



An
Bord
Pleanála

Inspector's Report ABP317135-23

Development

Conversion of roof/attic storage space to habitable space and all associated site works.

Location

10 Saint Anne's Terrace, Raheny,
Dublin 5.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

1152/23.

Applicant

Dermot Gallagher.

Type of Application

Permission and retention permission

Planning Authority Decision

Permission with conditions.

Type of Appeal

First Party

Appellant

Dermot Gallagher.

Observer(s)

None.

Date of Site Inspection

22nd August 2023.

Inspector

Derek Daly.

1.0 Site Location and Description

1.1. The appeal site is located in an established residential estate in the suburb of Raheny in northeast Dublin city area. On the site is an end of terrace two storied dwelling with a front and rear garden with a similar pattern of groups of terraced houses on both sides of the road. The dwelling has been extended to the side and rear at ground level.

2.0 Proposed Development

2.1. The proposal provides for the conversion of an existing roof/attic storage space to a habitable space including raising of existing ridge height with dormer window to the rear, new window to the side elevation with minor internal alterations and all associated site works. The extended roof area is located at the rear and will involve raising the roof ridge by approximately 400mm along the entire ridge length. No other alteration to the front elevation other than raising the roof ridge is proposed.

2.2. The new roof area will provide for a new living space and a room with toilet and shower and stairwell to the attic area. The external elevation to the rear at roof level and which does not extend over the entire elevation incorporates two windows the main window with a width of 2380mm and also has a window for the bathroom 600mm in width and 900mm in height with frosted glass and the proposal involves a dormer box projection to accommodate the additional floor area. The width of this dormer box is approximately 5600mm. a window is also proposed on the gable elevation. The stated new and retained floor area of the proposed development is stated as approximately 160m², 23m² of which is new development and 137.2m² which is to be retained.

3.0 Planning Authority Decision

3.1. Decision

The decision of the planning authority was to grant planning permission subject to eight conditions.

Condition 4 is of note which states;

The proposed development shall adhere to the following:

- a. The roof of the proposed dormer extension shall not exceed the height of the existing roof ridge line.
- b. The dormer box extension shall be reduced to maximum of 3.5 metres in width
- c. There shall be only one window in the dormer extension which shall have a maximum dimensions of 2.38 metres (width) x 1.2 metres (height).
- d. The proposed additional window in the gable end of the house shall be fitted with obscure glazing.
- e. The attic level shall not be used for human habitation unless it complies with the current building regulations
- f. All elevations; fascia/soffits; rainwater goods, window frames glazing bars shall be finished in a dark colour so as to blend with the existing roof finish. No white uPVC shall be used.
- g. The rear dormer shall not accommodate solar panels whether or not they would be exempted development under the Planning & Development Act 2000 (as amended)
- h. All internal and external works to give the effect of the above.

Reason: In the interest of visual and residential amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report refers to the provisions of the City Development Plan (CDP) and the provisions as they relate to dormer roof extensions. The dormer box is considered excessive and contrary to the guidance as set out in appendix 18 of the CDP. Modification by way of condition is recommended.

4.0 Planning History

None relevant.

5.0 Policy and Context

5.1. Development Plan

The relevant statutory development plan is the Dublin City Development Plan 2022-2028.

The site is located within the Z1 zoning with the objective to provide and improve residential amenities.

Volume 2 Appendices and in particular Appendix 18 Ancillary Residential Accommodation address domestic extensions.

Section 4.0 refers to Alterations at Roof Level/ Attics/ Dormers/ Additional Floors and that following criteria will be considered in assessing alterations at roof level:

- 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.

In section 5.0 Attic Conversions / Dormer Windows it is indicated that dormer windows, where proposed should complement the existing roof profile and be sympathetic to the overall design of the dwelling. 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.

Guidelines for attic conversions and the provision of dormer windows is set out in Table 18.1 Dormer Window Guidance and that dormer windows should;

- 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.

5.2. **Natural Heritage Designations**

Not relevant

5.3. **EIA Screening**

5.4. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, 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**

The appellant who is also the applicant has appealed condition 4 a of the planning authority's decision to grant permission and had not raised any issues in relation to the remainder of the planning authority condition. Condition 4 a indicates that "*the roof of the proposed dormer extension shall not exceed the height of the existing roof ridge line*".

The appellant indicates that raising the height of the roof is necessary to accommodate his son who is autistic and needs his own space and the attic conversion would meet this.

Reference is made to other similar development in the area where permission was granted for development raising roof ridge height greater than the proposal under appeal.

7.0 **Assessment**

7.1. The main issues in this appeal are largely those raised in the grounds of appeal. Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- Principle of the development.
- Condition no 4 and the grounds of appeal specific to this condition.
- Appropriate Assessment

7.2. Principle of the development

7.2.1. The site is located within a residential area with a residential zoning. The proposed development is therefore acceptable in principle.

