



An  
Bord  
Pleanála

## Inspector's Report

### ABP-305426-19

---

#### Development

Permission for the conversion of an attic space with height added to the rear of the existing roof and roof windows added to the front and side of the house.

#### Location

Rahillion, Portrane Road, Donabate, Co Dublin, K36 WY42

#### Planning Authority

Fingal County Council

#### Planning Authority Reg. Ref.

F19B/0175

#### Applicant(s)

David Graham

#### Type of Application

Permission

#### Planning Authority Decision

Refuse

#### Type of Appeal

First Party

#### Appellant

David Graham

#### Date of Site Inspection

8<sup>th</sup> January 2020

#### Inspector

Dolores McCague

## 1.0 Site Location and Description

- 1.1.1. The site is located at Portrane Road, Donabate, Co Dublin, near the eastern end of the built up area, east of the primary school. A gate lodge associated with the extensive St Ita's lands is located on the opposite side of the road to the east. The site is located among a line of houses to the north of the busy R126, at a bend on the road.
- 1.1.2. The site is given as 0.032ha.

## 2.0 Proposed Development

- 2.1.1. The proposed development is the conversion of an attic space with height added to the rear of the existing roof, one roof window added to the front and two to the side of the house, and extensive additional glazing at the rear, at second floor level.
- 2.1.2. The existing hipped roof of the dwelling will be altered to a much flatter profile at the side and rear, extending the height of the attic area to facilitate the provision of a bedroom with en-suite at this level, c 20 sq m in area, accessible by a new stairs above the existing stairwell.
- 2.1.3. A small rooflight in the front roof plane will serve the en-suite. There are 2 roof window in the east roof plane of the bedroom which include one with a notation 'fire'. The rear elevation includes a three panel window for the bedroom and a smaller window to serve the proposed internal staircase.
- 2.1.4. The extension is given as 20m<sup>2</sup>.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. The planning authority decided (20<sup>th</sup> August 2019), to refuse permission for two reasons:

The proposed alterations to the side (east) roof profile would be out of character with development in the area and would be visually obtrusive when viewed from adjoining properties and the public road, would impact on the

visual amenities of the area and set an undesirable precedent, be contrary to objective PM46 of the Fingal CDP.

The proposed development would lead to a greater degree of overlooking onto the rear gardens of adjoining properties, injure the amenities and depreciate the value of property in the vicinity.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

- Development plan RS zoning.
- Highly sensitive landscape.
- Close to Portrane ACA.
- Local objectives 33 and 34: sites north and east.
- PM46 re house extensions.
- Although no material alteration is proposed to the front roof profile the alteration to the side would be out of character with development in the area and would be visually obtrusive when viewed from adjoining properties and the public road and would set an undesirable precedent. There would be a greater degree of overlooking onto the rear gardens of adjoining properties from the two new windows. Not in accordance with objective PM46.

### **3.3. Third Party Observations**

None.

### **4.0 Planning History**

F11A/0115 permission granted for a single storey 29sqm extension and for the repositioning of the existing entrance 7.6m to the west along Portrane Rd.

## 5.0 Policy Context

### 5.1. Development Plan

Fingal Development Plan 2017-2023 is the operative plan. Relevant provisions include:

Zoned: 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.

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

Objective DONABATE 3 - Provide for the further development of recreational, community and educational (primary and second level) facilities, (site to rear).

Objective DONABATE 4 - Develop a continuous network of signed pathways and cycleways as appropriate, around Donabate Peninsula linking Portrane and Donabate to Malahide and Rush via the Rogerstown and Malahide Estuaries whilst ensuring the protection of designated sites, and avoiding any routing along the northern boundary of Malahide Inner Estuary by virtue of its ecological sensitivity, (road to front).

### 5.2. Natural Heritage Designations

The nearest Natura sites are Rogerstown Estuary SPA (site code 004015) and Rogerstown Estuary SAC (site code 000208) located c 0.7 km straight line distance, from the subject site,

### 5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity 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. An appeal against the planning authority's decision has been submitted by David Graham, Graham Architecture. The issues raised include:

- Viewed from the road - 3D models have been prepared which demonstrate clearly that the extension when viewed from the Portrane Rd will not be visually obtrusive. The tiles that will make up the additional roof area will be sourced from the north portion of the existing roof. A comparison from several relevant angles both before and after can be made on drawing ABP.01 attached to the submission.
- Viewed from adjoining property - per drawing ABP.02 – 5A/5B and ABP.03-7A/7B, 8A/8B, 9A/9B. The extension is barely visible from the detached house (Cnoc Beag) to the west. Lisieux is the only house which can reasonably see the extension. The view is from their garden and is not visually obtrusive.
- Amenities of the area – at the rear of the site there is farmland. From the public realm the extension will appear to be a typical pitched roof over an L shaped plan.
- Precedent – appellant disagrees that this would set an undesirable precedent. If PM46 accepts the principle of developing into a roof, then this roof extension provides a positive precedent and an alternative to the roof box type untidy roof projections that are mostly carried out and an alternative to the typical Part F – non compliant non inhabited space conversions that are ultimately uses as inhabited space. An example of a recent attic extension in the area is referred to regarding overlooking. In that case the neighbours are less than 3-4m away whereas in the subject case the only neighbour that can feasibly be overlooked is more than 20m away.

