



---

<b>Development</b>	Alterations to a house.		
<b>Location</b>	23, Vernon Avenue, Clontarf East, Dublin 3		
<b>Planning Authority Ref.</b>	3773/23		
<b>Applicant(s)</b>	Laure Manentaz & Kieron Sweeney		
<b>Type of Application</b>	Permission	<b>PA Decision</b>	Grant
<b>Type of Appeal</b>	Third party	<b>Appellant</b>	Patrick Geraghty
<b>Observer(s)</b>	None		
<b>Date of Site Inspection</b>	12/12/2023	<b>Inspector</b>	D. Aspell

---

## Context

### 1. Site Location/ and Description

The site comprises 23 Vernon Avenue which is a 2-storey, mid-terrace dwelling with parking to front and garden to rear. The dwelling has previously been extended to the rear. There is a bungalow to the rear of the site named "Dane Lodge" which is accessed through Moat Lane.

### 2. Description of development

The proposal is for:

- A dormer window to the rear;
- Three roof windows to the front.

### 3. Planning History

Subject site:

- Ref. 2193/00: Permission granted by the planning authority in 2000 for alteration to front gateway.

Nearby sites:

- Ref. 4000/08: Planning permission granted by the City Council in 2008 at 15 Vernon Avenue including for 3 dormer windows, retention of alterations including a skylight to the rear, an attic extension and conversion to bedroom and ancillary accommodation with 2 velux windows and gable ended dormer to the rear.
- Ref. 3434/05: Planning permission granted by the City Council in 2005 at Dane Lodge, Moat Lane for change of use of garage at front and bungalow attic store to 2no. bedrooms with ancillary accommodation including 5 no. roof windows, a porch and link corridor extension to the front, new roof tiles, raising boundary walls at front, west side and rear with new wicket and sliding gates to front.

#### **4. Planning Policy**

I note the following provisions of the Dublin City Development Plan 2022-2028:

- The land use zoning objective for the area is 'Z1 Sustainable Residential Neighbourhoods'.
- Policy QHSN6 Urban Consolidation
- Policy SC5 Urban Design and Architectural Principles
- Policy SC19 High Quality Architecture
- Chapter 15 Development Standards
- Section 15.4.2 Architectural Design Quality
- Section 15.9.18 Overlooking and Overbearance
- Section 15.11 House Developments
- Appendix 18 Residential Extensions, including Sections 1.0, 1.1, 1.2, 1.4, 1.5, 1.7, 4.0 and 5.0.

#### **5. Natural Heritage designations**

None relevant.

### **Decision and Grounds of Appeal**

## **6. Planning Authority decision**

The planning authority issued a notification of decision to grant permission on 11<sup>th</sup> July 2023 and attached 8 no. conditions. I note the following:

- Condition No. 3 (a) requires that the 3 no. rooflights to the front be omitted;
- Condition No. 3 (b) requires that the dormer to the rear shall have a maximum width of 3.1m and shall be set-back by a minimum of 0.5m from the rear wall of the dwelling. The dormer shall be positioned centrally as much as possible;
- Condition No. 4 requires that the attic space shall not be used for human habitation unless it complies with the current building regulations.

## **7. Appeal**

The submitted third party appeal is summarised as follows:

- Despite Condition 3(b) reducing the dormer width, it will overlook Dane House and seriously injure enjoyment of the rear amenity space;
- Although reduced by Condition 3(b), the dormer scale and dominance does not harmonise with subject and adjoining houses;
- The scale of the dormer will have an overbearing impact on Dane Lodge. It transforms the existing 2-storey dwelling into 3-storeys;
- The dormer amended by Condition cannot meet human habitation standards particularly floor to ceiling height, and can only be used as non-habitable space. Therefore there is no need for a large dormer;
- It will be contrary to development plan Appendix 18 Sections 1.4 and 1.5;
- The Council ignored development plan Appendix 18 Sections 1.1 and 1.2, particularly in relation to privacy;
- There is no precedent for dormer windows of this type / form in terraced properties immediately adjacent the property;
- The proposal goes against the existing pattern of form, uniformity and composition of roofs and building lines;
- The architectural context of the terrace has not been taken into account in the dormer design;
- The dormer would change the historic roof forms, and would have a negative impact on the architectural character of the terrace.

