



An  
Bord  
Pleanála

## Inspector's Report

### ABP-315443-22

<b>Development</b>	Refurbishment of ground floor, construction of extension with all associated site works.
<b>Location</b>	No. 21 Daniel Street, Dublin 8, D08 X6Y7.
<b>Planning Authority</b>	Dublin City Council.
<b>Planning Authority Reg. Ref.</b>	WEB1982/22.
<b>Applicant(s)</b>	George O’Gorman.
<b>Type of Application</b>	First Party.
<b>Planning Authority Decision</b>	Refused.
<b>Type of Appeal</b>	First Party.
<b>Appellant(s)</b>	George O’Gorman.
<b>Observer(s)</b>	1. Philip O’ Reilly. 2. Linda Tighe & Ors.
<b>Date of Site Inspection</b>	29 <sup>th</sup> day of June, 2023.
<b>Inspector</b>	Patricia-Marie Young.

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## 1.0 Site Location and Description

- 1.1. No. 21 Daniel Street has a given site area of 39.78m<sup>2</sup>. It is comprised of a vacant and in a poor state of repair late 19<sup>th</sup> century/early 20<sup>th</sup> century single storey terrace workers cottage which contains an intricately glazed original window on its front elevation, original granite step and traditional door. This dwelling has a zero setback from the public domain of Daniel Street and to the rear the modest yard area is overgrown containing a WC outbuilding. No. 21 Daniel Street is located c100m to the east of Daniel's Street intersection with Clanbrassil Street Lower, in the south inner-city location of Portobello, c1.6km as the bird would fly to Dublin's city centre. Daniel Street forms part of a cul-de-sac loop of once matching single storey terrace workers cottage that has retained its residential character.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for the refurbishment of the existing ground floor cottage, an additional new two-story rear extension to include raising the ridge of the pitched roof to provide first floor bedroom with velux roof lights to the front and rear, including associated site works and minor drainage works.
- 2.2. According to the accompanying planning application form the floor area to be retained is 25.92m<sup>2</sup>, the new floor area is 22.51m<sup>2</sup> and the total floor area, i.e., new and retained would be 48.43m<sup>2</sup>. In addition, the plot ratio is given as 1.21 and the site coverage is given as 97.5%.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. On the 13<sup>th</sup> day of December, 2022, the Planning Authority **refused** planning permission for the proposed development for the following stated reason:

*"1. Having regard to the scale and height of the extension, its proximity to adjoining single storey cottages on either side, and the restricted nature of the yard area, it is considered that the proposed extension would seriously injure the residential and visual amenities of the area, would be overbearing and visually obtrusive when viewed*

*from adjoining properties, and would cause overshadowing to an unacceptable degree on number 22 Daniel Street. The proposed development would thereby be contrary to Section 16.10.12 of the Dublin City Development Plan 2016-2022 and contrary to the proper planning and sustainable development of the area.”*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The report of the area planner reflects the decision to grant permission. It includes the following points:

- Only a small rear yard area would be retained under this proposal.
- Ground floor extension should be reduced possibly mirroring the private open space of No. 22 Daniel Street.
- The scale and bulk of the first-floor addition would be overbearing.
- The overshadowing and loss of daylight concerns for No. 22 Daniel Street could be addressed by a revised design, including a revised dormer and position as well as size of private amenity space.
- The proposed development as sought has had no regard on mitigating serious injury that would arise from it.
- Concludes with a recommendation of refusal.

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

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

## **3.3. Prescribed Bodies**

3.3.1. Transport Infrastructure Ireland: No observations to make.

## **3.4. Third Party Observations**

3.4.1. Both observers to this appeal case submitted Third Party Observations. These are attached to file, and I consider that the substantive issues raised in their submissions correlate with those raised in their submissions to the Board.

## 4.0 Planning History

### 4.1. Site

- 4.1.1. No recent and/or relevant planning history.

