



An
Bord
Pleanála

Inspector's Report

ABP-317637-23

Development	Modifications to previously granted planning permission for alterations / extensions to the existing house.		
Location	10 Croaghpatrick Road, Navan Road, Dublin 7		
Planning Authority Ref.	3668/23		
Applicant(s)	Cathal and Anne Greene		
Type of Application	Permission	PA Decision	Grant w Conditions
Type of Appeal	First v Conditions	Appellant	Cathal and Anne Greene
Observer(s)	None		
Date of Site Inspection	27/10/2023	Inspector	D. Aspell

Context

1. Site Location/ and Description.

10 Croaghpatrick Road is a semi-detached dwelling. Mature trees line the road. Most of the dwellings on the road are of a similar design, having hipped-roofs, however a number have been extended and altered to now have gable or dormer roofs. Some of the previously semi-detached dwellings along the road have been extended to the side such that they are now terraced.

2. Description of development.

The proposed development is for modifications to a previously granted planning permission (Ref. 3689/21 - for a single storey rear extension, conversion of garage, and attic conversion with dormer window to side) as follows:

- Conversion of the existing hipped roof to a gable-ended roof, to increase the area of the proposed attic conversion;
- New dormer, roof window and associated fenestration modifications.

3. Planning History.

Subject site:

Ref. 3689/21: Permission and retention permission granted by the planning authority in 2022 for alteration and extension of the house comprising demolition of existing single-storey rear extension and construction of a new single-storey rear extension, conversion of garage, attic conversion with dormer window to side, modification of internal layout and fenestration. Retention permission was also sought for vehicular entrance widening. No appeal.

Nearby sites:

Ref. 3099/22: Planning permission granted by the planning authority in March 2022 at No. 13 Croaghpatrick Road for conversion of an attic with a hipped-roof to accommodate stairs, roof window to front, frosted window to gable side.

Ref. WEB1704/20: Planning permission granted by the planning authority in January 2021 at No. 5 Croaghpatrick Road for extension and refurbishment to include conversion of existing garage to side, first-floor extension to side, conversion and extension of attic with gable type roof, dormer window to rear and roof windows to front. In that case the planning authority attached a condition (Condition 3(iii)) which required the roof to have a full gable rather than the hipped roof shown in the application drawings.

4. Planning policy

I note the following policies and objectives of the Dublin City Development Plan 2022-2028:

- The zoning objective for the area is Z1 Sustainable Residential Neighbourhoods, “To protect, provide and improve residential amenities”
- Policy QHSN6 Urban Consolidation

- Chapter 15 Development Management Standards, including Section 15.11 House Developments
- Appendix 18 Residential Extension including Section 1.1 General Design Principles, 1.3 Extension to Side, 4.0 Alterations at Roof Level / Attics / Dormers / Additional Floors, and 5.0 Attic Conversions / Dormer Windows.

5. Natural Heritage Designations

- None relevant.

Development, Decision and Grounds of Appeal

6. Planning authority decision.

The planning authority issued a notification of decision to grant permission on 21st June 2023 and attached 13 no. conditions including Condition No. 3 which states:

Condition 3: *“The development hereby approved shall incorporate the following amendments:- a) The roof profile shall be altered from a full hipped roof to a half hipped roof. Reason: In the interests of orderly development and visual amenity”.*

7. First-Party Appeal.

The first party appeal is against Condition No. 3 of the decision only and is prepared by the appellant’s architect, summarised as follows:

- Imposition of Condition 3 is contrary to precedent in the area and would have a significant negative impact on the practical use of the attic space;
- There are numerous examples of similar houses in the immediate area which have had original hipped-roofs converted to full gable-end roofs;
- Precedents cited in the planning authority report are not fully relevant as the subject proposal is fundamentally different;
- Planning permission WEB1704/20 included a condition which actually required the roof modification to be a full gable rather than half hipped, dated 2021.
- The planning authority did not cite a more relevant precedent (Ref. 3099/22) which was also a fully-hipped gable conversion and was granted in 2022.
- The proposal is for conversion of the roof only; there will be no extension over the garage, so there is no possibility of a terracing effect;

The appeal includes a number of local reference cases, including photographs.

