

An Bord Pleanála



Inspector's Report

PL06F.246772

DEVELOPMENT:-

Ground floor extension to rear of house with internal modifications, conversion of attic area including alterations to roof profile, new entrance porch and associated site works at 38 Glen Ellan Green, Swords, County Dublin.

PLANNING APPLICATION

Planning Authority: Fingal County Council
Planning Authority Reg. No: F16B/0066
Applicant: Gillian Smith
Application Type: Permission
Planning Authority Decision: Grant

APPEAL

Appellant: Marie Ryan
Types of Appeal: 3rd Party -v- Grant
Observers: None
Date of Site Inspection: 9th August, 2016.

INSPECTOR: Paul Caprani

1.0 INTRODUCTION

PL06F.246772 relates to a third party appeal against the decision of Fingal County Council to issue notification to grant planning permission for an extension of a house within internal modifications including the conversion of an attic area including alterations to roof pitch and new porch at an existing dwellinghouse in the Glen Ellan estate in the northern environs of Swords, County Dublin. The grounds of appeal argue that the proposed extension and in particular the conversion of the attic will give rise to unacceptable overlooking of an adjoining garden and the alterations in the roof profile would set an undesirable precedent for house extensions in the area.

2.0 SITE LOCATION AND DESCRIPTION

The proposed works are to be undertaken at 38 Glen Ellan Green, a large suburban residential estate on the northern outskirts of Swords. No. 38 is on the western side of a pair of semi-detached two-storey dwellings which face northwards onto a large area of open space. The appellant's dwelling is located to the immediate east of the subject site and occupies a corner site, as such it faces north-westwards as opposed to northwards. The gable end of No. 39 is therefore located at an angle to the gable end of No. 38. No. 38 incorporates a rear garden of approximately 14 metres in length. The garden is approximately 7 metres wide at the rear building line of the dwelling, it extends to 17 metres in width along the southern boundary of the site. No. 39 incorporates a generously sized garden to the rear and to the side of the house. In terms of separation distances the buildings are approximately 4 metres apart at the front building line. Because of the angle of the footprint of No. 39 the separation distances between the dwellings at the rear building line extends to almost 11 metres.

The Board will note from my site inspection photograph that I could not obtain access to the rear gardens of either dwellings. It was apparent however that work on the rear ground floor extension had already begun and works involving the internal modifications of the house were also been undertaken at the time of site inspection. However no alterations to the roof profile had been undertaken as part of the proposed works at the time of site inspection.

3.0 Proposed Development

Planning permission is sought for the following:

- A ground floor extension to the rear of the dwelling incorporating a pitched roof and extensive glazing on the rear elevation. Two high level windows are also proposed facing eastwards towards the appellants property. The extension is approximately 6m x 6m and is to accommodate a new kitchen/dining area. Velux windows are incorporated into the roof pitch.
- At ground floor level it is also proposed to provide a new porch area to the entrance to the house. The new porch area has a gross floor area of approximately 3.75 metres.
- It is also proposed to incorporate an attic conversion which will incorporate two new dormer type windows one of which is located on the southern roof pitch and faces southwards, the other is located on the eastern gable and faces eastwards towards No. 39. Two small velux-type windows are to be incorporated on the front roof pitch. The window on the eastern gable at roof level is to serve the stairwell leading to the new office/playroom within the attic. This window is approximately 1 m².

4.0 PLANNING AUTHORITY'S DECISION

The application was lodged with the Planning Authority in March, 2016.

An observation from the current objector was lodged, the contents of which have been read and noted. On 28th April, 2016 Fingal County Council requested additional information. The applicant was requested to clearly indicate the full extent of the proposed development by way of revised elevational drawings. Further details were also requested in relation to surface water disposal.

Further drawings were received by Fingal County Council on 6th May, 2016. The drawings submitted clearly indicated the extent of the development including the incorporation of a dormer window on the roof pitch on the eastern elevation of the house. Surface water is to be disposed of via soakaway in the rear garden.