### 4.2. Setting

- 4.2.1. **ABP-310174-21 (P.A. Ref. No. 2235/21)**

#### **48 Harty Place, c30m to the east as the bird would fly.**

This appeal case was made under Section 139 of the Planning and Development Act, 2000, as amended. In this case the Board granted the omission of Condition No. 2 from the Planning Authority's notification to grant permission for a development consisting of the demolition of rear ground floor WC and shower room and extend and reconfigure first floor bedroom to the rear. Of note this condition sought that the depth of the new first floor extension shall be reduced to 3.5m when measured from the dwellings new ridge line. The Board's reasons and considerations for the omission of this condition was on the basis that this limited in nature and scale development would not significantly reduce direct daylight to the neighbour and would not be overbearing.

Decision date: 29/06/2021

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The Dublin City Development Plan, 2022-2028, came into effect on the 14<sup>th</sup> 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. Chapter 5 of the Development Plan deals with the matter of quality housing and sustainable neighbourhoods.
- 5.1.4. Chapter 15 of the Development Plan sets out Development Standards.
- 5.1.5. Section 1.1 Volume 2 Appendix 18 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 1.7 of the Appendix 18 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*”.
- 5.1.7. Section 4.0 of Appendix 18 deals with the matter of alterations at roof level.
- 5.1.8. Section 5.0 of Appendix 18 deals with the matter of dormer extensions.

## 5.2. **Natural Heritage Designations**

- 5.2.1. None within the zone of influence of the project.

## 5.3. **EIAR Screening**

- 5.3.1. See completed Form 2 on file. Having regard to the nature, size, and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The First Party's grounds of appeal can be summarised as follows:

- The Planning Authority in their determination of this application have not taken on board the historical precedents for similar developments in the locality.
- The yard space is to serve the manhole for foul drainage.
- The restricted areas for plots in this setting have resulted in nearly all being 100% covered and those that are not fully covered have between 1m<sup>2</sup> and 2m<sup>2</sup> space uncovered.
- This proposal does not give rise to overlooking issues.
- There is bicycle storage on street c30m from the site and most residents secure their bicycles to the downpipes outside their front doors.
- Household waste collection on this street is by bag collection and wheelie bins that require storage are not used in this locality.
- The Planning Authority would like to see a reduced footprint on the ground floor possibly mirroring No. 22 Daniel Street. This would reduce the internal useable space by reducing the footprint on what is an already compact site. It would be of no benefit, and it would not relate to the manhole cover.
- Light and air would be provided by means of electrically operated opening velux.
- Overshadowing of No. 22 Daniel Street would not arise until later in the day. No. 22 Daniel Street has built over 95% of their plot and it is doubtful that their rear yard space allows much sunlight into this property.
- The impacts that would arise from this proposal on properties in its vicinity are similar to that which arose from other similar developments in this locality.
- The Board is requested to overturn the Planning Authority's decision.

### 6.2. Planning Authority Response

6.2.1. None.

### 6.3. Observations

6.3.1. The observation received from Linda Tighe & Ors raises the following points:

- The Appellants contention that the proposed development in terms of overshadowing and loss of daylight or sunlight to No. 22 Daniel Street over its existing context is untrue.
- None of the windows in the proposed extension face towards No. 23 Daniel Street so the impact is not the same.
- Windows impacted by occupants of No. 22 Daniel Street are those that face onto No. 21 Daniel Street.
- At present there is only minor overshadowing arising from the development to the rear of No. 23 Daniel Street on them.
- What is objected to is the complete loss of daylight that would arise from the proposed rear extension on their property which in turn would adversely impact their established residential amenities.
- The robustness of the calculations provided on the loss of light that would arise to No. 22 Daniel Street are rudimentary.
- Revisions of the proposed development are sought to address these impacts.

6.3.2. An observation from Philip O'Reilly raises the following points:

- The Board is sought to uphold the Planning Authority's decision.
- This proposal would result in serious disruption of a terrace of small houses with original and intact uniform rooflines and profiles.
- The visual amenity of this terrace to the front and rear would be adversely impacted.
- This proposal would result in substandard private open space amenity for occupants.
- These properties were not designed to accommodate first floor level extensions.
- This property has its original front door and window which contributes to the visual amenities.



