



An
Bord
Pleanála

Inspector's Report

ABP-315504-23

Development

Removal of rear first floor dormer and part of rear ground floor flat roof and the construction of a new first floor dormer, new rear flat roof to ground floor extension, conversion of garage space to home office and utility room with alterations to garage elevation and all associated siteworks.

Location

12, Maywood Grove, Raheny, Dublin 5, D05 F9X6.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

5060/22.

Applicant(s)

Caoimhe Ni Shuilleabhain.

Type of Application

Planning Permission.

Planning Authority Decision

Grant with conditions.

Type of Appeal

First Party – v – Condition.

Appellant(s)

Caoimhe Ni Shuilleabhain.

Observer(s)

None.

Date of Site Inspection

9th day of March, 2023.

Inspector

Patricia-Marie Young.

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1.0 Site Location and Description

1.1. No. 12 Maywood Grove, the appeal site has a given site area of 304m². It contains a one and a half storey semi-detached dwelling with single storey side projection that appears to function as a garage. It also contains a single storey projection to the rear that extends the width of the site. The subject dwelling is setback from the northern side of Maywood Grove, c68m to the east of Maywood Groves junction with Maywood Road, in the suburb of Raheny, c8km to the north east of Dublin's city centre. The setback of the front façade of No. 12 Maywood Grove consists of a driveway for off-street car parking and a soft landscaped area. It forms part of a group of originally matching in built-form appearance and building to space relationship semi-detached pairs that address this stretch of Maywood Grove. These have been subject to various alterations and additions since the time of their construction. The surrounding area has a strong residential character.

2.0 Proposed Development

2.1. Planning permission is sought for the removal of existing rear first floor dormer and part of existing rear ground floor flat roof and the construction of a new first floor dormer to include a new ensuite bedroom and a bathroom, new rear flat roof to ground floor extension with new rear elevation, conversion of garage space to home office and utility room with alterations to garage front elevation, internal alterations, widening of vehicular entrance to include new entrance gates and widened driveway and all associated siteworks.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 8th day of December, 2022, permission was granted for the proposed development subject to 8 no. mainly standard conditions. Of relevance to this appeal are the requirements of Condition No. 2(a) only. It reads:

“The proposed development shall be amended as follows:

The proposed dormer to the rear shall match the width, positioning and set-back from the eaves as the existing dormer to the rear”.

The stated reason for Condition No. 2 reads: “*in the interests of orderly development and visual amenity”.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer, dated the 6th day of December, 2022, is the basis of the Planning Authority’s decision.

3.3. Other Technical Reports

Transportation: No objection.

Drainage: No objection.

3.4. Prescribed Bodies

3.4.1. None.

3.5. Third Party Observations

3.5.1. None

4.0 Planning History

4.1. Site

4.1.1. No recent and/or relevant planning history.

4.2. Setting

4.2.1. **ABP-310298-21 (P.A. Ref. No. WEB1205/21):**

No. 77, Bettyglen, Raheny, Dublin 5 (Note: c170m to the west of the site).

On appeal to the Board permission was granted subject to conditions for a proposed dormer window to rear part of roof for habitable attic bedroom, side gable attic level frosted window opening and 2No. rooflights to front part of roof with associated internal and external alterations. Proposed rear first floor level extension. Proposed rear single

storey extension with associated site development works to dwelling house. (Decision date: 08/11/2021).

ABP-308126-20 (P.A. Ref No. WEB1368/20)

No. 140, Bettyglen, Raheny, Dublin 5 (Note: c116m to the south of the site).

On appeal to the Board permission was granted subject to conditions for a new attic conversion with new dormer and associated windows to rear of property, an increase to ridge height to extent of dormer element, a new first floor window to side gable wall and to include all associated site works. (Decision date: 02/11/2020).

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Dublin City Development Plan, 2022-2028, came into effect on the 14th 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 the development management standards.
- 5.1.5. Volume 2, Appendix 18, Section 1.0 deals with the matter of residential extensions with subsection 4 and 5 dealing specifically with dormer additions.

5.2. Natural Heritage Designations

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

5.2.2. The nearest European site, i.e., North Bull Island SPA (Site Code: 004006) and North Dublin Bay SAC (Site Code: 000206) are situated c230m to the east at their nearest points.

5.3. **EIA 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. A first-party appeal has been lodged only against Condition No.2(a), which was attached to the Planning Authority notification of a decision to grant planning permission for the development sought under P.A. Ref. No. 5060/22. It can be summarised as follows:

- In order to meet their needs, it is essential that the first-floor level accommodate a family bathroom and to accommodate space for working from home as well as suitable accommodation for visiting family.
- It is not practical or safe for children with bedrooms at first floor level to have to use a downstairs bathroom in the night.
- This condition effectively nullifies the purpose of the attic alterations sought under this application.
- The additional 6m² required in the new dormer is the lynchpin of the whole scheme.
- The design has been carefully considered to be the most architecturally appropriate and least visually impactful option to meet their family needs.
- Though the dormer additions are accepted to be wide they are clearly legible as dormer insertions in the host dwelling.

