



An
Bord
Pleanála

Inspector's Report ABP 308013-20

Development	Permission sought for an attic conversion to include a dormer window structure at attic level to the rear and 3 no. velux roof windows to the front roof area.
Location	43 Burnell Park Avenue, Castleknock, Dublin 15.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	FW20B/0070
Applicant	Nick Lawlor
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant	Nick Lawlor
Observer	Ann Ryan
Date of Site Inspection	18 th November 2020
Inspector	Brendan Coyne

1.0 Site Location and Description

1.1. The site (0.02 ha) is located on the northern side of Burnell Park Avenue in Castleknock, Dublin 15. The site contains a two semi-detached 3-bedroom dwelling, with a stated floor area of 107 sq.m. The roof profile of the dwelling is pitched, and its front elevations comprise red brick finish at ground floor level and rendered finish at first floor level. The dwelling has a single storey extension to its rear.

2.0 Proposed Development

2.1. Permission sought for the following;

- Conversion of the attic to an office with w.c. and shower room.
- Dormer window extension to the rear roof slope.
- 3 no. roof-lights to the front roof slope.
- Associated site works.

Stated floor area of proposed works: 23 sq.m.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Fingal County Council REFUSED permission for the proposed development. The reason for refusal was as follows:

The proposed dormer window, by virtue of its scale and dimensions, would form a dominant part of the roof of the existing house and negatively impact on the character of the existing dwelling while the velux windows proposed to the front elevation would be out of keeping with the character of the existing dwelling house and adjoining development. The proposed development would adversely affect the visual amenities of the area and would be contrary to Objective DMS41 of the Fingal County Development Plan 2017-2023 and the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Basis for the Planning Authority's decision. Includes:

- The proposed development is acceptable principle, as an initiative to deliver incremental living space in accordance with the 'RS' zoning objective of the site.
- The proposed dormer window would not impact on the residential amenity of neighbouring property by way of overlooking or overbearing impact.
- The scale and extent of the proposed dormer window is excessive and not in proportion with the form of the house.
- The proposed dormer window would be a dominant feature on the roof of the dwelling.
- The proposed dormer window does not comply with Objective DMS41 of the Fingal County Development Plan.
- The floor to ceiling height of the proposed converted attic does not comply with Building Regulations with regards floor to ceiling height for habitable rooms.
- The proposed roof lights of the front roof slope would adversely impact the visual amenity of the area.
- There are no other similar roof lights on the front roof slopes of dwellings in the immediate area.

3.3. Other Technical Reports

None received.

4.0 Planning History

None for subject site.

5.0 Policy and Context

5.1. Fingal County Development Plan 2017 - 2023

Zoning: The site is zoned objective 'RS' with the objective 'to provide for residential development and protect and improve residential amenity'.

Chapter 12 Development Management Standards – relevant policies relating to extensions to dwellings include the following:

Objective DMS28 A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over 3 storeys, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs.

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

None

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first-party appeal was received from Stephen Molloy Architects representing the applicant Nick Lawlor, against the decision made by the Planning Authority to refuse permission for the proposed development. The following is a summary of the grounds of appeal.

- The applicant has a need for additional accommodation by reason of their growing young family.

- The applicant runs a small office-based business which requires him to work from home on a regular basis, particularly during the current COVID-19 pandemic which requires employees to work from home.
- The applicant acknowledges that the floor to ceiling height of the converted attic will not meet Building Regulations.
- The proposed attic room will be for non-habitable use.
- The applicant will be using the converted attic as a study area and for storage.
- A small bathroom is required to reduce the need to climb stairs unnecessarily throughout the day.
- The design of the proposed dormer window is identical to the design and layout of development previously permitted.
- There is precedent for similar development at No. 13 Bramley Crescent, Carpenterstown, Dublin 15 as granted permission under P.A. Ref. FW15B/0017 and at No. 27 Bramley Crescent, Carpenterstown, Dublin 15 as granted permission under P.A. Ref. FW12B/0076.
- Precedent development was also permitted at No. 85 Burnell Park Avenue, Castleknock, Dublin 15 under P.A. Ref. FW16B/0067 for a dormer window with an internal width of 4m. The width of the proposed dormer under the subject appeal is considerably less than this.
- The width of the proposed dormer window is to provide sufficient office space, as there would insufficient space otherwise.
- The proposed dormer window matches the roof ridge height of the main house, would not form a dominant element and would not be visible from the public domain.
- The proposed dormer window respects the finishes and roof height of neighbouring houses.
- The proposed roof lights on the front roof slope will provide dual aspect for the converted attic.

