



An  
Bord  
Pleanála

## Inspector's Report ABP318501-23

<b>Development</b>	Conversion of attic space to habitable room, new dormer to rear and bin storage to the front.
<b>Location</b>	17 Brendan Road, Donnybrook, Dublin 4.
<b>Planning Authority</b>	Dublin City Council.
<b>Planning Authority Reg. Ref.</b>	WEB1741/23.
<b>Applicant(s)</b>	Helen & Derek Daly.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	David Lawlor & Mary Cryan.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	23/01/2024.
<b>Inspector</b>	Anthony Abbott King.

## **1.0 Site Location and Description**

- 1.1. No. 17 Brendan Road is a period red brick two-storey semi-detached house located on the south side of Brendan Road within a streetscape of similar houses. Brendan Road is an inner suburban residential avenue located close to Donnybrook Village.
- 1.2. The front gardens of the houses on this side of Brendan Road have elegant boundary treatment comprising stone plinths with cast-iron railings enclosing modest front gardens with access provided via a pedestrian gate from the street.

## **2.0 Proposed Development**

- 2.1. Conversion of attic space to habitable room, new dormer to rear and bin storage to the front.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Grant planning permission subject to conditions.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The decision of the CEO of Dublin City Council reflects the recommendation of the planning case officer.

#### **3.2.2. Other Technical Reports**

No objection subject to conditions.

## **4.0 Planning History**

The following planning history is relevant:

- Under Register Ref: 2316/18 planning permission was granted in 2018 *inter alia* for the construction of a new single-storey extension to the rear of the

dwelling and the conversion of the attic with new dormer window and roof lights.

## 5.0 Policy and Context

### 5.1. Development Plan

The following policy objectives *inter alia* of the Dublin City Development Plan 2022-2028 are relevant:

The applicant site is zoning objective Z1 (Map H) (Residential): *to protect, provide and improve residential amenities*. The proposed development is permissible.

- Residential Extensions & Dormer Extensions

Appendix 18 (Residential Extensions), Section 1 and Section 5 of the Dublin City Development Plan 2022-2028 are relevant and *inter alia* state:

Appendix 18, Section 1.1 (General Design Principles) *inter alia* states:

*The design of residential extensions should have regard to the amenities of adjoining properties and in particular, the need for light and privacy. In addition, the form of the existing building should be respected, and the development should integrate with the existing building through the use of similar or contrasting materials and finishes.*

*Applications for extensions to existing residential units should:*

- *Not have an adverse impact on the scale and character of the existing dwelling*
- *Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, outlook and access to daylight and sunlight*
- *Achieve a high quality of design*
- *Make a positive contribution to the streetscape (front extensions)*

Appendix 18, Section 5 (Attic Conversions / Dormer Windows) of the Dublin City Development Plan 2022-2028 *inter alia* states:

*The conversion of attic spaces is common practice in many residential homes. The use of an attic space for human habitation must be compliant with all of the relevant design standards, as well as building and fire regulations. Dormer windows, where proposed should complement the existing roof profile and be sympathetic to the overall design of the dwelling. The use of roof lights to serve attic bedrooms will be considered on a case-by-case basis.*

*Dormer windows may be provided to the front, side or rear of a dwelling. Guidelines for attic conversions and the provision of dormer windows is set out as follows:*

✓	✗
Use materials to complement the existing wall or roof materials of the main house.	Do not obscure the main ridge and eaves features of the roof, particularly in the case of an extension to the side of a hipped roof.
Meet building regulation requirements.	Avoid extending the full width of the roof or right up to the gable ends.
Be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible.	Avoid dormer windows that are over dominant in appearance or give the impression of a flat roof.
Relate to the shape, size, position and design of the existing doors and windows on the lower floors.	Avoid extending above the main ridge line of the house.
Be set back from the eaves level to minimise their visual impact and reduce the potential for overlooking of adjoining properties.	Side dormer windows shall not be located directly on the boundary of adjoining/ adjacent property.
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.	

