



An
Bord
Pleanála

Inspector's Report ABP318957-24

Development	Retain an attic conversion with dormer window.
Location	74 Kildare Road, Crumlin, Dublin 12.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1986/23
Applicant(s)	Chris Smith & Suzanne Walsh
Type of Application	Retention permission
Planning Authority Decision	Refuse permission.
Type of Appeal	Applicant V Refusal
Appellant(s)	Chris Smith & Suzanne Walsh
Observer(s)	None.
Date of Site Inspection	2 nd March 2024
Inspector	Hugh Mannion

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1.0 Site Location and Description

- 1.1. The application site comprises a two-storey mid-terrace house with front and rear gardens at 74 Kildare Road, Crumlin, Dublin 12. The house is one of a terrace of six houses and the pattern of development in the character of the area is established by largely public housing built in the 1940s and 1950s.

2.0 Proposed Development

- 2.1. Retain an attic conversion with a dormer window to the rear roof plane at 74 Kildare Road, Crumlin, Dublin 12.

3.0 Planning Authority Decision

3.1. Decision

Permission refused for a single reason.

The dormer to be retained extend the full width of the site and its height sits above the main ridge line of the existing dwelling's roof resulting in a visually dominant appearance that gives the impression of a flat roof. The dormer does not comply with the guidance set out in Appendix 16 of the Dublin City Development Plan, would seriously injure the amenity of property in the vicinity and would set an undesirable precedent for similar development in the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning officer's report recommend refusal as set out in the Chief Executive's order.

3.2.2. Other Technical Reports

Drainage Division reported no objection subject to condition.

4.0 Planning History

4.1. None relevant.

5.0 Policy and Context

5.1. Development Plan

5.2. The site is zoned Z1 'to protect, provide and improve residential amenity' in the Dublin City Development Plan 2022 – 2028.

5.3. Section 5 Appendix 18 –

5.4. 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.

5.5. Where it is proposed to extend the ridge height to accommodate an increased floor-to ceiling height, the design should avoid an overly dominant roof structure. The proposed scale of the roof should retain similar proportions to the building where possible. Dormer windows may be provided to the front, side or rear of a dwelling.

5.6. Natural Heritage Designations

5.7. Not relevant.

5.8. EIA Screening

5.9. Having regard to the nature and modest scale of the proposed development, its location in a built-up urban area and the likely emissions therefrom it is possible to conclude that the proposed development is not likely to give rise to significant environmental impacts and the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

- A builder misled the applicants in the belief that the proposed dormer was similar to others in the area and that planning permission was not required for the works.
- The dormer extension is required to accommodate children who attend local schools. The application site is too small to further extend to the rear at ground floor level.
- The applicant would, if they could afford it, move to a bigger house but this is not financially possible.
- There are several similar dormer extensions in the area.

6.2. Planning Authority Response

- The Board is asked to uphold the planning authority's decision.
- If permission is granted a Section 48 contribution condition should be imposed.

6.3. Observations

- None

7.0 Assessment

- 7.1. The planning authority refused permission for a single reason making the case that the dormer extension extends above the ridgeline of the existing house, does not comply with the requirements set out in appendix 18 of the City Development Plan and therefore would seriously injure the amenities of the area.
- 7.2. The lodged plans show a difference in height between the original roof ridge and the amended roof ridge of 0.095m (7.615m – 7.520m). Having inspected the site and the immediate area I can confirm that the height difference is barely perceptible from the public realm and does not give rise to a “visually dominant appearance” as

concluded by the planning authority. Additionally, the elevation of the extension is partially visible from the corner of Saul Road and Kildare Road – but visibility of itself does not equate to seriously injury to the amenity of the area. Furthermore, there are two storey extensions to the rear of several houses in the immediate area including 80 and 82 Kildare Road, 71 and 73 Saul Road, 85 Saul Road and others.

- 7.3. Appendix 18 in addressing rear extensions states “where it is proposed to extend the ridge height to accommodate an increased floor-to-ceiling height the design should avoid an overly dominant roof structure. The proposed scale of the roof should retain similar proportions to the building were possible”. I consider that the Development Plan makes some allowance for a minor deviation from the existing heights and proportions where the result would not be an overly dominant roof structure. I conclude in this case that the amended roof height does not result in an overly dominant roof structure and does not seriously injure the amenity of the area in a manner as to materially contravene the zoning objective for the site set out in the City Development Plan or the provisions of Appendix 18 in relation attic conversions.
- 7.4. There is a north facing window on the rear elevation of the attic room but having regard to the pattern of housing layouts in the area and relatively short rear gardens I conclude that this window will not unreasonably impact on the amenity of the houses on Saul Road.
- 7.5. The planning authority referenced undesirable precedent in its refusal reason. Each application must be considered on its merits and I conclude that the proposed development would not give rise to precedent for further development in the area.
- 7.6. **Appropriate Assessment Screening**
- 7.7. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom and the nature of the receiving environment it is possible to screen out the requirement for the submission of an NIS and carrying out of an AA at an initial stage.

8.0 Recommendation

- 8.1. I recommend a grant of permission.

9.0 Reasons and Considerations

The site is zoned with the objective to protect, provide and improve residential amenity in the Dublin City Development Plan 2022 – 2028. The proposed development comprises an attic conversion and dormer window that are marginally above the original roof ridge height of number 74 Kildare Road and the other houses in this terrace. Having regard to the pattern of rear extensions in the area and the relatively minor nature of the proposed development it is considered that the proposed development would not constitute a visually dominant feature in the streetscape in a manner as to seriously injure the visual or residential amenity of the area, materially contravene the zoning objective for the area set out in the current Dublin City Development Plan and that, otherwise, it would accord 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>Reason: 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>Reason: In the interest of public health.</p>

3.	<p>Within six months of the date of this order details of the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority.</p> <p>Reason: 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 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>Reason: 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.

Hugh Mannion
Senior Planning Inspector

3rd March 2024.