



An
Bord
Pleanála

Inspector's Report

ABP-319980-24

Development	Projecting dormer window to rear roof for attic conversion
Location	79 Killala Road, Cabra West, Dublin 7
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3507/24
Applicant(s)	Brendan White
Type of Application	Retention Permission
Planning Authority Decision	Refuse Retention Permission
Type of Appeal	First Party
Appellant(s)	Brendan White
Observer(s)	None
Date of Site Inspection	18 th November 2024
Inspector	John Duffy

1.0 Site Location and Description

- 1.1. The appeal site, located on the western side of Killala Road in Dublin 7, overlooking an area of public open space, has a stated area of 348 square metres. The site accommodates No. 79 Killala Road, an extended two-storey end of terrace house (4 house terrace), measuring c 208sqm, with a side passage along its northern side. To the rear, the house has been extended by way of a single and part two storey extension, and there is also a dormer on the rear roof slope which serves an attic room. The property has the benefit of a relatively large rear garden, ranging in depth from c 15 m to c 20 m. Given its end of terrace location, the width of the rear garden is more generous than some of the dwellings on this side of Killala Road.
- 1.2. The subject property is attached to No. 77 Killala Road and adjoins No. 81 Killala Road to the north.

2.0 Proposed Development

- 2.1. Retention permission is sought for a rear projecting box dormer window on the rear roof plane of the dwelling. The public notices and floor plan state that the dormer window serves an attic conversion used for storage purposes. The following information is noted from the submitted drawings and the file:
 - Width of dormer given as 3.6 m.
 - Separation distance between dormer and party boundary with No. 77 given as 600 mm.
 - Height of dormer measures approximately 2.7 m and does not exceed the roof ridgeline.
 - The dormer has a flat roof.
 - The area of the window in the dormer structure is 1 sqm.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority made a decision to refuse retention permission on the 31st May 2024, as set out below:

1. The proposed retention of the rear dormer, by reason of its overall scale, placement and relationship to its neighbours is visually dominant and obtrusive contrary to Sections 4.0 and 5.0 of Appendix 18 (Ancillary Residential Accommodation) in the Dublin City Development Plan 2022-2028. The proposed development would therefore, in itself and by the precedent it would set for the construction of similar dormer extensions, be seriously injurious to residential and visual amenity and be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report (dated 27th May 2024)

The report of the Planning Officer includes the following comments regarding the proposal;

- Reference made to condition 4 of Planning Authority Reg. Ref. WEB1984/20 which required the dormer structure to be reduced in size, along with specified minimum separation distances from the party boundary with the adjoining property (No. 77) and the eaves of the subject property.
- The dormer overhangs the rear wall of the house, forming a de facto partial three storey rear elevation.
- Inaccurate dimensions and details are provided on the submitted drawings.
- Notes that the Enforcement file relating to the dormer structure remains open.
- Considers that the retention proposal is not compliant with the current Dublin City Council Development Plan 2022-2028 having regard to its over dominant and unsympathetic design.

The report of the Planning Officer reflects the decision to refuse retention permission for the development.

3.2.2. Other Technical Report

- Drainage Division report - No objection subject to condition (re. surface water).

3.3. Prescribed Bodies

Uisce Éireann (UÉ), Transport Infrastructure Ireland (TII) and the National Transport Authority (NTA) were invited by the planning authority to comment on the proposal. A response was received from TII confirming it had no observations to make on the proposal. No responses were received from UÉ and the NTA.

3.4. Third Party Observations

One submission was received and refers to an enforcement notice which issued, and considers that the application does not appear to address dormer distances to neighbouring property and eaves.

4.0 Planning History

4.1 Subject site

Planning Authority Reg. Ref. WEB1984/20 – Retention permission granted in February 2021 to retain roof alterations to granted planning application number WEB1295/20.

