



|                                |   |                    |  |
|--------------------------------|---|--------------------|--|
| <b>Development</b>             | Raise portion of the roof to the front and extension to the rear. |                    |  |
| <b>Location</b>                | 4 Shrewsbury Hall, Shankill, Dublin 18, D18 V8C7.                 |                    |  |
| <b>Planning Authority Ref.</b> | D23B/0124   |                    |  |
| <b>Applicant(s)</b>            | Dervla Cusack and Brendan Fitzpatrick                             |                    |  |
| <b>Type of Application</b>     | Permission  | <b>PA Decision</b> | Grant                                    |
| <b>Type of Appeal</b>          | First   | <b>Appellant</b>   | Dervla Cusack and<br>Brendan Fitzpatrick |
| <b>Observer(s)</b>             | None  |                    |  |
| <b>Date of Site Inspection</b> | 29/09/2023  | <b>Inspector</b>   | Frank O'Donnell                          |

### **1. Site Location/ and Description.**

The subject site is located at no. 4 Shrewsbury Hall, Shankill, Dublin 18 within an established residential development. The subject dwelling is a part two storey/ part dormer, four-bedroom house with an existing stated gross floor area of 133 sqm. The site forms part of a row of 5 no. detached part two storey/ part dormer dwellings, which in turn form part of a larger scheme of 15 no. detached dwellings, all of which are located off a Cul de Sac from the adjacent Shrewsbury Road residential development.

All dwellings within the estate are of a similar design theme of part red brick/ part smooth plaster external finish to the front elevation. Apart from house no's 2, 6, 9,

13, & 14, which are all two storeys, the remainder of the dwellings within the estate are of the same or similar design character to that of the subject dwelling, i.e., part two storey/ part single storey.

The subject site has a stated area of 0.032 hectares (320 sqm) and for the most part backs onto no. 6, Quinn's Road, Shankill. The dwelling has a maximum rear garden depth of 11.6 metres.

## 2. Description of development.

Permission is sought to/ for:.

- Raise portion of pitched roof to the front and a dormer extension to the rear at second floor level to allow for a habitable bedroom and service rooms. The proposed dormer extension, which has a stated gross floor area of 23 sqm, is shown to comprise of 1 no. additional bedroom (4.4 metres by 2.8 metres, c. 12.3 sqm in area), 1 no. en-suite (c. 2.6 metres by 1.3 metres, c. 3.4 sqm in area), 1 no. store (1.9 metres by 1.4 metres, c. 2.7 sqm in area) and an associated stairwell.
- Roof lights to the front and rear elevations.
- Ancillary siteworks and services.

## 3. Planning History.

There is no recent planning history on the subject site.

The Appellant refers to a two-storey extension on the adjoining site to the north-east. The planning history on the adjacent site to the immediate north-east of the subject site, at no. 3 Shrewsbury Hall, is as follows:

- **D11B/0056:** Applicant: Stephen Gormley. Permission is sought for development consisting of a two storey and part single storey extension to rear and side of existing dwelling. Permission was GRANTED on 19/05/2011 subject to 9 no. conditions.

Site Located c. 370 metres to the North of the subject site:

- **D17B/0273 (Appeal Ref. No. PL06D.249100):** Applicant: Bill and Katy Stanley. Permission for Alterations to an existing roof to provide for attic accommodation to a house with all associated site works. A decision to REFUSE permission was issued by the Local Authority on 26/07/2017. This

decision was Appealed to An Bord Pleanála who decided to REFUSE permission on 30/11/2017 for the following 1 no. reason:

- 1. The proposal entails a significant increase in ridge height over and above the level of existing dwellings at this location that are characterised by their shallow pitch roof profiles. The proposal is to be extended in such a manner that provides an unattractive and lopsided roof profile from front to back due to the attempt to maximise the floor space provided. The proposal would be visually obtrusive at this location, would be out of character with the existing dwellings and would be contrary to Development Plan policy as set down under section 8.2.3.4 of the Dún Laoghaire Rathdown County Development Plan 2016-2022 in relation to extensions. The proposal would also set an undesirable precedent for similar extensions to existing dwellings and would, therefore, be contrary to the proper planning and sustainable development of the area.'*

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

Dun Laoghaire County Development Plan 2022 to 2028.

The subject site is zoned 'Objective A' in the Dun Laoghaire County Development Plan 2022-2028. The relevant zoning objective for Objective A zoned lands is:

- 'to provide residential development and improve residential amenity while protecting the existing residential amenities.'*

Residential development is 'Permitted in Principle' under this zoning objective.