- There is precedent for roof lights on the front roof of dwellings in the area, including development at No. 85 Burnell Park Avenue, Castleknock, Dublin 15 as permitted under P.A. Ref. FW16B/0067.
- The proposal does not represent a material breach of the Development Plan or good design practice.

6.1.2. Supporting documentation lodged with the appeal include the following;

- Copy of architectural drawings of precedent applications for similar developments in Carpenterstown, Dublin 15.

6.2. Planning Authority Response

6.2.1. The Planning Authority's response is that it has no further comment in relation to the application.

6.3. Observations

An observation was received from CK Architecture on behalf of Ann Ryan, who resides at the adjoining dwelling to the east, No. 41 Burnell Park Avenue.

Issues raised are summarised as follows;

- The observer was not notified of the appeal despite an observation lodged during the planning application stage.
- The dormer window should be reduced in size and located a minimum of 2m from the shared boundary.
- The observer intends to convert their attic. The proposed dormer window would overshadow roof lights on the rear roof slope of the adjoining dwelling.
- The proposal dominates the rear roof slope of the dwelling, occupying over 70% of the roof slope.
- The precedent development referred to under P.A. Ref. FW16B/0067 does not dominate the rear roof slope of the dwelling at No. 85 Burnell Park Avenue. This dormer window occupies 20% of the rear roof slope of the dwelling and is located well below the roof ridgeline of the dwelling.

- An Bord Pleanála is requested to consider the shadow study submitted by the observer during the planning application stage.
- The proposal would shadow c. 35% of the roof of the adjoining dwelling.
- Opaque glazing should be provided to the window open to protect the privacy of adjacent property, similar to that imposed by Condition under P.A. Ref. FW12B/0015 at No. 105 Burnell Park Lawn.
- The proposed dormer window would make the property appear as a 3-storey building.
- The proposed dormer window would have a negative impact on the character and form of the adjoining dwelling.

7.0 **Assessment**

I have reviewed the proposed development and the correspondence on the file. I am satisfied that the proposed development is acceptable in principle, in accordance with the zoning objective of the site. The main issue for consideration is the reason for refusal, as cited by the Planning Authority. This can be addressed under the heading 'Scale, Design and Visual Impact'. I am satisfied that all other issues were fully addressed by the Planning Authority and that no other substantive issues arise. The issue for consideration is addressed below.

7.1. **Scale, Design and Visual Impact**

- 7.1.1. The Planning Authority refused permission for the proposed development on the grounds that the scale and dimensions of the proposed dormer window on the rear roof slope of the dwelling would form a dominant feature on the roof and would negatively impact the character of the dwelling. The Planning Authority also consider that the proposed 3 no. roof lights on the front roof slope of the dwelling would be out of keeping with the character of the existing house and adjoining development. The Planning Authority consider that the proposed development would adversely affect the visual amenities of the area and would be contrary to Objective DMS41 of the Fingal County Development Plan 2017-2023.