- The character and setting of these late 19<sup>th</sup> century/early 20<sup>th</sup> century workers cottages require protection from inappropriate development.
- This type of development represents overdevelopment of the site.

## 7.0 **Assessment**

### 7.1. **Overview**

- 7.1.1. I have read all the documentation attached to this file, in addition to having visited the site and had regard to all relevant local through to national planning provisions. The substantive issues in this case, in my considered opinion, relate to the Planning Authority's single reason for refusal. With this based on the impact on the visual and residential amenity of the area arising from the proposed development.
- 7.1.2. In addition to this I raise the following new issues in the context of this appeal.
- 7.1.3. The first issue relates to the adequacy of the description given for the scope of works, given that it omits any demolition works despite the presence of an outside toilet structure. With the suite of drawings and particulars also not clearly identifying the level of demolition works between the existing and proposed context.
- 7.1.4. Secondly, in tandem with the description of the development in relation to demolition works that would arise from the proposed development I am not satisfied that the drawings accompanying drawings and particulars clearly set out the existing and proposed context in this regard.
- 7.1.5. The adequacy of the particulars provided with this application to reasonably set out the proposed development relative to its existing and outcome context goes beyond not providing satisfactory clarity on the actual scope of demolition works.
- 7.1.6. For example, the submitted drawings do not accurately describe the immediate setting of No. 21 Daniel Street. In this regard it omits the extent of building works present on either side adjoining it and they do not show how the proposed development would accurately sit alongside these adjoining properties, particularly to the rear. On this point the documentation submitted with this application also provides no assurance as to whether or not access would be required from adjoining property owners to carry out works on the side and rear boundaries should permission be granted. And, if granted and implemented as proposed, clarity on detailing of the external treatments

of the side and rear elevations. In addition, to whether or not consent would be required to for future maintenance should that be required as a result of the type of external materials chosen, e.g., painted render, through to the manner in which surface rain water would be collected without any oversailing or encroachment of rainwater goods over adjoining properties.

- 7.1.7. Further the overall foul and surface water drainage details of the existing context as well as proposed context are not indicated. On this point I note that the Appellant asserts the presence of manhole in the location of the yard with the function of the proposed yard space simply for access to it. Yet the suite of drawings does not show the presence of a manhole existing at this location or if the proposed development were to be permitted re-routed to this location on site given the proposal seeks 97.5% site coverage.
- 7.1.8. Moreover, the submitted drawings also do not show existing foul or water drainage or connections to the same.
- 7.1.9. It is also unclear from the documentation provided, how the proposed development has been designed to accord with Development Plan provisions relating to sustainability and climate action. On this point I note that the Development Plan seeks high quality design for residential development as well as high quality outcomes. And as part of this minimisation of resource consumption, water conservation, efficient energy use and use appropriate renewable technologies (Note: Section 15.4.3) are sought.
- 7.1.10. I therefore raise concerns in terms of the adequacy of the drawings for the Board to make an informed decision on the proposed development.
- 7.1.11. This is in addition to concerns raised in terms of the adequacy of the assessment provided by the First Party with this application and on appeal on the matter of demonstrating no undue overshadowing or loss of daylight would arise to properties in its vicinity.
- 7.1.12. Based on these particular concerns should the Board be minded to grant permission it may first wish to seek further information to address these adequacy and accuracy concerns in relation to the documentation provided with the subject planning application so that they have adequate information on the proposed development upon which to make an informed .

7.1.13. In relation to my assessment below, for clarity I note that since the Planning Authority issued its notification to refuse planning permission for the development sought under this application a new City Development Plan has been adopted, i.e., the Dublin City Development Plan, 2022-2028.

7.1.14. The matter of 'Appropriate Assessment' also requires examination.

## **7.2. Principle of development**

7.2.1. The proposed development includes the refurbishment, alterations, and additions to No. 21 Daniel Street, a vacant and in poor state of condition but highly intact as appreciated from the public domain of Daniel Street, late 19<sup>th</sup> century/early 20<sup>th</sup> century single storey terraced artisan workers cottage. The site is zoned for residential development in the current development plan under which residential extensions and reversing vacant/underutilised residential sites is encouraged subject to relevant planning provisions being satisfied. I therefore consider that the general principle of the proposal is acceptable, subject to safeguards.