## **8. Planning authority response**

Response received 14<sup>th</sup> August 2023 requesting decision be upheld.

## **9. Applicant response**

The applicant response is summarised as follows:

- Dane lodge is an infill house and not directly behind the site. It is separated from the site by two boundary walls;
- In accordance with conditions the dormer size will be reduced in width; will be set back from the rear of the building; and will be positioned centrally;
- The separation distance between the dormer and Dane Lodge rear garden is in excess of the development plan requirement of 22m;
- Regarding appearance and scale, there are multiple rear dormer windows precedents in the area, for example along Clontarf Park to the east;
- Proposal is in keeping in terms of appearance and scale with precedents;
- The dormer is in keeping with the development plan including Appendix 18;

The appeal response includes photographs of the site and surrounding context.

## **Environmental screening**

### **10. 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).

### **11. Appropriate Assessment screening**

Having regard to the proposed alterations and the location in an urban area connection to existing services, and absence of connectivity to European sites, I conclude that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on any European site.

## 2.0 Assessment

2.1. Having regard to the foregoing; having examined the application and appeal; having visited the location; and having regard to relevant policies and objectives, I consider the main issues in the appeal are:

- Design, scale and visual impact;
- Overlooking and privacy;
- Roof windows to front.

### Design, scale and visual impact

2.2. The proposed alterations are permissible in principle in this zoning objective area.

2.3. Condition No. 3 (b) requires the dormer to have a maximum width of 3.1m, to be set-back by a minimum of 0.5m from the rear wall of the dwelling, and to be positioned centrally as much as possible. The first party response to the appeal states that in accordance with conditions the dormer size will be reduced in width, will be set back from the rear of the building, and will be positioned centrally within the roof. The first party appeal is primarily against the dormer as conditioned.

2.4. In relation to visual impact, the dormer as amended by Condition No. 3(b) would not be visible from Vernon Avenue. It would be visible from the western end of Moat Lane and from the rear of dwellings to the east of the site including from Dane Lodge. It would be screened somewhat by the existing first floor extension to the rear of the property and associated chimneys.

2.5. In relation to design, I consider that the dormer as conditioned would be reasonably typical, and whilst sizeable, would sit below the ridge line of the dwelling, would not alter the ridge line, would not extend the full width of the roof, and would not give the impression of a flat roof.

2.6. In relation to character, whilst the dwelling and associated terrace have a strong character from the front, this is significantly less from the rear. The site and associated terrace are not within a conservation area, are not protected structures, and are not on the National Inventory of Architectural Heritage.

2.7. I note there are no dormer windows within the row of red-brick dwellings of which the subject dwelling forms part, however there are dormers to the front and rear of the

wider terrace. There is also a variety of roof windows in this terrace. I consider the dormer as conditioned would not have a significant detrimental impact on the character of the dwelling or the associated row, and is acceptable in these regards.

- 2.8. I note there is considerable variation in roof design in the immediate area, including a variety of dormer windows both to the front and rear of dwellings. In this regard I note that other dwelling in the area have comparable dormer windows to the rear.
- 2.9. In relation to materials, I am satisfied the materials as conditioned would be reasonably complementary to the existing dwelling and associated terrace, and as such are acceptable in these regards.
- 2.10. Given the foregoing I am satisfied the dormer as conditioned is acceptable and generally meets the requirements of the development plan.

#### Overlooking and privacy

- 2.11. In relation to overlooking and privacy, Dane Lodge is to the east / rear of the site. It is a bungalow with a bedroom at attic level. Two of the three roof windows serving this bedroom are orientated toward the subject site. There is a garden to the rear.
- 2.12. Whilst the proposed dormer would be orientated toward the bungalow, the associated rear garden is further south, to the rear of No's. 19 and 21 Vernon Avenue. The proposed dormer would be c.26m from the roof windows and from the rear garden of Dane Lodge. Noting the proposed dormer would be at roof level, given the distances involved I consider overlooking would not be significant.
- 2.13. In relation to overbearance, the dormer would be c.25m from the nearest boundary with Dane Lodge. Given the location of the dormer at roof level, its scale as conditioned, and the distance to Dane Lodge I do not consider there would be significant overbearance.

