



An  
Bord  
Pleanála

## Inspector's Report PL06F.247210

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<b>Development</b>	Conversion of attic into storage/attic space with 3 dormer windows, two on the front roof pitch and one on the rear.
<b>Location</b>	99 Drumnigh Wood, Portmarnock.
<b>Planning Authority</b>	Fingal County Council.
<b>Planning Authority Reg. Ref.</b>	F16B/0158.
<b>Applicant</b>	Patrick Collins.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	Third Party -v- Grant
<b>Appellants</b>	Ciaran and Jacqueline O'Sullivan.
<b>Observers</b>	(i) DAA. (ii) Alan Hackett and Carol O'Sullivan
<b>Date of Site Inspection</b>	18 <sup>th</sup> October, 2016.
<b>Inspector</b>	Paul Caprani.

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## **1.0 Introduction**

- 1.1. PL06F.247210 relates to a third party appeal against the decision of Fingal County Council to issue notification to grant planning permission for the conversion of an existing attic to use for storage and office accommodation. The grounds of appeal argue that the incorporation of a rear dormer window will adversely impact on the amenity of adjoining residences. An observation supporting the grounds of appeal has also been submitted.

## **2.0 Site Location and Description**

- 2.1. The appeal site is located in a newly constructed residential development of Drumnigh Wood which is located on the south-western environs of village of Portmarnock. The Dublin – Belfast railway line runs along the eastern boundary of the development. The residential estate is accessed off the R124 which runs along the western boundary of the development. The Drumnigh Wood development has recently been completed and is characterised by two-storey detached dwellings with garages to the rear. There is a mix of two and three storey houses types with various types of external finishes. The subject site is located centrally within the estate and comprises of an area of 0.082 hectares. The dwellinghouse faces southwards onto an internal access road. It comprises of a two-storey detached dwelling with similar type dwellings on either side. A single-storey sun room and utility room is located to the rear. A single-storey garage is located in the north-eastern corner of the subject site.

## **3.0 Proposed Development**

- 3.1. Under the current application it is proposed to convert 42 square metres of attic space for general storage and office accommodation. The proposal seeks to incorporate two dormer windows on the front roof pitch and a single dormer window on the rear roof pitch in order to introduce appropriate natural light and appropriate floor to ceiling height within the attic area. The proposed dormer window on the rear elevation is to provide natural light and appropriate head space to accommodate the

stairs leading to the attic area. The stairwell leads to a small landing area which provides access to an office area on the eastern side of the building and storage area on the western side of the building. Each of these new rooms are served by separate dormer windows to the front of the building. The dormer windows are 2.5 metres in width and approximately 2.4 metres in height. The maximum floor to ceiling heights within the proposed storage area and office accommodation also amount to 2.4 metres.

## **4.0 Planning Authority Decision**

### **4.1. Decision**

The planning application was lodged on 22<sup>nd</sup> June, 2015.

A letter from the DAA refers to a number of policy objectives contained in the Fingal Plan and states that the applicant should be advised that the proposal falls within the outer airport noise zone and would benefit from a noise assessment to establish the current predicted future noise environment of the site. An appropriate level of sound insulation should be incorporated into any final permitted development.

The planning report assess the proposed development. It notes that attic conversions and rear dormer windows are evident in the immediate vicinity of the site and it is the Planning Authority's view that the proposal before it would not result in an unacceptable degree of overlooking as to warrant a refusal of permission. It is however recommended that the rear dormer window serving the stairs be incorporated with obscure glass to avoid any overlooking. The overall aesthetics and design of the dormer windows are deemed to be acceptable subject to slight alteration of the front dormer windows so that they centrally align with the windows at ground floor level. In its decision dated 8<sup>th</sup> August, 2016 Fingal County Council issued notification to grant planning permission for the proposed development.

In granting planning permission for the proposed development Fingal County Council incorporated Condition 3(a) which states that the rear dormer window serving the stairs shall be fitted and permanently maintained with obscure glass.

## 5.0 Planning History

- 5.1. There is no planning history associated with the subject site. The planner's report however makes reference to a number of developments in the vicinity where planning permission was granted for similar type attic conversions. Details of the applications are attached in a pouch to the rear of the file. It is noted that many of the applications involve the incorporation of dormer windows to serve the attic conversions and these windows incorporated obscure glass so as to address any adjoining residential amenity issues.

