



An
Bord
Pleanála

Inspector's Report ABP-303181-18

Development	Conversion of attic into non habitable storage with two rooflights to front elevation.
Location	17 Castlevue Court, Swords, Co Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F18B/0265
Applicant(s)	Agata Gmurazak
Type of Application	Permission.
Planning Authority Decision	To grant permission with conditions.
Type of Appeal	First Party v condition
Appellant(s)	Agata Gmurazak.
Observer(s)	None
Date of Site Inspection	3 rd February 2019.
Inspector	Rachel Kenny

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1.0 Site Location and Description

The appeal site is situated to the northwest of the town of Swords. The site is a 2-bedroom mid terraced house (one of five) in a courtyard of 32 units. The floor area of the house is 75 square metres. The courtyard is accessed from within the road network of the wider Castleview estate via Castleview Avenue which is accessed from Glen Ellan Road.

2.0 Proposed Development

The proposed development is for the conversion of the attic of 23 square metres into a non-habitable storage area with two rooflights to the front (north) elevation.

3.0 Planning Authority Decision

Decision

On the 12th November 2018, the planning authority decided to grant permission for the development subject to 7 conditions. Most are standard and the condition under appeal is as follows:

- No. 2 – Both proposed rooflights on the front (northern) roof plane shall be and relocated to the rear (southern) roof plane of the dwelling. The dimensions of the rooflights shall be the same as those proposed on the front roof plane.\

Reason: In the interest of visual amenity and of the proper planning and sustainable development of the area.

3.1. Planning Authority Reports

Planning Reports

- 2nd November 2018 - Refers to the planning history of nearby sites, the zoning of the site, relevant planning policies, and departmental reports. It assesses the application under a number of headings, including principle of use, residential impact, visual impact, water services infrastructure, and

appropriate assessment. It considers that the development, due to its use as a non-habitable attic is considered to be consistent with the policies and objectives of the current Fingal County Development Plan, would be acceptable in principle subject to it not having a negative impact on the residential or visual amenities of adjacent properties or the area. It considered that relocation of the rooflights to the rear elevation would provide more light to the attic space. It further concludes the rooflights do not impact on the residential amenities of the area. The report therefore recommends that permission be granted for the development, subject to the relocation of the two rooflights to the southern (rear) elevation.

Other Technical Reports

- Water services – No objections subject to conditions.

3.2. Prescribed Bodies

- Irish Water – No objection.

3.3. Third Party Observations

There were no third party observations.

4.0 Planning History

- There is no recent, relevant history on the site. Relevant planning history in the area is outlined below
- PA ref. F17B/0230– Permission GRANTED for conversion of attic space for storage, provision of side dormer window and rear roof light, at 20 Castleview Lawns, Swords.
- PA ref. F17B/0082– Permission GRANTED for construction of attic conversion to include the installation of a new dormer roof to the gable side of the existing dwelling and the provision of one roof window to the front and rear of the existing roof, at 4 Castleview Drive, Swords.

- PA ref. F17B/0028– Permission GRANTED for an attic conversion which will include the construction of a dormer roof to the side of the existing dwelling to form a gable end. The works include the installation of three roof windows to the rear and one roof window to the front of the dwelling, at 19 Castleview Crescent, Swords.

5.0 Policy Context

Fingal County Development Plan 2017 to 2023

The appeal site is zoned 'RS', Residential, the objective of which is to '*Provide for residential development and protect and improve residential amenity*'. The vision for this zoning objective is to "*ensure that any new development in existing residential areas has a minimal impact on and enhances existing residential amenity*".

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the appeal are summarised below;

- There is no valid planning reason to place this condition on the permission given the innocuous nature of the proposed development.
- It will cause no injury to anyone and is keeping with the already established pattern of development in the area.

6.2. Planning Authority Response

The planning authority respond to the appeal (2nd January 2019) commented as follows;

The planning remains of the opinion that the proposed rooflights should be relocated to the south (rear) of the proposed development. It noted that the appellant references similar developments in the area however it argues that there is no precedent in Castleview Court. It further considered that the roof lights in the front roof plane would negatively impact on the visual amenities of the area and that if

located to the southern roof plane the rooflights would provide more light to the proposed attic. The Board is requested to uphold the decision of the planning authority and attach condition 2.

6.3. **Observations/Further Responses**

None.

7.0 **Assessment**

I have read the entire contents of the file, visited the site and its surroundings, have had regard to the issues raised in the grounds of appeal and .as this is a first party appeal against a condition I have decided to treat it under Section 139 of the PDA 2000 and confine my assessment to the condition under appeal. I do not consider it necessary to consider the case “de novo”.

I consider that the pertinent issues in determining the current application and appeal are as follows:

- Consistency with zoning objective of the site.
- Impact on the visual amenity of the area.
- Appropriate Assessment

7.1. **Consistency with Zoning Objective of the site.**

The appeal site lies in a residential area and is zoned ‘RS’, Residential, the objective of which is to ‘*Provide for residential development and protect and improve residential amenity*’. The vision for this zoning objective is to “*ensure that any new development in existing residential areas has a minimal impact on and enhances existing residential amenity*”. This objective is considered reasonable.

It is considered that the use of an attic within the envelope of an existing house is considered consistent with the zoning objective and the introduction of roof lights in the front roof plane would not be inconsistent with the stated objective as it would have a minimal impact on the visual or residential amenities of the area and would enhance the residential amenities of the existing and future occupants.

7.2. Impact on the visual amenity of the area

The proposed roof lights would be situated flush within the front roof plane of the existing house. No other external works are proposed.

In view of the above, I consider that the proposed roof lights would be visually acceptable and would be complementary to the existing structure and would not detract from the privacy of the residential properties adjoining the site or the visual amenities of the area.

Furthermore, as the attic is proposed to be used for non-habitable purposes the quality of light associated with the rooflights is considered acceptable in their current configuration.

7.3. Appropriate Assessment Screening.

Having regard to the nature and scale of the proposed development, and its location in an established urban area, I do not consider that any Appropriate Assessment issues arise or 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 Screening for Environmental Impact Assessment

The proposed development is of a type that does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001 (as amended). The need for screening for environmental impact assessment is therefore not required.

9.0 Recommendation

Arising from my assessment above I consider the decision of Fingal County Council to relocate the proposed roof lights from the front to rear roof plane of the house by condition should be overturned in this instance as it is considered that the proposed development, would be visually acceptable, would not set a negative precedent and would therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Reasons and Considerations

Having regard to the zoning objectives for the area and the pattern of development in the area, and to the nature scale and context of the proposed development it is considered that the proposed skylights in the front roof plane would not seriously injure the amenities of the area or property in the vicinity, would not set a negative precedent for similar developments, and would therefore be in accordance with the proper planning and sustainable development of the area.

It is recommended that Condition No 2 be removed.

Rachel Kenny

Director of Planning

3rd February 2019