



An
Bord
Pleanála

Inspector's Report ABP-301844-18.

Development	Dormer to side and new gable to the rear to accommodate attic conversion into non-habitable storage.
Location	22a Chalfont Road, Malahide, Co. Dublin.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	F17B/0272.
Applicant(s)	Graham Pearce.
Type of Application	Planning Permission.
Planning Authority Decision	Grant.
Type of Appeal	First Party v Condition
Appellant(s)	Graham Pearce.
Observer(s)	None.
Date of Site Inspection	27 th August, 2018.
Inspector	Patricia-Marie Young.

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1.0 Site Location and Description

1.1. No. 22a Chalfont Road, the appeal site, is located within the established residential area of 'Chalfont' which lies to the west of Malahide village centre in north County Dublin. The site contains a part 2-storey and part single storey detached dwelling on what was the side garden of No. 22 Chalfont Road. The roadside boundary consists of a variable in height decorative concrete block and capped wall with sections of mature hedging behind.

2.0 Proposed Development

2.1. Planning permission is sought for the construction of a dormer to the side elevation and rear gable at attic level to accommodate the conversion of the attic space into non-habitable storage (gross floor area of 31m²). The internal floor-to-ceiling height of the extended attic does not comply with the standards for habitable use as set out in the Building Regulations. The applicant proposes to use the additional space for part storage and part study.

2.2. Revised plans were submitted reducing the size of the side dormer and maintaining the hip roof profile to the rear. The size of the window openings was also amended; and, a new dormer has been introduced along the rear slope of the dwelling.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority issued a notification of a decision to grant planning permission subject to 6 no. conditions including Condition No. 2 which is the subject matter of this appeal. Condition No. 2 and the reason for its attachment reads:

“The developer shall omit the dormer element located on the rear roof slope of the dwelling. The existing pitched, hipped roof shall be retained.

Reason: *In the interest of visual amenity.”*

3.2. **Planning Authority Reports**

3.2.1. The final Planners Report reflects the decision of the Planning Authority.

3.2.2. **Other Technical Report:** None.

3.3. **Prescribed Bodies**

3.3.1. None.

3.4. **Third Party Observations**

3.4.1. None.

4.0 **Planning History**

4.1. There is no planning history on the appeal site since No. 22a Chalfont Road, an infill detached dwelling on the side garden of No. 22 Chalfont Road, was permitted.

5.0 **Policy Context**

5.1. Development Plan

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

5.1.2. Objective DMS41 states: "*dormer extensions to roofs will only be considered where there is no negative impact on the existing character and form, and the privacy of adjacent properties. Dormer extensions shall not form a dominant part of a roof. Consideration may be given to dormer extensions proposed up to the ridge level of a house and shall not be higher than the existing ridge height of the house*".

5.1.3. Chapter 3 of the Development Plan deals residential development.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The first party appeal relates solely to Condition No. 2 attached to the Planning Authority's decision. In summary, it includes: -

- Several examples of gable roofs within the area are highlighted.
- There is precedent for the type of roof in the amended design.
- If the development is constructed as permitted it would be at odds with the character of this dwelling.
- The Board is requested to remove Condition No. 2 and the permission granted to allow a gable roof to be inserted in line with the first set of plans submitted to the Planning Authority.

6.2. Planning Authority Response

6.2.1. The Planning Authority requested that its decision is upheld.

6.3. Observations

6.3.1. None.

6.4. Further Responses

6.4.1. None.

7.0 Assessment

7.1.1. This is a First Party appeal which is made against Condition No. 2 attached to the Planning Authority's decision to grant planning permission. Condition No. 2 generally requires the omission of the dormer element located on the rear roof slope of the dwelling and it requires the existing pitched and hipped roof to be retained as is. The appellant also seeks that the Board omit this condition and they also request that the Board permit the form of the gable sought for the rear roof as put forward in the original application to the Planning Authority. This is a new issue and the Board

could consider this matter *de novo*. Notwithstanding, I am satisfied in this instance that the appeal can be considered under Section 139 of the Planning and Development Act, 2000, as amended, and that a *de novo* consideration is not required. Accordingly, I recommend the Board should use its discretionary powers under this section of the said Act and issue the Planning Authority with directions to retain, remove or amend Condition No. 2.

- 7.1.2. In addition, for clarity I note to the Board that I share the Planning Authority's visual amenity concerns as raised in their additional information request and therefore consider that the revised design results in less visual amenity impact on its setting. For this reason, my assessment is based on the proposal as revised.
- 7.1.3. The main issue arising in this appeal is the visual amenity concerns arising from the dormer element introduced into the rear roof slope in the revised design and I am satisfied that no other substantive issues arise; notwithstanding, the matter of appropriate assessment also needs to be addressed.
- 7.1.4. In terms of visual amenity impact, I agree with the Planning Authority that the detached infill dwelling at No. 22a Chalfont Road is highly visible in its setting as appreciated from the public domain. It marks a visual end point to a group of highly homogenous semi-detached hipped roofed semi-detached pairs that characterise the streetscape scene to the south of it. Its visibility is also heightened by its location on the southern side of Chalfont Road and an unnamed access road T-junction. This unnamed access road provides connection to Texas Lane and is limited in its length. This results in it having two road frontages as well as a rear elevation that is highly visible when viewed from the adjoining public domain including in proximity of the Texas Lane T-junction to the west. In this context the proposed dormer would be highly visible. It would be a bulky insertion that would over complicate the existing roof structure of No. 22a Chalfont Road and its insertion would be at odds with the pitched and hipped roof structures that characterise its setting.
- 7.1.5. Chapter 3.4 of the Fingal Development Plan indicates that dormer extensions should be considered having regard to their impact on the existing character and form of the dwelling in which it is to be inserted alongside those in its setting. It also indicates that such insertions should not form a dominant part of a roof. In addition, Objective DSM1, adds further weight to these requirements. Having regards to the visual

amenity concerns raised above I do not consider that the proposed dormer is consistent with this guidance and Development Plan objective.

- 7.1.6. In conclusion, I recommend that Condition No. 2 is not omitted; and, that the existing pitched and hipped roof of the rear roof be maintained as is. This in my view would safeguard the visual amenities of the surrounding area.

7.2. **Appropriate Assessment**

- 7.2.1. Having regard to the nature and scale of the proposed development and to the nature of the receiving environment, namely an urban and fully serviced location, 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. I recommend that Condition No. 2 is not omitted.

9.0 **Reasons and Considerations**

Having regard to the pattern of development and the visibility of No. 22a Chalfont Road in the established suburban setting of Chalfont Estate, it is considered that the proposed development would be acceptable subject to the omission of the dormer element located on the rear roof slope of the dwelling and the maintenance of the existing hipped and pitched roof in terms of it not injuring the visual amenities of the area. Subject to this omission the proposed development as amended by the additional information response received by the Planning Authority on the 9th day of January, 2018, would be in accordance with the proper planning and sustainable development of the area.

Patricia-Marie Young
Planning Inspector

15th October 2018.