



An  
Bord  
Pleanála

## Inspector's Report ABP315853-23

### Development

Attic conversion including alterations to roof profile from hipped to gable end, dormer roof to rear and rooflight to front, new obscured window to side elevation, and single storey extension to rear of existing house. Also, amendments to existing single storey garage, and all associated works.

### Location

62, Dollymount Park, Clontarf, Dublin 3..

### Planning Authority

Dublin City Council North.

### Planning Authority Reg. Ref.

WEB 2054/22.

### Applicant(s)

Ward Frisby & Charlotte Callaghan.

### Type of Application

Permission.

### Planning Authority Decision

Grant permission with conditions.

### Type of Appeal

First Party v Condition 3 of Permission.

### Appellant(s)

Ward Frisby & Charlotte Callaghan.

### Observer(s)

None on file.

**Date of Site Inspection**

22<sup>nd</sup> June 2023.

**Inspector**

Des Johnson.

## 1.0 Site Location and Description

- 1.1. Dollymount Park is located off the west side of Clontarf Road. It is a mature housing development a short distance north of the Bull Island wooden causeway at Clontarf. The subject site is located on the western side of Dollymount Park, and to the north east of Saint Gabriel's Catholic Church.
- 1.2. No.62 is a two-storey dwelling at the end of a terrace of 6 dwellings. Adjoining to the south is two further terraces consisting of 4 and 6 dwellings respectively. This section of Dollymount Park is a cul de sac. There is a laneway to the rear of the houses along this stretch of Dollymount Park and several houses have garages/sheds and pedestrian gates with access to this laneway. No. 62 has a sizeable garage to the rear with access on to the laneway. Several houses have extensions, including rear dormer extensions.

## 2.0 Proposed Development

- 2.1. Attic conversion to include alterations to existing roof profile from hipped to gable end; dormer roof to rear and rooflight to front of existing roof plane; new obscured window to side elevation, and construction of single storey extension to rear of existing house. Also, to include amendments to existing single storey garage, and all associated works.
- 2.2. The following are stated floor and site areas:
  - Buildings to be retained within the site – 108 sqm
  - Proposed development – 67 sqm
  - Site area – 279 sqm.

## 3.0 Planning Authority Decision

### 3.1. Decision

Grant permission subject to 12 conditions. In addition to standard type conditions, Condition 3 requires revisions to the development including:

- 3(a) Main roof alteration to be amended to form a half-hip similar to No. 63, Dollymount Park
- 3(b) Rear dormer to be relocated closer to the existing chimney stack so that the dormer is fully contained within the modified rear roof plane
- 3(c) Glazing in the rear dormer to match the proportions of the window to the first floor window below
- 3(d) Rear extension to be reduced in depth to have a maximum depth not exceeding 7m and the roof margin along the shared side boundary with No. 61 to incorporate a concealed gutter in place of the parapet with this gutter detail being no higher than 3m above ground level.

Revised plans to be agreed in writing before development commences.

The reason for the condition is in the interests of visual and residential amenity and compliance with the policies of the Dublin City Development Plan 2022-2028, in particular, Appendix 18.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Report

The site is zoned Z1 – to protect, provide and improve residential amenities. CDP policy on roof extensions is set out in Appendix 18, sections 4.0 and 5.0. The most recent precedent on this section of Dollymount Park is at No. 35 (2851/20) where ABP permitted a full gable roof form; this would now be considered inconsistent with current Development Plan policy for roof level development. However, given the immediate context of No. 63, which has a half-hip roof form, a similar roof form should be provided in the interest of visual consistency and to accord with the Development Plan. It is considered that the proposed substantial rear extension would have a significant overbearing and overshadowing impact on No. 61.

### 3.2.2. Other Technical Reports

Drainage Divisions raised no objection subject to conditions.

## 4.0 Planning History

The following planning history is of relevance:

Reg Ref: 3946/63 – 63, Dollymount Park, Permission granted for dormer roof extension at rear and side gable to accommodate conversion of attic to store room and toilet.

