

An
Bord
Pleanála

Inspector's Report ABP316041-23

Development

Removal of existing rear conservatory, extension to front porch, enlarged window opes to front façade, ground floor rear extension, extension and revisions to first floor attic including rear dormer, front box dormer and roof light and cladding to external walls.

Location

Fawmlough, 18 Middle Third, Dublin 5
-D05DH26

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

1146/22.

Applicant(s)

Una O'Brien & Berian Davies

Type of Application

Permission

Planning Authority Decision

Dublin City Council.

Type of Appeal

First party against Condition number 2

Appellant(s)

Una O'Brien & Berian Davies.

Observer(s)

None.

Date of Site Inspection

31 May 2023.

Inspector

Anthony Abbott King.

1.0 Site Location and Description

- 1.1. The subject site comprises a semi-detached single storey house located in a streetscape of predominantly terraced two-storey houses and semi-detached single storey cottages. The applicant site is located to the south-east of an area of green public open space. The site area is given as 575 sq. metres.
- 1.2. The streetscape forms part of the Abbeyfield Estate, which was developed post WW1 as a planned development to provide housing for returning veteran's of the War. The character area known as 'Killester Garden Village' is defined by Abbeyfield, Middle Third and the Demesne. It is the largest of the estates built in Ireland by the British Government for ex-servicemen and their families comprising 289 homes. The original development was laid out in a 'garden village' style so that the residents had plenty of open space and large gardens to grow food.
- 1.3. The applicant site is located to the immediate north-west of the Dublin-Belfast railway line in a cutting below ground level (approximately 5 metres below the applicant site) and is to the north of Killester Dart Station.

2.0 Proposed Development

The development will consist of the removal of the rear conservatory, extension to front porch with replacement flat roof, enlarged of window opes to the front façade, ground floor rear extension, extension and revisions to existing first floor attic storey including provision of rear facing dormer, front facing box dormer and rooflight, associated roof alterations, exterior insulation cladding to external walls with plaster finish and all ancillary site works at Fawmlough, 18 Middle Third, Dublin 5. The proposed total floor area would comprise 183 sq. metres.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decision is to grant permission subject to Condition number 2 which states:

The development hereby approved shall incorporate the following amendments:

- a) The rear dormer shall be reduced in width to be no wider than five metres with this reduction being fully from the west side.
- b) The existing front porch shall be retained at its current proportions with, if desired by the applicant, the front door to be located on the front face of the porch and existing pitched roof being replaced by a flat roof as shown in the front elevation drawing.
- c) The front dormer and front rooflight shall be omitted with the front dormer replaced by a conservation grade rooflight similar in proportions to the omitted bathroom rooflight.
- d) The existing front windows shall be retained in their current size, proportions and positions.
- e) The proposed front exterior insulation cladding shall be omitted in its entirety with the existing exterior finish retained.

REASON: To protect the appearance of the dwelling and the streetscape in this important residential conservation area and to comply with current Dublin City Development Plan policies and objectives for such areas.

3.2. Planning Reports

3.2.1. Planning Reports

The decision of the Dublin City Council to grant permission subject to condition reflected the recommendation of the planning case officer. It is noted that further information was requested on the 12/04/2022 in the matter of the Irish Water response below.

3.2.2. Other Technical Reports

Irish water requested further information in the matter of the location within the applicant site and the proximity of the ground floor extension to a foul sewer. Further information was received on the 17/02/23, reducing the depth of the ground floor rear extension from 3.3 metres to 1.35 metres (Drawing GA17 dated 19/01/2023), in accordance with guidelines for 'building close to an Irish Water asset'.

Irish Rail made submission in the matter of the removal of the proposed 'soakaway' area to the rear of the site (which would saturate the proximate cutting slope) and highlighted operational issues that would impact on the amenity of the development (including noise and vibration) given its proximity to the rail line, which can be dealt with by way of condition.