8. Planning authority response

- None received.

Environmental screening

9. Environmental Impact Assessment screening

The proposed development does not fall within a class of development as set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, (as amended), and therefore is not subject to requirements for preliminary examination of EIA (Refer to pre-screening Form 1 attached as Appendix 1).

10. Appropriate Assessment screening

Having regard to the development proposed being alterations to a permitted extension to an existing dwelling in a serviced urban area, 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.

2.0 Assessment

- 2.1. Having regard to the foregoing; having examined the application details; having inspected the site; and having regard to relevant policies and objectives, I consider the main issues are those related directly to the appeal, that is, the attachment of Condition No. 3. Having regard to the nature and scale of the proposed development and the nature of Condition No. 3, I consider that a *de novo* assessment is not warranted. I am satisfied the proposed development is otherwise in accordance with the proper planning and sustainable development of the area. I recommend the Board determines the matters raised in the appeal only in accordance with Section 139 of the Planning and Development Act 2000, as amended.

Condition No. 3

- 2.2. The existing dwelling has a fully hipped roof. Planning permission Ref. 3689/21 provides for creation of a dormer window within the existing roof at the side of the dwelling to provide for a stair to access a converted attic.

- 2.3. The subject application would provide for a larger converted attic to be achieved via addition of a dormer to the rear and alteration of the roof at the side to form a gable. Condition No. 3 attached by the planning authority requires the permitted roof to be altered from a fully-hipped roof to a half-hipped roof. I note that whilst the existing roof is hipped, the roof proposed as part of this application was not half-hipped but was a gable roof and as such the condition wording may be in error.
- 2.4. Whilst the majority of roofs along this road are hipped, the planning authority has granted permissions on this road for conversion to gable-ended roofs. I note No. 5 (Ref. WEB1704/20), which is located across the road from the site, and No. 13 (Ref. 3099/22), have both been converted from hipped to gable-ended roofs. I also note that No. 1, which is directly across the road from the site, also has a gable-ended roof. I further note, as the appellant states, that the planning authority attached a condition to planning permission Ref. WEB1704/20 requiring the proposed half-hipped roof in that case to be changed to gable-ended.
- 2.5. These decisions were made under the previous development plan, however in this regard Appendix 18 of current development plan states that the position of the structure, the harmony with adjacent structures and existing variations on the streetscape are to be considered. As set out above, considering the position of the house, the adjacent houses, and the existing and permitted variations in roof forms in the immediate area I do not consider that the proposal in the absence of Condition No. 3 would be detrimental to the residential amenities of the area or conflict with the provisions of the development plan.
- 2.6. The land use zoning objective for the area is to protect, provide and improve residential amenities which I consider that the proposed larger roof space would provide. I do not consider that the proposed roof without Condition No. 3 would have a significant detrimental impact on residential amenities of the area.
- 2.7. Having regard to the foregoing I am satisfied that the alterations and modifications to the permitted development on the site as proposed and in the absence of Condition No. 3 would not have a significant detrimental impact on the residential amenities of the area and as such I consider Condition No. 3 should be removed.

3.0 Recommendation

3.1. I recommend that Condition No. 3 be REMOVED for the reasons and considerations below.

4.0 Reasons & Considerations

Having regard to the nature of Condition No. 3, which is 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:

(a) REMOVE Condition number 3 and the reasons therefore as follows:

Having regard to the 'Z1' residential land use zoning for the site, and to the pattern of permitted and existing development in the area, it is considered that the proposed modifications and alterations to permitted development, by reason of their limited scale, nature and design, and their location with respect to adjoining properties, and including in the absence of Condition 3 would not seriously injure the residential amenities of the area or of property in the vicinity. The planning authority's condition no. 3 is, therefore, not warranted.

-I confirm 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.-

D. Aspell

Inspector

26th October 2023

APPENDIX 1