



An
Bord
Pleanála

Inspector's Report ABP 320659-24

Development	Refurbishment and extension of house.
Location	2 Kensington Villas, Mountpleasant Avenue Upper, Rathmines, Dublin 6.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	WEB1557/24.
Applicant(s)	Thomas Drew.
Type of Application	Permission.
Planning Authority Decision	Grant permission subject to conditions.
Type of Appeal	Third Party
Appellant(s)	Ambrose Loughlin/Ben McCabe.
Observer(s)	None.
Date of Site Inspection	1 November 2024.
Inspector	Brendan Wyse.

1.0 Site Location and Description

- 1.1. No. 2 Kensington Villas is a two storey brick fronted mid-terrace house on the west side of Mountpleasant Avenue in Rathmines. Information included in the application indicates that Kensington Villas, a terrace of four houses, was constructed towards the middle of the 19th Century. The appellants house, No.4, is located at the northern end of the terrace. Kensington Villas adjoins Belgrave Terrace to the south, a row of five three storey houses.
- 1.2. A private road to the north of Kensington Villas provides access to a commercial premises to the rear. Otherwise the area is predominantly residential in a variety of period properties. There is a modern three storey block of apartments directly opposite No.2.
- 1.3. The house is currently laid out in bedsits. Some original ceiling cornices and window shutter boxes remain intact but the original six-over-six windows and the fanlight over the entrance door were replaced with vpvc frames. The rear garden, in common with all the gardens along the terrace, is bounded by rubble granite walls and runs at an angle, due south, away from the house. The garden is heavily overgrown.

2.0 Proposed Development

- 2.1. The proposed development comprises the reinstatement of the house to a single 3-bed family home, a new single-storey rear extension and a dormer roof window to the rear. The works include thermal upgrades throughout and the reinstatement of six-over six windows to the front elevation.
- 2.2. The attic room is indicated as a store. The dormer window is set within a deep recess that includes an angled wall stated to provide for privacy to neighbours.
- 2.3. Further information submitted modified the design of the dormer window to comply with Section 5, Appendix 18 of the development plan. The window is reduced in size, the recessed effect and angled wall are removed and the dormer structure is to be finished in dark coloured metal cladding. Submission includes revised drawings.

3.0 Planning Authority Decision

3.1. Decision

The decision to grant permission is subject to 10 conditions. The conditions are all standard.

3.2. Planning Authority Reports

3.2.1. Planning Reports (dated 19 June and 67 August 2024)

Basis for planning authority decision. Include:

- The main issue raised was in relation to the scale of the dormer window as originally proposed. It was considered that it would not retain the majority of the existing roof and would be over dominant and impact negatively on the character of the house. It would not accord with Appendix 18 of the development plan. A further information request issued requiring a revision to the dormer window to comply with development plan standards.
- The revised design of the dormer window was considered acceptable.

3.2.2. Other Technical Reports

Drainage Division - standard conditions to apply.

Irish Water – no response.

4.0 Observations to Planning Authority

- 4.1.1. Two submissions were lodged, one from the appellants and one from Philip O'Reilly with an address at 68 Gandon Close, Harold's Cross. Both submissions raise concerns about the scale and appropriateness of the proposed dormer window and the precedent this would set. The appellants submission also refers to the impact on the privacy of adjacent houses.

5.0 Planning History

None relevant.

6.0 Policy and Context

6.1. Development Plan

Dublin City Development Plan 2022-2028.

The area is zoned Z2; Residential Neighbourhoods (Conservation Areas), stated objective *to protect and/or improve the amenities of residential conservation areas*.

Policy BHA9: Conservation Areas – to protect the special interest and character of such areas.

Appendix 18 sets down general design principles for residential extensions.

Section 1.2 deals with rear extensions.

Section 5.0 deals with attic conversions and dormer windows. In general terms it indicates that dormer windows, where proposed, should complement the existing roof profile and be sympathetic to the overall design of the dwelling. 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.

Specific guidance for dormer windows (Table 18.1) includes:

- Use materials to complement the existing wall or roof materials of the house.
- Be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible.
- Relate to the design of the doors/windows on the lower floors.
- Be set back from the eaves level to minimise visual impact and overlooking.

6.2. Natural Heritage Designations

None relevant.

6.3. EIA Screening

- 6.4. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and, therefore, the requirement for EIA screening or EIA does not arise.

