



An
Bord
Pleanála

**Board Order
ABP-317676-23**

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F23A/0283

Appeal by Stephanie Madden care of Philip Boyd and Associates of 12 Windsor Villas, Fairview, Dublin against the decision made on the 3rd day of July, 2023 by Fingal County Council in relation to the application by the said Stephanie Madden for the construction of a one-storey porch extension to the front of the house, creating a new off-street vehicular entrance and parking space at the front with access from James McCormack Gardens, building a raised roof dormer window at the rear and converting the attic space to home office. The works will also include all associated internal, site and drainage works, all at 7 James McCormack Gardens, Sutton, Dublin. (which decision was to refuse permission).

Decision

GRANT permission for the construction of a one-storey porch extension to the front of the house, creating a new off-street vehicular entrance and parking space at the front with access from James McCormack Gardens based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for a raised roof dormer window at the rear and converting the attic space to home office based on the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the design, layout and scale of the proposed development, and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities, character of the area or the residential amenity of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to commencement of development, revised drawings shall be submitted for the agreement of the planning authority setting out comprehensive landscaping proposals, including boundary treatment relating to the proposed vehicular entrance and associated off-street parking, which shall also include an appropriate railing to facilitate both vehicle and pedestrian access.

Reason: In the interest of residential amenity and pedestrian safety.

3. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Any relocation of utility infrastructure shall be agreed with the relevant utility provider. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.

4. Surface water run-off shall be discharged on site and shall not be allowed to discharge onto the public road or any adjoining properties.

Reason: In the interest of public health and surface water management.

5. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays, inclusive, and not at all on Sundays or public holidays. Deviation from these times shall 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 the area.

Reasons and Considerations (2)

It is a requirement of Section 14.10.2.5 of the Fingal County Development Plan 2023-2029 in relation to Roof Alterations including Attic Conversions and Dormer Extensions that dormer extensions 'shall be set back from the eaves, gables and/or party boundaries and shall be set down from the existing ridge level so as not to dominate the roof space'. The proposed dormer extension is excessive in scale featuring a ridge higher than the ridge height of the existing dwelling rendering the extension visible from the public area and would be contrary to the stated provisions of section 14.10.2.5 of the development plan. The proposed dormer extension would be contrary to development plan policy, would set an undesirable precedent for similar development in the area, and would, therefore, be contrary to the proper planning and sustainable development of the area.

A circular seal of An Bord Pleanála is visible, featuring a stylized 'S' logo and the text 'AN BORD PLEANÁLA' around the perimeter. A handwritten signature in blue ink is written over the seal.

Joe Boland

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

Dated this *13TH* day of *March* 2024.