



An
Bord
Pleanála

Inspector's Report

ABP-317325-23

Development	Alterations to hip roof to side to create gable roof to accommodate attic stairs to allow conversion of attic into non habitable storage with dormer to rear roof and 2 roof windows to front roof with associated ancillary works.
Location	80 Kincora Grove, Clontarf, Dublin 3, D03K4K6
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	3426/23
Applicant(s)	Shane and Ruth Meehan
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	First Party against a condition
Appellant(s)	Shane and Ruth Meehan
Observer(s)	None
Date of Site Inspection	1 st August 2023
Inspector	Joe Bonner

1.0 Site Location and Description

- 1.1. The site of the proposed development is one of a pair of two storey red brick semi-detached houses in a south-west facing row of houses on the northern side of Kincora Grove, in the mature suburb of Clontarf and approximately 180m north of Clontarf Castle. A similar row of houses is located to the southern side of the road while a narrow lane running along the rear boundary wall provides access to the rugby club and to Clontarf cricket grounds as well as acting as a pedestrian access to Stiles Court to the west. The metal clad back of a spectator-stand at Clontarf Rugby club is located to the immediate north of the lane, opposite the rear garden.
- 1.2. The site itself is of a rectangular form and extends over an area of 367sqm. It has front and rear gardens with off-street parking to the front. The floor area of the existing house is stated to be 165sqm, while 27sqm of non-habitable space will be provided in the converted attic area.

2.0 Proposed Development

- 2.1. The proposed development comprises amendments to the existing dwelling consisting of:
 - Alterations to existing hip roof to side to create gable roof to accommodate attic stairs to allow conversion of attic to non-habitable storage with dormer roof rear roof
 - 2 no roof windows to the front.
- 2.1.1. The applicant has submitted revised plans as part of the appeal, to demonstrate how they would comply with the requirements of parts (a) and (c) of Condition No 2, while they have appealed the imposition of parts (b) and (d) of the same Condition. This report and assessment are based on the amended plans submitted with the appeal.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. A decision to grant permission was issued by Dublin City Council on 17th May 2023, subject to the attachment of 10 conditions including Condition No 2 which states:

2. The development shall incorporate the following amendments:

- a) The gable roof shall be omitted and replaced by a side dormer to match the scale, proportions and appearance of the side dormers to be seen at No's 76, 78 & 86 Kincora Grove. The dormer shall be fitted with and permanent retained in an obscure glazed window.
- b) The rear dormer shall be reduced in width to not exceed an external width of 3.5m.
- c) The window to the rear dormer shall be reduced to a height from cill to lintel to match the first floor windows below. The width of the dormer window glazing shall be increased to match the width of the largest of the first floor windows below.
- d) The two no. front rooflights shall be omitted.

Reason: In the interest of visual and residential amenities and to comply with current Dublin City Development Plan requirements, in particular Appendix 18.4.0 and 18.5.0.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's Report is the basis for the Planning Authority decision and includes the following:

- Three precedents are cited at No's 78, 76 and 54 Kincora Grove for side dormer windows.
- Appendix 18.4.0 and 18.5.0 of the Development Plan are relevant:
 - 18.4.0 - Alterations at Roof Level/ Attics/ Dormers/ Additional Floors.
 - 18.5.0 - Attic Conversions/ Dormer Windows.
- The development plan encourages consistency in approach and consideration of streetscape, and the proposed gable ended roof is not found in the area. It would lead to erratic patterns of roof alterations.

- Rear dormer windows should not dominate a roof and it should be reduced from 6.2m (sic) wide to 3.5m wide, while the scale of the window is inconsistent with the first-floor rear windows.
- No 78 and 82, either side of the site do not have front rooflights as suggested in the application drawings, do not appear to be located on any other houses in the wider streetscape and are not necessary, other than to provide southern daylight, as they light the same space as the proposed rear dormer.
- The report also concluded that AA is not required for the proposed development.

3.2.2. Other Technical Reports

Drainage Division – No objection subject to conditions

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Planning History

- 4.1.1. No site specific planning history although the application cover letter cited five precedents in Kincora Grove, where side dormer windows were permitted, while the Planning Officer's report cited one additional local side dormer precedent, which is a required amendment by way Condition No. 2(a). The applicant is not contesting Condition 2(a) in the grounds of appeal.
- 4.1.2. **P.A. Ref. 4834/19** at No 42 Kincora Grove c70m south of the site, granted on 14th May 2020, included a condition that required that 'The rear dormer shall not constitute more than 50% of the linear extent of the extended roof (as may be amended) and shall be placed as centrally as possible on any extended roof plane'.
- 4.1.3. **P.A. Ref. 1012/01** - Permission was granted by the Planning Authority in 2001 for two roof lights at the front of No 44 Kincora Drive, c80m south of the site.