Chapter 12 of the Plan relates to Development Management Standards. Section 12.3.7 of the Plan relates to Additional Accommodation in Existing Built-Up Areas. Section 12.3.7.1 relates to Extensions to Dwellings. In relation to Alterations at Roof/ Attic Level, the following is stated:

*'Roof alterations/expansions to main roof profiles - changing the hip-end roof of a semi-detached house to a gable/ 'A' frame end or 'half-hip' for example – will be assessed against a number of criteria including:*

- *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.*

*Dormer extensions to roofs, i.e., to the front, side, and rear, will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties. The design, dimensions, and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations. Dormer extensions shall be set back from the eaves, gables and/or party boundaries. Dormer extensions should be set down from the existing ridge level so as to not read as a third storey extension at roof level to the rear.*

*The proposed quality of materials/finishes for dormer extensions will be considered carefully as this can greatly improve their appearance. The level and type of glazing within a dormer extension should have regard to existing window treatments and fenestration of the dwelling. However, regard should also be had to size of fenestration proposed at attic level relative to adjoining residential amenities.*

*Particular care will be taken in evaluating large, visually dominant dormer window structures, with a balance sought between quality residential amenity and the privacy of adjacent properties. Excessive overlooking of adjacent properties should be avoided.'*

## **5. Natural Heritage Designations**

The appeal site is not located in or immediately adjacent to a designated European Site, a Natural Heritage Area (NHA) or a proposed NHA.

## Development, Decision and Grounds of Appeal

### 6. PA Decision.

The Planning Authority issued a Notification of Decision to GRANT planning permission on 21/07/2023 subject to 7 no. conditions. Condition no. 2 reads as follows:

*“Condition no. 2: The proposed dormer shall be set down by a visibly discernible distance from the ridge level of the existing roof.*

*Reason: In the interests of visual amenity and harmony and in order to comply with Section 12.3.7.1 (iv) Alterations at Roof/ Attic Level of the 2022 – 2028 Dun Laoghaire Rathdown Development Plan.”*

### 7. First Party Appeal.

- The decision of the Planning Authority to Grant permission is the subject of a First Party Appeal, specifically in relation to Condition no. 2. The Appellant considers that this condition will result in the alteration not being able to be classed as a habitable room as it will not meet the required Building Regulations to achieve the required heights for a room immediately below the roof. It is further stated that the proposed attic extension provides for a habitable room, as defined in the Technical Guidance Documents, which provides a comfortable space with good air movement. The Appellant states that this is only achievable if the required minimum of 2.4 metres height is maintained over most of the floor space.

### Grounds of Appeal

- The proposed dormer is to the rear of the property and the Appellants consider that it will therefore have minimal impact on the existing character and form of the street. The design and bulk of the proposed dormer extension is considered by the Appellants to be modest and meets stated design criteria as set out in the development plan.

- The Appellants refer to Section 4.3.1 of the Development Plan and consider that the proposed development represents the most sustainable method of achieving the additional floor space required. The Appellants further consider the sustainable merits of the proposal in relation to no increase in the overall site coverage/ roof area and that there will be a minimal impact on soil infiltration. In addition, the Appellants refer to the minimal use of materials which will minimise waste. A ground floor extension will require works which have a high carbon impact.

## **8. PA Response**

- None.

## **Environmental Screening**

### **9. EIA Screening**

The proposed development is not within a class where EIA applies.

### **10. AA Screening**

Having regard to the minor scale of the proposed development, and to the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### **11. Assessment**

At the outset, I wish to point out that following consideration of the documentation on the appeal file and the site location and context, I am satisfied consideration of the proposal on a de novo basis, (that is as if the application had been made to the Board in the first instance), is unwarranted and that it is appropriate to determine the appeal in accordance with the provisions of Section 139 of the Planning and Development Act, 2000 to 2023.

Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

### Design & Impact on Visual Amenities

The proposed development would comprise the conversion of existing attic space at second floor level to habitable accommodation in the form of 1 no. bedroom, an en-suite, a store, a stairwell and circulation space. The proposed works are stated to have a gross floor space of 23 sqm.

The Appellant considers that Condition no. 2 will result in the proposed alteration not being able to be classed as a habitable room as per the Building Regulations as the required heights will not be met. The Appellant refers to a requirement for a minimum height of 2.4 metres over most of the floorspace.

The subject dwelling is one of 15 no. dwellings located within Shrewsbury Hall. The attic spaces of house no's 3, 10, 11, 13, 14 & 15 Shrewsbury Hall all have roof lights in the rear roof planes which indicate existing attic conversions. There is no precedent for a second-floor rear dormer extension within Shrewsbury Hall. Nor indeed is there any planning precedent within the estate to raise the main roof ridge line.

The proposed ridge height increase by 0.3 metres would only be visible in the immediate area of the site. This however would introduce a new ridge height which is not consistent with the established ridge heights of dwellings within Shrewsbury Hall, in particular, the dwellings within the subject row of dwellings, i.e., dwellings no. 1 to 5.

As a result, the proposed roof extension extending beyond the original roof ridge height would, in my opinion, not be in keeping with the predominant and established design character of the area and, if permitted, would serve to create an undesirable precedent for similar proposals into the future.