## **7.3. Amenity Impact**

7.3.1. As previously noted the subject site contains a single storey mid terrace dwelling with a floor area of 25.92m<sup>2</sup>, a maximum ridge height of 4.7m, a depth of c6.2m and width of c3.9m that sits on a restricted plot that has a given site area of 39.78m<sup>2</sup>. The rear elevation has a lateral separation distance of 3.9m to the rear boundary which in part is bound by No. 35 St. Kevin's Parade on its western side and on its eastern side a restricted in width pedestrian type service lane that runs between No.s 35 to 40 St. Kevin's Parade and No. 1 and 2 Janeville.

7.3.2. In the south easternmost corner of the rear yard area is a small outdoor toilet building. It is bound on its western side and eastern side by once matching single storey terraced properties of No.s 20 and 22 Daniel Street.

7.3.3. Both of these properties have been extended to the rear but as viewed from the public domain of Daniel Street they maintain their original ridge height as is the case with the majority of the originally matching terrace properties that address Daniel Street.

7.3.4. At roof level No. 21 Daniel Street period brick chimney stack adjoins that of No. 22 Daniel Street. This original built feature is legible as a distinct original feature of the gable shaped roof structure that is regularly positioned between properties on either

side of Daniel Street. These chimney stacks are one of the unifying and highly intact built features that survive in Daniel Street. Thus, contributing to the surviving integrity of Daniel Street and Harty Places original design and adding to the period character of their streetscape scenes.

- 7.3.5. The terrace group that No. 21 Daniel Street forms part of a terrace group that contains over 30 once matching period dwellings that have a zero setback on the southern side of Daniel Street.
- 7.3.6. The neighbouring properties to its immediate east and west occupy relatively regular in width and depth restricted in area plots. Whereas when the Daniel Street and Harty Place period dwellings are considered as a whole this loop shaped late 19<sup>th</sup> century/early 20<sup>th</sup> century formally designed and laid out residential scheme towards its corner locations is characterised by more irregular shaped residential plots many of which being more restrictive in their plot sizes.
- 7.3.7. Overall, there are over 75 dwellings within the Daniel Street and Harty Place residential scheme. Since their construction over a hundred years ago their intactness has been diluted by a variety of alterations and improvements that sought their modernisation.
- 7.3.8. The most notable of these changes as viewed from the public domain being the lost of period windows and doors from their principal facades, the insertion of roof lights in the roof slope, through to the raising of the ridge height as part of accommodating rear additions. In many cases the later included dormer type insertions through to more substantive two storey rear extensions.
- 7.3.9. Having regard to the planning history of Daniel Street and Harty Place the Planning Authority have determined several applications for refurbishment, alterations to the roof structure through to the provision of single to two storey additions behind the original ridge. There also appears to be development works existing for which there are no planning history records for.
- 7.3.10. In terms of the planning history that is available there has been no consistency in the architectural design approach. There have also been no provisions set out under local planning provisions that would have provided for a unified approach through to the safeguarding of its design character through to architectural features of merit.

- 7.3.11. Thus, the outcome of the various developments permitted over the years though in some small number of cases improving qualitatively in terms of their residential and visual amenity outcomes have unfortunately resulted to varying degrees visual and residential amenity diminishment.
- 7.3.12. The Planning Authority and the Board in their determination of alterations and additions to dwellings in this locality has sought to maintain the lines of the front elevations while accepting at some locations quite large extensions, including at first floor level to the rear.
- 7.3.13. It would appear that in deciding to permit such developments they sought that a balance need to be achieved to allow modernisation of these modest dwellings on very modest inner-city sites and protection of the amenity of their setting. In this regard, they permitted developments that minimised the visual apparentness of above eaves level alterations and additions as viewed from the public domain. Thus, where possible minimising any change to ridge height and ridge height positioning as well as seeking to maintain the chimney stacks and their visibility. In addition, the sizes of front rooflights also appear to have been kept to a minimum. Cumulatively, particularly in recent decades, this has resulted in the minimisation of visual impacts of such developments on the streetscape scene of Daniel Street and Harty Place from the piecemeal and more haphazard developments. Whereas behind the original ridge line to the rear a more ad hoc pattern of alterations and additions have arose.
- 7.3.14. Under the subject planning application planning permission is sought for the refurbishment and extension to the existing single storey terrace workers cottage. With the proposal including the provision of mezzanine/second floor level of habitable accommodation.
- 7.3.15. A positive note is that the refurbishment works indicate that the window addressing Daniel Street, a window that appears to be original and is highly attractive due to its intricate glazing detail would remain. It would also appear that the front door, its glazed light over and granite step would also be maintained. Moreover, the documentation and particulars do not seek to and the front door of similar traditional style as that currently present. The maintenance of these features is in my view an appropriate response to ensuring that the period character and intactness of this artisan workers cottage dwelling is maintained. With this in turn ensuring that these particular built

