



An
Bord
Pleanála

Board Order ABP 315762-23

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: FW22/0297

Appeal by Audrey Heagney of 108 Hazelbury Green, Clonee, Dublin against the decision made on the 2nd day of February, 2023 by Fingal County Council to grant permission subject to conditions in accordance with plans and particulars lodged with the said Council.

Proposed Development: Alterations to existing roof profile to convert from hipped roof to gable end with one window in the new west facing gable wall at attic level to facilitate an attic conversion to home office/study with a new dormer window in the rear roof plane all at 108 Hazelbury Green, Clonee, Dublin.

Decision

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 2(a) and (b) and the reason therefor.

Reasons and Considerations

Having regard to the design guidance set out in Section 14.10.2.5 (Roof Alterations including Attic Conversions and Dormer Extensions) in the Fingal County Development Plan 2023-2029, that the proposed development would not be visible from the public road fronting the development, the lack of significant overlooking and the presence of an existing extension of the same type and scale on an adjacent house, it is considered that the omission of condition number 2(a) and 2(b) would not seriously injure the residential amenity of the area and the development excluding condition number 2 (including parts (a) and (b)) would otherwise be in accordance with the proper planning and sustainable development of the area.

In deciding to omit 2(b) from condition number 2 attached by the planning authority, requiring the reduction of the dormer extension width to 3.5 metres, the Board noted that this element of its decision differed from the Inspector's recommendation to attach this part of the condition. The Board's reason for differing from the Inspector's recommendation was based on its finding that the dormer element as proposed on the submitted drawings would not be visible or prominent from any public view and would not be contrary to the guidance set out in Section 14.10.2.5 (Roof Alterations including Attic Conversions and Dormer Extensions) and would not give rise to any unacceptable visual impact. Accordingly, the Board decided that a reduction of the width of the dormer extension by 500 millimetres to 3.5 metres overall was not warranted.



Patricia Calleary
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 08 day of February 2024