- No concerns have been raised by third parties to this proposal.
- This proposal would result in a modest increase in accommodation and would result in this dwelling house being energy efficient.
- A revised proposal has been submitted with this appeal to address the Planning Authority's concerns which narrows the proposed dormer on its western side and brings the wall inside the line of the existing chimney stack thus slightly reducing its floor area. These revisions result in a more subordinate insertion into the main roof.
- The Board is sought to remove Condition No. 2(a) in its entirety or to permit the revisions put forward with this appeal.

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.2(a) attached to the Planning Authority's decision to grant permission for the development sought under P.A. Ref. No. 5060/22. Condition 2(a) requires the omission of the first-floor front extension. Condition 2(a) requires the rear dormer window to match the width, positioning and setback of the eaves as the existing dormer to the rear in the interests of visual amenity and orderly development.

7.2. Having regard to the appeal site setting, which can be described as forming part of suburban setting residentially zoned and where the principle of alterations as well as additions are deemed to be generally acceptable subject to safeguard under local through to national planning provisions. Together with the nature and scale of the remainder of the proposed development sought under this application, which I concur with the Planning Authority give rise to no substantive visual, residential, or other issue, it is considered that the determination by the Board of the application, as if it had been made to it in the first instance, would not be warranted. Therefore, the Board

should determine the matters raised in the appeal only in accordance with Section 139 of the Planning and Development Act 2000, as amended.

- 7.3. The Appellant in their grounds of appeal submission contend that the imposition of the requirements of sub condition (a) would defeat the purpose of the originally sought first floor alterations, which included the provision of a first-floor level family bathroom, and it would reduce the space available to accommodate a home office as well as the provision of additional accommodation for visiting family. It is also asserted in the grounds of appeal that there is existing precedent in the surrounding area for first-floor front extensions and that the revisions sought would effectively result in the same amenity as currently present. They assert that the rear dormer addition as sought in this application is the lynchpin of the overall proposal and that it has been carefully considered to meet their family's needs as well as to reduce their impact on the host dwelling and its setting.
- 7.4. The Planning Authority's Planning Officer in their report considered that the scale of the proposed rear dormer is excessive and that is not visually subordinate to the host dwelling and its subject semi-detached pair. The revisions sought under sub condition (a) seek to address this concern and to ensure compliance with the Development Plan provisions for dormer extensions.
- 7.5. Since the Planning Authority determined this application Dublin City Council have adopted a new Development Plan, i.e., the Dublin City Development Plan, 2022-2028. The recently adopted Development Plan carried through similar but arguably more robust criteria for dormer extensions under Appendix 18.
- 7.6. Of relevance Section 1.1 of Appendix 18 of the Development Plan sets out that the design of residential extensions should have regard to the amenities of adjoining properties; that they should not have an adverse impact on the scale and character of the existing dwelling; that they should achieve a high quality of design; through to they should make a positive contribution to their streetscape scene.
- 7.7. Further, Section 4.0 of Appendix 18 of the Development Plan, sets out a number of criteria for assessing alterations at roof level including:
- *'Careful consideration and 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’.*
- *‘Distance/ contrast/ visibility of proposed roof end’.*
- *‘Harmony with the rest of the structure, adjacent structures, and prominence’.*

7.8. These criteria are added to by Section 5.0 of Appendix 18, which states that: “*dormer windows, where proposed should complement the existing roof profile and be sympathetic to the overall design of the dwelling*” and its accompanying Table 18.1 which provides guidance on what is deemed acceptable and what is not. This includes but is not limited to:

- *“Dormer windows that are overly dominant in appearance or give the impression of a flat roof should be avoided’.*
- *‘Be visually subordinate to the roof slope enabling a large portion of the original roof to remain visible’.*
- *‘Be setback from the eaves level to minimise their visual impact and reduce the potential for overlooking of adjoining properties’.*
- *‘In the case of a dormer window extension to a hipped/gable roof, ensure it sits below the ridgeline of the existing roof’.*
- *‘Relate to the shape, size, position and design of the existing doors and windows on the lower floors’.*

7.9. The host dwelling contains a rear dormer extension that appears to date back to the late 1970s. According to the submitted drawings this structure has a width of c5.4m, depth of c2.5m, a setback of c0.7m from the eaves, a height of c2.2m at its highest point and its overall height is c1.7m below the given 7.16m height of the host dwelling. It is also of note that the ridge over the host structure extends c7.3m and matches that of its adjoining semi-detached pair (Note: No. 14 Maywood Grove). No. 14 contains a rear dormer extension of similar set down from its ridge but is of a more substantial 7m width. This adjoining roof structure for the most part has a deeper setback from the eaves of No. 14 Maywood Grove.