4.0 Planning History

The following planning history is relevant:

- Register Ref: WEB 1671/21 planning permission was refused for ground floor front and rear extensions, front & rear first-floor alterations including a rear dormer and front & side facing gable roof extensions, and a front Velux rooflight. The two reasons for refusal related respectively to the scale, appearance and design of the front extension and roof alterations to the front and rear within a Z2 residential conservation area, which would be visually obtrusive and would be an incongruous structure on the streetscape. And the scale and appearance of the rear dormer which would be excessive, obtrusive, and inconsistent with the policies and objectives of Appendix 17 of the Dublin City Development Plan 2016-2022.
- Register Ref: 3686/18 planning permission was granted at no. 36 Middle Third for alterations to existing semi-detached dwelling including (1) upgrade of existing porch and dormer; (2) alterations to porch fenestration; (3) new dormer to rear; (4) upgrading of windows; (5) new ground floor extension to side of dwelling; (6) new perforated brick wall to courtyard; (7) demolition of shed and; (8) widening of vehicular entrance. This permission provided *inter*

alia for the refurbishment of a large-scale front dormer window with a contemporary dark metal clad finish.

- Register Ref: 2642/18 planning permission was granted at no. 22 Middle Third for an attic bedroom extension including a dormer window to the rear and bathroom / ancillary accommodation with roof windows front and back. The rear box dormer would be 2.8 metres in width and would be set 600 mm from the shared boundary with the adjoining semi-detached house. Condition number 4 omitted the front rooflight to protect the visual amenities of the residential conservation area.

5.0 Policy and Context

5.1. Development Plan

The relevant land-use zoning objective is Z2 (Map B): To protect and/or improve the amenities of residential conservation areas. The proposed development is a permissible use.

The rationale for residential conservation area designation is that the overall quality of an area in design and layout terms is such that it requires special care in dealing with development proposals, which would affect structures both protected and non-protected in such areas. The objective is to protect conservation areas from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area. In this regard development standards in conservation areas, Chapter 15 (Development Standards) of the Dublin City Development Plan 2022-2028 states:

All planning applications for development in Conservation Areas shall:

- *Respect the existing setting and character of the surrounding area.*
- *Be cognisant and/ or complementary to the existing scale, building height and massing of the surrounding context.*

- *Protect the amenities of the surrounding properties and spaces.*
- *Provide for an assessment of the visual impact of the development in the surrounding context.*
- *Ensure materials and finishes are in keeping with the existing built environment.*
- *Positively contribute to the existing streetscape. Retain historic trees also as these all add to the special character of an ACA, where they exist.*

Furthermore, 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.....*

Appendix 18 (Ancillary Residential Accommodation) Section 1, and Section 5 of the Dublin City Development Plan 2022-2028 are also relevant:

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 Planning Authority has placed an over emphasis on the 'historical cultural significance' context of the area without recognising that the housing stock in the area has evolved over the years by way of incremental development. Furthermore, the Planning Authority has applied the same assessment to groups of houses with different architectural quality not recognising that there is a policy framework for protected structures and a less onerous policy framework for non-protected structures.
- The assessment in the planning reports of precedent in the matter of front elevation dormers is inaccurate in terms of assessment area, which should not exclude examples on the Howth Road. These examples are within the Abbeyfield Estate and within the same residential conservation area. In the matter of the chronology of grants of permission for front dormers in the vicinity, permissions have been granted under the conservation area designation.
- The appellant is restricted in the extension of the property to the side and rear due to site constraints. The feasible alternative is to increase the habitable floor space by way of the dormer to the front elevation and the proposed rear dormer, which is not subject to public view.
- The front dormer cannot be considered out of character and inconsistent with the established pattern of development, as it is modest in scale and other properties have been granted similar development under the conservation area designation.

- The assumption that the dormer can be replaced by a rooflight does not consider the additional internal head height, necessary floor space and vertical light provided by the dormer.
- The omission of the bathroom rooflight while conditioning a rooflight to the office space is nonsensical. However, the appellant accepts that the rooflight is misaligned relative to the roof profile.
- The appellant has submitted revised front elevation drawings to satisfy design concerns cited in the planner's report including amending the position of the bathroom roof light away from the downward angle of the hipped roof and revising the front elevation windows.
- The appellant withdraws the proposal to lower the cills of the three front elevation windows and would retain their scale while requesting that the centre window be relocated into a more favourable position.
- The appellant proposes to omit the proposed exterior insulation to the front façade.
- The proposed minor changes to the front façade will not unduly or materially alter the external appearance of the dwelling itself and will not be inconsistent with the character of adjoining dwellings.