- 7.1.2. The applicant's grounds of appeal to this reason for refusal is detailed in Section 6.1 above. I note and have had regard to the concerns expressed by the observer who resides in the adjoining dwelling No. 41 Burnell Park Avenue, as detailed in Section 6.3 above.
- 7.1.3. The proposed development provides for the conversion of the attic to an office with a w.c. / shower room and the provision of a dormer window extension to the rear roof slope and 3 no. roof-lights to the front roof slope of the dwelling. The roof profile of the proposed dormer window is flat with a ridgeline extending directly from the roof ridgeline of the main dwelling. The proposed dormer window has a width of 4.1m, maintaining a setback of 1m from the common boundary shared with the adjoining dwelling. The base line of the dormer window is set back c. 0.6m above the roof eave-line of the dwelling. The rear roof of the dwelling has a width of c. 5.6m and a height of c. 2.7m.
- 7.1.4. With regards dormer extensions, Chapter 12 of the Fingal County Development Plan 2017-2023 states, inter alia, 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'.

Objective DMS41 of the Development Plan requires 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'.

- 7.1.5. Having reviewed the drawings submitted, it is my view that the scale of the proposed dormer window is large and dominant by reason of (a) its width of 4.1m, (b) its height

of c. 2.2m and (c) its extent, covering almost 60% of the rear roof slope of the dwelling. As such the proposal, by reason of its dominant form on the rear roof slope would be contrary to Objective DMS41 of the Development Plan.

- 7.1.6. I acknowledge the applicant's stated need for additional space, as detailed in the grounds of appeal. The Development Plan recognises the need for people to extend and renovate their dwellings. I consider, therefore, that subject to a reduction in the size and scale of the proposed dormer window, the proposal would not form a dominant feature on the rear roof slope of the dwelling and would be in accordance with the requirements of Objective DMS41 of the Development Plan. In the event of a grant of permission, a Condition should be imposed requiring that the dormer window be reduced in width to no more than 3m and be centrally located on the rear roof slope of the dwelling.
- 7.1.7. In the Grounds of Appeal, the applicant refers to precedent in the vicinity with reference to similar development at No. 13 Bramley Crescent, Carpenterstown, Dublin 15 as granted permission under P.A. Ref. FW15B/0017, at No. 27 Bramley Crescent, Carpenterstown, Dublin 15 as granted permission under P.A. Ref. FW12B/0076 and at No. 85 Burnell Park Avenue, Castleknock, Dublin 15 as granted permission under P.A. Ref. FW16B/0067. The applicant states that these inspired the proposed development under the subject application / appeal. I have reviewed the referred to precedent developments and consider that these developments were assessed under a previous Development Plan. As such, the policy context of these decisions was materially different and cannot be considered precedent in this instance. Furthermore, the scale and design of these applications relative to their site context are materially different to the subject appeal. As such, referred to precedent development in the vicinity cannot be considered precedent for the proposed development under the subject application.
- 7.1.8. The proposal development provides 3 no. roof-lights to the front roof slope of the dwelling. I do consider that the proposed roof lights would not detract from the character and visual amenity of the surrounding streetscape and given the south facing roof slope of the dwelling would optimise solar gain to the converted attic.

7.2. **Other Issues - Development Contributions**

7.3. Fingal County Council has adopted a Development Contribution Scheme under Section 48 of the Planning and Development Act 2000 (as amended); the Fingal County Council Development Contribution Scheme 2016 -2020 refers. I have reviewed the categories of development that will be exempted, or partly exempted, from the requirement to pay development contributions under the Scheme. The stated area of the proposed scheme before the Board is 23 sqm and is therefore exempt from the requirement to pay a development contribution (first 40sqm is exempt).

7.4. **Screening for Appropriate Assessment**

7.4.1. Having regard to the nature and modest scale of the proposed development, to the location of the site within a fully serviced urban environment, and to the separation distance and absence of a clear direct pathway to any European site, 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. Having regard to the provisions of the Fingal Development Plan 2017 – 2023 and its zoning for residential purposes, to the location of the site in an established residential area and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

9.0 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 dormer window extension shall be reduced in width to extend a maximum width of 3m and shall be centrally located on the rear roof slope of the dwelling.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>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>

Brendan Coyne
Planning Inspector

19th November 2020