



An
Bord
Pleanála

Inspector's Report ABP-317219-23

Development	Convert existing attic to one bedroom apartment, changes to internal first and ground floor layouts of office areas and to create accessible wc.
Location	326 Clontarf Road, Dublin 3
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3337/23
Applicant(s)	John & Patricia Craddock
Type of Application	Planning Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v. Decision
Appellant(s)	John & Patricia Craddock
Observer(s)	Vincent Di Cioccio
Date of Site Inspection	22 nd August 2023
Inspector	Dan Aspell

1.0 Site Location and Description

- 1.1. The subject site is No. 326 Clontarf Road, Dublin 3. The site comprises a mid-terrace, 2-storey building overlooking Clontarf Road and Dublin Bay. It is located near the junction of Clontarf Road and The Wooden Bridge road, and backs onto No. 15A Seafield Downs.
- 1.2. The original building has been extended to the rear such that almost the entire site is occupied by development. There is a sizeable dormer element to the rear roof.
- 1.3. The building is in mixed commercial uses at ground and first floor. The remainder of the terrace is comprised mainly of commercial units, with the exception of a first-floor dwelling at the western end of the terrace (No. 322 Clontarf Rd). Together the buildings in the terrace function as a village centre.
- 1.4. The terrace is comprised 4 no. 2-storey buildings. There are dormer elements of varying sizes and shapes to the rear of each building in the terrace. To the front, along Clontarf Road, the terrace roof is relatively uniform in height and profile.
- 1.5. The surrounding area is predominantly residential and comprised of a mix of 2-storey dwelling styles, with some 2.5- and 3-storey residential buildings in the vicinity.
- 1.6. The site is in a prominent location along Clontarf Rd overlooking Dublin Bay, and is visible on the approach from Bull Island across The Wooden Bridge road.

2.0 Proposed Development

- 2.1. The proposed development is comprised of:
 - removal of existing dormer and first-floor mansard element at rear;
 - creation of 1-bed apartment in the converted attic and new flat-roof 3rd storey;
 - internal 3-storey access stair at rear, with rendered façade, facing 15A Seafield Downs;
 - balcony and vent inset within the roof to the front, facing Clontarf Road;
 - internal changes to ground and first floor to existing light well and office areas.

3.0 Planning Authority Decision

3.1. Decision

Dublin City Council issued a notification of decision to refuse permission (2nd May 2023) for 1 no. reason:

“The proposed development of a second floor/attic level extension projecting above the main roof of the building and visible from distance on approaches along Clontarf Road and from the approach from The Wooden Bridge from Bull Island would be visually obtrusive and out of character with the roofscape of the terrace in its height and massing. Furthermore the second floor extension to the rear would be overly dominant and visually incongruous when viewed from Seafield Downs. The proposed development would seriously injure the visual amenities of the area and would set an undesirable precedent for similar adjoining terrace structures on the roofscape and would, therefore, be contrary to the current Dublin City Development Plan and the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The case planner recommended that permission be granted subject to 15 no. conditions, whilst accompanying commentary from the Senior Executive Planner recommended refusal. The notification of decision reflects the latter.

3.2.2. Other Technical Reports

Drainage Division – No objection subject to conditions.

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

One observation received.

4.0 Planning History

Subject site:

No recorded planning history since 2009. Three applications recorded prior to this:

- 2267/09: Permission granted May 2009 by Dublin City Council for Change of use of ground floor.
- 2446/99: Permission refused by Dublin City Council to Extend existing offices to comprise a second-floor attic conversion of existing front and return roofs with front dormer windows, with a mezzanine level over first floor extension revised and extended at rear, to include all internal changes and relocation of existing units. (Refused by Dublin City Council on grounds of inadequate car parking and over intensification of the site. Decision upheld on Appeal (PL29N.116674) dated April 2000.
- 3813/98: Permission granted by Dublin City Council 1999 To retain and extend first floor office and commercial use to include a new access stairway.

Nearby sites:

Whilst there are a number of applications granted by the City Council and An Bord Pleanála for development within the subject terrace, application Ref. **0749/00** (No. 322 Clontarf Road) is the most relevant. It was described as a first- and second-floor extension incorporating dormer windows to provide additional living accommodation at rear. No. 322 is at the western end of the subject terrace. The application was granted by the City Council.

5.0 Policy Context

5.1. Development Plan

In the Dublin City Development Plan 2022-2028 the site is zoned 'Z3', where residential development is permissible. The Development Plan states that neighbourhood centres may include an element of housing, particularly at higher densities, and above ground floor level. I note that the lands adjacent to the north-west including No. 15A Seafield Downs are also zoned 'Z3'.

