



An  
Bord  
Pleanála

## Inspector's Report

### ABP-306866-20

#### Development

Change of existing roof ridge line to extend new built up gable wall and conversion of attic space to study/playroom with dormer roof to the rear together with all associated site works.

#### Location

No. 22 Brides Glen Avenue, Swords, Co. Dublin.

#### Planning Authority

Fingal County Council

#### Planning Authority Reg. Ref.

F19B/0321

#### Applicants

Alan & Karen Lynch.

#### Type of Application

Planning Permission.

#### Planning Authority Decision

Refused.

#### Type of Appeal

First Party

#### Appellants

Alan & Karen Lynch.

#### Observers

None.

#### Date of Site Inspection

20<sup>th</sup> day of May, 2020.

#### Inspector

Patricia-Marie Young

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## 1.0 Site Location and Description

- 1.1. No. 22 Brides Glen Avenue, the appeal site, is located c2.7km to the north west of Main Street, Swords, in north County Dublin. The site has a stated 0.0025ha area and it contains a 2-storey red brick to principal façade semi-detached dwelling house that has since its construction been extended to the rear and rooflights added at attic level. It is set back from its estate access road by way of a part hard surfaced driveway that accommodates off-street car parking as well as an area of soft landscaping that consists mainly of a grass lawn. To the rear the garden area space contains a number of shed type structures. These are located towards the rear boundary. The site boundaries consist of a mixture of hedging and solid walls.
- 1.2. Photographs taken during my inspection of the site are attached.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for a development described as a change of existing roof ridge line to extend to new built up gable wall and conversion of attic space to new study/play room, with new dormer roof structure to the rear together with one additional rooflight to the front and all associated works. According to the documentation accompanying this application the stated gross floor space of existing buildings is 140.20m<sup>2</sup> and the proposed stated gross floor space is 32.6m<sup>2</sup>.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. The Planning Authority decided to **refuse** planning permission for the following stated single reason:

*“The proposed hip to gable roof extension and rear dormer window would unbalance the appearance of this pair of semi-detached dwellings and appear as an unacceptably dominant and visually intrusive feature in the street scene resulting in an adverse impact on the character of the surrounding area. The proposed development therefore fails to comply with Objective DMS41 and Objectives PM46 of the Fingal Development*

*Plan 2017-2023. The proposed 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 Officer’s report reflects the decision of the Planning Authority and it includes but is not limited to an overview of the planning history of the site and other similar applications within the residential estate that the subject property forms part of alongside it raises its visual amenity concerns in relation to development sought.

### 3.3. **Other Technical Reports**

None.

### 3.4. **Prescribed Bodies**

3.4.1. None.

### 3.5. **Third Party Observations**

3.5.1. None.

## 4.0 **Planning History**

### 4.1. **Site**

**P.A. Reg. Ref. No. F18B/0174:** Planning permission was **granted** subject to conditions for a development described as the construction of a new dormer window to the side and rear of the existing new porch extension to the front and roof light to the front of the existing roof and all associated site works.

Of particular relevance to the grounds of this appeal are the requirements of the following three conditions:

Condition No. 2: Any attic floor space which does not comply with Building Regulations habitable standards shall not be used for human habitation.

Condition No.3: This condition required the south dormer structure to be reduced in width so that it has a maximum width of 3m.

Condition No. 4: Relates to the south dormer structure and restricts the size of the glazed area within to the south and east to a maximum of 1m in width and 1m in height.

#### 4.2. In the vicinity:

4.2.1. No relevant Board decisions.

## 5.0 Policy and 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. Chapter 12 of 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."*

5.1.3. Objective DMS41 of the Development Plan is relevant. It states: *"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."*

- 5.1.4. Objective DMS44 of the Development Plan is relevant. It states that the Planning Authority shall seek to: *“protect areas with a unique, identified residential character which provides a sense of place to an area through design, character, density and/or height and ensure any new development in such areas respects this distinctive character.”*
- 5.1.5. Objective PM46 of the Development Plan is relevant. It states that the Planning Authority shall seek to: *“encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.”*

## 5.2. Natural Heritage Designations

- 5.2.1. There are several Natura 2000 sites within a 15km radius of the appeal site. The nearest sites are:
- The Special Area of Conservation: Malahide Estuary SAC (Site Code: 000205) which is located c1.9km to the east.
  - The Special Protection Areas: Malahide Estuary SPA (Site Code: 004025) which is located c2.3km to the east.
  - The Special Area of Conservation: Rogerstown Estuary SAC (Site Code: 000208) which is located c4.3km to the north east.
  - The Special Protection Areas: Rogerstown Estuary SPA (Site Code: 004015) which is located c5km to the north east.