features continue to positively contribute to the period character of Daniel Street's streetscape scene.

- 7.3.16. Of concern in terms of visual impact of the proposed development as viewed from the public domain is the large rooflight proposed in the front roof slope of No. 21 Daniel Street. This appears to have a modest setback from the eaves, a height of c2.2m and a width of c0.8m. Given the modest height, width, and roof structure over No. 21 Daniel Street the addition of such a large glazing element would in my view diminish the solidity of the roof as viewed from the public domain. I would also consider that it would be at odds with the more modest insertion of rooflights existing and permitted on Daniel Street.
- 7.3.17. The visual incongruity of the roof light is further added to by the proposed additional height 0.75m ridge height of the dwelling. This is higher than that permitted previously on Daniel Street and at this height it would be visually overbearing when considered alongside the attractive brick chimney stack between No. 21 and No. 22 Daniel Street. There is little difference in terms of the height of the raised roof and the height of the chimney stack.
- 7.3.18. Thus, if permitted, this lack of height differentiation when taken together with the setback of the raised ridge 0.925m ridge from the ridge line shared with properties on either side and shared with the majority of properties in this terrace group would be visually incongruous. Where raised and setback ridge heights were permitted by way of grants of permission and/or otherwise carried out these were lower than that proposed under this application, i.e., c0.3m lower.
- 7.3.19. In addition, the raised ridge and set back first floor level height which at its highest point matches the ridge height for c4.2m and from this point tapers down to where it meets the rear boundary would cumulatively result in the first-floor level addition projecting higher and being visually more apparent within its setting. Particularly when viewed from Daniel Street.
- 7.3.20. In the context of Daniel Street, the additional height together with this first floor level extending the width of the plot with no assurance provided that the side elevations would be finished in a qualitative manner the projecting first floor level would be visually at odds with the pattern of development. It would also fail to be visually subordinate in

this streetscape scene as appropriately visually subordinate to the host dwelling and its subject terrace group.

- 7.3.21. Of further concern the lack of setback from the side boundaries when taken together with the height, the depth, the massing, and volume of the proposed first floor level addition despite the southerly aspect of the rear of the site would give rise to overshadowing and reduced levels of daylight to adjoining properties. While this is inevitable in such a context I concur with the Planning Authority's Planning Officer that a more site responsive approach that seeks to achieve a more reasonable balance between safeguarding existing residential amenities whilst improving the residential amenities for future occupants of No. 21 Daniel Street should have been had. The assessment provided by the First Party with their application and with their appeal submission when taken together with the issues already raised in terms of the adequacy and accuracy of the documentation submitted do not satisfactorily demonstrate that the level of overshadowing and loss of daylight would not be significant over their existing context.
- 7.3.22. In terms of private amenity space, I concur with the Planning Authority that despite the modest dimensions of this site that a more useable and functional outdoor space would be beneficial to future occupants irrespective of whether there is bicycle storage in general vicinity and/or that household refuse is via bag collection. There is also merit in the placement of such a space to allow for improved light penetration to the subject dwelling as well as adjoining properties.
- 7.3.23. In terms of the Development Plan on the matter of residential extensions Volume 2 Appendix 18 Section 1.1 sets out that their design 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. It also sets out that they 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; they should achieve a high quality of design through to they should make a positive contribution to the streetscape. The proposed development for the reasons set out above does not accord with these requirements.

