



An
Bord
Pleanála

Inspector's Report

ABP-307741-20

Development	Construction of attic conversion providing two new bedrooms
Location	No. 11 Balgriffin Cottages, Balgriffin, Dublin 13, D13 KN93
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F20B/0099
Applicant(s)	Michael Molloy.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Observer(s)	None
Date of Site Inspection	29 th September 2020.
Inspector	Barry O'Donnell

1.0 Site Location and Description

- 1.1. The subject site is located at 11 Balgriffin Cottages, on the south side of the R123 Moyne Road and east of junction with the R107 Malahide Road. The site itself contains a semi-detached cottage on a plot of 0.03ha, forming part of a cul-de-sac of semi-detached and terraced cottages.
- 1.2. Balgriffin is located at the southern edge of Fingal and together with Belmayne, which is located within the administrative area of Dublin City, has seen significant residential development in recent years. The area surrounding the appeal site is now characterised by a mix of new houses and apartments, up to five storeys high.

2.0 Proposed Development

- 2.1. The proposed development comprises an attic conversion, which would provide two new bedrooms. The existing cottage has a stated area of 97.5sqm and the proposed attic conversion would measure 45.1sqm.
- 2.2. The development includes the construction of two metal-clad dormer structures, containing 'butterfly/inverted' roofs, on the front and rear elevations, measuring 9.2m long and extending over the ridge by 0.7m. Each of the dormer structures would incorporate three window openings, measuring up to 2.2m wide and 2.2m high across the front elevation and up to 1.7m wide and 1.7m high across the rear elevation.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 10th July 2020 Fingal County Council refused permission for two reasons, as follows:
 1. The proposed dormer extensions to the front and rear roof slopes would exceed the height of the existing ridge of the dwelling significantly and would result in an overly dominant feature within the roof space, would be visually intrusive within the surrounding context and would represent an incongruous form of development within the established residential character of the area. The development in its proposed form would contravene Objective DMS41 of the Fingal Development

Plan 2017-2023 which seeks to ensure that the provision of dormer extensions to roofs will not negatively impact upon the existing character and form and privacy of adjacent properties. The development would set an undesirable precedent for similar development in the area.

2. Having regard to the constrained nature of the subject site and limited separation distance to the rear boundary, the development would be seriously injurious to the residential amenities of the adjoining and adjacent properties by way of undue over-looking and would as a result contravene the RS Zoning Objective which seeks to 'provide for residential development and protect and improve residential amenity'.

3.2. Planning Authority Reports

- 3.2.1. Planning Report dated 9th July 2020, which reflects the decision to refuse permission. The report expresses particular concerns relating to the visual impact of the proposed dormer structures and the level of overlooking of rear-adjoining properties. The report recommended that permission should be refused for three reasons; recommended reasons 1 and 2 are generally in accordance with the Planning Authority's decision, whilst recommended reason 3 related to non-compliance with policies and objectives of the development plan and the setting of an undesirable precedent for other similar development in the area.

3.3. Other Technical Reports

- 3.3.1. None.

3.4. Prescribed Bodies

- 3.4.1. Dublin Airport Authority submission dated 25th June 2020, identifying that the site is located within Noise Zone C and requests that existing and predicted noise levels for the area should be established, the applicant should demonstrate that internal noise levels are appropriate for habitable rooms and appropriate noise mitigation measures should be incorporated.

3.5. Third Party Observations

None.

4.0 Planning History

F13A/0304 – Permission granted on 14th October 2013 for a single storey side extension and a new vehicular access onto the front garden.

Nearby Planning History

Relevant planning records in the immediate surrounding area include:

F15A/0567 - *Balgriffin Grove*: Permission granted on 9th February 2016 for six terraced dwellings, together with associated development.

F07A/0373 - *10 Balgriffin Cottages*: Permission refused for a two-storey end-of-terrace dwelling. Permission was refused for five reasons, with concerns expressed in relation to visual impact, breach of the established building line, private open space provision, overshadowing and the setting of an undesirable precedent.

F06B/0132 - *14 Balgriffin Cottages*: Permission refused on 26th April 2006 for a single storey side extension and attic conversion including dormer windows to front. Permission was refused for two reasons, with concerns expressed in relation to the scale and appearance of the proposed dormers and overlooking of neighbouring properties.

Permission was subsequently granted for a single storey side and rear extension and a relocated vehicular access, under Reg. Ref. F06B/0384.

