



An
Bord
Pleanála

Inspector's Report PL06F.249300

Development	Proposed attic conversion for storage use.
Location	77 Balkill Park, Howth, Dublin 13.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	F17B/0162.
Applicant(s)	Anna and Donald Quinn.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	First Party.
Appellants	Anna and Donald Quinn.
Observer(s)	None.
Date of Site Inspection	27/11/2017.
Inspector	Patricia Calleary.

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.27 ha comprises a two storey dwelling and its curtilage, positioned at the end of a row of four dwellings in a mature residential development known as Balkill Park which itself is located south west and on the outskirts of Howth village, in north County Dublin. The dwelling has a stated floor area of 89 sq.m and comprises three bedrooms and an unnamed room, assumingly a bathroom, on the first floor. A living room and kitchen with an extended dining area to its rear laid out at ground floor area.
- 1.2. The site is broadly rectangular in shape and in-curtilage parking is provided to the front and a rear private garden is provided to the rear.
- 1.3. The area is characterised by a mix of predominately terraced and semi-detached houses laid out in a formal layout.

2.0 Proposed Development

- 2.1. The proposed development would comprise the conversion of an attic space for storage use and it is stated that it would result in an additional gross floor area (GFA) of 10 sq.m. It would also incorporate a projecting dormer window to the rear, the insertion of a window to the site elevation of the wall at attic level and the insertion of a roof window to the front of the roof plane.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Grant Permission subject to eight conditions. **Condition No.2** which is the subject matter of this appeal reads as follows:

C2: The proposed dormer window shall be amended as follows:

- (a) The dormer window shall be set down from the main ridge of the dwelling by c.300mm

Reason: In the interest of visual amenity.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The Planning officer considered the proposed development was in compliance with the 'RS' zoning objective pertaining to the area. Points of note contained in the report include:

- As the rear dormer window would extend from the main ridge line of the house, recommends a condition requiring the window to be lowered by 300mm below the ridge line.
- Roof lights to the front roof slope are an evident form of development within Balkill and would integrate appropriately.

3.2.2. The proposed development was considered acceptable and a grant of permission subject to conditions, including Condition no.2 was put forward.

3.2.3. Other Technical Reports

- The application was not referred to other internal Departments.

3.3. **Prescribed Bodies**

3.3.1. The application was not referred to any prescribed bodies.

3.4. **Third Party Observations**

3.4.1. No third-party observations were received on this application.

4.0 **Planning History**

4.1. **Appeal site:**

4.1.1. There is no planning history referenced on the appeal site.

4.2. **In the vicinity:**

4.2.1. The Planning Officers report makes reference to a number of previous planning applications for attic conversions and roof windows proposals on other houses in the Balkill Park residential area, including one file which was appealed to the Board. PL06F.231650 / (PA Ref F08B/0533), decided on 8th May 2009. Permission was

refused by the Board in this instance partly because of reason of the size and design of a proposed dormer window to the rear of the dwelling which it considered would materially alter the roof of the existing dwelling and would be at variance with the established pattern of development in the area and accordingly would be visually incongruous.

4.2.2. The appellant also makes reference to File No. F08B/0565 / PL06F.231942 which relates to a proposal to convert an attic to a store room together with a rear dormer extension. This application was granted permission by the Board on 14th May 2009.

4.2.3. F08B/0506 is also referenced by the appellant, however, having reviewed that planning file and the context of the stated reference in the appeal, it is likely to have also meant to refer to File No. F08/0565.

5.0 Policy Context

5.1. Development Plan

5.1.1. The policies and provisions of the Fingal County Development Plan 2017-2023 apply. The site lies within an area zoned 'RS' which has a stated aim to 'provide for residential development and protect and improve residential amenity'.

5.1.2. Extract from Chapter 3.4 (Sustainable Design Standards)

- **Extensions to Dwellings:** The need for people to extend and renovate their dwellings is recognised and acknowledged. Extensions will be considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area.
- **Objective PM46:** Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. An appeal was lodged by Eileen Cantwell Architects on behalf of the applicant. The appeal is made solely against the attachment of Condition No.2. The following is a summary of the principle points put forward in support of the appeal.

- The dormer window to the rear would not be visible from the front streetscape or from diagonal views and would not adversely affect the character of the area;
- The design would maintain the integrity of the existing ridgeline of the house;
- The proposed dormer window would not be visible from the public right of way, west of Balkill park;
- The window would not impact on private open space due to its set back from each adjoining boundary;
- Lowering of the dormer as required would have a disproportionate impact to the use of the converted attic for storage given the restricted height of the attic at the outset at 1800mm.
- Reference is made to previous case number F08B/0565 which relates to a dormer conversion granted by Fingal County Council and it is stated that Condition No.2(a) is not supported by any precedent.

