



Development

Replacing the existing hip roof with a full gable end type roof, building a flat roof dormer across the new rear roof, fitting 3no. roof lights to the front roof, and converting the new attic space to a home office with access via a new stairs from the upper floor landing.

Location

31Riverwood Glen, Carpenterstown,
Dublin 15

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

FW18B/0088

Applicant(s)

Gareth & Anne Marie Grimshaw

Type of Application

Planning Permission

Planning Authority Decision

Grant Permission, with Conditions

Type of Appeal

First Party -vs- Condition No.2

Appellant

Gareth & Anne Marie Grimshaw

Observer(s)

None

Date of Site Inspection

20th December 2017

1.0 Site Location and Description

- 1.1. The application site is located within an established housing development, 'Riverwood' residential estate, located to the southwest of Blanchardstown Centre, within Carpenterstown, County Dublin.
- 1.2. The application site is one of the sets of pairs of semi-detached dwellings, and is south facing over 'Riverwood Glen' onto similarly developed and appointed 2-storey semi-detached dwellinghouses.

2.0 Proposed Development

- 2.1. Proposed works – 27.5m² to the existing property comprising the following :
 - conversion of the existing hip-ended roof to a gable-ended roof
 - provision of a 2nd floor attic space
 - provision of a flat roofed dormer in the rear slope of the roof, to provide light to the proposed 2nd floor attic. Dormer to comprise –
 - a stated external width of 4.0m and a maximum height of 2.05m
 - a window of width c.1.5m
 - dormer to be set c.200mm below the ridgeline of the roof, c.1.2m from the boundary with the adjoining development, and 1.6m from the gable end of the roof.
 - provision of 3no. velux-type windows in the front slope of the roof to serve the attic. Each window to be c.0.7m wide and c.0.5m deep
 - provision of 1no. velux-type window in the rear slope of the roof to serve the attic – c.0.7m wide and c.0.6m deep
 - a 2nd floor window in the side of the house, to serve the stairway to the attic (2nd floor).

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Decision to grant planning permission, subject to 10no. Conditions

3.1.2. Having regard to the 1st party grounds of appeal, the following Condition is relevant :

C2 *The width of the dormer structure to the rear shall not exceed 3.3m. The width of the window opening serving the dormer shall not exceed 1.0m. Prior to the commencement of development, revised elevational drawings and floor plans demonstrating the aforementioned shall be submitted for the written agreement of the Planning Authority.*

Reason : *In the interest of 'Visual Amenity'*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The key planning issues considered as follows -

Principle

- principle acceptable as an initiative to deliver incremental living space in an area subject to the RS zoning objective, subject to a full planning analysis
- in particular, the principle of conversion of the roof, from hip-ended to gable-ended, has been widely accepted within the greater Blanchardstown area

Impact on Visual Amenity

- Design of proposed dormer will not unduly negatively impact visual amenity locally, having regard to –
 - location to the rear of the existing dwellinghouse
 - setback from the boundary with the adjoining development, or with the gable of the house by a minimum distance of c.1.2m, and below the ridgeline of the house by a distance of c.200mm
- Width of proposed dormer at 4.0m, considered as excessive. To be reduced to 3.3m in line with other recent proposed dormers in the vicinity. The scale of the window serving the dormer, to be similarly reduced in size.

- The roof conversion will not unduly negatively impact the visual amenity of the area, given that similar type development exists within the greater Blanchardstown area.

Impact on Residential Amenity

- ***Overlooking / Overshadowing / Overbearing***
 - No serious threat to adjacent residential amenity, due to overlooking will result, given that :
 - the c.1.5m wide dormer window is stated 12.0m from the opposing site boundary
 - the proposed velux-type window within the rear roof slope, is more than 12.0m from the opposing site boundary.
 - No undue negative impact on residential amenity, consequent of overshadowing or overbearing will result, given that the proposed dormer is set off from adjoining development at one side of the rear roof plane, and from the gable end at the other.
 - The proposed dormer width should be reduced to 3.3m in lined with other recently proposed dormers within the vicinity.
 - Considered necessary that a Condition be attached to any recommendation to grant planning permission such that “the proposed 2nd floor window in the side of the house will be permanently glazed in translucent, and not transparent glass”.
- ***Floor to Ceiling Height***
 - Floor ceiling height considered not to comply with Building regulations for use as habitable space, with regard to floor to ceiling height.
 - A Condition to be attached to any recommendation to grant of planning permission.

Appropriate Assessment

- Having regard to nature of proposed development, and location of the application site proximate to the nearest European site, no appropriate assessment issues arise.
- The proposed development would likely not have a significant effect individually or in combination with other plans and projects, on a European site.

