



An
Bord
Pleanála

Inspector's Report

ABP-320304-24

Development

Retention permission for partial raised roof ridge, raised dormer roof on rear of roof, extension of dormer & extension of attic floor area, all at attic level.

Location

12 Carrick Terrace, Rialto, Dublin 8,
D08 H9R0

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

3753/24

Applicant(s)

Emma Catherine Roche

Type of Application

Retention

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

Emma Catherine Roche

Observer(s)

None

Date of Site Inspection

01/10/24

Inspector

Kathryn Hosey

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	4
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	5
3.4. Third Party Observations	6
4.0 Planning History.....	6
5.0 Policy Context.....	7
5.1. Development Plan.....	7
5.2. Natural Heritage Designations	9
5.3. EIA Screening	9
6.0 The Appeal	10
6.1. Grounds of Appeal	10
6.3. Planning Authority Response	11
6.4. Observations	11
6.5. Further Responses.....	11
7.0 Assessment.....	11
8.0 AA Screening.....	14
9.0 Recommendation.....	14
10.0 Reasons and Considerations.....	14
Appendix 1 – Form 1: EIA Pre-Screening	

1.0 Site Location and Description

- 1.1 The appeal site is located in a mature residential area at no. 12 Carrick Terrace, Rialto, Dublin 8 on lands zoned Z1 'to protect, provide and to improve residential amenities'. The site comprises a mid-terrace two storey dwelling on a site area of 75 sq. m. The area is characterised by two storey red brick dwellings. The terrace group of dwellings no's 9-20 are all uniform in nature and served by on street-car parking.

2.0 Proposed Development

- 2.1 The appellant is seeking retention permission for partial raised roof ridge, raised dormer roof on rear of roof, extension of dormer & extension of attic floor area, all at attic level.

3.0 Planning Authority Decision

- 3.1 The Planning Authority issued a decision to refuse permission for the proposed development for the following reason:

'Having regard to the Z1 zoning objective, which seeks to protect, provide and improve residential amenities, and the policies set out in Dublin City Development Plan 2022 – 2028 regarding residential extensions, specifically Appendix 18 Section 4.0 (Alterations at Rood Level/Attics/Dormers/Additional floors, it is considered that the development to be retained, by reason of its excessive height and scale above the main ridge line of the dwelling, would be contrary to the relevant provisions of the Development Plan and would adversely impact on the visual amenities of the area. The development would therefore, by itself and by the precedent it would set

for other similar undesirable development in the vicinity, be contrary to the proper planning and sustainable development of the area.'

3.2 Planning Authority Reports

3.2.1 Planning Reports

- Dublin City Councils report had regard to the development plan policies for the area. The Planning Officer has stated within their report that they consider *'that a grant of permission would only serve to justify permitting other, similar dormer extensions that exceed the ridge line of the existing dwelling resulting an overall haphazard roof-scape appearance and loss of coherent character that is displayed within the area.'*
- The Planning Officer recommended that permission be refused for the following reason:

"Having regard to Z1 zoning objective, which seeks to protect, provide and improve residential amenities, and the policies set out in Dublin City Development Plan 2022 – 2028 regarding residential extensions, specifically Appendix 18 Section 4.0 (Alterations at Roof Level/Attics/Dormers/Additional Floors), it is considered that the development to be retained, by reason of its excessive height and scale above the main ridge line of the dwelling, would be contrary to the relevant provisions of the Development Plan and would adversely impact on the visual amenities of the area. The development would therefore, by itself and by the precedent it would set for other similar undesirable development in the vicinity, be contrary to the proper planning and sustainable development of the area."

3.2.2 Other Technical Reports

- Engineering Department (Drainage Division) - has stated no objections.

3.3 Prescribed Bodies

None

3.4 Third Party Observations

One no. third-party observation was received by the Planning Authority. This observation outlined the following comment;

- The observer stated that they concur with Dublin City Councils original decision to refuse retention permission for the same reasons cited by Dublin City Council in December 2023.

4.0 Planning History

- P.A Ref. No. 4685/23; Retention permission was refused for partial raised roof ridge, raised dormer roof on rear of roof, extension of dormer & extension of attic floor area all at attic level.

Note to the board - The details of the current proposal the subject of this appeal application remains unchanged from that submitted under P.A Ref. No. 4685/23 refused by Dublin City Council.