**Table18.1 : Dormer Window Guidance**

## 5.2. EIA Screening

5.3. The proposed development is not within a class where EIA would apply.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The ground of this third-party appeal are summarised below:

- The appellant live at no.15 Brendan Road next door to the proposed development in a row of identical 4-bedroom semi-detached Edwardian houses built in 1912. The appellant claims *inter alia* that the proposed development would be contrary to planning authority guidelines on attic conversion and the provision of roof dormers and should be refused planning permission;
- Appendix 18 of the development plan provides guidance for house extensions including having regard to the amenities of adjoining properties in particular light and privacy. It is claimed the proposed large dormer would directly overlook the rear garden of the appellants and have a negative impact on their residential amenity including loss of privacy;
- The large dormer, comprising a new residential floor with a flat roof wall and huge window, would result in the substantial replacement of the existing slated roof and would not visually subordinate or integrate with the roof slope. The proposed dormer would also be visually obtrusive and would be overbearing particularly when viewed cumulatively with the applicant's exempted development ground floor extension constructed in recent years.
- The previous decision of An Bord Pleanála in the matter of the scale, design and negative visual impact of the proposed dormer to the rear of no. 20 Auburn Avenue (ABP-300967-18) is cited by the appellant as precedent for the refusal of the proposed development given that the Board twice refused

planning permission, as it considered that the dormer would seriously injure the visual amenity and character of the area. The Board instead granted an attic conversion with rooflights to the rear of 20 Auburn Avenue;

- The permanent storage of bins in the front garden of homes, with side entrances and rear garden space, is unsightly, unnecessary and un-neighbourly. The applicants continue to store their bins in the front garden beside the scented rose garden of the appellants despite the removal by reason of enforcement of a structure to store bins;
- The current application partly shows in the submitted drawings a request for the erection of a 'light weight roof' over the applicant's side passage. It is claimed this would further enclose open space and impact on the party wall, which is constructed of cavity blocks rising to almost 2 metres, between the applicants and appellants properties. The appellants cite a lack of transparency in regard to the proposed structure and express concern that the height of the party wall could be increased or the party wall damaged by water incursion;
- The applicants did not inform or engage with their neighbours prior to submitting the planning application.

## **6.2. Applicant Response.**

The applicant response is prepared by 'Once' Consultant Engineers on behalf of the applicants and is summarised below:

- The applicant response addresses in sequence the elements (dormer, bin store, passageway roof) of the proposed development with reference to the grounds of appeal;
- The design of the dormer is informed by the previously approved second floor dormer to the adjoining property at no.19 Brendan Road. The mirror of the existing dormer will introduce a symmetry along the rear elevation of the adjoining semi-detached properties;

- The dormer is positioned along the slope of the roof to maximise the retention of the existing roof slates. The width of the dormer is 3.15m less than half of the full width of the existing roof 6.9m and is set-back 1.7m from the eaves to facilitate Part B of the Building Regulations;
- The width of the dormer will deviate from the existing windows on the lower floor to allow the new dormer to reflect and mirror the existing dormer to the rear of no. 19 Brendan Road;
- The use of zinc proposed use of zinc to the roof is reflective of the type and finish of the existing slate roofs of the area;
- The provision of a second-floor dormer windows is established in the area with multiple examples of this form of construction in original design or as extensions. These do not create an adverse overlooking or loss of amenity to adjoining gardens;
- The enclosure to the bin stores provides an aesthetic timber finish in keeping with garden furniture to improve the appearance and protect against animals. The storage of the bins cannot be accommodated in the side passage as this area is used to store the family bicycles. The storage of the bins at the rear would be impractical;
- The cover to the side passage will provide protection to the existing bicycle storage located behind the side gate. The cover will not raise the party wall nor impede the wall structure, as the canopy will be supported off the gable of No. 17 Brendan Road. The canopy will stop short of the party wall;
- The drainage from the canopy will discharge onto the existing path and local drainage of the path will accommodate the run-off replicating the existing path run-off;
- The dormer roof extension will not adversely impact on the scale and character of the dwellings including the amenities of adjoining properties and aligns with planning regulations. The extension enhances the property without compromising the integrity of the building.



