

An  
Bord  
Pleanála

## Board Order

**ABP- 317391-23**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Fingal County Council**

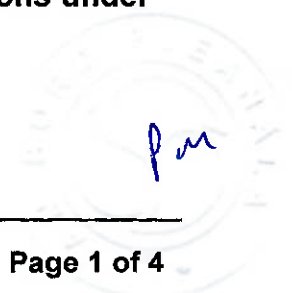
**Planning Register Reference Number: F23A/0170**

**Appeal** by Steven and Aideen Monaghan care of 4bes Design Services of 38 Larkfield Avenue, Lucan, County Dublin against the decision made on the 12<sup>th</sup> day of June, 2023 by Fingal County Council to grant permission subject to conditions in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Planning permission for conversion of existing attic space comprising of modification of existing roof structure, raising of existing gable c/w window, new access stairs, two number roof windows to the front and flat roof dormer to the rear all at 38 The Nurseries, Forest Road, Swords, County Dublin.

### Decision

**GRANT** permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.



## Reasons and Considerations

Having regard to the provisions of the Fingal County Development Plan 2023 – 2029, the nature of the proposed development and the character of the surrounding area it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential and visual amenities of the area or of property in the vicinity of the site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board agreed with the Inspector that the proposed alterations to roof profile in form and bulk would be excessive in mass, inappropriate in form relative to the roof profile of the existing dwelling and would breach and be visually intrusive, conspicuous and out of character with the uniform roof profile of the dwellings within the streetscape at The Nurseries. The Board also agreed with the Inspector that the proposed attic level dormer window at the rear as proposed would give rise to overlooking and perceived overlooking of adjoining properties at Cherry Avenue and The Nurseries. However, the Board rather than refuse the appeal outright decided, in agreeing with the planning authority, that the reduced sized dormer as conditioned by the planning authority was acceptable and in the interest of the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.

**Reason:** In the interest of clarity.

2. (a) The gable side extension shall be replaced with a Dutch hip roof (with a gabled end) side dormer.
- (b) The rear dormer shall be a maximum width of 2.5 metres.
- (c) The rear and side dormers shall be set down from the ridge line of the roof and set up at least three tile courses from the eaves.
- (d) The side dormer window shall be permanently fitted with obscured glazing which shall be permanently maintained therein.
- (e) External finishes shall harmonise in colour and texture with the existing dwelling on site.
- (f) The attic room shall be used for storage purposes only.

**Reason:** In the interest of visual amenity and privacy.

3. The proposed development shall be provided with noise insulation to an appropriate standard, having regard to the location of the site within Dublin Airport Noise Zone C.

**Reason:** In the interests of proper planning and residential amenity.

4. The entire premises shall be used as a single dwelling unit apart from such use as may be exempted development for the purposes of the Planning and Development Regulations 2001 (as amended).

**Reason:** In the interest of clarity and to ensure proper planning and sustainable development.

5. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority.

**Reason:** In the interest of public health.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.



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**Peter Mullan**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this *17<sup>th</sup>* day of *November*, 2023.