Having regard to the foregoing, I am satisfied that such a proposal would serve to negatively impact the visual amenities of the area and would therefore not be acceptable from a design/ visual impact perspective.

Having regard to the otherwise acceptable nature of the subject proposal, I agree with the Assessment of the Local Authority Planner that a condition requiring the setting down of the proposed dormer from the ridge level, would adequately

address concerns regarding the overall scale and height of the proposed dormer extension.

It is noted however that Condition no. 2 does not state a specific distance below the ridge level but instead refers to a '*visibly discernible distance from the ridge level of the existing roof.*' The use of the phrase '*visibly discernible distance*' is ambiguous and not precise and, in my opinion, is open to interpretation. Therefore, and for the purposes of clarity in the event of a Grant of permission being issued, Condition no. 2 should be reworded to reference an appropriate distance from the ridge level of the existing roof.

Reducing the ridge level of the dormer extension would appear however to have the effect of rendering the extension a non-habitable room for the purposes of compliance with the Building Regulations, as it would not appear to be possible to achieve the appropriate floor to ceiling height of 2.4 metres for most of the proposed floor space. Notwithstanding this issue, the matter before the Board is not compliance with the Building Regulations but rather the planning merits of the subject proposal.

In conclusion, I am satisfied that the proposed dormer extension, extending above the ridge line, would result in an incongruous addition to the subject dwelling which would be visible from the surrounding area. Accordingly, the proposed extension, as presented, would form an unacceptable impact on the visual amenities of the area.

I agree with the assessment of the Planning Authority that a condition requiring the setting down of the proposed dormer from the ridge level, would adequately address concerns regarding the overall scale and height of the proposed dormer extension. In my opinion, the wording of Condition no. 2 is not sufficiently clear and precise as to what distance may be acceptable.

An acceptable distance, in my opinion, is a minimum of 100 mm below the existing ridge line. Condition no. 2 should therefore be modified as set out in Section 3.0 Recommendation below.

The environmental benefit of constructing an additional habitable room at second floor level versus a ground floor extension of similar scale is not disputed. The



design and visual impacts of such a proposal are valid planning considerations which, in this instance, outweigh any such environmental benefit.

## **12. Recommendation**

I recommend that Condition no. 2 be MODIFIED as follows:

*“The proposed dormer shall be set down, in its entirety, by a minimum of 100 mm from the ridge level of the existing roof. Prior to the commencement of any work on site, the Applicant shall submit revised plans and drawings to the Planning Authority for prior written agreement.*

*Reason: In the interests of visual amenity and harmony and in order to comply with Section 12.3.7.1 (iv) Alterations at Roof/ Attic Level of the 2022 – 2028 Dun Laoghaire Rathdown Development Plan.”*

## **13. Reasons & Considerations**

Having regard to the site location in an established residential area, the surrounding pattern of development in the area, the zoning objective for the site, the nature and scale of the proposed development and the significant increase in ridge height proposed, the appeal submission and the site inspection, it is considered that the attachment of a MODIFIED Condition no. 2 is warranted in this instance.

Subject to compliance with the MODIFIED Condition no. 2 below, the proposed extension would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity.

The proposed development, as modified, would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 14. Conditions

2. The proposed dormer shall be set down, in its entirety, by a minimum of 100 mm from the ridge level of the existing roof. Prior to the commencement of any work on site, the Applicant shall submit revised plans and drawings to the Planning Authority for prior written agreement.

Reason: In the interests of visual amenity and harmony and in order to comply with Section 12.3.7.1 (iv) Alterations at Roof/ Attic Level of the 2022 – 2028 Dun Laoghaire Rathdown Development Plan.

“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.”

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Frank O'Donnell  
Planning Inspector  
20<sup>th</sup> October 2023

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

|   |   |                         |   |
|---|---|-------------------------|---|
| <b>An Bord Pleanála<br/>Case Reference</b>  | ABP-317820-23   |                         |   |
| <b>Proposed Development<br/>Summary</b>   | Raise portion of the roof to the front and extension to the rear. |                         |   |
| <b>Development Address</b>  | 4 Shrewsbury Hall, Shankill, Dublin 18, D18 V8C7.                 |                         |   |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br>(that is involving construction works, demolition, or interventions in the natural surroundings)  |   | <b>Yes</b>              |   |
|   |   | <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..... N/A          | EIA Mandatory EIAR required                 |
| <b>No</b>   |   | N/A                     | 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<br/>(if relevant)</b>            |
|   |   | <b>Conclusion</b>       |   |
| <b>No</b>   |   | N/A                     | No EIAR or Preliminary Examination required |
| <b>Yes</b>  |   | Class/Threshold.....N/A | Proceed to Q.4                              |

**4. Has Schedule 7A information been submitted?**

|            |     |   |
|------------|-----|---|
| <b>No</b>  | N/A | <b>Preliminary Examination required</b> |
| <b>Yes</b> | N/A | <b>Screening Determination required</b> |

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_