



An  
Bord  
Pleanála

## Inspector's Report ABP316330-23

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**Development:** construction of attic dormer and all associated site works

**Location:** 17 Emmet Road, Inchicore, Dublin 8

**Planning Authority:** Dublin City Council

**Planning Authority Reg. Ref.** 3122/23

**Applicant(s):** Rosemary Wheelan and Jacobus Haveman

**Type of Application:** Permission

**Planning Authority Decision:** grant permission subject to 9 conditions

**Type of Appeal:** First Party

**Appellant(s):** Rosemary Wheelan and Jacobus Haveman

**Observer(s):** None

**Date of Site Inspection:** 26 June 2023

**Inspector:** Diarmuid Ó Gráda

# 1 SITE LOCATION AND DESCRIPTION

1.1 This appeal concerns a property located at the northern end of Inchicore, a short distance south of the historic Kilmainham Jail, now a museum. It forms part of a mature residential area comprised of terraces of two-storey dwellings.

Due to the fall of slope these houses appear as bungalows when viewed from the street. The applicant's house is situated within a terrace of eight houses, all conforming to a uniform building line of 6 meters approx. They comprise terraced brick houses incorporating a bay window to the front. They also have a classical doorway topped with a half-round window.

To the rear these houses adjoin the Camac River, which divides them from the historic jail site. The applicants' house has a rear garden of 12 meters, with frontage onto a rear access.

The applicants' dwelling has been extensively enlarged at the back, mainly by the addition of a substantial 3 storey rear extension that projects over 10 meters into the rear garden. The enlarged house has a stated floor area of 164 square meters.

It has two bedrooms, both on the ground floor. The rear extension has a pitched roof with a ridge almost 8 meters above ground level. Again, the fall of slope towards the River Camac gives it a prominent appearance when viewed from the rear access laneway.

I did not gain access to the interior of the house but was able to observe it from no.15, the adjoining house on the east side. In addition, there is a rear access (between nos.11 and 13) which allowed me to see the main features at the rear and how it

relates to the receiving environment, having regard to the historic Kilmainham Jail, the riverside etc.

## **2.0 PROPOSED DEVELOPMENT**

- The addition of a dormer structure over the back part of the original house. That would include a single bedroom of 16 square meters and it would have a flat roof.
- The new roof covering would extend to 16 square meters, as shown on the site plan. It would differ from that of the existing structure i.e. having a smooth surface rather than the existing dark slates.
- Two roof lights, each of 1.2 square meters, would be included in the rear elevation and another (1 square meter, with frosted glass) in the side (west elevation).
- A roof light (0.5 square meters), described as a heritage roof light, would be inserted into the front slope of the roof.
- The proposal details are sparse. The scheme is described on the drawings as a New Dormer Structure. It is coloured light blue but there is no information regarding the materials to be used.
- The applicant claims precedents were established at other sites within the city i.e. at Raheny on the north side.

### **3.0 PLANNING AUTHORITY DECISION**

**3.1** The Council decided to grant permission subject to 9 conditions, notably,

No.2 Financial contribution for public infrastructure.

No.3 (a) The dormer extension shall have a maximum width of 3 meters and shall not exceed the height of the existing roof ridge line.

No.3 (b) All the elevations, fascias, soffits, rainwater goods, window frames and glazing bars of the rear dormer shall have a dark colour so as to blend with the existing roof.

No. 3 (c) No solar panels shall be attached to the rear dormer.

No.4 The attic space thus created shall not be used for human habitation unless it complies with the current Building Regulations.

## **4 PLANNING AUTHORITY REPORTS**

### **4.1 Planning Report**

**4.1.1** The proposal is acceptable in principle, having regard to the Z1 zoning objective. However, under the Development Plan (Appendix 18) such alterations must take careful consideration of the character/size of the structure, its position in the streetscape and its proximity to other structures.

**4.1.2** Dormer windows should complement the existing roof profile and be subordinate to that roof profile, retaining a large proportion of the roof.

**4.1.3** Dormers should not extend across the full width of the roof. They should be set back from the eaves to minimize visual impacts and to reduce overlooking. They should not have a flat roof.

**4.1.4** The intended dormer should have a maximum width of 3 meters.

**4.1.5** Many of the dwellings in the terrace have significant rear extensions but they have retained the original roof ridge height. This proposal would create an exception.

**4.1.6** The proposed dormer would exceed the roof ridge height, making it apparent from the street, thereby undermining the character of the terrace. It would set an undesirable precedent.

## **4.2 Other Technical Reports**

**4.2.1** The Council's Drainage Division raised no objection.

## **5.0 PLANNING HISTORY**

There were three planning applications lodged for this site last year (ref.WEB2142/22, ref.WEB2104/22 and ref.WEB2071/22) all of which were declared invalid.

Five years ago the Council granted permission (ref.3123/18) for the subdivision of no.11 Emmet Street (three houses to the east) into two apartments. That proposal also included addition of a part-single and part-two storey return at the back. There was a condition (no.4) requiring omission of two bedrooms at attic level and reducing the projection of the intended balcony to 1.5 meter max.

