. Engineering Department – Drainage Division do not object to the proposed development.

4.0 Planning History

- Planning permission was granted for the conversion of the existing attic and the construction of a dormer window to the front and a dormer window to the rear of the existing roof, a rooflight to the front and a window in the gable at attic level and associated internal works under Register Ref: WEB 1170/22 (07/06/22).

Condition number 2 required the following:

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

- (a) The proposed rear dormer window shall be omitted.*
- (b) The proposed attic level shall contain one ensuite bedroom only.*
- (c) Any proposed window for an ensuite/shower room at attic level shall have opaque glazing.*

Reason: In the interests of residential amenity of the proposed development and neighbouring units.

The following applications are also relevant:

- Planning permission was granted, at no. 127 Landsdowne Park, for a new single-storey extension (7.2 sqm.) to the rear, attic conversion (16.72 sqm.) including the addition of a dormer window to the front elevation and other modifications under Register Ref: 2994/21(11/08/21).

It is noted that new floor to ceiling windows to the first floor rear bedroom to give access to a first floor roof terrace were omitted by way of condition noting third party concerns.

- Planning permission was granted, at no. 126 Landsdowne Park, for a new single-storey extension (7.2 sqm.) to the rear, a new first floor extension (3.05 sqm.), attic conversion (16.72 sqm.) including the addition of a dormer window to the front elevation and other modifications under Register Ref: 3051/21(8/08/21).

It is noted that a first floor balcony to the rear with 1.8 metres screens to side was omitted by way of condition noting the potential for adverse overlooking of the rear garden of no. 40 Northumberland Road given its proximity (3.1 metres).

- Planning permission was granted by An Bord Pleanála (ABP Ref: PL29S.243631) (DCC Register Ref: 2239/14 – notification to refuse) for the

construction of a three-storey four bedroom dwelling at no. 125 Landsdowne Park (30/10/14) on the adjoining mews plot to the south of the applicant site.

5.0 Policy and Context

5.1. Development Plan

The relevant land-use zoning objective of the Dublin City Development Plan 2022-2028 is Z2 (Residential Conservation) (Map E): *To protect and/or improve the amenities of residential conservation areas.* The proposed development is a permissible use.

Residential Conservation Areas

Policy BHA9, Chapter 11 (Archaeology & Built Heritage), Dublin City Development Plan 2022-2028 *inter alia* states:

To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives.....

Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible. Enhancement opportunities may include:

- *Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.*
- *Re-instatement of missing architectural detail or important features.*
- *Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns*
- *Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.*
- *The repair and retention of shop and pub fronts of architectural interest.*
- *Retention of buildings and features that contribute to the overall character and integrity.....*

Works of Alteration & Extension

Section 15.5.3, Chapter 15 of the Dublin City Development Plan 2022-2028 *inter alia* states:

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.

Dormer Extensions

Appendix 18, Section 1 and Section 5 of the Dublin City Development Plan 2022-2028 are relevant and *inter alia* state:

Appendix 18, Section 1.1 (General Design Principles) *inter alia* states:

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, and the development should integrate with the existing building through the use of similar or contrasting materials and finishes.

Applications for extensions to existing residential units should:

- *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)*

Appendix 18, Section 5 (Attic Conversions / Dormer Windows) of the Dublin City Development Plan 2022-2028 *inter alia* 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.

Dormer windows may be provided to the front, side or rear of a dwelling. Guidelines for attic conversions and the provision of dormer windows is set out as follows:

✓	✗
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.	

Table 18.1 : Dormer Window Guidance

5.2. EIA Screening

The development is not in a class where EIA would apply.

6.0 The Appeal

6.1. Grounds of Appeal

The following are the principal grounds of appeal against Condition number 3(a) and 3(b) of the grant of planning permission:

- Condition 3 would reduce the number of proposed bedrooms at attic level from 2 number bedrooms to one bedroom only. The omission of the rear dormer resulting in the reduction of bedrooms to one at attic level is not in the interests of the residential amenity of the property;
- The proposed development does not impact significantly on the residential amenity of neighbouring units;
- The quality of the proposed alterations will be beneficial and positive in terms of floor area, configuration, height, light and space enhancing the residential amenity of the subject dwelling;
- The proposed rear dormer would respect the scale, elevation proportions and architectural form of the existing dwelling and the uniformity of the terrace;
- The proposed attic level window does not face the rear of the neighbouring houses on Northumberland Road. The buildings on Northumberland Road are taller than the mews houses to the rear and the upper floor windows are located above the rear dormer proposed.
- The effect of the dormer window on neighbouring properties is mitigated by the existing mature trees between the properties;
- The existing neighbouring house at no.125 Landsdowne Park is a direct precedent in terms of having a rear vertical window at attic / second floor level;

- The attic level window although it is located at a higher level is further setback from the boundary than the existing first floor rear windows. The possibility of overlooking is marginal in relation to the existing situation.

6.2. Applicant Response

N/A

6.3. Planning Authority Response

- None recorded on file.