6.2. Applicant Response

N/A

6.3. Planning Authority Response

None

6.4. Observations

None

6.5. Further Responses

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 2 (the sole subject of the appeal) and that no other planning matters need to be considered by the Board. Condition number 2 is divided into 5 sub-paragraphs assessed below:
- 7.2. In the matter of Paragraph (a), the proposed rear dormer, the dormer extension is offset approximately 1.2 metres from the shared boundary with no.19 Middle Third - the adjoining semi-detached house. The dormer is setback approximately 0.7 metres from the eaves and is located below the ridge line of the rear roof plane. The dormer would extend approximately 4 metres from the ridge line toward the rear ground floor elevation. The proposed dormer has an overall width of 5.383 metres. The dormer would accommodate a 2.4 metre ceiling height internally at attic level providing for two first-floor bedrooms (one double and one single bedroom) comprising an overall first floor area of 46 sq. metres. The applicant states in the letter of application to the planning authority that the material for the dormer has been selected to match and complement the existing roof colour and tone (zinc clad) both of the dwelling house and the houses adjacent in the area.

The rear dormer is setback from the ridge and eaves and is located to the rear of the property. Appendix 18 of the Dublin City Development Plan 2022-2028 that: *The design of residential extensions should have regard to the amenities of adjoining properties and in particular, the need for light and privacy.* The building line of no.18 Middle Third is set back approximately 18 metres from the rear boundary. The property backs onto the Dublin-Belfast rail line. Therefore, there is no opposing window issue.

Appendix 18, Section 5 (Attic Conversions / Dormer Windows) of the Dublin City Development Plan 2022-2028 provides guidance in the matter of dormer windows. A dormer may be considered to the front, side or rear of a dwelling. It is considered that the provision of a dormer to the front and side of a dwelling, where the potential

visual impact is publicly visible, requires a more sensitive assessment than to the rear of a property. The rationale provided in the Planner's Report for the restricted width of the dormer is that the roof ridge measures 6.505 metres and given the dimensions of the proposed dormer structure (width of 5.383metres) the dormer would not be subordinate to the main roof plane, as required by Appendix 18 (Ancillary Residential Accommodation) Section 5. The planning case officer states: *The dormer would therefore occupy c. 83% of the area of the main occupiable portion of the roof.....Reducing the dormer to an external width of 5m would reduce the coverage to c.76%, which while still high, would reduce the scale and visual impact somewhat. The 383mm reduction should be fully from the west side.*

I consider that the reduction of the width of the rear dormer by 383mm is an arbitrary action that does not reduce the presence of the dormer (theoretically) to make it visually subordinate in size to that of the roof slope plane, which empirically would require the dormer to occupy a presence of less than 50% of the rear roof slope. I also consider that the reduction of the rear dormer will impact negatively on the internal arrangement of the first-floor bedroom accommodation, which is modest in scale. It is my opinion that the proposed dormer would satisfy most of the criteria that is set out in Section 5, Table 18.1 (Dormer Window Guidance) and would *complement the existing roof profile and be sympathetic to the overall design of the dwelling.*

I consider that the contemporary design solution proposed would create a clear distinction between the existing dwelling and the new build attic level extension as required by Appendix 18, Section 1.1, which encourages innovate contemporary design, and would be consistent with Policy BHA9 (development in conservation areas) providing for a harmonious material finish with the existing and adjacent dwelling houses in roof colour and tone. It is considered that the dormer would not overlook or have an overbearing impact on adjoining property. Therefore, It is considered that Paragraph (a) should be omitted from Condition number 2.

- 7.3. In the matter of Paragraph (b) the retention of the proportions of the front porch, the appellant is willing to retain the existing proportions of the front porch. However, the appellant has indicated the wish to relocate the porch as shown on the revised drawings (GA05 & GA010 dated 10/03/23) submitted with the appeal. I consider that paragraph (b) should be retained without amendment.

7.4. In the matter of Paragraph (c), the omission of the front dormer to the office and the front rooflight to the bathroom, it is considered that the paragraph should be amended. The appellant has submitted revised drawings (GA05 & GA010 dated 10/03/23) illustrating how the development can be redesigned to relocate, to avoid misalignment with the angle of the hipped roof, the bathroom rooflight within the front roof plane away from the 'downward angle of the hipped roof'. This can be dealt with by way of condition.