## 5.3. EIA Screening

- 5.3.1. Having regard to the nature, scale and scope of the proposed development which includes no ground works and relates to modifications to an existing attic structure in an existing semi-detached 2-storey dwelling which is located within the established built-up residential setting of suburban Swords, in north County Dublin, 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:

- Reference is made to a grant of permission P.A. Reg. Ref. No. F19B/0118.
- There are no 3<sup>rd</sup> Party objections.
- The Planning Officers report documents planning precedents for this type of development.
- The additional space is required by the applicant's family for a study/playroom.
- The Board is requested to overturn the decision of the Planning Authority.

### 6.2. Planning Authority Response

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

- The decision to refuse permission was based on the particularities of the site's visual context.
- The Board is requested to uphold its decision.
- A financial contribution should be imposed on any grant of permission.

## 7.0 Assessment

### 7.1. Overview:

7.1.1. I consider that the key planning issues in this appeal case are:

- Principle of the Proposed Development;
- Visual Amenity;
- Residential Amenity;
- Appropriate Assessment; &
- Other Matters Arising.

I am satisfied that no other substantive planning issues arise.

## 7.2. Principle of the Proposed Development

- 7.2.1. The development site lies within an area of suburban land zoned 'RS' which aims to: *"provide for residential development and protect and improve residential amenity"*. Under this land use zoning objective residential developments are considered to be generally acceptable, in principle, subject to the proposed development being satisfactory in terms of compliance with development plan standards; being acceptable in terms of its impact on the visual amenities of the area; and, the established residential amenities of properties in its vicinity.

## 7.3. Visual Amenity

- 7.3.1. In terms of the visual impact of the proposed development I have considered the examples of similar types of development within the wider surrounding area including those outlined by the appellants in their submission, example of appeal cases for alterations and additions at attic level and the examples cited by the Planning Authority's Planning Officer's in their report, as well as had regard to Boards decisions in relation to such developments which indicates that all proposed similar developments are considered on their individual merits.
- 7.3.2. I have also carried out an inspection of the site and its environs with particular regard to the qualities, character, and attributes of its streetscape.
- 7.3.3. I consider that the proposed development is subject to demonstrating compliance with the standards and objectives set out in the Fingal County Development Plan, 2017 to 2023.
- 7.3.4. This includes but is not limited to the guidance provided under Chapter 12, Objective DMS41 and Objective DMS44, which clearly sets out that dormer extensions are deemed to be acceptable only where there is no negative impact on the existing character and form of the existing dwelling and their individual site contexts. In tandem having regard to the zoning of the site and its setting such applications also need to demonstrate that they are consistent with protecting and improving residential amenity of their setting.
- 7.3.5. I further note that Objective PM46 of the Development Plan also indicates that the Planning Authority shall seek to encourage sensitively designed extensions to existing



dwellings which do not negatively impact on the environment or on adjoining properties or the surrounding area.

- 7.3.6. Having regard to the above and other relevant provisions of the Development Plan in relation to the proposed development sought under this application I consider that dormer extensions are deemed to be permissible in limited circumstances with visual impact being one of key considerations in determining whether or not they would be considered acceptable.
- 7.3.7. In terms of visual impact, I consider that the proposed development would negatively impact on the existing character, built form and design integrity No. 22 Brides Glen Avenue, the semi-detached pair it forms part of and its contribution to the intactness, the legibility and appreciation of this highly coherent and homogenous in terms of built forms, building materials through to building to space relationship 2-storey in nature residential designed estate.
- 7.3.8. In addition, the character of this estate is further reinforced by the homogeneity of its roof structures, their shape, their slopes, their materials etc which are replicated throughout this formally designed scheme which I observed maintains a high level of its original intactness, as appreciated from the public domain.
- 7.3.9. In addition, the subject property is situated at a prominent location within the Brides Glen Avenue estate with the principal façade of No. 22 Brides Glen Avenue addressing a large open communal space that is addressed on all sides by matching in built form, including roof structure over, palette of materials, through to building to space relationship pairs of semi-detached dwellings.
- 7.3.10. Moreover, No. 22 Brides Glen Avenue occupies a position within this formally designed residential estate where its southern side and eastern rear elevation are both highly visible and legible within its streetscape scene. This is due to it forming part of a semi-detached pair that is situated on the north eastern side of a T-junction, that not only results in this particular property having two road frontages, but also its rear elevation faces into a modest cul-de-sac of 6 matching semi-detached pairs that are setback around a bulbous shaped modest in overall dimensions cul-de-sac road.
- 7.3.11. The layout is such that arguably not only is the entire rear elevation of the semi-detached dwelling pair the subject property forms part of, particularly above ground floor level, being highly visible, the subject property is also sited forward of the front

building line of the adjoining and neighbouring semi-detached pairs to the immediate east of it and part of its rear boundary also addresses the northern roadside of this cul-de-sac estate road. This adds to its visibility and prominence within its streetscape scene and within the estate itself.

