



An  
Bord  
Pleanála

## Inspector's Report

**ABP-318305-23**

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<b>Development</b>	Dormer attic conversion
<b>Location</b>	1 The Orchard, Cherryfield Ave. Upper, Ranelagh, Dublin 6
<b>Planning Authority</b>	Dublin City
<b>Planning Authority Reg. Ref.</b>	WEB1661/23
<b>Applicant(s)</b>	Mark Cosgrave
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	To grant permission subject to conditions
<b>Type of Appeal</b>	First Party v Condition
<b>Appellant(s)</b>	Mark Cosgrave
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	10 <sup>th</sup> . January 2024
<b>Inspector</b>	Brendan McGrath

## 1.0 Site Location and Description

1.1. The site is part of a 2-storey, red-brick residential development in a Dublin inner suburb. The development is sited in landscaped grounds with a communal parking area. The site is at the north end of a block of five houses and includes a flat roof single storey rear extension. There is a 22m separation at first floor level between the dwelling and dwellings to the rear.

## 2.0 Proposed Development

2.1. The proposal is to replace a hip roof with a new roof incorporating a dormer structure with roof-light to the rear. This would provide space for an ensuite bedroom in the attic. The proposal involves the removal of an existing chimney. Additional roof lights are also proposed.

## 3.0 Planning Authority Decision

### 3.1. Decision

Grant permission subject to 9 conditions including condition 3, which states as follows:-

- a) The dormer window on the rear facing roof plane shall have a maximum external width of 3metres and shall be centred on the roof plane.
- b) The dormer window shall be set down at least 250mm from the ridgeline of the existing roof structure
- c) The external walls of the dormer shall be metal clad

Reason: in the interests of orderly development and visual amenity

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The planning report is the basis of the decision.

- The planner is satisfied that the replacement of the hipped part of the roof, additional roof lights at the front and rear and loss of chimney would not adversely affect residential amenity

- There is local precedent for dormer structures
- However, the planner recommends a reduction in the size of the dormer
- AA: it was not considered that the proposal would be likely to have a significant effect on a European site
- EIA could be excluded at preliminary stage and a screening determination not required.

### 3.2.2. Other Technical Reports

Drainage Division report requiring separate drainage systems connecting to Uisce Eireann combined system

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

Objection by Architectural Services Ltd on behalf of Anne and Barry Byrne, 18 Hollybank Avenue, directly behind the site.

- Bulk and scale of proposal out of character with rest of the estate
- Proposal will overbear and overlook their property

This objection was not acknowledged in the planner's report

## 4.0 Planning History

No recent relevant history

## 5.0 Policy Context

### 5.1. Development Plan

Dublin City Development Plan 2022-2028

- Zoning Z1, 'to protect, provide and improve residential amenities.'
- Appendix 18 of the Plan concerns Ancillary Residential Accommodation guidance

In respect of alterations at roof level the guidance sets out the following criteria:-

- 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.

The guidance requires that 'Dormer windows, where proposed should complement the existing roof profile and be sympathetic to the overall design of the dwelling'.

## 5.2. **Natural Heritage Designations**

None relevant

## 5.3. **EIA Screening**

EIA can be excluded at a preliminary stage of examination and therefore a screening determination is not required

## 6.0 **The Appeal**

The appeal is by Hussey Architects on behalf of the applicant. The appeal is against condition 3 of the grant of permission that requires a reduction in the size of the permitted dormer.

### 6.1. **Grounds of Appeal**

- Condition unduly restrictive
- Condition not in accordance with the Dublin City Development Plan guidance
- A requirement to reduce the height of the dormer by 250mm would result in a ceiling height of 2.23m (2.4m is required to comply with Building Regs.)
- A requirement to reduce the external width of dormer to 3m would result in a 2.4m wide room (2.7m required for double bedroom to comply with Quality Housing for Sustainable Communities standard)

- Recent examples are provided of four grants of permission for large dormer extensions within 200 m of the application site.
- There is no negative impact on nearby houses in respect of loss of light, loss of sunlight or overshadowing demonstrated by assessment by Avison Light using BRE standards ( assessment also part of the planning application)

## 6.2. **Planning Authority Response**

None received

## 6.3. **Observations**

None

## 7.0 **Assessment**

- 7.1. It is considered that the determination of the application, as if it had been made to the Board in the first instance, is not warranted, therefore allowing for its consideration under the provisions of Section 139 of the Planning and Development Act, 2000. This is because, in general terms a domestic extension proposal is in accordance with proper planning and sustainable development.
- 7.2. Having examined all the application and appeal documentation on file, and having regard to local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Appropriate Assessment also needs to be considered. The main issues therefore are visual impact, residential amenity and appropriate assessment
- 7.2. Visual Impact. A large dormer structure is often not an attractive extension to a house. The proposal is to the rear of the housing block, but, as far as I am aware there are no other such extensions in the small estate at this time. The development plan guidance does not quantify what represents an acceptable minimum standard. In respect of roof-level additions, it requires 'Careful consideration and special regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures'. The applicant/appellant has provided local

examples of already permitted large dormers. My opinion is that this proposal would be a new departure within The Orchard scheme, that the proposed dormer structure is quite large and some reduction in size is warranted.

7.3. Residential amenity. The proposal is some distance (22m) from dwellings to the rear which would be directly affected by the proposal. The applicant has submitted an assessment that loss of sunlight and overlooking are not significant issues in the context of BRE guidance.

7.4. Appropriate Assessment.

Having regard to the nature and scale of the proposal (domestic extension) and the nature of the built-up suburban setting, no appropriate assessment issues arise and it is not considered 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

## 8.0 Recommendation

I recommend an amended condition 3 by omitting the requirement to position the dormer at least 250mm beneath the existing ridgeline for the reasons and considerations set out below.

## 9.0 Amended Condition 3

a) The dormer window on the rear facing roof plane shall have a maximum external width of 3metres and shall be centred on the roof plane.

b) The external walls of the dormer shall be metal clad

Reason: in the interests of orderly development and visual amenity

## 10.0 Reasons and Considerations

Consideration of the application as if it was made to the Board in the first instance is unwarranted. Having regard to the widespread practice of allowing dormer roof extensions, a reasonable expectation of being able to provide additional living space in an existing dwelling to an acceptable standard, where practically possible, and the

need to protect visual and residential amenity, it is considered that an amended condition is in accordance with proper planning and sustainable development

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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Brendan McGrath  
Planning Inspector

1<sup>st</sup> February 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	<b>ABP-318305-23</b>			
<b>Proposed Development Summary</b>	Dormer attic conversion			
<b>Development Address</b>	1 The Orchard, Cherryfield Ave. Upper, Ranelagh, Dublin 6			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (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) and 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



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

<b>No</b>	X	<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

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

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