Reg Ref:3030/20 - 67, Dollymount Park, permission granted for conversion of attic space, replacement of existing hipped roof with gable to the side with obscured window at second floor, attic roof extension to rear, and rooflights to front. A condition required the omission of the gable roof and replacement by a side dormer structure, and a reduction in the width of the rear dormer not to exceed 2.5m,

Reg Ref: WEB 1275/19 – 67, Dollymount Park - Permission granted for single storey extension to rear at ground floor level, and attic conversion. A condition required the side dormer roof to be hipped to match the pitch of the main house roof.

Reg Ref: 2851/20 – 35, Dollymount Park – Permission granted for replacement of existing hip roof with gable roof to the side, rooflights and obscured glazed windows. Condition 2 required the omission of the gable roof and replacement with a side dormer structure. This condition was appealed and under Reference ABP 308007-20, the Board decided to remove Condition 2 for reason relating to the objectives of the Dublin City Development Plan 2016-2022, the pattern of development in the area, and the nature, scale and extent of the proposal.

## 5.0 Policy and Context

### 5.1. Development Plan

The site is in an area zoned Z1 – to protect, provide and improve residential amenities.

Appendix 18 of the Development Plan contains policy on roof extensions in sections 4.0 and 5.0. Section 4.0 sets down criteria to be considered when assessing proposals to alter at roof level, including the character and size of the structure, it's position on the streetscape and proximity to adjacent structures, existing roof variations on the streetscape, distance/contrast/visibility of the proposed roof end,

and harmony with the rest of the structure. Section 5.0 refers to the conversion of attic spaces, and states that dormer windows should complement the existing roof profile and be sympathetic to the overall design of the dwelling. The use of rooflights to serve attic bedrooms are to be considered on a case-by-case basis.

## **5.2. Natural Heritage Designations**

None relevant.

## **5.3. EIA Screening**

5.4. Having regard to the nature and modest scale of the proposed development, its location in a built-up urban area and the likely emissions therefrom it is possible to conclude that the proposed development is not likely to give rise to significant environmental impacts and the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

This is a First Party appeal specifically against Condition 3 of the permission granted and all other conditions are accepted. Relevant grounds may be summarised as follows:

- The condition is unwarranted and unnecessary. It would fundamentally alter the proposed development.
- The site is in a small enclave of houses, accessed by a local residential street. It is not visible from anywhere other than from the front. It is an end of terrace property. The house was built in the 1950's and, as such, is not suited to modern living.
- The only place that the roof profiles of Nos. 62 and 63 can be seen is directly across the street outside Nos. 38 and 39 (series of photos submitted by way

of illustration). Nos. 62 and 63 are at different levels relative to one another. The houses directly opposite – Nos. 38 and 39 – have different roof profiles.

- The alterations proposed would make accessing the new attic room very uncomfortable.
- The rear of the subject site is not clearly visible from any public area in the neighbourhood. There is little consistency currently of window opening size across the rear elevations of any of these houses. Condition 3(c) requires an entirely arbitrary alteration giving rise to reduction in daylight and ventilation. The condition would result in a reduction in the architectural quality of the proposed development.
- Condition 3(d) is the most frustrating to the applicants. Nearly all neighbouring houses have rear extensions. The proposed net increase in floor area is 40 sqm. Alone, this could be constructed as exempted development. The impact on No. 61 is minimised in terms of any loss of sunlight, or perceived visual impact. More than adequate rear private open space is retained

## 6.2. **Planning Authority Response**

None on file.

## 6.3. **Observations**

None on file.

## 6.4. **Further Responses**

None on file.

## 7.0 **Assessment**

- 7.1. This is an appeal specifically against Condition 3 of permission granted under Reg Ref; WEB 2054/22. Having regard to the nature and scale of the proposal, and the residential character of the area, I consider that residential extensions and alterations of the type proposed are acceptable in principle, that determination of the

application by the Board as if it had been made to it in the first instance is not needed, and that the appeal should be considered under Section 139 of the Planning and Development Act 2000, as amended.

