



An  
Bord  
Pleanála

## Inspector's Report

### ABP-320016-24

<b>Development</b>	Retention of a dormer roof to the side of the house roof, change of brick façade to the front elevation and all ancillary works.
<b>Location</b>	7 Claremont Park, Sandymount, Dublin 4, D04 P996
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	3486/24
<b>Applicant(s)</b>	Tom Hill
<b>Type of Application</b>	Retention Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Tom Hill
<b>Date of Site Inspection</b>	20 <sup>th</sup> August 2024
<b>Inspector</b>	Sarah O'Mahony

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## **1.0 Site Location and Description**

- 1.1. The 420m<sup>2</sup> site is situated in a residential area of Sandymount, approximately 3km southeast of Dublin city centre. It comprises a mid to early 20<sup>th</sup> century semi-detached two-storey dwelling with a hipped roof profile located in a small housing estate. There are similar dwellings situated on all sides of the site.
- 1.2. The site has in-curtilage car parking to the front (east) and private open space to the rear (West). The original dwelling has been extended to the rear and side and some construction materials and equipment were present in the front driveway. External finishes all appear fresh and recently installed.

## **2.0 Proposed Development**

- 2.1. Permission is sought to retain the following:
  - A dormer window and associated alterations to the roof on the side elevation of the dwelling, and
  - A change of brick to the façade on the front elevation of the dwelling.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Reg. Ref. 3486/24: Retention permission was REFUSED by Dublin City Council (the Planning Authority) on the 30<sup>th</sup> May 2024 for one reason which can be summarised as follows:

- Visually incongruous development which is dominant and injurious to neighbouring residential amenity.
- Poor quality and inaccurate documentation failed to overcome a recent refusal for the same development when it was previously proposed on the site.
- Retention permission would set a precedent, be contrary to the Dublin City Development Plan (2022-2028) and contrary to the proper planning and sustainable development of the area.

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

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

- The Planners report recommendation to refuse retention permission is consistent with the notification of decision which issued.
- Lists 7 points of drawing inaccuracies and considers the documentation to be poor. It considers that the constructed dormer does not comply with Appendix 18 of the Dublin City Development Plan 2022-2028 and is visually incongruous.
- Appropriate Assessment (AA) and Environmental Impact Assessment (EIA) issues are both screened out.

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

- Drainage Department – no objection.

### **3.3. Prescribed Bodies**

#### **3.3.1. Irish Water – no response received.**

### **3.4. Third Party Observations**

#### **3.4.1. None received.**

## **4.0 Planning History**

The following all relates to the appeal site.

- P.A. Reg. Ref. 4833/23: Planning permission refused to Tom Hill for new dormer roof to the side of the existing house and all ancillary works. Permission was refused for one reason relating to non-compliance with Appendix 18 of the City Plan and visually inappropriate scale and design.
- P.A. Reg. Ref. 4386/23: Planning permission granted to Tom Hill for domestic alterations including single storey extension to rear and side and converting garage to habitable use.

## 5.0 Policy Context

### 5.1. Development Plan

The site is governed by the policies and provisions contained in the Dublin City Development Plan 2022-2028. The site is zoned Z1 for Sustainable Residential Neighbourhoods where the objective is to protect, provide and improve residential amenities.

### 5.2. Policy QHSN6 states the following:

*To promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, re-use/adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation.*

### 5.3. Appendix 18 provides guidance for ‘ancillary residential development’ and sections 4.0 and 5.0 refer to roof level alterations and attic conversions. It states:

*Dormer windows, where proposed should complement the existing roof profile and be sympathetic to the overall design of the dwelling.*

### 5.4. Table 18.1 provides additional detailed guidance for dormer windows. The relevant full text of Appendix 18 and Table 18.1 is attached with this report.

### 5.5. Natural Heritage Designations

### 5.6. The site is situated 400m southwest of South Dublin Bay Special Area of Conservation, Special Protection Area and proposed Natural Heritage Area.

### 5.7. EIA Screening

See EIA Pre-Screening Form 1 in Appendix 1. The development 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**

- Permission should have been granted with appropriate conditions if correct drawings were submitted. Acknowledgement of incorrect drawings submitted in the application. As-built drawings submitted with the appeal demonstrating compliance with Appendix 18 and specifically Table 18.1.
- Dormer complies with dimensions prescribed by the Local Authority.
- Dormer is not dominant or injurious to residential amenity with examples provided of similar developments in the immediate area.
- As-built drawings provided and can be formally submitted if conditioned.

### **6.2. Planning Authority Response**

- Request to uphold refusal.
- In the event permission is granted, request to include a condition requiring payment of Section 48 development contributions.

### **6.3. Observations**

None

## **7.0 Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Compliance of dormer window with Dublin City Development Plan 2022-2028,
- Visual impact of dormer window,
- New brick façade, and
- Drawing discrepancies and ancillary works.