F01B/0524 - *17 Balgriffin Cottages*: Permission refused on 29th November 2001 for an attic conversion with flat dormer windows and a single storey rear extension. Permission was refused for two reasons, with concerns expressed in relation to the development leading to an effective subdivision of the dwelling and the scale of the proposed dormer opening.

5.0 Policy Context

5.1. Development Plan

5.1.1. The site is zoned 'RS' under the Fingal County Development Plan 2017-2023, with an objective to "*Provide for residential development and protect and improve residential amenity.*"

5.1.2. Objective DMS41 is directly relevant to the proposed development, stating that in relation to dormer extensions:

"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 subject site is not located within or adjacent to any designated European Site.

5.3. EIA Screening

5.3.1. Having regard to the limited nature and scale of the proposed development it is considered 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 emerging character of the area is a modern, high density residential area and the proposal is a suitable intervention within this context.

- The incongruous treatment of the transition between Balgriffin Cottages and the new Hermitage apartment development ensures that the context and character of the cottages is no longer relevant in assessing the character of the area.
- The new St. Doolaghs development to the east also materially changes the historic character of the Balgriffin cottages.
- The new Balgriffin Grove development to the west of the Cottages effectively forms the entire western boundary to the amenity space of the Cottages, enclosing and overlooking the rear amenity space. The proximity of the new houses to the rear amenity spaces of the cottages fundamentally changes the nature and context of the surrounding environment.
- The character of the area previously defining Balgriffin Cottages has evolved over the past decade and this can no longer be referred to as ‘an established character’.
- The suggestion that the proposal is insubordinate or will not integrate with the existing property is incorrect.
 - The new dormer extension would take up approx. 47% of the roof slope on both sides, the front dormer is set back approx. 900mm from the front elevation and approx. 1m from the rear elevation. This ensures an appropriate setback and allows the existing roof to be read.
 - The visible surface area of the sloping inverted roof is not much more than that of a flat roof dormer taken from the ridge line, when viewed from the site. This level of development does not equate to an excessively dominant feature.
 - The inverted nature of the dormers ensures that only the front eaves is at a height 0.7m above the ridge, with the rest of the structures diminishing in height back to the ridge.
 - The majority of buildings are experienced at an angle, rarely perpendicular to the elevation. In this instance, the butterfly roof will be read from an angle when passing and so the height of the eaves will be read in conjunction with the overall design, which respects and reinforces the existing ridgeline.
- The inverted roof form is already a dominant feature in the area. It is used extensively in the St. Samson’s Court development, approx. 150m south of the site

- 17 Balgriffin Cottages has a dormer roof that sits above the existing ridge, demonstrating that such arrangements have been allowed in the past.
- The development will not set an undesirable precedent.
 - The design is specific to this property and would not be applicable to the other cottages. The subject property is at the end of a row of cottages, it has been extended and it is adjacent to the gable of an existing two-storey house. The proposed extension provides a transition between single and two-storey houses. This follows the example at St. Samson's Court.
- The development accords with Objective DMS42 of the Development Plan, which seeks to encourage more innovative design approaches for domestic extensions.
- In order to address overlooking to the rear, the applicant proposes that the glazing in this area should be either conditioned to be opaque glazed and non-openable, or should be removed altogether leaving a solid dormer.

6.2. Planning Authority Response

6.2.1. A response to the appeal has been received, the contents of which can be summarised as follows:

- The application was assessed against the policies and objectives of the Fingal County Development Plan 2017-2023 and existing government policy and guidelines. The proposal was assessed having regard to the development plan zoning objective as well as the impact on adjoining neighbours and the character of the area.
- It is noted that the applicant refers to the emerging character of the area however given the nature of the proposed development, within front and rear roof slopes of a bungalow, consideration must be given to the character of the streetscape in which the development forms part. It is contended that the proposal would be incongruous to the established character of Balgriffin Cottages.
- The applicant's proposal to incorporate opaque or non-openable glazing to the rear, or to remove windows entirely, further compounds the constrained nature of the site to accommodate windows above ground level. To remove windows entirely would further create an overbearing and obtrusive feature.

- The Board is requested to uphold the decision of the Planning Authority. If the appeal is successful, provision should be made for a financial contribution to be made.

6.3. **Observations**

None.