As set out in the Planning Authority report, City Development Plan policies 'QHSN6 Urban Consolidation' and 'QHSN7 Upper Floors', and Section 15.13.6 'Living Over the Shop', support residential consolidation:

- Policy 'QHSN6 Urban Consolidation' promotes and supports residential use of upper floors subject to the provision of good quality accommodation;
- Policy 'QHSN7 Upper Floors' supports proposals that bring upper floors into residential use in order to revitalise the social and physical fabric of the city through measures such as the Living City Initiative;
- Section 15.13.6 'Living Over the Shop' encourages the development of residential accommodation over existing commercial premises;

I also note that:

- Policy CCUV18 'Residential Development' seeks to encourage, support and promote more residential apartments through the reuse / retrofit of the upper floors of existing buildings.
- Section 15.3.5 'Living Over the Shop' acknowledges vacancy and underutilised floorspace on the upper floors of commercial premises that have the capacity to contribute to the house stock of the City. This section states that applications for the refurbishment and reuse of those buildings for residential development will therefore be supported.

However, I further note that:

- Policy SC5 'Urban Design and Architectural Principles' promotes the urban design and architectural principles set out in Chapter 15, and;
- Policy SC19 'High Quality Architecture' seeks "*To promote development which positively contributes to the city's built and natural environment ... and incorporates exemplar standards of high-quality, sustainable and inclusive urban design and architecture befitting the city's environment and heritage and its diverse range of locally distinctive neighbourhoods.*"

Section 15.4.2 'Architectural Design Quality' of the Plan states that:

- "*Through the use of high quality materials and finishes and the appropriate building form, the architectural quality of development should positively*

contribute to the urban design and streetscape, enhancing the overall quality of the urban environment. In particular, development should respond creatively to and respect and enhance its context”.

- In this section Key principles to consider are:
 - *“The character of both the immediately adjacent buildings, and the wider scale of development and spaces surrounding the site.*
 - *The existing context and the relationship to the established pattern, form(s), density and scale of surrounding townscape, taking account of existing rhythms, proportion, symmetries, solid to void relationships, degree of uniformity and the composition of elevations, roofs and building lines. The scale and pattern of existing streets, squares, lanes and spaces should be considered.”*

Section 15.5.3 ‘Alterations, Extensions and Retrofitting of Existing Non - Domestic Buildings’ states that:

- *“Dublin City Council will seek to ensure that alterations and extensions will be sensitively designed and detailed to respect the character of the existing building, its context and the amenity of adjoining occupiers. In particular, alterations and extensions should:*
 - *Respect any existing uniformity of the street, together with significant patterns, rhythms or groupings of buildings...”;*
- *“In addition to the above, alterations and extensions at roof level, including roof terraces and set back floors, are to respect the scale, elevational proportions and architectural form of the building.”;*
- Key considerations in this regard include *“New development will respect terraces or groups of buildings with a consistent roofline.”* and that *“Development will not result in the loss of roof forms ... where these contribute to local character and distinctiveness”.*

Section 15.9.18 ‘Overlooking and Overbearance’ states that, in relation to overbearance, in established residential developments, any significant changes to established context must be considered.

5.2. Natural Heritage Designations

The site is in the immediate vicinity of the following European sites:

- The North Bull Island SPA (Site Code: 004006) is approximately 14m from the southernmost boundary of the site;
- The North Dublin Bay SAC (Site Code: 000206) is approximately 14m from the southernmost boundary of the site;
- The South Dublin Bay & River Tolka Estuary SPA (Site Code: 004024) is approximately 60m from the southern-most boundary of the site.

5.3. EIA

Having regard to the nature of the proposed development comprising additional floorspace, the creation of one residential unit and associated works; its location in a serviced urban area; and notwithstanding its location proximate to environmentally sensitive locations in Dublin Bay, I consider that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

One appeal was received, from the applicant. The appeal document is prepared by the applicant's architect and focuses on points made in the Planning Authority's recommendation and decision, summarised as follows:

- the visual impact of the development on Seafield Downs;
- the impact of the development on the visual amenity to viewers of the property on the Clontarf Road;
- the visual clutter that could be caused by drainpipes to the rear of the property, and;

- the potential inability of the applicant to maintain the rear façade of the completed development.

The appeal makes the point that the dwellings to the rear of the proposed development (No's. 15A and 15B Seafield Downs) have no view of the proposed development from their front or rear windows. The appeal also makes the points that The Wooden Bridge road is not directly in front of No. 326; that the building becomes lost in the varied rooflines and properties of the area; and that there is no uniformity of scale, roofline, or design approach on Clontarf Road.

The appeal also states that the view of No. 326 from The Wooden Bridge is "irrelevant", and (in reference to submitted photomontages showing the building at a distance) that when viewed from The Wooden Bridge there will be "no impact". Commentary related to guttering and rear façade maintenance is also included.

6.2. **Planning Authority Response**

The Planning Authority response raises no new issues and requests the Bord upholds the decision to refuse permission.

6.3. **Observations**

The observation received is from a resident of No. 15A Seafield Downs (north-west of the site). It cites concerns in relation to visual impact from the observer's property; increased height; the proposal being highly visible and substantially larger than the existing; the visual impact being excessive and detrimental; and overlooking, as well as impact on sunlight, the access laneway not being suitable, and lack of parking.