- WEB 1312/23; Permission was granted for alterations to existing dwelling including attic conversion to home office/playroom with dormer style windows to rear roof, alterations to existing rear extension to raise floor and ceiling levels to match main house at ground floor level and associated works and site works.
- P.A Ref. No. 2568/21 Retention permission was granted for single storey bathroom & utility to rear of existing dwelling including all associated site development works and services.
- Enforcement Ref: E0669/23 – Warning letter re breach of condition no. 1 of WEB1312/23.

Planning Authority Report notes that a section 152 warning letter was issued on 17/08/23.

Adjacent relevant Planning History;

- P.A Ref. No. 4557/19 Permission was granted at no. 24 Reuben Avenue for the construction of a new dormer window to the rear roof of the house.

- P.A Ref. No. WEB 1139/19 Permission was granted at No. 25 Church Avenue for the demolition of an existing section of pitched roof to the rear and construction of a new dormer in its place, replacement of existing roof slates to front and rear to match existing.

5.0 Policy Context

5.1 Development Plan

The appeal site is governed by policies and objectives outlined within the Dublin City Development Plan 2022 – 2028 which came into effect on the 14th Day of December 2022.

The appeal site has a zoning objective Z1 'to protect, provide and improve residential amenities'.

The following policies are applicable;

5.1.1 Appendix 18, Section 4.0 Alterations at Roof Level/Attics/Dormers/Additional Floors;

The roofline of a building is one of its most dominant features and it is important that any proposal to change the shape, pitch or cladding of a roof is carefully considered. Alterations at roof level can include the conversion of an attic space and inclusion of dormer windows or the provision of an additional storey modifying the roof profile entirely. Ancillary Residential Accommodation

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.*

5.1.2 Appendix 18, Section 5.0 Attic Conversion/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. Dormer windows may be provided to the front, side or rear of a dwelling.’

- 5.1.3 Guidelines for attic conversions and the provision of dormer windows is set out at table 18.1 Dormer Window Guidance outlined below;



	
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.	

Table 18.1 Dormer Window Guidance

5.2 Natural Heritage Designations

None

5.3 EIA Screening

The proposed development does not come within the scope of EIA, as it is not a project to which EIA applies.

6.0 The Appeal

6.1 Grounds of Appeal

This is a first party appeal that has been submitted against the decision of Dublin City Council. The grounds of appeal can be summarised as follows:

- The appellant states that the heterogenous streetscape is characterised by a variety of ad hoc developments, with diverse rooflines and extensions throughout the neighbourhood.
- The appellant states that the raised roof ridge is modest and not overtly visible from the street. It has been stated that the increased ridge line accommodates essential living space for the needs of the appellants growing family.
- It has been stated that the dwelling is not a protected structure and therefore there should be some flexibility in adapting the dwelling to meet the needs of its inhabitants.
- The appellant has stated that there are already similar developments throughout Dublin City therefore the current proposed development would not set an undesirable precedent. The applicant has referenced a similar development located to the street to the rear of the appeal site carried out without the benefit of planning permission.
- The appellant has made reference to the Z1 zoning applicable to the appeal site.
- The appellant has cited community support and minimal objections for the planning application with one number objection submitted.
- Reference has been made to the family's quality of life and the cost of living.
- The appellant has set out the need for the additional space is to allow for a family member to stay overnight for childcare purposes while the appellant and her husband attend to hospital duties as part of their occupation.

6.2 A planning report prepared by Kiaran O' Malley & Co Ltd, Town Planning Consultants dated 14th May 2024 was submitted with the Planning Application to

Dublin City Council. This report reflects the details of the appeal submission received.

6.2 Planning Authority Response

The Planning Authority have responded with a comment requesting the Board to uphold the decision of the Planning Authority.

6.3 Observations

None

6.4 Further Responses

None

7.0 Assessment

I have inspected the appeal site, examined all documentation on the appeal file and the site planning history. I am satisfied that the development is not overbearing, does not overlook or overshadow any neighbouring residential properties.

I consider the main issues that arise in this appeal are those raised by the first party in their grounds of appeal submission to the Board as follows;

- Principle of development
- Precedent
- Visual amenities

7.1 Principle of Development

- 7.1.1 The appeal application is for the retention of additional habitable accommodation by way of partial raised roof ridge, raised dormer roof on rear of roof, extension of dormer and extension of attic floor area.