## **6.0 POLICY AND CONTEXT**

### **6.1 Development Plan**

In the Dublin City Development Plan these lands are included in the Z1 zone where the stated objective of the Council is to promote sustainable residential neighbourhoods. The lands to the north, along both banks of the River Camac, are

situated within the Z9 zone where the objective is to promote amenity, open space and green networks.

The Plan includes a Conservation Area, incorporating the River Camac and the lands to the north of it, i.e. those lands closer to Kilmainham Jail.

Appendix 18 of the Plan states that alterations to roof level shall have careful consideration of the character and size of the structure, the streetscape and the proximity to adjacent structures. It shall take account of the rest of the structure in regard to distance, visibility and harmony.

Appendix 18 also requires alterations at roof level to be visually subordinate, leaving much of the existing roof still visible. For that reason it shall be set back from the eaves level and kept below the roof ridge. It should not extend across the full width of the roof.

## **6.2 Appropriate Assessment**

Having regard to the nature and scale of the proposed development, the availability of public services, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site. A Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## **7.0 THE APPEAL**

**7.1** This is a first party appeal against condition no.3.

### **7.2 Grounds of Appeal**

- The proposed dormer would not be visible from the street. While it would be 0.2 meter higher than the roof ridge it would be set back 1.4 meters.
- The vast majority of the roof is not currently visible from the street because of the two-storey rear extension.
- An Bord Pleanála has, in previous precedent cases, allowed dormers that were not visible from the street.
- The dormer window would be only 3.9 meters wide. It would not be overbearing and would not overlook third parties.
- The dormer would be subservient due to the existence of the two-storey rear extension.
- The appellant cites cases from Raheny, Dublin 5, and from Ringsend and Irishtown, Dublin 4.

### **7.3 Applicant Response**

Not applicable

### **7.4 Planning Authority Response**

The Board is requested to uphold the decision of the Planning Authority and to include a condition requiring the payment of a Section 48 development contribution.

### **7.5 Observations**

None

## **7.6 Further Responses**

None

## **8.0 ASSESSMENT**

- 8.1** The main issue is the impact on the receiving environment at Emmet Road, particularly the area to the rear in/around both the site itself and adjoining the River Camac. The context for the riverside area includes its open space/conservation zoning (Z9), and being so close to the historic Kilmainham Jail.
- 8.2** Parking and drainage are not material issues and they could be addressed by conditions.
- 8.3** There is ample private open space. The house has a rear garden over 16 meters long and over 7 meters wide, and that would be retained. It would also retain the pleasant aspect (including the fall of slope) from the rear of the house, i.e. towards the riverside and Kilmainham Jail.
- 8.4** Over recent decades Emmet Street has become a busy thoroughfare but the houses still retain their period character. That is expressed in the consistency of the street elevations and there has been little overall intervention or disruption to the streetscape. Consequently, that is one reason why the height of any new extension must be considered in terms of its scale and texture, and how they would impact on the surroundings. The fall of slope towards the river lowers the viewpoint of observers, helping to conceal the proposal.
- 8.5** The streetscape context would be a consideration for rear extensions where they would intrude and disrupt the settled streetscape. That is largely avoided in this instance.
- 8.6** The existing rear extension is quite intrusive when viewed from the riverside. It stands out on account of its wide glazed balcony and the extensive glazing that rises up



behind it. Those features form a strong contrast to the long-established brick walls of the houses. However, the current proposal would not be unduly intrusive because of its elevated position and being set back over 7 meters behind the facade of the existing rear extension.

- 8.7** In physical terms, the proposed extension, by reason of its design, including the flat roof, would serve to make the rear of the house more intrusive. It would stand out more from those adjoining it within the terrace. The degree of that departure would exceed what is envisaged by the Z1 zoning objective.
- 8.8** Some of those closely neighbouring houses have rear extensions but they are predominantly finished in brick, some with pitched slated roofs, thereby fitting in well. In marked contrast to that, the current proposal is for a flat roof with an external finish that has been poorly defined. Further information on its form and texture would be needed if permission was granted for it.
- 8.9** Condition no.3 of the Council's decision would modify the impact of the proposal in a way that would allow it to fit in better within this period terrace, bearing in mind the Z1 zoning. It is justified on account of the zoning objective and the sensitive heritage setting bordering the Camac and Kilmainham Jail. Exceeding that scale and height would cause excessive disruption and overbearing of the abutting houses within the terrace.
- 8.10** It is considered that the appeal can be decided in regard to those issues raised in regard to Condition no.3.

## **9.0 RECOMMENDATION**

This appeal relates only to a condition of the Planning Authority decision. I recommend that the Board is satisfied, having regard to the nature of the condition, that the

determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted.

I recommend that Condition no.3 be retained.

## **10.0 Reasons and Considerations**

Having regard to the Development Plan zoning, the site location and the scale and design of the proposed development it is considered that Condition no.3 is reasonable in order to achieve the proper planning and sustainable development of the area.

## **11.0 Declaration**

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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Diarmuid Ó Gráda,  
Planning Inspector

5 July 2023