7.0 **Assessment**

- 7.1. Having regard to the foregoing; having examined the application details; having inspected the site; and having regard to relevant adopted policies and guidance, I consider that the main issues in this appeal are the visual impact arising from the design, height, form and scale of the proposed 3rd storey of the development.

Visual impact

- 7.2. I note that the building has been extended to the rear previously and that almost the entire rear of the site is now occupied by 2-storey development. This includes an existing 2-storey mansard style extension which runs up to the rear boundary, as well as a substantial dormer element at the current roof level.
- 7.3. The proposed 3rd storey flat roof element would rise c.0.62m above the ridge of the existing building but would extend c.16m back to the rear site boundary. This flat-roofed element would be set back c.1.2m from the ridge line. The maximum building height would be c.8.9m. The associated apartment balcony would be inset into the roof at the front of the building, overlooking Clontarf Road.
- 7.4. In summary, almost the entire rear of the site would be raised to become a 3-storey flat-roofed building. The proposal would be highly visible from Clontarf Road, The Wooden Bridge and Seafield Downs. It would introduce a 3-storey element centrally within the 2-storey terrace and would be prominent above the existing pitched roof ridge line of the building and wider terrace.
- 7.5. The Planning Authority report referenced policies that support residential use and conversion of upper floors. Reading these policies, I would draw a distinction between the appellant's proposed creation of a new 3rd storey extending from the existing attic, and the City Development Plan's policies for bringing upper floors into residential use, and for the reuse, retrofitting and refurbishment of upper floors.
- 7.6. These policies must be balanced against consideration of the design and visual impact of development. Whilst the design, height and form of buildings along Clontarf Road in this location vary, the roof types and profiles are generally harmonious, particularly when viewed from Clontarf Road and The Wooden Bridge road. Similarly, the roof form and profile of the terrace within which the subject building sits centrally is largely uniform in height and shape. Noting that the proposed 3rd floor element has been set back from the ridge line, I consider that an appropriate balance has not been struck in relation to design and visual impact in this prominent location.
- 7.7. Whilst acknowledging the benefits in principle of creating residential accommodation in this location, and the evident effort to restrain the prominence of the development when viewed from Clontarf Road and The Wooden Bridge road, I consider that the development would not positively contribute to the built environment; would not incorporate exemplar standards of high-quality architecture; would not respect the

character of the existing building and its context; would not respect the scale and architectural form of the building; would not respect the existing terrace roofline; and would result in the loss of the roof form which contributes to local character.

- 7.8. As such I consider that the development as proposed would be contrary to Policy SC5 'Urban Design and Architectural Principles' and Policy SC19 'High Quality Architecture', and that the design as proposed would be visually incongruous and would have a significant detrimental impact on the visual amenities of the area when viewed from Clontarf Road, The Wooden Bridge, and Seafield Downs. As such, and on balance, the proposed development should be refused.

Other matters

Visual Clutter

- 7.9. In relation to points raised in the appeal and the Planning Authority's planning report regarding visual clutter to the rear of the property, having regard to the submitted drawings, the likely extent of guttering required, and the potential for appropriate detailed design in this regard achievable by condition, I do not consider visual clutter arising from guttering to be a significant issue in this specific regard.

Maintenance

- 7.10. In relation to references made in the appeal and the Planning Authority's planning report regarding maintenance and weathering of the proposed extension to rear, having regard to the current extent of development up to the site boundary, that it appears reasonably well maintained, and that there is a shared rear access adjacent, I do not consider maintenance to be a significant issue in this regard.

Overbearance

- 7.11. The Planning Authority planner's recommendation raised concern that the proposal would be overbearing to the residential amenity of property to the northwest. Conversely the appeal states that "*there are no residential properties to the northwest of the site remotely close enough to be affected in any way*". Having regard to the positioning of the proposed development to the side of No. 15A Seafield Downs, and to the east of the main area of private amenity space to the rear of No. 15A, as well as its distance away, I consider that the proposal, whilst being highly visible, would fall short of being overbearing to No. 15A.

8.0 Appropriate Assessment

Having regard to the development proposed and the nature of the receiving environment, and despite the proximity of the site to a number of European sites, I consider that no Appropriate Assessment issues arise given that no significant works are proposed that would disturb ground levels and that the site is served by public mains drainage which could absorb surface water run-off from the site. I do not consider that the proposed 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. I recommend planning permission be **Refused** for the reasons and considerations below.

10.0 Reasons and Considerations

Having regard to the prominent location of the site, it is considered that the third storey as proposed would be visually incongruous in terms of design, height and scale, would injure the visual amenities of the area, would be contrary to policies SC5 'Urban Design and Architectural Principles' and SC19 'High Quality Architecture' of the Dublin City Development Plan 2022-2028, and would, therefore, be contrary to 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.

Dan Aspell
Planning Inspector

31st August 2023