- 4.1.4. **ABP-301219-18 (P.A. Ref. WEB1629/17)** Appeal against a condition similar to condition 2(d) on a corner site c100m east of the site where the existing house has frontage onto both Castle Avenue and Blackheath Gardens. The planning authority decided to grant permission for a new higher pitched roof but attached a condition that omitted dormer windows on each of the two new roof profiles that were to face onto two different the public road. The Board amended the condition so that a dormer window was permitted on one of the two roadside facing roof plane only.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The relevant Development Plan is the Dublin City Development Plan 2022-2028, which came into effect on 14th December 2022.
- 5.1.2. The site is zoned 'Z1' Sustainable Residential Neighbourhoods with a stated objective 'to protect, provide and improve residential amenities'.

Section 4.0 of Appendix 18 addresses 'Alterations at Roof Level/ Attics/ Dormers/ Additional Floors', which provides that the 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.
- 5.0 Attic Conversions / Dormer Window, sets out guidance for the design and placement of dormers including: -
- Use materials to complement the existing wall or roof materials of the main house.
 - Be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible.

- Relate to the shape, size, position and design of the existing doors and windows on the lower floors.
- Be set back from the eaves level to minimise their visual impact and reduce the potential for overlooking of adjoining properties.
- 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

5.2.1. None relevant.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Condition 2(b) and 2(d) of the decision to grant permission have been appealed by the applicant. The following is a summary of the main issues raised in the appeal:

- The applicant has provided revised drawings demonstrating how they intend to comply with revisions required in accordance with parts a) and c) of Condition No. 2 and how those proposed amendments integrate with the revised proposal submitted to the Board in respect of Condition 2(b) and 2(d).
- Amended proposal submitted for rear dormer - Condition No 2(b) of the decision to grant permission requires that the rear dormer window is reduced to not exceed 3.5m in external width, whereas the revised proposal would reduce the internal width to 4.2m (4.6m external), which is less than 50% of the overall width of the rear roof. The revised proposal is consistent with a precedent at No 42 Kincora Drive reg. ref. 4834/19 that included a condition that the rear dormer could be up to 50% of width of the roof.

- The proposed rear dormer faces onto playing pitches and has no visual bearing on the streetscape.
- The appellant also contests Condition 2(d) requiring that the two front roof lights should be omitted, and they cite a precedent for similar rooflights in the immediate vicinity, at No. 42 Kincora Grove.

6.2. **Planning Authority Response**

None received

6.3. **Observations**

None

7.0 **Assessment**

- 7.1. I have read all of the documentation attached to this file including the appeal and the report of the Planning Authority, in addition to having visited the site.
- 7.2. This is an appeal against Condition No. 2 of the decision to grant permission of Register Reference D22B/0243, which was issued by the Planning Authority on 17th May 2023. The applicant is contesting parts 2(b) and 2(d) while revised plans and elevations have been submitted as part of the appeal addressing the changes required by parts (a) and (c) of Condition No 2. I consider it is appropriate that the appeal should be confined to Condition No. 2 only and I am satisfied that the determination by the Board of this application as if it had been made to it in the first instance would not be warranted and that it would be appropriate for the Board to use the provisions of Section 139 of the 2000 Act in this case.
- 7.3. It is noted that condition No 2 requires amendments to be made to the development but does not require revised plans to be submitted to and agreed with the planning authority showing the required changes. This is relevant because the revised plans submitted to the Board as part of the appeal, contain inaccuracies, which are addressed below.

7.4. Condition 2(a) – Side Dormer

7.4.1. The revised side dormer design submitted with the appeal represents the applicants attempt to comply with the requirements of Condition No 2(a), which refers to the replacement of the proposed gable roof with a side dormer matching the design, scale, proportions and appearance of the side dormers at No's 76, 78 and 86 Kincora Grove. I have reviewed the submitted plans and elevations and while the revised proposal is consistent with the dormers on the referred to houses, including being fitted with obscure glazing, there are inaccuracies in the plans and elevations submitted to the Board. The site and floor plans show the side dormer being flush with the side gable wall, but the elevations indicate that it would be set back from the gable wall by c0.5m. The principle of the revised side dormer is acceptable, but revised plans and elevations should be required to be prepared, submitted to and agreed with the planning authority, due to the inaccuracies in the revised drawings submitted as part of the appeal, so that there is certainty about the final design and to protect the visual and residential amenity of the area, which is the reason for attaching the condition.

7.5. Condition No. 2(b) – Rear Dormer

- 7.5.1. Condition No. 2 (b) requires the proposed rear dormer extension to be reduced in width to no greater than 3.5 metres externally, whereas the originally proposed dormer would be 5.2m in width externally or 4.8m internally.
- 7.5.2. The applicant has submitted a revised dormer design as part of the appeal, which they refer to as being 4.2m. This measurement refers to the internal width and it would be c4.6m wide externally, 1.1m wider than the maximum external width permitted by condition 2(b). The applicant cites a precedent granted by the Planning Authority in 2019 at No 42 Kincora Grove, c70 south-west of the site where a condition was attached requiring that the rear dormer shall not constitute more than 50% of the linear extent of the extended roof. While dimensions for the width of the existing roof are not provided, it scales at c9.3m along the eaves at the rear, meaning that the revised dormer at 4.6m wide would be less than 50% of the width of the roof along the eaves.
- 7.5.3. It is noted that the location of the revised dormer is inaccurately represented on the revised plans and elevations submitted to the Board in that the elevation indicates

that the dormer would be located closer to No 78 than in the revised attic floor plan. It is also noted that despite the reduction in size of the proposed dormer, the floor area is still stated to be the same at 27sqm.