7.3.12. Further, though No. 22 Brides Glen Avenue has been modified by way of additions and alterations the its level of intactness and uniformity above ground floor level, contributes too and reinforces the sense of place and identity of the residential scheme it forms part of.

7.3.13. In relation to the property itself, it not only forms part of a semi-detached pair, it occupies the southern end of a group that is broken up to the southern side of its property boundary by the public domain associated with the aforementioned T-junction and cul-de-sac associated with it.

7.3.14. Within its streetscape scene, as viewed from the public domain to its immediate west, south and east its roof structure consists of a modest ridge line together with a sloped roof profile which extends downwards to the top of the wall plane of its southern, eastern and western elevations. This sloping roof profile matches the semi-detached pairs that not only makes up this particular cul-de-sac road but also the semi-detached pair on the south eastern corner of the T-junction that together this uniformity adds balance to this particular location within the designed estate it forms part of.

7.3.15. I do not consider that there are parallel site contexts in terms of similar types of developments within this estate, an estate whose design coherence and homogeneity of its built forms through to building to space relationships informs its overall planned and designed sense of identity and character.

7.3.16. Nor would I consider the precedent referred to by the appellants in their grounds of appeal gives rise to the same visual amenity concerns as this case does. As the case referred to the resulting dormer extension is bound by properties on either side and to rear. This results in the modifications to the roof by way of attic conversion and dormer extension not being visible or legible from the public domain. Therefore, in terms of visual amenity impact and visibility in its setting they are not in my view comparable. I further consider that the Board, as the higher authority, is not bound by the decisions the Planning Authority in terms of planning precedents.

- 7.3.17. In terms of Board precedents for a similar type of development to that proposed and within a similar streetscape setting with a property forming part a 2-storey highly homogenous residential scheme and addressing onto more than one road as well as a public open space I refer to a recent decision by the Board, ABP-304605-19.
- 7.3.18. In this appeal case the Board refused permission for the following stated reasons and considerations: *“having regard to the nature and scale of the proposed dormer extension and its location, the Board considered that it would be visually obtrusive, contrary to Objective DSM41 of the Fingal County Development Plan, 2017-2023. The proposed development would seriously injure the visual amenities of the area and would therefore be contrary to the proper planning and sustainable development of the area”*.
- 7.3.19. In relation to the existing roof structure of the subject premises I note that it has a stated ridge height of a stated 8.99m. The roof ridge extends c1.8m over the measured c6.2m in width front and rear elevations as well as the measured c9.1m in length side elevation. As such the ridge height is limited over this property and is not of a height one would associate with three levels of habitable accommodation.
- 7.3.20. In addition, the roof structure in terms of the individual properties within the semi-detached pairs themselves could not be considered to be overly dominant or visually obtrusive in their overall form.
- 7.3.21. Having regard to these existing dimensions the proposed extension of the ridge height by an additional 4.355m width together with the insertion of a new rear dormer window of a stated 3.5m and a gable wall would visually unbalance the built-form symmetry of the semi-detached pair it forms part of, the built form balance that exists between it and the semi-detached pair on the opposite side of the junction, the immediate and wider estate itself which is characterised by matching roof structures as part of a highly coherent in built form scheme of matching semi-detached pairs and at a point where it forms part of a large group that addresses a large open communal space, it would also be, if permitted, in my opinion visually at odds and incongruous in its visual curtilage.
- 7.3.22. In terms of the contribution to its streetscape scene, if permitted, I also consider it would diminish the integrity and intactness of this residential scheme’s original design concept in an *ad hoc* manner as viewed from the public, semi-public and private

domain. This streetscape scene has been diminished by some smaller side dormers to semi-detached properties. In the limited examples where these have been provided these appear odds with the character of buildings in what is a coherent residential scheme. In addition, their design and *ad hoc* use of materials results in these insertions being highly legible as a third-floor level addition. I do not consider these positive precedents that would support the proposed development sought as they have cumulatively diminished the visual amenities of their setting and the intactness of this designed residential scheme.

7.3.23. For these reasons I consider it would not positively contribute to the character of a residential area that has its own unique, identifiable character with provides a sense of place to this particular area and which also informs its own distinctive character.