### 6.3. Planning Authority Response

The response of the planning authority is summarised below:

- The planning authority request that the Board uphold their decision;
- The attachment of a condition requiring the payment of a Section 48 development contribution if permission is granted.

### 7.0 Assessment

7.1. The following assessment covers the points made in the appeal submission. It is noted there are no new substantive matters for consideration.

7.2. The existing floor area of the house is given as an approximate 228 sqm. The applicant proposes an addition floor area of approximately 27 sqm. to comprise a second floor / attic level conversion. The proposed development would provide a new aggregate floor area of 255 sqm. and would consist of the following elements:

- Attic conversion with dormer window to rear;
- Side passageway roof canopy;
- Bin storage to the front of the house.

The proposed works would be contemporary in design. The rear dormer would have a zinc external finish and would represent a distinct new element in the slate roofscape.

7.3. The appellant claims that the proposed development is not consistent with the guidance for dormer extensions provided in Appendix 18 of the Dublin City Development Plan 2022-2028. It is claimed the development would have a significant negative impact on their residential and visual amenities including the enjoyment of their back garden. It is claimed that the proposed dormer would directly overlook their rear garden and depreciate their privacy. Furthermore, the dormer window would be visually obtrusive and would be overbearing particularly when viewed cumulatively with the applicant's exempted development ground floor extension constructed in recent years.

Attic conversion

7.4. The substantive part of the development is the second floor attic space conversion to habitable room with a dormer window addition to the rear roof plane. The appellant claims that *inter alia* the proposed dormer would directly overlook their rear garden and would be visually obtrusive *inter alia* by reason of the large scale and massing of the dormer within the existing roof plane. Appendix 18 (Residential Extensions), Section 5 of the Dublin City Development Plan 2022-2028 provides guidance in the matter of dormer windows and attic conversions. The proposed dormer window is to the rear of the house and would facilitate the conversion of the attic to a fourth bedroom on site with en-suite shower room.

In the matter of overlooking, it is noted that the proposed rear dormer window would light a bedroom at attic level (Bedroom). Furthermore, the existing rear first-floor fenestration to the rear of no. 17 Brendan Road has the potential to overlook the rear garden of no. 15 Brendan Road. It is noted that the existing first floor windows comprise large vertical openings. The window to the first floor rear bedroom of no. 17 Brendan Road is located beneath the proposed dormer, is located forward of the dormer and is proximate to the shared property boundary (Bedroom 2). The proposed window area at attic level would be marginally greater than the existing first floor vertical window opening beneath. I consider that the dormer would not result in a depreciation in residential amenity in terms of overlooking given that the proposed dormer would light a bedroom and that the potential for overlooking of the rear garden of no. 15 Brendan Road from bedroom windows is established.

In the matter of the scale, massing and position of the proposed dormer, the dormer would be positioned centrally within the existing roof plane and would be set-back 1.7m from the eaves. The dormer would be 3150mm in width, projecting 2480mm and would have a maximum height of 2015mm. It is acknowledged that the dormer would be significant in scale. However, the dormer would facilitate the conversion of the attic to a habitable room increasing the accommodation on site. Furthermore, it would not be out of character with existing approved dormers in the vicinity in specific the dormer window to the rear of the adjoining semi-detached house at no. 19 Brendan Road.

The dormer would not align with the first floor rear elevation windows as stipulated in Table 18.1 (Dormer Window Guidance), which requires dormers to relate to the shape, size, position and design of the existing doors and windows on the lower

floors. The applicant claims the design of the dormer reflects the previously approved second floor dormer to no. 19 Brendan Road and that the mirror of the existing approved dormer will reintroduce symmetry to the rear elevation of the houses broken by the previous decision. I consider that the position and design of the proposed dormer would balance the massing to the rear roof plane of the adjoining semi-detached houses at nos. 17 & 19 Brendan Road. I further consider that this is an acceptable deviation from development plan guidance in order to allow the new dormer to reflect and mirror the existing dormer to the rear of no. 19 Brendan Road.