- 7.1.2 The land use zoning applicable to the appeal site is Z1 'to protect, provide and improve residential amenities'.
- 7.1.3 The board should note that the principle of the attic conversion was established under P.A Ref: WEB1312/23. The applicant however did not carry out the works in accordance with the plans and particulars granted as part of this application. The completed works in summary comprised raised roof ridgeline and extended the dormer window further to the rear to make the permitted attic room a habitable room.
- 7.1.4 The principle of the development is considered to be generally acceptable subject to compliance with the relevant Development Plan standards and planning provisions applicable to the appeal site.

7.2 Precedent

The grounds of the appeal states that there is precedent throughout the city for similar developments. Following examination of the surrounding area. I note the following developments nearby to the appeal site;

No. 24 Reuben Avenue located to the rear of the appeal site. Permission was granted by Dublin City Council for the construction of a box dormer under P.A ref: 4557/19. These works are complete and the box dormer does not break the roof ridgeline of the dwelling.

No. 25 Church Avenue South located further to the west of the application site. Permission was granted by Dublin City County for the construction of a box dormer under P.A ref: WEB 1139/19. These works are also complete and the permitted box dormer does not break the roof ridge line at this location.

No. 19 Reuben Avenue referenced within the appeal submission located to the rear of the appeal site. A box dormer has been constructed to the rear of the dwelling. In this case the roof ridge height was breached to accommodate the box dormer development. It has however been noted that these works have been carried out without the benefit of planning permission. I do not consider it is appropriate to permit development based on an undesirable precedent that has been set without the benefit of planning permission.

I am of the opinion that the subject appeal should be considered on its own merits and on a site-specific basis having regard to national and local policy and other relevant planning considerations.

7.3 Visual Amenities

- 7.3.1 The Planning Authority refused retention permission for the existing works as it was considered that the development is excessive in height and scale breaking the main ridge line of the dwelling and therefore would be contrary to the relevant provisions of the Development Plan and would adversely impact on the visual amenities of the area.
- 7.3.2 The appellant contends that the streetscape is characterised by a variety of ad hoc developments with diverse rooflines and extensions throughout the neighbourhood and that the raised roof ridge is modest and not overtly visible from the street (front elevation view).
- 7.3.3 On day of site inspection I viewed the existing works from the front elevation (street view) and I also gained access to view the property from the rear.
- 7.3.4 I noted the terrace group of dwellings no's 9 – 20 are consistent and uniform in nature in particular the roof profiles with the exception of no. 12 (appeal site) where the ridge height rises above the uniform ridge line of these terrace dwellings.
- 7.3.5 Having regard to the provisions of the relevant Development Plan for the area I consider that Appendix 18, Section 4 (Alterations at Roof Level/Attics/Dormers/Additional floors) and table 18.4 Dormer window guidance is relevant to the assessment of this appeal application.
- 7.3.6 I have assessed the existing alterations at roof level based on the following criteria cited within the Dublin City Development Plan
- *“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 appeal site is located mid-terrace. The existing raised ridge line of no. 12 breaks the uniform roof profile appearance. There are no other roof variations within this group of terrace dwellings no. 9 – 20.

Table 18.1 also clearly sets out what is acceptable and not acceptable in terms of dormer window extensions. This table states “*In the case of a dormer window extension to a hipped/gable roof, ensure it sits below the ridgeline of the existing roof*”. I am of the opinion that the existing works to be retained do not comply with this requirement as the dormer window in existence breaks the ridgeline of the roof.

7.3.7 In this instance the design of the development fails to comply with the relevant provisions of the Dublin City Development Plan 2022-2028 and as a result if permitted has the potential to give rise to an undesirable precedent for other similar developments. I therefore concur with the decision of the Planning Authority to refuse permission.

8.0 Appropriate Assessment

Having regard to the location of the appeal site and the nature and scale of the proposed development it is concluded that no appropriate assessment issues arise in this instance.

9.0 Recommendation

I recommend that planning permission be refused.

10.0 Reasons and Considerations

Having regard to the design and height of the development and the impact on the established roof profile and streetscape arising from the raised roof ridge and raised dormer roof, it is considered that the development is visually incongruous and would have a negative impact on the scale and character of the dwelling, the streetscape and the visual amenities of the area. The development is therefore considered to be contrary to the provisions of Appendix 18, Section 4 and 5 of the Dublin City Development Plan 2022-2028. Accordingly the development would seriously injure the visual amenities of the area and of property in the vicinity and would contravene

the provisions of the development plan and by itself and by the precedent it would set, would be contrary to the proper planning and sustainable development of the area.

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.

Kathryn Hosey
Planning Inspector

11th Day of October 2024