7.3. Condition no 4 and the grounds of appeal specific to this condition.

7.3.1. Central to this appeal is the grounds of appeal where the appellant has specifically appealed condition 4(a) of the planning authority's decision and has raised no issues in relation to the remaining conditions of the Planning Authority decision.

7.3.2. Having reviewed the documentation submitted both in relation to the details submitted in the course of the assessment by the planning authority and the appeal submission I am satisfied that no issues arise other than those presented in the grounds of appeal and the consideration of Condition no.4 generally and that this appeal can be considered under the provisions of section 139 of the Planning and Development Act 2000 as amended.

7.3.3. The Dublin City Development Plan 2022-2028 in Volume 2 appendix 18 offers guidance in relation to extensions to residential developments in section 1.0 indicating that given the wide variety of house types and styles within Dublin City, it is not possible to deal with every type of addition and sets out a number of general

principles that should be addressed in all cases and which will be applied by the planning authority in assessing applications for permission.

- 7.3.4. The grounds of appeal are specific to condition 4(a) of the planning authority's decision to grant permission and the grounds do not refer to the remainder of the planning authority's condition No.4. Condition 4 a indicates that "*the roof of the proposed dormer extension shall not exceed the height of the existing roof ridge line*".
- 7.3.5. The appellant indicates that raising the height of the roof is necessary to accommodate his son who is autistic and needs his own space and the attic conversion would meet this.
- 7.3.6. Reference is made to other similar development in the area where permission was granted for development raising roof ridge height greater than the proposal under appeal. I would note that in the course of inspecting the site I observed that two other dwellings on Saint Anne's Terrace nos. 13 and 20 had roof extensions to the rear and the roof ridge height on these extensions is higher than the original roof height.
- 7.3.7. The raising of the roof would appear to be necessitated by a requirement to provide for a minimum ceiling height to comply with building regulations and the relative narrow depth of the available roof space.
- 7.3.8. I would note that retaining the height to that of the existing ridge height would limit the height of the attic space to less than 2000mm and this may present issues of compliance with building regulations codes. In this regard, I note that condition 2e requires that the attic level shall not be used for human habitation unless it complies with the current building regulations. As the purpose of the proposal is to provide additional living accommodation the restriction in the height would likely negate this.
- 7.3.9. Based on my observations of the existing developments on the road the increase in roof height is relatively imperceptible and does not impact adversely on the overall streetscape and this would also apply in relation to the proposal under appeal where an increase of 400mm is proposed.
- 7.3.10. I would therefore consider that condition no 4(a) should be omitted in a grant of planning permission.

7.3.11. In relation to other modifications required by condition no 4 of the planning authority's decision by 4b where the dormer box extension shall be reduced to maximum of 3.5 metres in width and 4c that there shall be only one window in the dormer extension which shall have a maximum dimensions of 2.38 metres (width) x 1.2 metres (height) the effect of this condition is in effect to eliminate the practical use of the proposed toilet and wash hand basin area associated with the bathroom owing to an absence of height and also to eliminate the window of this bathroom.

7.3.12. The requirement of stating the overall reduction of the dormer box is reasonable given the general guidance as set out in appendix 18 of the CDP but is important to state it is guidance and individual sites require to be considered specific to the nature of the site. Given the scale of the proposed development I do not consider visually and to provide for a good standard of providing living accommodation that the reduction to a maximum width of 3.5 metres is of a necessity to provide for the proper planning and development of the area and to provide for a reasonable and usable living space in the attic/roof area.

In the context of considering that condition 4b be omitted, condition 4c requiring that there shall be only one window in the dormer extension which shall have a maximum dimensions of 2.38 metres (width) x 1.2 metres (height) should also be omitted to permit the additional window for the bathroom.

7.3.13. Other requirements of condition 4 are considered reasonable.

7.4. Appropriate Assessment Screening

7.5. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom/to the absence of emissions therefrom, the nature of receiving environment as a built up urban area and the distance from any European site/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. For the reasons already stated I consider that the appeal can be addressed under section 139 of the Planning and Development Act 2000 as amended and I

recommend permission be granted subject to the omission of conditions 4 (a) and (b) and amendment of 4(c) of the Planning Authority's decision to grant planning permission.

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, the matters raised in the grounds of appeal and the presence of similar type development in the immediate vicinity and road on which the appeal site is located it is considered subject to the amended conditions as set out that the proposed development accords with the proper planning and sustainable development of the area and would not adversely impact or detract from the visual and residential amenities of the area.

10.0 Conditions

10.1. Condition no .4 shall be amended as follows.

Condition 4a shall be omitted;

Condition 4b shall be omitted;

Condition 4c shall amended to provide as follows.

The windows on the rear elevation shall be constructed as indicated on the drawings and details submitted to the planning authority on the 27th February 2023.

Conditions 4d to h inclusive shall be as stated in the planning authority's decision to grant planning permission.

Reason:

In the interest of visual and residential amenity.

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.

Derek Daly
Planning Inspector

5th September 2023