



An
Bord
Pleanála

Inspector's Report

ABP-305562-19

Development	Construction of extension to the side / front of house, extending the existing roof over with a new gable wall with small Dutch hip roof. A new ground floor bay window with canopy to the front of the existing house to extend across the new first floor
Location	20 Sutton Park, Sutton, Dublin 13, D13 X6CO
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F19B/0184
Applicant	Conor Pitts
Type of Application	Permission
Planning Authority Decision	Grant permission (9 no. conditions)
Type of Appeal	First Party
Appellant	Conor Pitts
Date of Site Inspection	05/12/2019
Inspector	Conor McGrath

1.0 Site Location and Description

1.1. The appeal relates to no. 20 Sutton Park, a semi-detached two-storey dwelling located to the east of Kilbarrack cemetery. Development in the surrounding area comprises predominantly two-storey suburban housing, with three storey residential development at Sutton Court to the northeast. There is some variety in building form in the area with examples of infill development on larger corner sites in the vicinity of the appeal site.

2.0 Proposed Development

2.1. The proposed development comprises:

- Ground floor bay window extension to front and new canopy extending over entrance.
- First floor extension over existing flat roof accommodation to front / side to enlarge two existing bedrooms and provide en-suite accommodation,
- Attic level accommodation providing office, storage, bathroom and meeting area.
- Two dormer windows on the rear roof slope with an intervening balcony area.
- Three velux to the front roof slope.
- Extend existing semi-detached hipped roof structure to a new gable wall, with a dutch hip provided at the gable.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission for the proposed development subject to 9 no. conditions including the following:

3. That any attic floorspace which does not comply with Building Regulations in relation to habitable standards shall not be used for human habitation.
4. The following requirements of the planning authority shall be adhered to:

- (i) The proposed dormer windows and balcony area at roof level shall be omitted.
- (ii) The proposed velux roof windows on the front roof plane shall be omitted and relocated to the rear roof plane (if required) and the Dutch hip feature shall also be omitted and replaced with a full hip design of roof.

3.2. Planning Authority Reports

3.2.1. Planning Report: Extension at ground and first floor levels would have no undue impacts to the amenities of the area. The Dutch hip roof feature is absent from the estate and similar extensions all have full hip features. In relation to attic roof level, there are concerns with respect to the visual obtrusiveness of the dormer windows from adjacent properties and cemetery, overlooking of adjoining private amenity space and precedent for this form of development. The dormers are inconsistent with Objective DMS41. Velux windows to the front roof plane are not a feature within the estate and should be relocated to rear.

3.2.2. Other Technical Reports

Water Services: No objection subject to conditions.

4.0 Planning History

PA ref. F16B/0102 ABP ref. PL06F.247973: Permission granted at 312 Sutton Park, Sutton, Dublin 13 for first floor side extension over existing and an attic conversion with dormer roof and raised gable wall with a dutch hip roof and site works. Following an appeal against conditions, the Board decided that condition no. 4 be attached / amended as follows:

- 4. (a) The dormer extension to rear shall be omitted and may be replaced by no more than four number rooflights.
- (b) The Dutch hip roof to the side extension to be omitted and roof of the extension to be hipped at an angle which reflects the roof of the existing dwelling.

PA ref. F10B/0114 ABP ref. PL06F.237145: The planning authority granted permission at 133 Sutton Park for a first floor extension but refused permission for a rear dormer window. On appeal, the Board granted permission for the proposed development and noted that they did not agree that the dormer window would be unduly prominent on the streetscape.

PA ref. F15B/0293: Permission granted at 242 Sutton Park for extension of previously converted garage and porch to front, and the construction of a new dormer window to rear at roof level with opaque glazing, along with all associated site works. This has been constructed.

5.0 Policy Context

5.1. Development Plan - Fingal Country Development Plan 2017 – 2023

The lands are zoned RS – Provide for residential development and protect and improve residential amenity.

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

Objective DMS41: 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

The closest site designated for natural heritage purposes is 100m from the site, on the opposite side of Dublin Road.

- North Dublin Bay SAC 000206

- North Bull Island SPA 004006

6.0 The Appeal

6.1. Grounds of Appeal

The first party have appealed against the decision of the planning authority, noting the following points:

- There were no objections to the proposed development.
- Other houses in the area have similar dormer roofs and gable walls.
- They will not progress with the balcony.
- They wish to get the dormer windows and gable wall for use as an office not as a bedroom.