Relevant conditions:

*4. The development hereby approved shall incorporate the following amendments: -
With 6 months of the Final Grant of permission the rear dormer structure to be retained shall be reduced to a maximum of 2.6 metres (as measured externally) and shall allow for a minimum separation distance of 1 metre from the party boundary with No. 77 Killala Road and a minimum separation distance of 500mm from the eaves. The internal layout may be amended accordingly.*

Reason: In the interests of the residential and visual amenity of neighbouring properties, and to comply with the guidance for roof extensions set out in Appendix 17 of the Dublin City Development Plan 2016-22.

5. The attic space hereby approved to be retained shall not be used for human habitation unless it complies with the current building regulations.

Reason: To provide for an adequate standard of development

Planning Authority Reg. Ref. WEB1295/20 – Permission granted in July 2020 for proposed front / side single storey extension, side / rear two storey extension with covered side passage, rear single storey extension with rear first floor level roof terrace and side privacy screens, associated internal alterations and site development works.

Relevant condition:

3. The proposal hereby approved shall be amended as follows: (a) The rear first floor level roof terrace and side privacy screens shall be omitted. (b) The flat roof of the any extension shall only be used for maintenance purposes.

Reason: To protect the residential amenities of adjoining properties

Enforcement

E0921/20 file opened 23 November 2020 relating to works on roof. File remains open.

5.0 Policy Context

5.1. Development Plan

5.1.1. The relevant development plan is the Dublin City Development Plan 2022-2028, under which the appeal site/property is zoned 'Z1'- Sustainable Residential Neighborhoods' (Map E refers) with a stated objective 'to protect and/or improve residential amenities.'

5.1.2. The following policy is relevant to the proposal:

Appendix 18 – Ancillary Residential Accommodation

Section 4.0 Alterations at Roof Level / Attics / Dormers / Additional Floors

The following criteria will be considered in assessing alterations at roof level:

- *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*

Section 5.0 Attic Conversions / Dormer Windows

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.

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.

Table 18.1 Dormer Window Guidance

5.2. Natural Heritage Designations

The development proposed to be retained is not located within or immediately adjacent to any European site. The nearest European Site is the South Dublin Bay and River Tolka Estuary SPA located approximately 5.2 km to the east.

5.3. EIA Screening

See EIA Pre-Screening Form 1 in Appendix 1. The proposal is not a class of development requiring mandatory or sub-threshold EIA and therefore there is no EIA Screening requirement.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first party appeal against the decision of Dublin City Council to refuse permission for the development proposed to be retained. The grounds of appeal may be summarised as follows:

- The proposals do not have a negative impact on surrounding areas.
- The occupants want more space and want to utilise the house and garden space to cater for everyday family use.
- There are many attic extensions and conversions in the surrounding area and they provide additional space.
- The objections are unjust as there is no overlooking or negative impacts arising.
- Direct neighbours have no difficulty with the proposals.

There are three attachments to the appeal as follows:

Attachment 1: An unsigned letter to the Deputy Planning Officer, dated 10th June 2024, which appears to be from the applicant. This correspondence sets out, inter alia, personal circumstances and contends that reducing the size of the attic space would make the area uninhabitable and cause disturbance, financial and other impacts for the family.

Attachment 2: Correspondence from Structex Ltd. dated 10th May 2024, confirming, inter alia, that on behalf of the owner of No. 77 Killala Road, it inspected building works undertaken at No. 79 Killala Road. It states, inter alia, that the dormer does not infringe in any structural way on No. 77 Killala Road and that it is built within the boundaries of that property.

Attachment 3: A listing of neighbours (and their addresses) in the vicinity who have indicated they have no objection to the works.

Attachment 4: A copy of the majority of the drawings and plans submitted with the planning application.

6.2 Planning Authority Response

Requests that the decision to refuse retention permission is upheld. Should retention permission be granted, a Section 48 development contribution should be included.

6.3 Observations

None.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the appeal, including the reports of the local authority, and having inspected the site, and having regard to the relevant national and local policy and guidance, I consider the substantive issues in this appeal to be considered are as follows:

- Impact on residential amenity
- Design and visual integration
- Procedural issue/Drawing discrepancies
- Appropriate Assessment

7.2 Impact on residential amenity

7.2.1 I do not consider that the subject extension has negative effects on the residential amenity of the area in terms of overlooking, overshadowing or overbearing impacts. I note, however, that the attic space served by the dormer is currently in use as a bedroom. Given the configuration of this space, and whilst I note that building regulations fall outside of the planning code, I am of the view that its use as a bedroom is not appropriate and would have a negative impact on the residential amenities of the occupant(s).