I note the appellant's reference in the appeal statement to the previous decision of An Bord Pleanála in the matter of the scale, design and negative visual impact of a proposed dormer to the rear of no. 20 Auburn Avenue (ABP-300967-18). It is considered that development proposals are assessed on a case by case basis. Furthermore, it is noted that the rear gardens of the houses on Auburn Avenue are modest and are significantly shorter than the rear gardens of the houses on the south side of Brendan Road. In the instance of Auburn Avenue, the distance from the main elevation to the rear boundary is only 8m. The distance from the main rear elevation of no. 17 Brendan Road to the rear boundary is approximately 20m. I consider that the proposed rear dormer would comply with Appendix 18, Residential Extensions), Section 5 (Attic Conversions / Dormer Windows) and would substantially comply with Table 18.1 (Dormer Window Guidance) of the Dublin City Development Plan 2022-2028.

#### Side passageway

- 7.5. The applicant proposes a weathering roof cover to the access passageway, which gives access to the rear garden of the subject house from Brendan Road. The canopy would be approximately 2m above grade and would be located between the gable of no. 17 Brendan Road and the property boundary with no.15 Brendan Road. The canopy would not be visible from the street and would be located behind the side passage gate. The appellants claim that the canopy would further enclose open space and would negatively impact on the party wall between the applicants and appellants properties including potential water incursion. The applicant response clarifies that the canopy cover to the side passage would provide protection to the existing bicycle storage located behind the side gate. The canopy cover would not

raise the party wall nor impede the wall structure, as the canopy would be supported from the gable of No. 17 Brendan Road. The canopy will stop short of the party wall. I consider that the proposed canopy would be acceptable in principle and in detail.

#### Bin storage

- 7.6. The applicant proposes a dedicated enclosed bin storage area located to the front of the dwelling house within the front garden that would be aligned along the axis of the pedestrian route from Brendan Road to the rear garden via the subject side passageway. The bin store would be 1190mm in height, 2100mm in length and 800mm deep and would have a timber finish in black / grey. I consider that the proposed bin store is acceptable in principle and in detail.
- 7.7. In conclusion, the proposed development would comply with Appendix 18, (Residential Extensions), Section 5 (Attic Conversions / Dormer Windows) and would substantially comply with Table 18.1 (Dormer Window Guidance) of the Dublin City Development Plan 2022-2028 and, as such, would be consistent with the proper planning and sustainable development of the area.

#### **7.8. Appropriate Assessment Screening**

The proposed development comprises an attic conversion and a rear dormer window in an established urban area.

Having regard to the nature and scale of the proposed development it is possible to screen out the requirement for the submission of an NIS.

#### **8.0 Recommendation**

- 8.1. I recommend a grant of permission subject to condition having regard to the reasons and considerations below.

#### **9.0 Reasons and Considerations**

Having regard to the grounds of appeal, the response of the applicant, the residential zoning objective and the policy framework provided by the Dublin City Development Plan 2022-2028, it is considered that the proposed development subject to condition would not have a negative impact on the visual and residential amenities of adjacent properties, would comply with Appendix 18, (Residential Extensions), Section 5 (Attic

Conversions / Dormer Windows) and would substantially comply with Table 18.1 (Dormer Window Guidance) of the Dublin City Development Plan 2022-2028 and, as such, would be consistent with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p><b>Reason:</b> In the interest of public health.</p>
3.	<p>Details of the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<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. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable</p>

	<p>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 the Board to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000 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 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".

  
\_\_\_\_\_  
Anthony Abbott King  
Planning Inspector

26 January 2024