7.3.24. Based on the above considerations I consider that the Planning Authority's single reason for refusal, a refusal whose reasons principally relate to visual impact concerns to the extent that they considered that the proposed development failed to comply with Objectives DMS41 and PM46 of the Development Plan, are reasonable and with basis having regard to the circumstances where such developments are deemed to be acceptable. I further consider to permit such a development, a development that would give rise to a very prominent third floor level of habitable accommodation, in a estate characterised by its 2-storey levels of habitable accommodation as appreciated from the public domain with modest roof structures over. It would also therefore conflict with Objective DMS44 of the Development Plan that seeks to provide a level of protection for residential areas that have their own identifiable visual character, qualities and attributes that gives it a sense of identity.

#### **7.4. Residential Amenity Impact**

7.4.1. I agree with the appellants and the Planning Authority up to a point that the proposed development would result in improved residential amenity for occupants of No. 22 Brides Glen Avenue. Notwithstanding, I raise the following concerns.

7.4.2. Firstly, the habitable space proposed would be required to be compliant with Building Control Regulations. Albeit, I am cognisant that this governed by a separate building code and it is a concern that the attic space proposed would not meet the standards set out in the regulations for habitable rooms.

- 7.4.3. The level of diminishment in visual amenity impact the proposed development would give rise to in order to create an attic space that is only suitable for storage and not habitable living purposes makes me question how this is consistent with protecting and improving residential amenity for occupants as well as the residential amenity of the surrounding residential area.
- 7.4.4. This brings me to my second concern that the attic space having regard to its overall design, in particular by way of adding a very visible third floor level with extensive glazing would result in additional overlooking of adjoining and neighbouring properties. Whilst a level of overlooking is often part of living in such areas the provision of a third-floor level which would in my view unduly add in adverse manner to any existing overlooking that occurs.
- 7.4.5. I am therefore not satisfied that the applicant has fully demonstrated that the proposed development would give rise to qualitative residential amenity for occupants of the subject property nor that it would not give rise to additional undue diminishment of residential amenities of properties in the vicinity.
- 7.4.6. Whilst I am cognisant that Building Regulations and Fire Regulations both of which are a concern in the design put forward and both of which do not appear to be fully resolved in the design put forward and are subject to different codes, I note to the Board that to permit a window opening of 2m in width to the rear of the dormer window would conflict with Condition No. 4 of the grant of permission P.A. Reg. Ref. No. F18B/0174.
- 7.4.7. Therefore, should the Board be minded to grant permission they should have regard to this and to the provision of the necessary advisory notes in relation to matters which fall outside of its jurisdiction.

## 7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development and to the nature of the receiving environment, namely an urban and fully serviced location, 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 permission be **refused**. In the absence of any amendment to design put forward in this application as presented to the Board that the development, if permitted, in the form proposed would contravene Condition No. 4 attached to the grant of permission P.A. Reg. Ref. No. F18B/0174. Hence, the second reason and consideration indicated below in my view is reasonable as the design would result in an unreasonable and residential amenity diminishing level of overlooking for properties in its vicinity. The Board may consider this a new issue.

## 9.0 Reasons and Considerations

1. Having regard to the prominent location of No. 22 Brides Glen Avenue, i.e. located on the north eastern corner of a T-junction, as part of a semi-detached pair that marks the entry to a cul-de-sac within this residential scheme and that are highly visible in a westerly, southerly and easterly direction due to the building to space relationship within residential streetscapes that are characterised by their coherent and uniform design, built-form, massing and palette of materials, the proposed development would result in a built insertion that would fail to respect and harmonise with its streetscape context, it would be visually incongruous in its setting and it would establish an undesirable precedent for similar development in its vicinity that would diminish the character of this residential scheme that has a high uniformity and intactness.

This would be contrary to Objective DSM41 of the Fingal County Development Plan, 2017-2023, which only permits such interventions where no negative impact arises on the existing character and form of such properties.

Moreover, the proposed development would also be contrary to Objectives DMS44 and PM46 of the Fingal County Development Plan, 2017-2023, which only permits such developments where no negative impact arises to the identified residential character of an area which has an identifiable residential character through its design which provides the area with a sense of place and distinctiveness.

For these reasons, the proposed development would seriously injure the visual amenities of the area and it would therefore be contrary to the proper planning and sustainable development of the area.

2. The proposed development would, by reason of the dimensional width of the glazing proposed for the rear dormer window would contravene materially a condition attached to an existing permission for development namely, condition number four attached to the permission granted by the planning authority under planning register reference number F18B/174.

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Patricia-Marie Young  
Planning Inspector

16<sup>th</sup> day of June, 2020.