7.3 Design and visual integration

- 7.3.1 In assessing alterations at roof level, Section 4 of Appendix 18 requires, inter alia, that alterations at roof level harmonise with the rest of the structure. In my opinion, the dormer fails to harmonise with the house and it appears overly dominant on the rear roof slope. The structure extends down to the eaves and overhangs the rear wall plate of the dwelling, resulting in a partial three storey elevation, which would not be a normal or typical feature in this residential area. In my opinion, the dormer structure is visually dominant and obtrusive, and would be seriously injurious to the visual amenity of the area. While I note that the dormer structure is not overtly visible from the street, the rear elevation of the property is visible from houses to the west, located along Ratoath Road.
- 7.3.2 The appellant considers that any reduction to the size of the attic space would make that area uninhabitable. Section 5 of Appendix 18 of the current Dublin City Development Plan 2022-2028 notes that attic space for human habitation must be compliant with relevant design standards and building and fire regulations. Having regard to the stated floor to ceiling height of the attic room which equates to 1.75 m, it is apparent that the converted attic would not comply with building regulations requirements and would be unsuitable for human habitation. The room is presently used as a bedroom, notwithstanding that the public notices and floor plans indicate this area is used for additional storage purposes.

7.4 Procedural issue / Drawing discrepancies

- 7.4.1 As identified by the Area Planner and as observed during the site inspection, there are a number of discrepancies between the submitted drawings and the development proposed to be retained, which are set out as follows:

- The floor plan (Drawing No. 2014-15) indicates the converted attic is used as a store; however it is currently in use as a bedroom.
- The side elevation and section drawings (Drawing Nos. 2014-8 and 2014-10) show a flat dormer roof. However, the dormer has a mono-pitched roof which rises as it moves away from the roof ridgeline.
- Drawing No. 2014-15 indicates a separation distance of 600 mm between the dormer and the boundary with No. 77 Killala Road. This is not the case; a separation distance of approximately 300 mm is evident.

7.5 Appropriate Assessment

7.5.1 I have considered the proposal in light of the requirements of S177U the Planning and Development Act 2000 as amended.

The development to be retained is not located within or adjacent to any European site. The closest European Site, part of the Natura 2000 Network, is the South Dublin Bay and River Tolka Estuary SPA located approximately 5.2 km to the east.

The development is located within a residential area and comprises a dormer window on the rear roof plane of the subject dwelling.

Having considered the nature, scale and location of the development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site.

The reason for this conclusion is as follows:

- Small scale and domestic nature of the development.
- The location of the development in a serviced urban area, distance from European Sites and urban nature of intervening habitats, absence of ecological pathways to any European Site.

I consider that proposal would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

8.0 Recommendation

- 8.1 I recommend that retention permission is refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. The dormer, by reason of its scale and design, is overly dominant on the rear roof slope of the house. It extends down to the eaves, overhanging the rear wall plate of the house, resulting in a partial three storey elevation, which is not a typical feature in this established residential area. The development proposed to be retained is visually obtrusive, seriously injures the visual amenity of the area, and is contrary to Sections 4 and 5 of Appendix 18 (Ancillary Residential Accommodation) of the Dublin City Development Plan 2022-2028.

2. The development proposed to be retained would set an undesirable precedent for similar types of development and would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that the report represents my professional planning assessment, judgment and opinion on the matter assigned to me and that no person has influenced or tried to influence, directly or indirectly, the exercise of my professional judgment in an improper or inappropriate way.

John Duffy

Planning Inspector

21st November 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-319980-24		
Proposed Development Summary	Retention of dormer window for attic conversion to rear roof and associated site works.		
Development Address	79 Killala Road, Cabra West, Dublin 7.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
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?			
Yes			
No	X		
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]?			
		Threshold	Comment (if relevant)
No	X		
Yes			Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes		Screening Determination required