A report from Fingal County Council's Water Services Section states that there was no objection to the proposal subject to conditions.

A report from Irish Water likewise stated that there was no objection subject to conditions.

A further planner's report considered that the drawings and alterations submitted were acceptable and the proposed alterations will not have a negative impact on the visual or residential amenity of the area. Fingal Co. Council granted planning permission on June 1st 2016.

5.0 PLANNING HISTORY

One history file is attached under PL06F.237844. Fingal County Council issued notification to grant planning permission for an attic space conversion with construction of a dormer extension at 23 Glen Ellan Walk (c.300 metres to the west of the subject site). In terms of the attic conversion, the proposed development at 23 Glen Ellan Walk is similar to that proposed under the current application. The decision of Fingal County Council to grant planning permission was the subject of first party appeal against a number of conditions which restricted the size and scale of the proposed dormer element. The Board upheld the decision of the Planning Authority including the conditions attached. In respect of condition 2(b) the Board permitted the dormer structure to have a maximum height of 2 metres and a maximum width of 3 metres which was a metre wider than the Planning Authority had permitted.

6.0 GROUNDS OF APPEAL

The decision of Fingal County Council to grant planning permission was appealed by the resident of the adjoining dwelling at 39 Glen Ellan Green. The grounds of appeal argue that the proposed dormer window to the side of the property would be visually obtrusive and completely out of character with the prevailing streetscape of Glen Ellan Green and the pattern of development in immediate vicinity. It is noted that there is no precedent in Glen Ellan Green for such an alteration to the roof profile. Reference is also made to two decisions by Fingal County Council where permission was refused for attic conversions. It is argued that a grant of planning permission in this instance shows a lack of consistency in dealing with such applications.

While the Planning Authority has noted that there was a precedent within the wider Glen Ellan area for the construction of dormer windows, the grounds of appeal note that:

- None of these developments are located in Glen Ellan Green.
- The applicant in this instance has a large side garden which was not the case in other applications. It is also considered that the provision of obscure glazing fitted into the side dormer window is insufficient to address the issue of privacy.
- Glen Ellan Green is unique in that the houses in question front onto a large area of public open space and the properties referred to in the planner's report do not enjoy a similar setting.
- The applicant is not objecting to the window to the rear of the roof pitch, the appeal only relates to the side dormer window which it is argued will overlook her garden. The attic conversion should be adequately served by the dormer window to the rear.

7.0 APPEAL RESPONSES

The applicant did not submit a response to the grounds of appeal.

8.0 PLANNING AUTHORITY'S RESPONSE TO GROUNDS OF APPEAL

The Planning Authority note the comments contained in the appeal and note that the applicant has referred to two precedents where planning permission was refused for similar type developments at Glen Ellan Green. However it is noted that a significant number of dormers have been permitted in the Glen Ellan area and these decisions are referred to. It should also be noted that An Bord Pleanála have permitted similar dormer windows in the area. As the window will be fitted opaque glazing, the dormer will give rise to undue levels of overlooking.

9.0 DEVELOPMENT PLAN PROVISION

The site is governed by the policies and provisions contained in the Fingal County Council Development Plan 2011-2017. The site is located in an area designated with the zoning objective “RS” – ‘to provide for residential development and protect and improve residential amenity’. The vision seeks to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity. There are no specific statements in the development plan relating to alterations of roof profiles in residential areas.

10.0 PLANNING ASSESSMENT

I have read the entire contents of the file, visited the site in question and have had particular regard to the issues raised in the grounds of appeal. I note that the appellant in this instance has restricted the grounds of appeal specifically to the proposed dormer window to the side of the property. The grounds of appeal specifically state that there is no objection to the dormer bungalow to the rear of the property. Furthermore I note that there is no specific reference made to either the ground floor extension to the rear or the proposed porch in the grounds of appeal. I therefore consider that the Board can restrict its deliberations to the sole issue raised in the grounds of appeal, namely the appropriateness of permitting a dormer window in the side elevation of the roof. The grounds of appeal make reference to two precedent decisions on Glen Ellan Green where planning permission was refused outright from an attic conversion under Reg. Ref. F06B/0561 and in the case of Reg. Ref. F08B/0612, the proposed dormer window to the side roof was required to be omitted.