Conclusion

- Proposed development –
 - is in keeping with existing development in the area,
 - does not detract unduly from the character or amenity of the adjoining development, and
 - therefore is in accordance with the proper planning and sustainable development of the area.

3.2.2. Other Technical Reports

None

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Planning History

4.1. No planning history is apparent on the application site.

4.2. Relevant planning history in the vicinity of the application site :

FW18B/0023 Permission granted to T. Dinh & S. Bulja for 'attic conversion into non-habitable storage with consequential alterations to hip roof to create gable roof to accommodate new stairs to attic and dormer window to rear, at 1 Riverwood Glebe, Swords, Carpenterstown, D15, subject to 07no. Conditions.

(see relevant case history documentation included on the appeal file).

FW18B/0031 Permission granted to Mr P. Murray for –

- 'proposed rear & side 2-storey extension, including change in roof profile from hipped to gable end, all finishes to match existing dwelling;

- single storey rear extension with pitched roof over;
 - conversion of new attic space, with 3no. roof lights to front pitch and 5no. to rear / side; and
 - all with associated site works’,
- at 22 Riverwood Court, Castleknock, D15, subject to 07no. Conditions.
(see relevant case history documents included on the appeal file).

5.0 Policy Context

5.1. Fingal County Development Plan (2017-2023)

Relevant provisions incl. –

Ch3 Placemaking

3.4 Sustainable Design and Standards

Extensions to Dwellings

Objective PM46 Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.

Ch11 Land Use Zoning Objectives

Zoning Objective “RS” Residential

Objective: Provide for residential development and protect and improve residential amenity.

Vision: Ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.

Use Classes related to Zoning Objective

Permitted in Principle incl. – ‘Residential’

(see Map – Fingal Co. Dev. Plan 2017 Land Use Zoning Objectives).

5.2. Natural Heritage Designations

None

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. Specify the appeal is against Condition No.2 attached to the decision to grant planning permission, subject to Conditions under **FW18B/0088**
- 6.1.2. Specifically, Condition No.2 specifies the width of the proposed rear dormer to no more than 3.3m, and the corresponding width of the window element to be no more than 1.0m.
- 6.1.3. Distinguish that in deriving the decision, the “Managers / Planners Report” references “recent relevant planning history and, in particular, 2no. developments in the Riverwood Estate”. These are –
- FW18B/0023** a similar development to that currently proposed on the application site, but at No.1 Riverwood Glebe
- FW18B/0031** a 2-storey rear extension at No.22 Riverwood Court
- 6.1.4. Both these applications were granted planning permission, subject to Conditions. However, emphasise that none of these Conditions required changes to the submitted proposed development (ie. width of dormer and associated window).
- 6.1.5. Reference as “accepted practice” by the Planning Authority within Fingal County Council, development comprising “attic conversions by way of a change of the roof style from hipped to gable end, is well established within the Riverwood Estate”. The applicants welcome this.
- 6.1.6. However, notwithstanding this planning history reference, the applicants cannot understand the dichotomy between the Planning Authority decision under **FW18B/0023**, and the decision by the Planning Authority under **FW18B/0088** regarding their own proposed development, to grant planning permission subject to Conditions, specifically Condition No.2.

- 6.1.7. Distinguish that “the only measurement shown on the drawings for application **FW18B/0023**, is an internal dormer width of 3.18m”. Reference further by way of comparison, that if “to assume a minimum dormer width cheek of approximately 250mm to comply with Building Regulations TGD L (Insulation), the overall external width of the granted application is a minimum of 3.68m”. The applicant’s current application “has a dormer cheek width of 280mm. If Condition No.2 is accepted the internal width of the dormer will be reduced to c.2.74m, approximately 400mm less than the relevant application quoted by Fingal County Council, as the basis for their decision”.
- 6.1.8. Emphasise reference that other relevant decisions exist within Riverwood Estate, that have more bearing on the applicants proposed development, than those referenced in the County Planners report. Specifically, request that the Board have considered regard to “other recent decisions made by Fingal County council for dormer attic conversions, which are similar in style, height and width as their application”.
- 6.1.9. These referenced cases include –
- FW18B/0072** Proposed change of roof profile and roof dormer at No.16 Riverwood Court. Proposed external width of 4.0m. Granted planning permission without Condition requiring reduction in width.
- FW18B/0028** Proposed change of roof profile and rear dormer at No.8 Riverwood Place. Granted planning permission, with an external dormer width of 3.6m, as submitted.
- FW17B/0005** Proposed change of roof profile and rear dormer at No.8 Riverwood Chase. Proposed dormer width of 4.0m. Granted planning permission without Condition requiring reduction in width.
- FW16B/0112** Proposed extensions including rear dormer window with an external width of 4.0m. Granted planning permission, without Condition requiring reduction in overall width of dormer.

