



An  
Bord  
Pleanála

## Inspector's Report

### ABP-304237-19

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<b>Development</b>	Attic conversion including the construction of a dormer window to the rear elevation and 4 no. rooflights to the front elevation together with all associated site works.
<b>Location</b>	No. 53 Bayside Park, Sutton, Dublin 13.
<b>Planning Authority</b>	Fingal County Council.
<b>Planning Authority Reg. Ref.</b>	F19B/0029.
<b>Applicant</b>	Dave Connolly.
<b>Type of Application</b>	Planning permission.
<b>Planning Authority Decision</b>	Refused.
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	Dave Connolly.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	18 <sup>th</sup> June 2019.
<b>Inspector</b>	Patricia-Marie Young.

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## 1.0 Site Location and Description

- 1.1. No. 53 Bayside Park, the appeal site, is a 2-storey end-of-terrace dwelling house that has been extended to the side and rear. It sits on an irregular shaped plot with a given site area of 0.199ha. It is located within the mature residential estate of Bayside Park in the north Dublin city suburb of Sutton, c100m to the south west of Bayside Dart station; and, c0.5km to the R105 (Dublin Road). The surrounding areas consists of a highly coherent in built-form, design and layout 2-storey residential terrace groups.

## 2.0 Proposed Development

- 2.1. By way of this application planning permission is sought for a development consisting of an attic conversion that includes the construction of a dormer window to the rear elevation and 4 no. rooflights to the front elevation together with all associated site works. According to the submitted information the gross floor space of the existing dwelling to which this application relates is 104.58m<sup>2</sup> and the gross floor space of proposed works is 28.78m<sup>2</sup>.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. The Planning Authority **refused** permission for the following single stated reason:

*“The development as proposed providing for a dormer extension to the rear roof slope of this property, would by reason of the scale and width of this feature, result in the creation of an incongruous extension to the property which would dominate the roofscape. The proposal would contravene materially Objective DMS41 of the Fingal Development Plan with regard to the design of dormer extensions and would seriously injure the amenities of the area. The development would therefore be contrary to the proper planning and sustainable development of the area.”*

### 3.2. Planning Authority Reports

3.2.1. **Planning Reports:** The **Planning Officers Report** is the basis of the Planning Authority's decision.

### 3.2.2. Other Technical Reports

None.

### 3.3. Prescribed Bodies

3.3.1. None.

### 3.4. Third Party Observations

3.4.1. None.

## 4.0 Planning History

### 4.1. Appeal Site

**P.A. Reg. Ref. No. F05B/0435:** Planning permission was **granted** for a ground floor extension to the front and side of the subject dwelling.

## 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 PM46 of the Development Plan states that the Planning Authority will "*encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area*".

5.1.3. The Development Plan states that "*dormer extensions to roofs will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties. The design, dimensions and bulk of any roof proposal relative to the overall*

*size of the dwelling and gardens will be the overriding considerations. Dormer extensions (whether for functional roof space or light access) shall generally not form a dominant part of a roof. Consideration may be given to dormer extensions proposed up to the ridge level of a house, but in all cases no dormer extension shall be higher than the existing ridge height of the house. The proposed quality of materials/finishes for dormers will be considered carefully as this can greatly improve their appearance. The level and type of glazing within a dormer structure should have regard to existing window treatments and fenestration of the dwelling”.*

- 5.1.4. Objective DMS41 of the Development Plan states that: “*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”.*

## **5.2. Natural Heritage Designations**

- 5.2.1. The appeal site is located c0.5km to the north of North Bull Island Special Protection Area (Site Code: 004006) and North Dublin Bay Special Area of Conservation (Site Code: 000206).
- 5.2.2. The appeal site is located c1.1km to the south west of Baldoyle Special Protection Area (Site Code: 004016) and Baldoyle Bay Special Area of Conservation (Site Code: 000199).

## **5.3. EIA Screening**

- 5.3.1. Having regard to the nature, scale and scope of the proposed development within the mature and built-up residential setting of the Dublin city suburb of Sutton, the nature of the receiving environment, the serviced nature of the site and its surroundings, I consider that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for Environmental Impact Assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. The grounds of appeal can be summarised as follows:

- The proposed dormer window is not larger than the existing first-floor openings/windows.
- The proposed dormer window would not have a negative impact on the roof scape.
- Precedent for similar developments have been established within this residential estate e.g. P.A. Reg. Ref. No. F18B/0290 (Note: No. 23 Bayside Boulevard South). A condition to reduce the scale of the opening as required by way of condition under P.A. Reg. Ref. No. F18B/0290 would be acceptable to the appellant (Note: suggested reduction of 1.7m in width and for the dormer window to be centrally located).
- No objections were made to the proposed development.
- There is no valid reason to refuse planning permission.

