

Planning and Development Act 2000, as amended

Planning Authority: Fingal County Council

Planning Register Reference Number: F25A/1154E

Appeal by Antoinette Millar against the decision made on the 11th day of February, 2026 by Fingal County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Planning permission is sought for attic conversion with dormer projecting window to rear roof for playroom/storage use, also two number velux windows to front roof and all associated site works at 140A Gaybrook Lawns, Malahide, County Dublin.

Decision

Having regard to the nature of the condition the subject of the appeal, the Commission is satisfied that the determination by the Commission 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 ATTACH condition numbers 3(a) and 3(c) and AMEND condition number 3(b) so that it shall be as follows for the reason set out.

3(b) The dormer structure shall be set down a minimum of 100 millimetres from the main ridge of the dwelling.

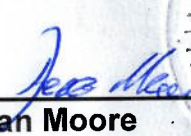
Reason: In the interest of visual amenity.

Reasons and Considerations

Having regard to Section 14.10.2.5 of the Fingal County Development Plan 2023-2029, which states inter alia 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 to not dominate the roof space, the Commission considered that the dormer window as proposed in the documentation submitted with the application with an internal width of four metres without a set down from the ridge would be dominant on the rear roof profile of the dwelling and would not, therefore, be in accordance with Section 14.10.2.5 of the development plan. The Commission is satisfied, subject to compliance with condition numbers 3(a) and 3(c) and the amended condition number 3(b) that the reduction in height, width and extent of glazing would reduce the scale and massing of the proposed dormer such that it would not dominate the roof space and would therefore be in accordance with the provisions of Section 14.10.2.5.

In deciding not to accept the Inspector's recommendation to omit condition numbers 3(a) and 3(b), the Commission noted that the proposed development is for storage/playroom purposes - i.e. a non habitable space, and as such the imposition of condition number 3 will not impact on the residential amenity of the occupants. While the Commission agreed with the Inspector that the proposed dormer would not give rise to overlooking of neighbouring properties, the Commission did not concur with the Inspector's view that the overall design as proposed in the documentation submitted with the application is in accordance with the assessment criteria set out in Section 14.10.2.5 of the development plan in relation to the required set back

from the gables and party boundaries and set down from the ridge. As did the Inspector, the Commission considered that the dormer represents a departure from the character of roof profiles in the area, however the Commission considered that the dormer as proposed with an external dimension circa 4.5 metres in width on a roof of circa 6.6 metres in length without a set down from the eaves would be excessive in terms of overall massing, bulk and prominence on the roof plane and determined therefore that the reduction in scale and the reestablishment of the existing roof ridge as the dominant roof feature as required in condition number 3 (as amended) is reasonable and appropriate in the interests of visual amenity and would, therefore, be in accordance with the proper planning and sustainable development of the area.



Declan Moore

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 6th day of July

2026