6.2. Planning Authority Response

The planning authority note the following points:

- Permission was granted subject to conditions.
- While ground and first floor accommodation were acceptable, office / meeting area and balcony in the roof space were not.
- There is no precedent for this type of development in the area, contrary to references in the appeal.
- The dormer features and balcony would be out of character, and visually incongruous at this location.
- They would lead to unacceptable overlooking of properties.

7.0 Assessment

- 7.1. While this first party appeal has been lodged against the decision of the planning authority, the issues raised relate to condition no. 4 only. This appeal has not, however, been framed as an appeal against conditions under S.139.

- 7.2. The proposed development comprises extension at ground, first floor and attic levels. The stated floor area of the proposed extension floor area is 60-sq.m. I have no objection to the proposed extensions at ground or first floor levels and do not consider that they give rise to any unacceptable impacts on the amenities of adjacent properties or of the area.
- 7.3. Attic level accommodation is identified as office accommodation (16-sq.m), storage (11-sq.m.) and a “meeting area” which overlaps with hall / landing area (7-sq.m.). A bathroom is also proposed. I note that these are not *habitable rooms* as defined in the building regulations.
- 7.4. The proposed dormer windows on the rear roof slope are large in scale, extending approx. 4m out from the ridgeline. I consider that the scale and form of these structures is excessive and would be out of character with the surrounding pattern of development. I note that the site is open to views from the southwest, from the graveyard and coast road, and that this aspect of the development would negatively impact on the visual amenities of the surrounding area. There is limited precedent for rear dormer structure in the surrounding area, however, I do not consider that the scale and position of those structures would not provide a precedent for this development.
- 7.5. Properties in this area are provided long rear gardens such that overlooking from the attic accommodation of properties along Dublin Road would not be a significant issue. There would however, be an overbearing impact on the adjoining residential properties to the east and west.
- 7.6. The proposed Dutch / half-hipped roof structure is out of character with the surrounding pattern of development. The planning authority have conditioned that this be omitted and replaced with a hipped roof structure. While hipped roof structures are the prevailing form in the area, there is some variety in this regard, particularly at Sutton Court to the northeast. I would not regard a gable roof structure as unacceptable. The proposed Dutch hip should be omitted and a straight gable finish provided in the interests of visual amenity.
- 7.7. With regard to front velux windows, I note the pattern of development in the area which includes limited examples of front roof lights. In this instance, I consider that the roof lights should be relocated to the southern / rear roof slope. Such relocation

would provide improved levels of light and amenity and would be consistent with the surrounding pattern of development. This amendment may require some alterations to the internal layout at attic level.

8.0 **Appropriate Assessment Screening**

8.1. The proposed development relates to the extension of an existing dwelling within an established urban area. The development is served by mains services and no change in this regard is proposed as part of the proposed development. The closest European sites are located approx. 100m from the site, on the opposite side of Dublin Road.

- North Dublin Bay SAC 000206
- North Bull Island SPA 004006

There will be no direct loss of habitat arising from the proposed development and there is no direct connection from the appeal site to these European sites. Construction and operational activities are not likely to give rise to disturbance of any species or habitats which are qualifying interests of the sites.

It is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development either individually or in combination with other plans or projects would not be likely to have a significant effect on European sites North Dublin Bay SAC (000206), North Bull Island SPA (004006) in view of the sites conservation objectives and a stage 2 Appropriate Assessment is therefore not required. In reaching this conclusion I took no account of mitigation measures intended to avoid or reduce potentially harmful effects of the project on any European Site.

9.0 **Recommendation**

9.1. That permission be granted for the reasons and considerations set out below.

10.0 Reasons and Considerations

Having regard to the nature and scale of development proposed, the surrounding pattern of development and the provisions of the development plan for the area, it is considered that subject to compliance with the conditions set out below, the proposed development would not give rise to unacceptable impacts on the visual or residential amenities of the area or be unacceptable in terms of traffic safety and convenience. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

11.0 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>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <ul style="list-style-type: none">(a) The proposed rear dormer windows and balcony shall be omitted.(b) The proposed rooflights on the front roof slope shall be omitted and shall be relocated to the rear roof slope(c) The proposed Dutch hip roof structure shall be omitted and a straight gable finish shall be provided. <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of visual and residential amenity</p>

3.	<p>The external finishes of the proposed extension, including roof tiles/slates, shall be the same as those of the existing dwelling in respect of colour and texture.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
5.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
6.	<p>The developer shall pay to the planning authority a financial contribution of €737 (Seven hundred and thirty seven euros) 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 the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition 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.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as</p>

	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.
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Conor McGrath
Senior Planning Inspector

06/12/2019