### **6.2. Planning Authority's Response**

6.2.1. The Planning Authority's response can be summarised as follows:

- This application was assessed against the policies and objectives of the Fingal Development Plan.
- Should the Board be minded to grant permission it is requested that a Section 48 contribution be imposed.

## **7.0 Assessment**

### **7.1. Introduction**

7.1.1. The substantive planning issues that arise in this case are:

- Design and Visual Impact
- Appropriate Assessment

## 7.2. Design and Visual Impact

- 7.2.1. The appeal site is situated within the mature residential estate of Bayside Park in the north city Dublin suburb of Sutton. It forms part of larger parcel of residentially zoned land (Note: RS) within the Fingal County Development Plan, 2017 to 2023. Therefore, the principle of residential development, which essentially consists of the conversion of the attic space into habitable use and the provision of a dormer window to the rear elevation as well as the insertion of 4 no. rooflights in the front elevation is generally deemed to be acceptable development, subject to safeguards of protecting and improving residential amenity alongside compliance with the relevant planning requirements set out in the said Development Plan for this type of development.
- 7.2.2. I consider that the main issue arising in this case is the potential for adverse visual impact on the existing dwelling's built form and its contribution to the coherence of the streetscape scene at this location within the Bayside Park residential estate alongside the potential for the proposed development to give rise to undue impact on the established residential amenities of properties in its vicinity.
- 7.2.3. In terms of the visual impact of the proposed development I have conducted an inspection of the site and the Bayside residential estate including the example cited by the appellant for a similar type of development at No. 23 Bayside Boulevard South permitted recently by the Planning Authority under P.A. Reg. Ref. No. F18B/0290. I also noted the presence of a mid-terrace dormer window inserted into the rear elevation of No. 25 Bayside Park.
- 7.2.4. On the matter of planning precedent for or against such developments it is appropriate that each application should be considered on its individual merits and I am cognisant that the Board as the higher authority is not bound by the decisions made by the Local Authority in this instance Fingal County Council.
- 7.2.5. I also consider that the subject dwelling occupies an end-of-terrace location at an intersection within the Bayside estate residential estate. In addition, the subject dwelling fronts onto a large area of communal open space which includes the 'Bayside Playground' and its principal façade addresses the heavily trafficked main estate road. In addition, it's side elevation which has a westerly aspect addresses the northern side of a cul-de-sac intersection within the Bayside Park estate; there is a service lane

running along the rear boundary; and, the original rear elevation has a more significant lateral separation distance of 11.7m to its neighbouring property on this cul-de-sac road i.e. No. 51 Bayside Park. The latter results in the side and rear elevation of the subject property being visually more prominent in its streetscape scene when viewed from the public domain when compared to the visual contribution of most terrace properties within this residential estate.

- 7.2.6. Furthermore, I observed that the estate access road which the subject property's principal façade addresses is heavily trafficked by vehicles, pedestrians and cyclists. This potential is a result of its proximity to Bayside Dart station which is located c100m to the north east of the site and its proximity to the well-maintained public park opposite.
- 7.2.7. When taken together these factors result in the subject dwelling occupying a highly visible location in its streetscape scene and with its front, side and rear elevations being visually prominent and legible when appreciated from the public domain.
- 7.2.8. The precedent case cited is not as visible within its streetscape setting as can be seen in the photographs accompanying this report. This is due to the less visually prominent location of this dwelling within the overall design and layout of Bayside Park residential estate which includes several different terrace formats within it and variable building to space relationships.
- 7.2.9. Moreover, the proposed interventions to the roofscape, in particular the dormer windows are not the same. I therefore consider that the visual implications of the proposed development are different to that proposed and the precedent example benefits from greater lateral separation distance from properties to its rear. This precedent overlooks a residual pocket of open space and the front facades of another estate limited in extent and dwelling number cul-de-sac. In this context its visual impact is not comparable to the subject site and the subject proposal under consideration in this appeal case.
- 7.2.10. In relation to the example at No. 25 Bayside Park, this is a mid-terrace property which somewhat diminishes its impact when viewed from the public domain due to its greater separation distance. It is also at an angle relative to where it is visible in the public domain and having regard to the building to space relationship in its vicinity its visibility



in the public domain is limited. Notwithstanding, this it does dominate the roof structure of the terrace group it forms part of and it appears as a discordant feature within an estate that is characterised by its highly coherent 2-storey gable ended built forms.