7.0 **Assessment**

7.1. Having inspected the site and considered the contents of the appeal in detail, the main planning issues in the assessment of the proposed development are as follows:

- Principle of development
- Design and appearance
- Impact on neighbouring properties
- Appropriate assessment.

7.2. **Principle of development**

7.2.1. A proposed attic conversion is consistent with the 'RS' zoning objective, as set out in the Fingal County Development Plan 2017-2023, subject to consideration of the design of the proposed dormer structures.

7.3. **Design and appearance**

7.3.1. The proposed dormer structures are contemporary in design, utilising inverted roof slopes which are together described within the grounds of appeal as a 'butterfly roof'.

7.3.2. The grounds of appeal discuss, at length, the emerging character of Balgriffin as a modern, high density residential area and argue that due to the scale of recent change, the context and character of the cottages is no longer relevant in assessing the character of the area. The proposed development has been designed in the context of this changed character.

7.3.3. I agree with the appellant that the character of the area has been transformed in recent times but, in saying this, careful consideration must be given to the character of the immediate area of which the development would form part, including the character of

the existing house. Development plan Objective DMS41, which is a direct policy control for dormer extensions, outlines that dormer extensions to roofs will only be considered where there is no negative impact on the existing character and form, amongst other controls. In this context, I have serious concerns regarding the impact of the proposed dormer structures on the existing cottage and, indeed, on the character of the adjoining cottages within the cul-de-sac.

7.3.4. The cottages are traditional in terms of their design and appearance, and the rhythm of the original layout remains largely intact, save for a side/front extension at 14 Balgriffin Cottages, which is itself located on a sharp bend and which frames the end of this section of the road. The addition of the proposed dormer structure to the front roof slope of the dwelling, which would occupy a large proportion of the roof slope and which would extend above the ridge by 700mm, would in my opinion have a significant negative impact on the character of the existing house and also on the character of the adjoining cottages, introducing a large incongruous feature to the streetscape.

7.3.5. Similar concerns arise in relation to the proposed rear dormer structure, which is identical in terms of scale and design. This rear dormer would be visible from a number of the adjoining rear gardens and would present a dominant and incongruent feature in available views. I also have serious concerns regarding overlooking from the rear dormer, as are discussed later in this report.

7.3.6. I have given consideration to whether an amended design could be controlled by condition, to reduce the bulk and particularly height of the proposed dormer structures but I do not consider it appropriate in this instance, given the close relationship to rear adjoining properties in particular.

7.3.7. I note that the grounds of appeal draw attention to a dormer extension at 17 Balgriffin Cottages, as an example of the acceptability of such dormer extensions in the area. I would highlight to the Board that my review of planning records in the area did not encounter any grant of permission for such an extension at this property; rather, encountering a refusal of permission for a dormer extension in 2001.

7.4. Impact on neighbouring properties

7.4.1. I also have concerns relating to overlooking of a number of rear-adjoining properties. The rear dormer would serve both of the proposed first floor bedrooms and would allow direct overlooking of rear-adjoining gardens, particularly 9 Balgriffin Gardens. It

also appeared on my inspection that these windows would have a direct view into the rear of the house at 9 Balgriffin Cottages, which has itself been extended at ground floor level and which incorporates a large rear-facing glazed opening. The level of overlooking is compounded by the shallow depth of the rear garden of the appeal site, at approx. 5m.

7.4.2. I note that the applicant has proposed that the rear-facing windows could be provided as opaque glazed or could be omitted entirely, as a means of addressing overlooking. I do not consider either approach to be adequate to address my concerns. Indeed, the omission of windows entirely would compound the visual impact of the structure.

7.5. Appropriate assessment.

7.5.1. Having regard to the nature and scale of the proposed development, which is a small-scale residential development on residentially zoned and serviced lands, outside of any Natura 2000 sites, I do not consider that any Appropriate Assessment issues arise and I do not consider 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 for the proposed development be refused, for the following reasons and considerations set out below.

9.0 Reasons and Considerations

The proposed dormer structures on the front and rear roof slopes, which would significantly exceed the ridge height of the existing bungalow, would result in a visually dominant feature within the roof slopes and would represent an incongruous form of development within the established character of Balgriffin Cottages. The proposed rear dormer would also give rise to direct overlooking of adjoining properties, in particular 9 Balgriffin Cottages. The development would therefore be seriously injurious to visual and residential amenities in the vicinity, would be contrary to the provisions of the Fingal County Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.

Barry O'Donnell
Planning Inspector

7th October 2020