- 7.5.4. In terms of visual and residential amenity, I do not have an issue with the extent or scale of the proposed amended dormer extension with an external width of 4.6m. I consider that the proposed dormer window would integrate satisfactorily with the revised proposed roof profile, would not to be visually incongruous in its context as it will be facing northwards towards the Clontarf Rugby grounds and will not be visible from the street following the construction of the proposed side dormer. I am satisfied that it is not necessary to reduce the external width of the dormer window to 3.5m as proposed in condition No 2(b) of the decision to grant permission in order to protect either the visual or residential amenity of the area.
- 7.5.5. The inconsistencies between the location on the roof of the dormer on the plans and elevations submitted to the Board with the appeal can be addressed by an amendment to Condition No. 2.

7.6. Condition No 2(c) – Rear Dormer

- 7.6.1. Condition No 2(c) requires that the width and height of the dormer window is amended so that it would be consistent with the height and width of largest of the first floor rear windows. The revised proposal submitted to the Board as part of the appeal has been reduced in height to be consistent with the requirements of Condition No 2(c) but the width has not been increased to match the width of the largest first floor window below. I am satisfied that the width of the window as proposed in the revised drawing submitted to the Board as part of the appeal is acceptable.

7.7. Condition No 2(d) – Front Rooflights

- 7.7.1. Condition No 2(d) requires the removal of the two proposed rooflights on the front elevation on the grounds that the Planning Authority considers that they are not necessary, other than to provide southern daylight, that there does not appear to be any similar front lights on the wider streetscape and that they are superfluous.

- 7.7.2. The applicant has provided an example at No 44 Kincora Groove, c80m to the south where permission was granted by Dublin City Council on 16th July 2001 under P.A. Ref. 1012/01 for the two dormer windows on the front elevation.
- 7.7.3. Under ABP-301219-18 (P.A. Ref. WEB1629/17) a condition had been imposed by the planning authority eliminating dormers on two separate roof facades on a corner site c100m east of the site. The Board amended the condition so that a dormer window was permitted on one of the two roadside facing roofs only.
- 7.7.4. Although the proposed room is to be used for non-habitable storage, Appendix 18.5.0 of the Dublin City Development Plan 2022-2028 provides that the use of roof lights to serve attic bedrooms will be considered on a case-by-case basis. With respect to dormer windows, which would have a more significant visual impact than roof lights, the Development Plan states that dormer windows, where proposed, should complement the existing roof profile and be sympathetic to the overall design of the dwelling. Dormer windows may be provided to the front, side or rear of a dwelling.
- 7.7.5. The proposed rooflights would be installed flush with the front roof profile and would be significantly less dominant than side dormers that are prevalent in the area and have also been permitted by condition no 2(a) of this decision to grant permission, Considering that the development plan permits the provision of front dormer windows and roof lights on a case by case basis and that there are local precedents for dormer window and front roof lights, I am satisfied that the two proposed front rooflights would not be out of character with existing developments in the immediately surrounding area, would not be highly visible from the public realm, would not dominate the roofslope and would not negatively impact the visual and residential amenities of the area.
- 7.7.6. There is no specific development plan policy restricting the use of rooflights on the front elevation of houses. I am satisfied that the proposed front rooflights which would be fitted flush with the roof profile, would be visually subordinate to the roof slope and would not be contrary to the provisions of the Development Plan. I am also satisfied that the removal of the rooflights by condition is not warranted.

8.0 **Appropriate Assessment Screening**

- 8.1. Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the physical separation distances to designated European Sites, and the absence of an ecological and/or a hydrological connection, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

9.0 **Recommendation**

- 9.1. Having regard to the nature of the condition the subject of the appeal, the Board is satisfied 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 and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND Condition 2 to read as follows:

2 The development shall be carried out in accordance with the 'Proposed Attic Floor Plan' that forms part of Drawing No 2404-P-LAP-01 and incorporates a wall subdividing the proposed attic space, submitted to the Board on 13th June 2023, subject to the following amendments: -

- a) The external width of the rear dormer shall not exceed 4.6m.
- b) Revised elevations that are consistent with the 'Proposed Attic Floor Plan' shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of orderly development and visual amenity

10.0 **Reasons and Considerations**

It is considered that, subject to compliance with condition 2, as amended, the proposed development would not be out of character with the pattern of development in the vicinity, would not set an undesirable precedent for development and would be consistent with the Z1 zoning objective pertaining to the site, the objective of which

'to protect, provide and improve residential amenities'. The proposed development would, therefore be in accordance with 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.

Joe Bonner
Senior Planning Inspector

23rd August 2023