#### Roof windows to front

- 2.14. In relation to the proposed roof windows to the front, these would be omitted by Condition 3 part (a) of the permission. In this regard, the subject dwelling and the associated terrace have a strong character, despite there being some changes to the original uniform design and layout of the dwellings. I note there is considerable variation in the design of dwellings in the wider area, with a number of dwellings having roof and dormer windows to the front.

2.15. Whilst there are currently no roof windows to the front of the red brick dwellings of which the subject site forms part, I consider the proposed roof windows would provide natural light to the room to the front of the attic space, and would improve the amenity and use of the dwelling consistent with the zoning objective for the area. I also consider the windows' size and position in the middle of the terrace would retain a sense of balance within the row and would not have a significant detrimental impact on the visual amenity and character of the dwelling or the wider area. As such I consider the roof windows are acceptable and that Condition 3(a) should be omitted.

### 3.0 Recommendation

3.1. I recommend that permission be granted for the reasons and considerations below.

### 4.0 Reasons & Considerations

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, by reason of their scale, nature and design, and their location with respect to adjoining properties, would not seriously injure the residential amenities of the area or of property in the vicinity, and would, therefore be consistent with the provisions of the Dublin City Development Plan 2022-2028 and the proper planning and sustainable development of the area.

### Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.  Reason: In the interest of clarity.
----	--

2.	<p>The applicant / developer shall comply with the following:</p> <p>a) The dormer to the rear shall have a maximum width of 3.1m and shall be set-back by a minimum of 0.5m from the rear wall of the dwelling. The dormer shall be positioned centrally as much as possible.</p> <p>b) All elevations; fascia / soffits; rainwater goods; and window frames of the rear dormer shall be finished in a dark colour so as to blend with the existing roof;</p> <p>Reason: In the interests of visual amenity.</p>
3.	<p>The attic space hereby approved shall not be used for human habitation unless it complies with building regulations.</p> <p>Reason: To provide for an adequate standard of development.</p>
4.	<p>Water supply and drainage arrangements for the site shall comply with the requirements of the planning authority for such works and services, including in relation to the Greater Dublin Regional Code of Practice for Drainage Works, separation of foul and surface systems, location of private drainage arrangements to be fully within the site, and protection of sewers during demolition.</p> <p>Reason: In the interest of public health.</p>
5.	<p>The developer shall comply with the requirements set out in the Codes of Practice from the Drainage Division, Transportation Planning Division and the Noise &amp; Air Pollution Section of the planning authority.</p> <p>Reason: To ensure a satisfactory standard of development.</p>
6.	<p>The site and building works required to implement the development shall only be carried out between the hours of: Mondays to Fridays – 7:00am to 6.00pm; Saturday – 8.00am to 2.00pm; Sundays and Public Holidays – No activity on site. Derivation from these times will only be allowed where a written request with compelling reasons for the proposed deviation has been submitted and approval has been issued by Dublin City Council. Any such approval may be subject to conditions pertaining to the particular circumstances being set by Dublin City Council.</p> <p>Reason: In order to safeguard the amenities of adjoining residential occupiers.</p>



7.	<p>The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other materials and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.</p> <p>Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.</p>
8.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

*-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.-*

---

Dan Aspell

Inspector

15<sup>th</sup> December 2023

APPENDIX 1

Form 1

EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	317740-23		
<b>Proposed Development Summary</b>	Attic conversion into non-habitable storage space with dormer to rear to accommodate stairs		
<b>Development Address</b>	25 Carleton Road, Marino, Dublin 3		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>		<b>Yes</b>	X
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>	X		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>Conclusion</b>			
<b>No</b>	X	N/A	No EIAR or Preliminary Examination required
<b>Yes</b>		Class/Threshold.....	Proceed to Q.4
<b>4. Has Schedule 7A information been submitted?</b>			
<b>No</b>	X		Preliminary Examination required
<b>Yes</b>			Screening Determination required

Inspector: \_\_\_\_\_ Date: 15/12/23