6.1.10. Grounds of Appeal

- Administration assumes –
 - there is already an established principle, and
 - it is the function of the ‘decision maker’ to establish the facts and circumstances and apply the principle.
- The essence of ‘good decision making’ requires that the principle be clear and precise so that, in any given situation, the outcome remains the same.
- Therefore, it is an established principle that the rule of precedent applies in administrative decision-making, so that citizens should expect the same outcome, when dealing with Public Bodies
- “Planning law is a function of policy, and the preserve of the Oireachtas”. Accordingly, it is the responsibility of the local Planning Authorities to ensure that –
 - the policy is fairly applied, and
 - decisions do not favour one group or individual over another except where changes have occurred in specific Zonings / LAPs, that may require different outcomes.
- The Zoning Objective for Riverswood is ‘RS’. This has not changed and yet, the decision on the applicants proposed development “shows a significant change in the outcome from the decisions shown above” (see 6.1.9 above).

6.1.11. Conclusion

Appeal to the Board –

- to favourably consider the proposed development, in relation to the precedents already established by the Planning Authority within the Riverswood Estate,
- that Condition No.2 be removed, and
- that the submitted application for planning permission be granted, in line with the precedents referred to in the appeal submission

6.2. Planning Authority Response

- 6.2.1. The issues concerning the width of the proposed dormer were adequately addressed in the 'planners report', as well as the reasons for Condition No.2.
- 6.2.2. The scale of the proposed dormer, is considered to be excessive in width. This opinion concluded, given the scale of the dormer in proportion to the size of the overall roof plane.
- 6.2.3. Acknowledge the applicants / 1st party appellants reference to several separate similar developments locally. The Planning Authority acknowledges these, although notes that not all of these examples referenced are considered as comparable, taking account of the dormer size in relation to roof size and profile.
- 6.2.4. Notwithstanding, emphasise that "every permission is dealt with on its own merits".
- 6.2.5. Further, Objective DMS41 was included within the County Development Plan 2017-2023, "and has informed the decision".
- 6.2.6. Visually, the proposed dormer "is considered to be overly dominant".
- 6.2.7. Note that the attic space is proposed for use as a 'home office', whilst the internal floor to ceiling height is 2.153m. This is below Building Regulation requirements.
- 6.2.8. Having regard to the above, "request that An Bord Pleanala uphold the decision to Grant Permission with Condition 2 applied".

6.3. **Observations**

None.

6.4. **Further Responses**

None.

7.0 **Assessment**

- 7.1. This is a first party appeal against Condition No.2 of the grant of permission under **Reg.Ref.No.FW18B/0088**. Under Section 139 of the Planning and Development Act, 2000 (as amended), the Board has the discretion to consider this condition in isolation from the remainder of the application. I consider, having regard to the nature of Condition No.2, 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 the appeal should be determined under the provisions of Section 139.

I have examined the file and available planning history, considered the prevailing local and national policies, physically inspected the site and assessed the proposal and all of the submissions. Having regard to Condition No.2, I consider the relevant planning issues relate to :

- Principle and Location of the proposed development
- Dormer Element – Visual Amenity Impact / Local Residential Streetscape
- Dormer Element – Residential Amenity Impact
- Appropriate Assessment.

7.2. Principle and Location of the proposed development

7.2.1. The site is zoned “RS – Residential”, with the objective to provide for residential development and protect and improve residential amenity. The applicable zoning matrix designates residential land use as being permitted in principle within the zone. The “RS – Residential” zoning objective seeks to ensure that any new development, inclusive dormer elements within residential extension development, within existing residential neighbourhoods would have a minimal impact on and enhance existing residential amenity.

7.3. Dormer Element – Visual Amenity Impact / Local Residential Streetscape

7.3.1. I have taken note of the established, contextual scale and pattern of residential development along the ‘Riverwood Glen’ estate road, passed the application site (No.31). What is clear in my view, is that as one moves along the road, no reasonable visibility is possible at all, of the rear of any of the houses, and including and specifically the rear of No.31 Riverwood Glen.

7.3.2. In itself I believe that as illustrated in the architectural drawings submitted (see Drawings No.P15-18-01 – P15-18-04), the proposed subordination of the dormer element within the rear roof slope of the proposed new full gable end roof to the existing dwellinghouse (ie. set back from both the boundary with the adjacent house and the gable end, and below the ridgeline of the house), together with consistency in the use of materials, colouring and finishes, will ensure the modestly proportioned

new dormer element within the new full gable end roof to existing No.31 'Riverwood Glen', will not be obviously noticeable from the 'Riverwood Glen' estate road frontage.