## 6.0 Development Plan Provision

- 6.1. The site is governed by the policies and provisions contained in the Fingal County Council Development Plan 2011 – 2017. In terms of the land use zoning objective, the subject site is located within lands designated 'RS' which seeks to "*provide for residential development and protect and improve residential amenity*".
- 6.2. The subject site is also located within the outer airport noise zone and the outer public safety zone.
- 6.3. Objective EE51 seeks to "strictly control inappropriate development and require noise installation where appropriate within the outer noise zone and actively resist new provision for residential development and other noise sensitive uses within the inner noise zone as shown on the development plan maps while recognising the housing needs of established families farming in the zone".
- 6.4. Objective EE57 seeks to promote appropriate land use patterns in the vicinity of the flight paths serving the airport, having regard to the precautionary principle, based on existing and anticipated environmental and safety impacts of aircraft movements.
- 6.5. Objective EE58 seeks to implement the policies to be determined by government in relation to public safety zones for Dublin Airport.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

The decision was appealed by the residents of 102 Drumnigh Wood. The grounds of appeal are outlined below.

While the appellants acknowledge Condition 3(a) of the planning decision they do not believe the installation of obscure glass is sufficient to address their concerns. It is argued that due to the design of the dormer window this will be very intrusive into the rear of the appellants' property. The back garden will be directly overlooked at all times and any activity in the garden will be in full view of these windows and will therefore result in a complete lack of privacy.

Two photos are attached with indicate that two large velux windows have been incorporated into the roof pitch and these do not form part of the original planning application. It is also noted that these windows are not fitted with obscure glass.

### **7.2. Appeal Responses**

A response was received on behalf of the applicant by Mr. Patrick Collins. The response is outlined below.

It is stated that the dormer (per the plans) had the sole purpose of providing access and/headroom for the stairwell serving the development.

The applicant is happy to comply with opaque glass for the rear dormer as specified in the initial grant of planning permission. This is what he had planned to complete prior to the latest objection. The applicant has now ceased work on the project pending the An Bord Pleanála review.

No window planned for the rear of the property is intended to provide viewing access. The purpose of the window is to provide both light and access for the attic space.

It is considered that the garden in question is already materially overlooked by existing rear bedrooms, by those of other neighbours and by other attic conversions in the immediate vicinity.

The dormer for which planning permission is sought will never be used as a vantage point for increased overlooking giving the fact that it will incorporate opaque glazing and serves stairwell only.

The applicant has fully complied with the planning process thus far.

### 7.3. **Submission from the Planning Authority**

Having reviewed the grounds of appeal the Planning Authority remains of the opinion that the proposed development is in keeping with the existing dwelling and the pattern of development in the area and would detract from adjoining residential amenity subject to compliance with conditions and in particular Condition No. 3. The Planning Authority request that the Board uphold its decision in this regard.

### 7.4. **Observations**

#### 7.4.1. Observation from Dublin Airport Authority

This observation notes that the proposed development is located within the outer airport noise zone and the outer public safety zone. Reference is made to a number of policy objectives contained in the development plan as they relate developing within these zones. The DAA have no objection to the proposed development having regard to the site's location within the outer airport noise zone but respectfully ask that Condition No. 5 is carried forward in any decision issued by the Board.

#### 7.4.2. Observation from Mr. Alan Hackett and Carol O'Sullivan

This observation supports the appeal lodged on the following grounds:

- The proposed dormer window to the rear will have uninterrupted views of the appellants' property. The drawings indicate that the dormer will be a plastered finish. This is not in keeping with the rear of the house which consists mainly of red brickwork. It is considered that the external finish therefore could be visually obtrusive.
- Considering the relative size of the room proposed and the provision of two dormer windows on the front of the house it is not considered necessary to provide an additional dormer window to the rear.

- It is stated since the planning application has been submitted, two large velux windows have been installed and consequently the drawings as submitted are no longer legitimate. It is noted that there is no opaque glass in the two velux windows currently installed. If the Board deems it appropriate to grant planning permission all windows should include opaque glass.