- Appellants question whether due to the unique arrangement of neighbouring houses this could be considered a precedent, being invisible from the adjoining house because of the existing rear extension and the length of the neighbouring garden.
- Objective PM46 – the objective acknowledges the need to extend a property so long as it is carried out in a sensitive manner, which they feel this is. The material choice and manner in which it is intended to carry out the extension will make it difficult for the casual observer to notice any modification from any public area
- Reason 2 – they discussed the proposal with the owner of both the attached property and the detached property, both called Cnoc Beag, and the owner of Lisieux. Both were supportive and no concerns were raised. There was no comments or submissions on the application.
- 4 additional drawings showing 3D images, have been provided.

## 6.2. Planning Authority Response

- 6.2.1. The Planning Authority have responded to the grounds of appeal, reiterating their view that permission should be refused.

## 7.0 Assessment

- 7.1. The issues which arise in relation to this appeal are appropriate assessment, visual impact and overlooking and the following assessment is dealt with under these headings.

### 7.2. Appropriate Assessment

- 7.2.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment 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.

### **7.3. Visual Impact**

- 7.3.1. Reason for refusal no 1 refers to the proposed alterations to the side (east) roof profile, which it says would be out of character with development in the area and would be visually obtrusive when viewed from adjoining properties and the public road, would impact on the visual amenities of the area, set an undesirable precedent, and be contrary to objective PM46 of the Fingal CDP.
- 7.3.2. Objective PM46 is to encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.
- 7.3.3. The house is located at a bend on the busy road R126. The layout of the subject site vis a vis the road means that the side elevation is visible from the road, although motorists approaching Donabate would necessarily be more focused on viewing the road rather than the houses alongside. The 3D images provided with the grounds of appeal show the proposed alterations to the roof, as viewed from the road. They state that it would have the appearance of a typical pitched roof over an L shaped plan. This appears to be the case.
- 7.3.4. The 3D images show views from adjoining properties. There is limited visibility of the proposed extension, and to the extent that it is visible, it does not, in my opinion, have an incongruous appearance.
- 7.3.5. In my opinion the proposed development would not have any negative visual impact on the area and does not run counter to objective PM46. Visual impact should not be a reason to refuse permission.

### **7.4. Overlooking**

- 7.4.1. Reason for refusal no 2 refers to the proposed development leading to a greater degree of overlooking onto the rear gardens of adjoining properties, injuring the amenities and depreciating the value of property in the vicinity.
- 7.4.2. The proposed development includes two east facing roof windows, one of which has the notation 'fire' and would therefore, with reference to the internal floor level, be within overlooking level of the adjoining side /rear garden. In my opinion the use of

obscured glazing would be adequate to address overlooking concerns, from these east facing roof windows.

7.4.3. The rear facing windows at second floor level would afford a similar degree of overlooking to the existing rear facing windows at first floor level.

7.4.4. In my opinion overlooking should not be a reason to refuse permission.

## 7.5. Other

7.5.1. The proposed roof window at second floor level indicated as a fire widow, appears to be supplementary to other fire escape measures: fire doors are indicated on the floor plans provided.

7.5.2. Per the Fingal County Council Development Contribution Scheme the first 40 sq metres of domestic extension is exempted from incurring a contribution. This exemption is cumulative. For residential development a rate of €92.13 per m<sup>2</sup> otherwise applies. It appears to me that the proposed development involves an extension rather than an attic conversion only (which is entirely exempted), since a significant amount of the development will take place outside the existing building envelope. It is not clear whether an exemption has been availed of previously in relation to the subject dwelling. Condition No. 4 refers.

## 8.0 Recommendation

8.1.1. In the light of the above assessment I recommend that planning permission be granted for the following reasons and considerations.

## 9.0 Reasons and Considerations

The proposed development is located in the settlement of Donabate where the objectives of the planning authority as set out in the Fingal Development Plan are to provide for residential development and to encourage sensitively designed residential extensions provided that negative impact on the environment, the area and adjoining properties is avoided. It is considered that, subject to the following conditions, the proposed extension would not negatively impact on the visual amenity of the area, the residential amenities of adjoining properties, or the



amenities of the subject property; would improve the residential accommodation on the subject site; and would accordingly be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The east facing roof windows shall be glazed in obscured glazing.</p> <p><b>Reason:</b> In the interest of residential amenity.</p>
3.	<p>Drainage arrangements for the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
4.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as</p>

the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

---

Planning Inspector

29<sup>th</sup> January 2020

Appendices

Appendix 1 Photographs

Appendix 2 Fingal County Development Plan 2017-2023, extract.

Appendix 3 Fingal County Council Development Contribution Scheme 2016-2020, extract.