- 7.2. Condition 3 requires revisions to various elements of the proposal, namely attic conversion and alterations to roof profile, rear dormer, rear dormer glazing, and reduction in depth and height of rear extension. The stated reason for the condition is “in the interests of visual and residential amenity and to comply with the policies of the current Dublin City Development Plan 2022-2028, in particular Appendix 18”.
- 7.3. The Board should note that under Reference ABP 308007-20, decision dated 25.11.2020, it decided to remove a condition (2) imposed by the planning authority requiring revisions to a proposed development which included replacement of existing hip roof with gable roof to the side at 35, Dollymount Park. The condition required the omission of the gable roof and replacement with a side dormer structure. In deciding to remove the condition the Board concluded that the development, as proposed, would not injure the visual and residential amenities of the area or of adjoining properties and was designed in an acceptable manner which took adequate account of the context and setting. The reasons and considerations for the Board’s decision included reference to the Objectives of the Dublin City Development Plan 2016-2022. The proposal, the subject of this appeal, is being considered under the Dublin City Development Plan 2022-2028.

I assess each of the elements the subject of Condition 3 as follows:

7.4. **Attic Conversion and Main Roof Alteration**

The west side of this section of Dollymount Park (cul de sac) comprises a series of terraces of two-storey housing. The subject premises is at the end of a terrace of six houses and is central to the housing on this side of the cul de sac. The ridge line of the subject premises is higher than the ridge line of the adjoining terrace to the south. The roof profile of the dwelling immediately to the south has a half hip. The roof profiles of Nos. 62 and 63 are fully visible from the front, the rear laneway and from the opposite side of the road, but not in any other public views. I submit that the proposed roof alterations would not have an adverse impact on the visual or residential amenities of property in the vicinity or the wider area.



The reason for the condition under appeal refers to policies of the current Development Plan and in particular, Appendix 18. Appendix 18 provides 'general principles' for domestic extensions. I submit that the proposed roof alterations do not have an adverse impact on the light or privacy of adjoining property to the south or any other property. In this regard a proposed window in the side gable serving a staircase leading to the proposed attic space is to be fitted with obscure glazing ensuring no overlooking.

In the circumstance outlined, I conclude that the proposed alterations at roof level are acceptable.

#### **7.5. Rear Dormer**

Having regard to the conclusion reached in respect of the proposed roof alterations, I conclude that the requirement to amend the proposed rear dormer as detailed in Condition 3(b) is unnecessary. Existing rear dormers in the area, including the adjoining dwellings either side of the appeal premises, vary in size and design. I conclude that Condition 3(b) should be omitted.

#### **7.6. Rear Dormer Window Design**

Having regard to the conclusions reached in respect of the proposed roof alterations and rear dormer location, and to the existing pattern of development in the area, I conclude that the requirement in respect of window glazing in the rear dormer is not a necessary planning requirement and that Condition 3(c) should be omitted.

#### **7.7. Rear Extension**

The proposed rear extension would extend 9650mm from the existing rear wall of the subject dwelling. It would be constructed next to the party wall with No. 61 to the north-north-east. A wall 3240mm in height would be constructed approximately 900mm from the ground floor window of No. 61. Condition 3(d) requires a reduction in the depth of the rear extension to a maximum depth of seven metres and the incorporation of a concealed gutter in place of the parapet with the gutter detail being no higher than three metres above ground level. Having regard to the orientation of the appeal premises relative to No. 61, I agree with the planning authority's view that the proposed extension would have a significant overbearing and overshadowing impact on the adjoining property and that the required amendments set out in

Condition 3(d) are reasonable and should be retained in order to minimise the impact and to protect residential amenities.

#### **7.8. Appropriate Assessment Screening**

7.9. Having regard to the nature and scale of the proposed development, to the absence of emissions therefrom, the nature of receiving environment as a built up urban area and to the absence of a pathway between the application site and any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an EIA at an initial stage.

#### **8.0 Recommendation**

8.1. I recommend that Condition 3(a), 3(b) and 3(c) be removed and that Condition 3(d) be retained.

#### **9.0 Reasons and Considerations**

Having regard to the existing pattern of development in the area, and to the nature, scale and design of the proposed roof alterations and dormer extension, it is considered that these elements of the proposed development would not be seriously injurious to the visual or residential amenities of adjoining properties or of the area.

Having regard to the design, extent and orientation of the proposed rear extension relative to adjoining property to the north-north east, it is considered that the requirements set out in Condition 3(d) are necessary in order to protect the residential amenity of the adjoining property.

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Des Johnson  
Planning Inspector

27 June 2023

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.