7.2.11. I also observed during my inspection of the site and its surroundings the visual character and integrity of the Bayside Park residential estate is highly intact with little evident changes to the roof structures of its terrace groups as appreciated from the public domain. Further, the coherence of the roof structures within this residential estate is one of its dominant features and defining visual attributes of its original design intent.

7.2.12. In this context I consider that the proposed dormer window would be a highly intrusive insertion and would represent a significant material change to the built-form of the subject property and the terrace group it forms part of as appreciated from the public domain. I do not consider that its reduction in size and dimensions would significantly improve this by reason of the subject dwellings locational factors as set out above that result in it being a property that is highly visible and legible within its streetscape scene.

7.2.13. Moreover, taking into consideration the fenestration to the ground and first floor levels as existing I would not subscribe to the view that the dormer as proposed would complement same. This is because of its substantial width.

7.2.14. To permit the proposed dormer would be contrary to Objective DMS41 of the Development Plan which only permits such interventions to the roof of a structure where there is no negative impact on their existing character and form. Moreover, where they do not form a dominant part of the roof structure.

7.2.15. In relation to residential impact I consider that the proposed dormer would give rise to a greater perception of being overlooked when viewed from properties in its immediate vicinity. Notwithstanding, overlooking is more often than not a factor of suburban living and can be expected from development in such an urban context. Outside of this concern I am of the view that the proposed development would not give rise to any other substantive adverse residential amenity impact for properties in its vicinity.

### **7.3. Appropriate Assessment**

7.3.1. Having regard to the location of the site on zoned and serviced lands together with the nature and scale of the proposed development, I consider that no Appropriate

Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

#### 7.4. Other Matters Arising

- 7.4.1. The description of the proposed development sought includes but is not limited to the conversion of an attic, yet the documentation submitted with this application and on file, in my view does not clarify whether or the converted attic space would be used for habitable or storage purposes.
- 7.4.2. If simply used for storage purposes I question the necessity of the dormer window of the size and dimensions proposed; the 4 rooflights to the front; and, they are alongside an existing rooflight in the rear roof structure of the subject property. Altogether, in my view, they would seem to be excessive if the attic space was not proposed to be used as additional habitable space for occupants of this property.
- 7.4.3. Of further concern the attic space would not meet the Building Regulations requirements for its use as habitable space as the submitted drawings clearly indicate that the required floor-to-ceiling heights can not be achieved.
- 7.4.4. While I accept that attic spaces can often provide a cost-effective way of providing additional residential amenity for occupants of existing dwellings whether they require additional storage or additional habitable space, in this case should the Board be minded to grant permission, I recommend that the use of the attic space should be restricted to storage purposes only.

#### 8.0 Recommendation

- 8.1. I recommend that planning permission be **refused** for the reasons and considerations set out below.

#### 9.0 Reasons and Considerations

1. Having regard to the 'RS' land use zoning for the site under the current Fingal County Development Plan, 2017 to 2023, the objective for which is to protect and improve residential amenity, the locational factors of the property which

makes it prominent and highly visible within its streetscape scene, to the coherent pattern of 2-storey gable ended terrace groups that characterises the Bayside Park residential area, it is considered that the proposed amendments to the existing roof structure by way of the insertion of a dominant in size, scale and built-form dormer window, would result in a development which would detract from this end-of-terrace dwelling's built-form and the built-form of the terrace group it forms part of by way of its visual incongruity and dominance in a manner that would be contrary to Objective DMS41. This Development Plan objective restricts dormer extensions to roofs only where they result in no negative impact on the existing character and form of the property and where they do not form a dominant part of a roof. This objective is considered reasonable. The proposed development, therefore, not be in accordance with the proper planning and sustainable development of the area.

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Patricia-Marie Young  
Planning Inspector

26<sup>th</sup> June 2019.