- 7.3.24. Further, Volume 2 Appendix 18 Section 1.2 of the Development Plan sets out that extensions to rear ground floor will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining.
- 7.3.25. On the matter of private open space, I note that Section 15.11.3 of the Development Plan in relation house(s) within the inner city, sets out a standard of 5–8 sq. m. of private open space per bedspace will normally be applied. This development relates to two bedspaces dwelling and the existing context is that the yard space meets the required standard. This proposal would result in c0.8m<sup>2</sup> of private open space. This quantum of private open space is of no functional and/or useable merit as an open space amenity for future occupants. It is also a space that would be significantly overshadowed despite the southerly aspect of the rear of the site due to its relationship with tall solid boundary treatments and its relationship with the staggered rear elevation of the proposed extension sought. It would also allow limited light and air penetration to the interior spaces of the host dwelling as extended.
- 7.3.26. Section 15.11.3 of the Development Plan only allows for private open space standards to be relaxed on a case-by-case basis subject to a qualitative analysis of the development.
- 7.3.27. Given the concerns raised with this proposal relaxation of these standards despite the modest site area and constraints of this site together with its inner-city location would not in my view accord with the proper planning and sustainable development of the area. Moreover, it could potentially give rise to an undesirable precedent given that there are limited examples of this type of development granted under this and the previous Development Plan. Both plans as said containing more robust standards and criteria for residential extensions.
- 7.3.28. In relation to first floor extensions, Volume 2 Appendix 18 Section 1.2 of the Development Plan states that these: *“will be considered on their merits, noting that they can have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the planning authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities”*. This is further added to by Section 1.4 which states that it is: *“important to make sure that any*



*extension does not unacceptably affect the amenities of neighbouring properties. This includes privacy, outlook, daylight, and sunlight.”*

7.3.29. Moreover, Section 4 of Appendix 18 Volume 2 of the Development Plan in relation to alterations to roofs, attics, additional floors and the like sets out criteria for the assessment of such developments. This includes special regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures; existing roof variations on the streetscape; and, harmony with the rest of the structure, adjacent structures as well as prominence. Further guidance is provided under Section 5 of Appendix 18 Volume 2 of the Development Plan which sets out that such proposals should complement the existing roof profile and be sympathetic to the overall design of the dwelling and indicates that 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 with the proposed scale of the roof retain similar proportions to the building where possible. Accompanying guidelines for attic conversions and the provision of dormer windows also sets out for example that these should avoid extending the full width of the roof; be visually subordinate to the roof slope through to avoid overly dominant in appearance insertions that give the appearance of a flat roof.

7.3.30. Based on the above, I am not satisfied that the proposed development is consistent with relevant Development Plan provisions and, if permitted, that it would not give rise to any undue diminishment of residential and visual amenity impacts on its setting.

## **8.0 Appropriate Assessment Screening**

8.1.1. 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.

## **9.0 Recommendation**

9.1. I recommend that planning permission be **refused** for the reasons and considerations set out below.

## 10.0 Reasons and Considerations

1. Having regard to the provisions of the Dublin City Development Plan, 2022-2028, to the design, height, built form, depth, width and mass of the proposed development, the orientation of the site, the relationship of the site with adjoining properties and the subject terrace group it forms part of, it is considered that, the proposed development would seriously injure the residential and visual amenities of the area, in particular the adjoining properties to the east and west by way of overshadowing and visual incongruity when viewed as part of its Daniel Street streetscape scene. For these reasons, the proposed development would be contrary to the zoning objective of the site and it's setting as provided for under the Development Plan. This seeks to protect, provide, and improve residential amenities. It would also be contrary to the development management standards set out under Chapter 15 and the assessment criteria for this type of development as provided for under Volume 2 Appendix 18 of the Development Plan. On this basis, the proposed development, would therefore not 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.*

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Patricia-Marie Young  
Planning Inspector

17<sup>th</sup> day of July, 2023.