- 7.3.3. From the rear, intervisibility is restricted to the rear elevations and rear yards / gardens of surrounding properties, of which there are only few and which appear compliant with County Development 2017-2023 Standards. In my view, having regard to the design references above, the proposed modest rear dormer element, will not be disproportionately visually prominent or obtrusive to adjacent and nearby residents, when viewed from the rear. Neither do I believe the resultant change in bulk and mass of the roof at No.31 to accommodate the proposed new dormer, is overbearing on the common scale and uniformity of the immediate adjacent residents and the local residential precinct in context. I do not share the conviction of the Planning Authority in this regard.
- 7.3.4. Rather, I have regard to the proposed new dormer element as being comparable with other similar development locally, thereby ensuring consistency in the pattern of development in the 'Riverwood' area, whereby new dormers were subordinate to the existing roof profile, and do not comprise as an addition.
- 7.3.5. I consider it relevant that no neighbours or other 'Riverwood' property owners lodged an objection to the applicants' modest roof conversion development proposed at No.31, at all, never mind the proposed dormer element specifically.
- 7.3.6. In my view, retention of Condition No.2, as argued for and applied by the Planning Authority, would be disproportionate to the argued infringement, if such were to be the case at all, and having regard to the fact that a consequent visual impact, must logically and reasonably be expected of any change to an existing roof profile, or any other type of home alteration, conversion or extension development on the application site. In my view, this cannot be avoided, subject to compliance with relevant provisions of the County Development Plan 2017-2023.

- 7.3.7. Application of the provisions of the County Development Plan 2017-2023, should in my view, be towards positively enabling reasonable home improvements, and protection of residential amenities both of individual property owners, as well as collectively at 'Riverwood' residential estate.
- 7.3.8. Therefore, having regard to the architectural design details submitted, I believe that as proposed by the applicants, the modestly proportioned new dormer element within the new full gable end roof slope to existing No.31 'Riverwood Glen', would have no disproportionate impact on the established character & streetscape of broader contextual 'Riverwood' estate generally, and of adjacent residential properties specifically, and subject to relevant Conditions, would be in accordance with both of the "RS – Residential" zoning objective, and the proper planning and sustainable development of the area.
- 7.3.9. I note and understand that Condition No.2 was attached by the Planning Authority to its decision to grant of permission, in order to overcome issues of visual concern, and to ensure argued consistency with similar applications throughout the 'Riverwood' residential estate. Having regard to the above therefore, I have no objection to the omission of Condition No.2, as motivated for in their 1st party appeal submission by the applicants.

7.4. Residential Amenity Impact

- 7.4.1. Having regard to all of the information available, I am of the view that the proposed new dormer element within the rear roof slope of the proposed new full gable end roof to the existing dwellinghouse at No.31 'Riverwood Glen', will have no serious, or disproportionate negative impact on the prevailing residential amenity in the area. In this regard, I have given consideration to potential threats to residential amenity as follows :
- Visual Obtrusion :
see as discussed at 7.3 above.
 - Loss of Natural Light or Overshadowing :

Having regard to the proposed dormer element being set off from the adjoining development at one side of the rear roof plane, and from the gable end at the other, no threat of overshadowing and consequent loss of natural light to adjacent residential development is apparent.

- Overlooking / Privacy Loss : Adequate separation distances (ie. 12.0m) are retained from adjacent property to the rear, in compliance with Development Plan 2017-2023 Standards.
- Noise : No increase at all above that currently characterising domestic residential use of the application site, must reasonably be anticipated.

7.4.2. Accordingly, I believe that as proposed by the applicants, the new dormer element within the rear roof slope of the proposed new full gable end roof to the existing dwellinghouse at No.31, is satisfactorily compliant with the “RS – Residential” Zoning Objective, and accordingly as proposed, would be in accordance with the proper planning and sustainable development of the area.

7.4.3. Accordingly, having regard to the above therefore, I affirm no objection to the omission of Condition No.2, as motivated for in their 1st party appeal submission by the applicants.

7.5. **Appropriate Assessment**

7.5.1. Having regard to the nature and modest scale of the proposed development, to the location of the site within a fully serviced urban environment, and to the separation distance and absence of a clear direct pathway to any 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. I recommend that the Board, based on the reasons and considerations set out below, directs the said Council under Section 139 of the Planning and Development Act, 2000 to OMIT Condition No.2.

9.0 Reasons and Considerations

- 9.1. Having regard to the extent of the proposed development to the rear roof of a 2-storey semi-detached dwellinghouse, the orientation and outlook of the proposed dormer, and the pattern of development in the vicinity, it is considered that the requirements of Condition No.2 restricting the size and extent of the proposed dormer are not necessary, and that the proposed development would not impact on the amenities of adjoining property by reason of negative visual externality, overlooking and loss of privacy.

L. W. Howard
Planning Inspector

07th January 2019