6.2. Planning Authority Response

6.2.1. The Planning Authority state that they have no further comment save that if the decision is upheld, a financial contribution would be applicable.

6.3. Observations

- None

7.0 Assessment

7.1. Introduction

- 7.1.1. This is a first-party appeal only against Condition number 2 attached to the Planning Authority's decision to grant permission. Condition number 2 generally requires revisions to the projecting dormer to the rear so that it would be set down from the main ridge of the existing dwelling by c.300mm.
- 7.1.2. Having regard to the nature of the condition which is the subject matter of the appeal and to the absence of third-party submissions, my recommendation is that the determination by the Board of the application as if it had been made to it in the first instance would not be warranted, and therefore the Board should determine the matters raised in the appeal only, in accordance with Section 139 of the Planning & Development Act 2000, as amended. I set out my considerations of Condition No.2 accordingly.

7.2. Condition number 2 assessment

- 7.2.1. The assessment criteria for extensions are set out under Chapter 3.4 (Sustainable Design Standards) of the current Fingal Development Plan 2017-2023. In recognising the need for people to extend and renovate their dwellings, Fingal County Council requires that extensions are considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area. Objective PM46 also encourages sensitively designed extensions which do not negatively impact on the environment, adjoining properties or the neighbouring area.
- 7.2.2. The Planning Authority require the window to be lowered by 300mm below the ridge level so that it would integrate appropriately with the established character of the area. The appeal asserts that the extension would not be visible from the front streetscape and that views from private gardens to the rear would not be such that they would not detract from their amenity. It is also stated that the attic is constrained in height and that the level of the dormer is therefore necessary to allow the attic to function as storage. It is also stated that it would serve to protect the structural integrity of the roof ridge structural elements.

7.2.3. I consider that the proposed rear projecting dormer window positioned at a level in line with the main roof ridge of the house would result in an incongruous and unattractive feature which would detract from the visual amenities of the area to an unacceptable extent and would furthermore set an undesirable precedent for further such development.

7.2.4. In relation to the argument made that the design would maintain the structural integrity of the existing roof, I am satisfied that a dormer window insert at a lower level is structurally feasible. Other matters which it is stated would directly result as a consequence of lowering the dormer are noted, however, these are matters such as health and safety and building regulations which lie outside of the consideration of the planning merits of the proposal. It may well be the case that if the development cannot proceed because of other such matters, that the proposal may not be feasible.

7.3. Conclusion on condition No.2

7.3.1. It is considered appropriate that condition number 2 requiring a lowering of the level of the dormer window, would remain in the interest of achievement of the provisions set out in the development plan for extensions. In particular, Objective PM6 is noted. This objective encourages sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area and accordingly would not be contrary to the proper planning and sustainable development of the area.

7.4. Appropriate Assessment

7.4.1. The appeal site is not within or adjoining any Natura 2000 site. Having regard to the minor nature and scale of the proposed development, the location of the site in a serviced urban area and the separation distance to the nearest European 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.

8.0 Recommendation

- 8.1. It is recommended that based on the reasons and considerations set out below, that the Planning Authority are directed under subsection (1) of section 139 of the Planning and Development Act, 2000, as amended to **ATTACH** condition number 2 so that it shall be as follows for the reason set out.

C2: The proposed dormer window shall be amended as follows:

The dormer window shall be set down from the main ridge of the dwelling by c.300mm

Reason: In the interest of visual amenity.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Fingal Development Plan 2017-2023 and to the pattern of development in the area, it is considered that the proposed rear dormer window positioned at a level in line with the main roof ridge of the house would result in an incongruous and unattractive feature which would detract from the visual amenities of the area to an unacceptable extent and would furthermore set an undesirable precedent for further such development. It is considered reasonable that condition number 2 requiring the lowering of the level of the dormer window, should therefore remain in the interest of achievement of Objective PM46 of the current Fingal development plan which encourages sensitively designed extensions that do not negatively impact on the environment or on adjoining properties of the area. It is considered that the proposed development as amended by conditions including condition number 2 would therefore be in accordance with the proper planning and sustainable development of the area.

Patricia Calleary

Senior Planning Inspector

27th November 2017