## 8.0 Planning Assessment

- 8.1. It appears from the information contained on file and this has been confirmed by my site inspection that the applicant has currently incorporated two velux type windows on the rear roof pitch of the existing dwellinghouse. These windows were not indicated on the drawings submitted with the planning application. However, it is clear from the applicant's response to the grounds of appeal, that notwithstanding the fact that these works were undertaken, it is still the intention of the applicant to carry out the development in accordance with the plans and particulars lodged with application and which was subject of a third party appeal. It is therefore proposed to assess the application as permitted by Fingal County Council and to establish whether or not the proposed development, namely the incorporation of dormer windows in the roof pitch is acceptable in terms of the proper planning and sustainable development of the area. Any development carried out which is not in accordance with the plans submitted may be the subject of enforcement proceedings. However, this is a matter for the planning authority and not the Board.
- 8.2. The main issue raised in the grounds of appeal is to whether or not the incorporation of a dormer window in the rear roof pitch is acceptable in terms of protecting adjoining residential amenity. It is clear from the drawings submitted that the incorporation of a dormer window in the rear roof pitch has been designed to allow for the incorporation of a stairwell into the proposed office and storage area within the existing attic space. As it serves a stairwell and not a habitable space, this in my opinion significantly reduces potential for overlooking. The stairwell serves a transient area between the first and second floor of the dwelling and this in my view significantly reduces the scope for overlooking. Furthermore, the incorporation of obscure glazing is acceptable as the window serves a non-habitable space and therefore will not impact on the amenity of the occupants of the dwellinghouse. Furthermore, the obscure glazing significantly reduces any potential to overlook



adjoining neighbours gardens. I am therefore satisfied that the incorporation of a dormer window on the rear pitch of the dwellinghouse is acceptable in this instance and will not give rise to any overlooking. It should be a reasonable expectation that occupants of dwellinghouses should be allowed to extend or expand the living accommodation within an existing dwellinghouse in order to cater for needs of a growing family provided that any such extension or expansion is acceptable in terms of its impact on adjoining residential amenity. I consider the applicant has achieved the reasonable balance between converting the attic space within the house for additional living/working accommodation without adversely impacting on adjoining amenity.

- 8.3. Finally, the Board will also note that there are precedent decisions where Fingal Co. Council granted permission for similar type developments in the immediate area.
- 8.4. The observations submitted in support of the grounds of appeal also argue that the external finishes around the dormer bungalow are incongruous and are not in keeping with the extensive brick render finish apparent in the existing house. I consider the incorporation of a plaster render finish to be acceptable in this instance and is reflective of other external finishes in the immediate vicinity including the finish on the garage, the finish on the boundary walls and the finishes at first floor level of the two dwellinghouses adjacent to the subject site. However, if the Board consider it appropriate it could condition a brick render finish surrounding the dormer windows.
- 8.5. Finally, I note the observations of the DAA and would recommend that the Board incorporate Condition No. 5 in any grant of planning permission issued in respect of this application and appeal.

## 9.0 **Appropriate Assessment**

Having regard to the nature and scale of the proposed development and the proximity to the nearest European site (Baldoyle Bay SAC and Baldoyle Bay SPA) which is located over 800 metres away from the subject site, 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 or projects on a European site.

## 10.0 Decision

- 10.1. Grant planning permission in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

## 11.0 Reasons and Considerations

Having regard to the residential zoning objective for the subject site it is considered that, subject to conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity, 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.

## 12.0 Conditions

1. The development shall be carried out and completed in accordance with the drawings received by the planning authority on the 22<sup>nd</sup> day of June 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 the 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 existing dwelling and proposed attic conversion shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed save as part of the dwelling.

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

3. The developer shall submit for the written agreement of the planning authority the following amended drawings:
  - (a) The glass serving the rear dormer window shall be fitted and permanently maintained with obscure glass.
  - (b) The front dormer windows shall be re-positioned so they centrally align with the windows at ground and first floor level below.

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

4. Any attic floor space that does not comply with Building Regulations in relation to habitable standards shall not be used for human habitation.

**Reason:** In the interest of orderly development.

5. The proposed attic conversion shall be provided with noise insulation to an appropriate standard having regard to the location of the site within the outer airport noise zone.

**Reason:** In the interest of residential amenity.

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

**Reason:** To protect the amenities of the area.

7. Construction hours shall be restricted to the period of 8 a.m. to 7 p.m. Monday to Friday and 8 a.m. to 2 p.m. on Saturdays and not at all on Sundays or Bank Holidays.

**Reason:** In the interest of residential amenity.

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Paul Caprani  
Senior Planning Inspector  
25<sup>th</sup> October 2016