In response Fingal County Council cite other precedents where similar type developments were granted by the local authority and in one case on appeal by the Board. (See PL06F.237844 attached).

The two precedent decisions which prohibited a dormer window on the side roof cited by the applicants were decisions made in 2006 and 2009 respectively and were thus made under a previous development plan. The decision cited by Fingal County Council where planning permission was granted for a development of this nature appear to be more recent and include decisions made under the current development plan. This may suggest that Fingal County Council has in fact changed its policy in relation to permitting side dormer windows as part of attic conversions.

Perhaps more importantly from the Board's perspective, the Board permitted a similar type attic space conversion with the incorporation of a dormer extension on the side roof under Reg. Ref. 06F.237844. While the Board restricted the overall size of the dormer window as per condition 2(b), it nevertheless accepted the principle of a dormer window on the side of the roof pitch. As in the case of the current application and appeal, the dormer window to the side of the roof pitch under 06F.237844 was to serve the stairwell leading to the attic. I note therefore that the Board has accepted the principle of such development in this suburban area of Swords.

While a grant of planning permission in this instance may alter the symmetry of the roof profile in a pair of semi-detached dwellings concerned, the estate does not display any architectural or aesthetic merit over and above that associated with many similar type suburban estates. In this regard I do not consider that the alteration of the roof profile would significantly alter the visual amenities of the area. Furthermore any perceived adverse visual impact must be balanced against the reasonable requirements of a family to extend the living space in their home in order to cater for family needs.

The grounds of appeal argue that the incorporation of a window at second floor level will give rise to unacceptable levels of overlooking. Condition No. 3 of the Planning Authority's decision requires that the proposed dormer in the side/eastern elevation shall be permanently fitted with obscure glazing. The incorporation of obscure glazing in the window will ensure that direct overlooking of the appellant's dwelling is not possible from this window. The Board will also note that this window specifically serves the stairwell and as such it is not a window serving a habitable room.

Furthermore the proposed dormer type extension on the eastern elevation is necessary in order to provide appropriate head height in order to facilitate a stairwell leading to the attic area. If the Board in this instance were to omit the dormer extension it would not be possible in the current layout to provide access to the converted attic area. The Board could consider permitting the dormer type extension while excluding the window within the extension. However I consider that such a feature would look incongruous in the context of the overall design. Therefore I consider that the incorporation of a window fitted with obscure glass to serve the stairwell in question would prove to be the most appropriate compromise in terms of protecting the appellant's

amenity and providing adequate accommodation within the attic space of the dwelling.

I would therefore recommend that the Board uphold the decision of Fingal County Council and grant planning permission for the alterations and extensions proposed.

11.0 Appropriate Assessment

Having regard to the nature and scale of the proposed development and the nature of the receiving environment together with the proximity to the nearest European Sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans and projects on a European site.

12.0 DECISION

Grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

It is considered that the proposed extension and alterations to the subject dwelling subject to conditions set out below would not seriously injure the amenities of the area, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development would therefore be in accordance with 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 as amended by the additional information received 6th day of May 2016, 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. The proposed dormer window on the side/east elevation shall be permanently fitted with obscure glazing. The use of film is not permitted. The proposed rooflight serving this dormer shall be omitted.

Reason: In the interest of residential amenity.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. All necessary measures shall be undertaken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of construction works.

Reason: To protect the amenities of the area.

5. The external finishes of the proposed extension including roof tiles/slates shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

6. The existing dwelling and proposed extension and attic conversion shall be jointly occupied as a single residential unit and the extension shall not sold let or otherwise transferred or conveyed same as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

7. The proposed attic floor space shall be used for non-habitable purposes only.

Reason: In the interest of orderly development.

**Paul Caprani,
Senior Planning Inspector.**

30th August, 2016.