6.4. Observations

- None

7.0 Assessment

- 7.1. Having reviewed the application, the appeal and conducted a site visit, I consider that the only planning matter at issue in this case is Condition number 3 (a) and 3(b) (the sole subject of the appeal) and that no other planning matters need to be considered by the Board.
- 7.2. Condition number 3 provides for revision of the development in order to omit the rear dormer. The revision would also require the reduction in the number of proposed bedrooms at attic level to one from the two originally proposed. The original proposal provided for two single bedrooms and a shower room at attic level; allowing for the re-configuration of the three-bedroom first floor to provide for a two-bedroom first floor comprising two double bedrooms (one ensuite) and bathroom.
- 7.3. In the matter of residential amenity, it is considered that potential for overlooking from the proposed rear dormer must be contextualised. The subject mews terrace, comprising of five houses, has an approximate 23 metres back to back distance measured from the rear elevation of the Victorian terrace on Northumberland Road to the rear elevation of the mews houses on Landsdowne Park. The Victorian houses at nos. 36 & 38 Northumberland Road have substantial rear projecting returns located approximately 10 metres from the boundary walls of the mews

houses. The appellant states that the rear dormer would be approximately 8 metres from the boundary wall with no. 36 Northumberland Road rather than the 7 metres distance stated in the Planners Report.

The distance of the rear dormer from the return of no. 36 Northumberland Road would be an approximate 17.5 metres. I consider that the proposed rear dormer will not alter the existing back to back relationship between the mews terrace and the main houses on Northumberland Road. I further consider that there is an established rear window to window distance provided by the existing rear first floor windows of the mews terrace in terms of overlooking of the gardens of the main houses on Northumberland Road.

- 7.4. It is considered that the existing rear first-floor windows of the terrace of mews houses, that comprise nos. 120-124 Landsdowne Park, have the potential to overlook the rear gardens of the main houses on Northumberland Road. The rear dormer window would light a bedroom at attic level. The appellant notes that the window area would be 2200 mm wide by 1580 mm high. It is noted that the existing first floor windows (2 vertical openings) have a combined approximate window area of 2 metres (wide) by 1.5 metres (high). The appellant states that the possibility of overlooking is marginal in relation to the existing situation with reference to the existing rear first floor windows.

The proposed window area proposed at attic level would be marginally greater than the existing first floor window area. I consider, given that the proposed dormer would light a bedroom and that the potential for overlooking of the rear gardens of the main houses on Northumberland Road is established, by the existing first floor windows, that there would be no significant reduction in residential amenity resulting from the provision of the subject dormer window in terms of overlooking.

- 7.5. The dormer located within the rear roof plane would extend the attic level floor area to provide a single-bed rear attic bedroom; the front dormer would facilitate the front single-bed attic bedroom. The proposed rear dormer window would be set back approximately 0.25 metres (240mm) below the ridge level and approximately 1 metres (given as 950 mm from the rear façade) from the eaves. The material finish of the dormer would comprise a grey cladding to integrate with the existing roof plane (black / grey slate) while providing a new element in the rear roof scape.

The appellant states that the dormer is clearly subordinate to the existing dwelling in scale and design. Furthermore, it is claimed that the new dormer element will enhance the visual appearance of the rear elevation. It is considered that the dormer would not interfere with the ridge and eaves. It would sit A-symmetrically within the roof plane: it would not be perfectly aligned with the first floor rear elevation windows. I consider that the proposed rear dormer would comply with Table 18.1 (Dormer Window Guidance), Section 5 (Attic Conversions / Dormer Windows), Appendix 18 of the Dublin City Development Plan 2022-2028.

- 7.6. The proposed development is located within a residential conservation area. The western side of Landsdowne Park is located within the Northumberland Road conservation area designation; the eastern side of Landsdowne Park is not located within this designation. I consider that the proposed rear dormer given its location within the roof plane, modest scale and material finish would not have a negative visual amenity on the character and distinctiveness of the Northumberland Road conservation area.
- 7.7. In conclusion, on balance the proposed rear dormer is acceptable in principle and design, given its location within the rear roof plane, modest scale and material finish, the enhanced residential amenity that would be provided by the reconfiguration of the first floor and attic level of the dwelling and, as such, would not have a negative impact on the residential amenity of the subject property and adjoining properties or on the visual amenity of the conservation area.
- 7.8. **Appropriate Assessment Screening:**

The proposed development comprises an attic conversion within an established urban area.

Having regard to the nature and scale of the proposed development it is possible to screen out the requirement for the submission of an NIS.

8.0 Recommendation

- 8.1. For the reasons and considerations set out below, I recommend the removal of Condition number 3(a) and 3(b).

9.0 Reasons and Considerations

Having regard to the central location of the site within an area zoned for residential development in the Dublin City Development Plan 2022-2028, it is considered that the proposed development is a reasonable improvement of the accommodation on site, would not have a negative impact on the residential and visual amenities of the area, would comply with Table 18.1 (Dormer Window Guidance), Section 5 (Attic Conversions / Dormer Windows), Appendix 18 of the Dublin City Development Plan 2022-2028 and would be in accordance with Policy BHA9 (Development in residential Conservation Areas), Chapter 11, of the Dublin City Development Plan 2022-2028 and would otherwise accord with the proper planning and sustainable development of the area.

10.0 Conditions

3.	<p>Development shall not commence until revised plans, drawings, and particulars showing the following amendments have been submitted to, and agreed in writing by the Planning Authority.</p> <p style="padding-left: 40px;">(a) Any proposed window for an ensuite/shower room at attic level shall have opaque glazing.</p> <p>Reason: In the interests of residential amenity of the proposed development and neighbouring units.</p>
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"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".



Anthony Abbott King
Planning Inspector

28th July 2023