7.10. In this context arguably the existing dormer extension to the rear of No. 12 and No. 14 are substantial and not subordinate insertions that obscure the main roof structure. They are also structures that are not highly visible in their context given the pattern of

development they form part of. This pattern of development is one where this semi-detached pair is adjoined on its western side by once matching and/or highly similar one and a half storey dwellings, on its eastern side by two storey residential properties and to the rear by single storey dwellings. With the semi-detached dwellings to the west having an established precedent for rear dormer insertions of various *ad hoc* designs, built forms and appearance but of similar depth, widths, heights, solid to void elevational treatments and setbacks from ridge as well as eaves.

- 7.11. This proposal seeks the removal and replacement of the existing dormer extension which the drawings indicate would have a width of 6.57m, a matching height to that of the dormer to be removed, a setback of 0.5m from No. 14 Maywood Grove and a modest setback of c0.2m from the limited eaves level of the main roof that would remain. The rear elevation of this structure would effectively sit on top of the original rear ground elevation alongside a matching in width ground floor extension that has a parapet height of 3.5m. Whilst legible as a slightly larger dormer insertion the contemporary design seeks to allow it and the replacement rear extension to read as one harmonious contemporary addition that at first floor level does not give rise to any undue visual and/or residential disamenity. Further, views of the proposed dormer from the public domain are limited.
- 7.12. In addition, the width of the replacement dormer is not dissimilar to that of No. 14 Maywood Grove and as such together this would give rise to a visual balance in terms of roof insertions to this semi-detached pair. Moreover, the associated parapet with the ground floor extension would effectively obscure views towards the original eaves even if the dormer were to be revised as sought under Condition No. 2(a).
- 7.13. Furthermore, the design maintains the original set down of the original dormer's height, a height that matches that of No. 14. As such the dormer's maximum height measures c5.4m and as previously noted the host dwelling and semi-detached pair have a 7.16m ridge height. It also proposes to maintain the chimney stack. The difference in height between the host dwellings ridge height and the dormer despite the modest separation of the dormer with the western side of the roof and No. 14 Maywood when taken together with the contemporary palette of materials would result in the dormer being legible as a new insertion in its context and not an overtly dominant insertion.
- 7.14. Conclusion

7.14.1. In conclusion, having regards to the provisions of the Development Plan, the immediate site context, the pattern of development, the visual and residential amenities of the area, I do not consider that Condition No. 2(a) of the Planning Authority's grant of permission is warranted in terms of ensuring orderly development and in the interests of visual amenity. It is my opinion that the design of the rear replacement dormer would not be visually incongruous in its setting, it would not give rise to any undue residential disamenity for properties in its vicinity and having regard to the pattern of development characterising the host semi-detached pair as well as other originally matching semi-detached pairs which form part of the site's visual setting in this case the rear dormer proposed would not set an undesirable precedent for future developments. Moreover, I am of the view that the revisions required under sub condition (a) through to the revisions put forward by the appellant in their appeal submission would not give rise to any significant visual amenity improvement. I therefore recommend that the Planning Authority be directed to omit condition 2 (a).

8.0 Appropriate Assessment

8.1. Having regard to the minor nature of the proposed development and to the location of the site in a serviced urban area and the separation distance to the nearest European site together with the characteristics of the urban landscape in between with no hydrological and/or other connections, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

9.1. Having regard to the nature Condition Number 2(a) the subject of the appeal, it is considered that the determination of the relevant application as if it had been made to the Board in the first instance would not be warranted and it is recommended that based on the reasons and considerations set out below, that the Planning Authority are directed under subsection (1) of section 139 of the Planning and Development Act, 2000, as amended, to REMOVE Condition Number 2(a) in its entirety for the reasons and considerations hereunder.

10.0 Reasons and Considerations

10.1. Having regard to the limited nature and scale of the proposed development, it is considered that the modifications to the proposed development, as required by the Planning Authority in its imposition of Condition Number 2 (a), are not warranted, and that the proposed development, would be in accordance with the provisions of the Dublin City Development Plan, 2022-2028, and would be acceptable in terms of the visual amenities of the area, would not set an unacceptable precedent in the area and would, therefore, 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.

Patricia-Marie Young
Planning Inspector

17th day of July, 2023.