## 7.2. Compliance with Dublin City Development Plan 2022-2028

- 7.2.1. Table 18.1 of the City Plan sets out a list of requirements to be adhered to as well as a list of 5 elements/features to avoid when designing a dormer window. The Appeal lists how the constructed dormer complies with these requirements, and I agree with this assessment. I consider the key points from this guidance relevant to the assessment of this appeal relate to the positioning of the dormer including that it does not breach the ridge line, is set back from the eaves and boundary and enables a large proportion of the roof to still be visible all of which are achieved in this case. I therefore consider that the window complies with Appendix 18 and Table 18.1 of the City Plan.

## 7.3. Visual Impact

- 7.3.1. The roof profile of the dormer is slightly hipped to follow the profile of the main roof. When viewed from the front, side or rear, the majority of the roof profile from each elevation is still visible. The dormer does not break the ridge line but is set slightly below, giving primacy and dominance to the original form of the roof.
- 7.3.2. The most dominant part of the dormer is the wall plate on either side (front elevation and rear elevation) which is finished in render and stands out against the dark coloured roof tiles however it also matches the render on the front and side elevations and is therefore such that I do not consider it to be overtly or inappropriately dominant.
- 7.3.3. The refusal reason states that the dormer is injurious to the residential amenities of the area however having visited the site I do not agree. The dormer does not offer any significant new overlooking opportunities to the adjoining property as it serves a stairwell only. The concept of introducing changes to the original dwelling, altering the uniformity of the housing estate, has also been long established as many of the dwellings have alterations of varying scales and designs as detailed in the appeal. As set out previously it is not overtly dominant and I therefore do not consider the dormer to be visually incongruous with the existing dwelling and its surroundings.

## 7.4. Brick Façade

- 7.4.1. The original front façade of the structure had a deep red/brown brick surrounding the garage door, front door and underneath a bay window on the ground floor. It is noted

that the garage door has since been replaced with a window as previously permitted under reg. ref. 4386/23. The Applicant is now seeking retention permission for a lighter multi-toned buff/sand coloured brick in the same location. The new brick is very different from the original darker colour still present on the adjacent dwellings either side, however I again note that dwellings in the wider housing estate have been altered in various guises with the result of a loss of uniformity and removal of brick entirely from the front façade in some cases.

- 7.4.2. This proposal is the only dwelling noted in the estate which introduces a different brick however I consider the tone and quality of the brick used does not clash or jar with the surrounding dwellings. I therefore consider retention of the brick to be acceptable.

#### 7.5. Drawing Discrepancies and Ancillary Works

- 7.5.1. There is a difference between the as-built development and the drawings lodged with the planning application and I note the latter do not reflect the former. The appeal also acknowledges this and includes as built drawings which reflect the development for which retention permission is sought.
- 7.5.2. The reason for refusal and the Local Authority Planners Report also refer to other alterations carried out on the site which depart from the permitted development. These items are not assessed in this appeal as they are not part of the development description and, while they may have been created during the same phase of construction, they are ultimately independent aspects of the structure which do not rely on or interact with the dormer window and brick façade for which permission is sought. The development description does state 'and all ancillary works' however I consider these to be confined to works ancillary to the provision of the dormer and the brick façade only. I note that the case was referred to the Enforcement Section of the Local Authority.

## 8.0 AA Screening

Having regard to the limited scale and nature of the works to be retained and to the existing surface water network in place serving the established urban area, it is concluded that no Appropriate Assessment issues arise as the proposed



development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 9.0 Recommendation

I recommend that retention permission be granted, subject to conditions, for the reasons and considerations as set out below.

## 10.0 Reasons and Considerations

Having regard to the location and character of the site and surrounding area in a serviced urban area together with the provisions of the Dublin City Development Plan 2022-2028 including the 'Z1' zoning objective for the area, Policy QHSN6 and Appendix 18, it is considered that, subject to compliance with the conditions set out below, the development to be retained complies with local design guidance and does not seriously injure the visual or residential amenity of the area. The development is, therefore, in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1.	The development shall be retained in accordance with the plans and particulars lodged with the application on the 05 <sup>th</sup> day of April 2024, and as amended by those received with this appeal, 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 within 1 month of the date of this permission and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity.
2.	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

	<p>Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid within 6 months of the date of this permission 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 An Bord Pleanála 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, as amended, 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>
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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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Sarah O'Mahony  
Planning Inspector

27<sup>th</sup> August 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>			
<b>Proposed Development Summary</b>	Retention of a dormer roof to the side of the house roof, change of brick façade to the front elevation and all ancillary works		
<b>Development Address</b>	7 Claremont Park, Sandymount, Dublin 4, D04 P996		
<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>	X
		<b>No</b>	
<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>			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>No</b>	X		No EIAR or Preliminary Examination required
<b>Yes</b>			Proceed to Q.4

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

**Inspector:** Sarah O'Mahony

**Date:** 27<sup>th</sup> August 2024