In the matter of the front dormer, no.18 is located within the Abbeyfield Estate conservation area, the historic building stock and infill development within the conservation area is not uniform. The predominant typology is single-storey semi-detached cottages with hipped roofs within large plots configured in streets and around public open spaces. Many of these cottages have been altered with accretions clearly visible including front dormers. It is noted that the house opposite no.18 Middle Third, across the public space, at no. 36 Middle Third has a large scale contemporary front dormer in a black / brown metal finish that was refurbished as part of a more comprehensive grant of planning permission in November 2018.

The proposed front dormer would be small in scale, contemporary and modest. It would have a flat roof and would measure 1722 mm x 1650 mm. The flat roof dormer is positioned to align with the window below it in accordance with Appendix 18 of the Dublin City Development Plan 2022-2028. The dormer would exhibit a 'zinc roof' material finish.

No.18 is in a streetscape of predominantly single storey semi-detached cottages and two-storey terraced houses. No.18 and the adjoining semi-detached house at No.19 abut the two-storey terrace to the north-east. It is considered that the proposed front dormer by reason of its small scale and design would respect the existing setting and character of the streetscape, would complement the existing scale, building height and massing in the surrounding context by creating a visual transition between the 2-storey terrace to the north-east and the single-storey cottages to the south-west (consistent with Policy BHA9, which *inter alia* provides for the enhancement of the character and appearance of a conservation area and its setting) and would exhibit a contemporary material finish that would clearly differentiate the new insertion from the historic fabric in harmony with the conservation area. It is considered that

Paragraph (c) should be amended to retain the dormer to the office and the bathroom rooflight providing for its repositioning.

- 7.5. In the matter of Paragraph (d), the existing windows shall be retained in their current size, proportion and position. The appellant has submitted revised drawings (GA05 & GA010 dated 10/03/23), which propose to retain the scale of all three windows and requests the reposition of the centre window into a more 'favourable position'. It is considered in the interests of transparency that the repositioning of the centre window would require the development proposal to be re-advertised. Furthermore, I would concur with the planning case officer that the historic placement and size of the windows to the houses in the Abbeyfield Estate contribute to the character, domestic scale of the houses and have a commonality across the area and should be retained.
- 7.6. In the matter of Paragraph (e), the front exterior insulation, the appellant has stated that they are willing to omit the proposed exterior insulation to the front façade.
- 7.7. In conclusion, Condition number 2, Paragraph (a) should be omitted and Paragraph (c) should be amended to omit the removal of the front bathroom rooflight and front dormer window. I conclude on balance given the site constraints restricting the extension of the dwelling to the side and rear, the pattern of development in the area, the scale, design and material finish of the proposed front dormer within a heterogeneous streetscape of single-storey cottages and two-storey terrace houses and given that there are no opposing window issues to the rear that Condition number 2 should be amended for the reasons and considerations given below:
- 7.8. Appropriate Assessment Screening:

The proposed development comprises the extension of an existing dwelling house 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 revision of condition number 2.


9.0 Reasons and Considerations

Having regard to the location of the site in an area zoned for residential development (residential conservation) in the Dublin City Development Plan 2022-2028 within a heterogeneous streetscape, the small-scale and material finish of the front dormer window will provide a visual transition between the single-storey cottages and the adjoining two-storey terrace, and given the absence of directly opposing windows facing the proposed rear dormer window, it is considered that the proposed development is a reasonable improvement of the accommodation on site, would not give rise to overlooking of adjoining property in a manner that would seriously injure the residential amenity of the property, would be in harmony with the streetscape (consistent with Policy BHA9 – development in conservation areas) and would otherwise accord with the proper planning and sustainable development of the area.

Condition

2.	<p>The development hereby approved shall incorporate the following amendments:</p> <ul style="list-style-type: none">a) The existing front porch shall be retained at its current proportions with, if desired by the applicant, the front door to be located on the front face of the porch and existing pitched roof being replaced by a flat roof as shown in the front elevation drawing.b) The bathroom rooflight shall be re-positioned within the front roof plane to avoid the angle of the hipped roof.c) The existing front windows shall be retained in their current size, proportions and positions.d) The proposed front exterior insulation cladding shall be omitted in its entirety with the existing exterior finish retained.
	<p>Reason To protect the appearance of the dwelling and the streetscape in this important residential conservation area to comply with current Dublin City Development Plan policies and objectives for such areas and in the interests of visual amenity.</p>

"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

14th June 2023