7.0 The Appeal

7.1. Grounds of Appeal

The appeal is lodged by Ambrose Loughlin and Ben McCabe, 4 Kensington Villas. This is the end of terrace house, two houses to the north of No.2. The main grounds of appeal may be summarised as follows:

- Even as revised the dormer window plus 'feature arched window' combine to defeat the objectives of Section 5 of Appendix 18 of the development plan as they are not compatible with the size and character of the existing building.
- While the revised dormer window in itself appears to resemble a good example by being significantly smaller and subordinate to the roof, the inclusion of the contiguous arch window, which is more expansive than the dormer, completely undermines the intent of Section 5 which provides that features added to the roof should complement the existing roof profile and be sympathetic to the overall design of the dwelling.
- The arched window is not visually subordinate to the roof slope. It eliminates a large portion of the original roof and it does not relate to the existing arched window at first floor level. It is not set back from eaves level and, therefore, has a visual impact on and overlooks adjoining properties.
- The decision would create a precedent for further similar arched windows in this conservation area.

7.2. Applicant Response

None received.

7.3. Planning Authority Response

The Board is requested to uphold the decision of the planning authority and to attach the development contribution condition.

7.4. Observations

None.

8.0 Assessment

8.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The Board will note that the planning authority did not raise any objections to the proposed refurbishment of the property, including rear extension, thermal upgrading and window replacements and I concur with this assessment. The issues, therefore, are dealt with under the following headings:

- The Attic Conversion
- Appropriate Assessment

8.2. The Attic Conversion

8.2.1. I concur with the appellant that the dormer window itself, as revised in the further information submission to the planning authority, is satisfactory from a design perspective and is in keeping with the development plan guidelines. The appeal is focussed on the feature arched window that is still retained from the original proposal. I concur with the appellant that this window is excessive in scale and that it does not relate well to the overall design of the house.

8.2.2. The window appears to be inspired by the existing arched window at first floor level. However, it is significantly larger than that window and would function quite differently. The existing window is at a high level and functions to bring light into the adjacent stairs and landings areas. It does not offer any significant view. The proposed window would be floor to ceiling in height, is wider and is placed directly over the rear wall of the house. As such it would be a very prominent, and, in my view, disproportionate, part of the overall dormer structure. In design terms it would

not relate well to the existing arched window below. While the proposed stairs to the attic room is to be set back from the window it would give rise to some limited, and unnecessary, overlooking. The impact of this would be exaggerated for neighbours due to the irregular alignment of the rear gardens.

- 8.2.3. In my view the proposed arched window feature design should be revised. It should be pushed back behind the eaves, say by about 1m. This may still be slightly forward of the proposed dormer window, as already revised, thus allowing for sufficient headroom on the stairs to the attic room. The actual window should be reduced in size to be similar in height and width to the existing arched window. The external surrounds should be finished in the same dark colour metal cladding as the rest of the dormer structure. These amendments would ensure that the dormer structure as a whole would be better aligned with development plan guidelines. They can be required by condition.

8.3. Appropriate Assessment Screening

- 8.4. Having regard to the nature and small scale of the proposed development, the nature of the receiving environment as a built up urban area and the distance from any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an AA at an initial stage.

9.0 Recommendation

- 9.1. I recommend that permission be granted subject to conditions.
- 9.2. It should be noted that I have reviewed the planning authority conditions and I am satisfied that the conditions recommended below, drawn from the Board's standard conditions, are sufficient in this case. In particular, the planning authority conditions 3, 4, 5, 8, 9 and 10 are not considered necessary.

10.0 Reasons and Considerations

It is considered that the proposed reinstatement of the house as a single dwelling unit, together with its refurbishment and extension, is in accordance with the residential conservation zoning objective for the area as provided for in the current development plan. Subject to compliance with the following conditions, the proposed

development would not injure the amenities of properties in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 18th day of July 2024, 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>The feature arched window structure shall be modified as follows:</p> <ul style="list-style-type: none">a) The western elevation shall be moved back to approx. 1.0m behind the existing eaves (subject to preserving sufficient headroom on the stairs to the attic room).b) The window area (height and width) shall be reduced to approximate to that of the existing arched window at first floor level.c) The external surrounds shall be finished in the same dark metal cladding as the rest of the dormer structure. <p>Revised drawings illustrating these amendments shall be submitted to the planning authority for written agreement prior to the commencement of the development.</p> <p>Reason: To ensure that the dormer structure as a whole is more proportionate in scale to the design of the house in accordance with development plan guidelines.</p>

3.	<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>
4.	<p>Site development and building works shall be carried out between the hours of 7.00am and 6.00pm Mondays to Fridays, between 8.00am and 2.00pm on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.</p> <p>Reason: To safeguard the amenity of property in the vicinity.</p>
5.	<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.

Brendan Wyse
Planning Inspector

7 November 2024