



An
Bord
Pleanála

Inspector's Report

ABP-308014-20

Development	Part single/part 2 storey extension, pedestrian gateway to rear of garden & dormer window extension at attic floor level
Location	63 Burnell Park Avenue, Castleknock, Dublin 15, D15 R9TD
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW20A/0090
Applicant(s)	James Nagle.
Type of Application	Planning permission.
Planning Authority Decision	Grant permission with conditions.
Type of Appeal	First Party v Condition.
Appellant(s)	James Nagle.
Observer(s)	None.
Date of Site Inspection	22 nd October 2020.
Inspector	Elaine Sullivan

1.0 Site Location and Description

- 1.1. The subject site is located within a residential development, which is located to the east of Diswellstown Road and to the north of Diswellstown Green. It has a stated area of 0.0235ha and comprises a two-storey, semi-detached dwelling with off-street parking to the front and a garden to the rear.

2.0 Proposed Development

- 2.1. The application is for permission for the following;
- Part single, part two storey extension with pedestrian gateway from the rear garden opening onto the public footpath, with a dormer window extension at attic level.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission with 13 conditions, which were mostly standard in nature. Condition No. 2 required that the dormer window be omitted from the development and reads as follows;

Prior to the commencement of development on site, the developer shall submit to the Planning Authority for written agreement details which include a revised site layout plan floor plan and elevations which show:

- a. The proposed dormer feature on the rear roof plane omitted and replaced with a roof light (if desired).*
- b. The location of pipework and/or utility cabinets (These are not to be located on the external wall along the public footpath).*
- c. Detailed proposals to protect any street trees in the public area adjoining the subject site.*

REASON: *In the interest of visual and residential amenity and the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer, (July 2020), reflects the decision of the Planning Authority. The Planning Officer noted the following in their report;

- Under Ref. F19B/0077 planning permission was previously granted for a development comprising of the first and ground floor elements and the rear garden gate. The only different feature in the subject application is the dormer window.
- The proposed dormer is the same height as the roof ridge and is prominent within the roof slope. It is considered that this element of the development impacts negatively on the existing character and form of the area and as such is at variance with Objective DMS41 and should be omitted.
- Given the height of the attic area, it can only be used for storage purposes and not as habitable space.

3.2.2. Other Technical Reports

- Water Services – There is no objection subject to planning conditions.

3.3. Prescribed Bodies

- Irish Water – No objection.

3.4. Third Party Observations

- None received.

4.0 Planning History

F19B/0077 – Planning permission granted by the Planning Authority on the 18th July 2019 for a part single/part 2 storey extension to the side and also a pedestrian gateway to serve the rear garden at the rear western boundary wall.

F07B/0185 – Planning permission granted by the Planning Authority on the 17th May 2007 for the construction of a 2 storey extension to the side and rear, including demolition of a section of the existing boundary wall, a single storey porch extension to front, a single storey sunroom extension to the rear, conversion of the attic space including roof-lights to rear and a new doorway to boundary wall accessing rear garden.

Planning history in proximity to the site:

ABP308013/20 (PA Ref. FW20B/0070) – 43 Burnell Park Avenue – A decision is pending on this 1st Party Appeal. Planning permission was refused by the Planning Authority 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.

5.0 Policy Context

5.1. Fingal County Development Plan 2017-2023

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

No designations apply to the site.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal, as raised in the submission from the first party appellant can be summarised as follows;

- The proposed attic room would be for non-habitable use and will be largely separate from the residential use in the floors below.

- The width of the dormer is required to allow for sufficient space to comfortably move around the room.
- The applicant understands that even with the dormer structure, the floor to ceiling height in the attic room will be non-compliant with Building Regulations. It will be a non-habitable space for file storage and occasional use for home working.
- It is noted that similar developments have been permitted in the area. Visually the proposed dormer would not be a dominant feature in the roof; it would be set back from the eaves and from the side boundaries and is no higher than the roof ridge.

6.2. Planning Authority Response

6.3. A response was received from the Planning Authority on the 1st October 2020.

- The Planning Authority remains of the opinion that the proposed development will detract from the adjoining residential amenity and respectively suggest that the decision to allow the development as granted be upheld.

6.4. Observations

- None received.

7.0 Assessment

This is a first-party appeal only against Condition No. 2 (a) attached to the Planning Authority's decision to grant permission. Condition No. 2 (a) requires that the dormer window be omitted from the proposed development and replaced with a roof light if desired.

Having regard to the nature and scale of the proposed development and the nature of condition no. 2 (a), it is considered that the determination by the Board of the application, as if it had been made to it in the first instance, and that a *de novo* assessment would not be warranted. Therefore, the Board should determine the matters raised in the appeal only, in accordance with Section 139 of the Planning and Development Act 2000, as amended.

7.1. **Condition No. 2(a)**

The Planning Authority's reason for attaching the condition is stated as 'In the interest of visual and residential amenity and the proper planning and sustainable development of the area'. This is further expanded on in the Planning Officer's report where it is determined that the dormer window is at variance to Objective DMS41 as it impacts negatively on the character and form of the area. It is acknowledged by the applicant/appellant that the attic space would not be used as habitable space.

Having visited the site and the surrounding area, I am not of the opinion that the proposed dormer would be at variance with Objective DMS41. The window would be 4.1m in width within a roof plane of 8.6m. It would be set back from the eaves and would be no higher than the roof ridge. It would also be centrally positioned and set back from the side boundaries by 1.9m and 2.6m respectively. A separation distance of 23m would be provided from the window to the rear wall of the property to the rear, which would help to prevent overlooking.

The subject proposal would be clearly visible in the corner site but, in my opinion, would be acceptable in scale within the overall proposal and would not result in any negative impacts on the existing character and form of the area, Therefore, I would recommend that Condition 2(a) be omitted.

7.2. **Appropriate Assessment**

Having regard to the nature and scale of the proposed development within a serviced urban area and separation distance to the nearest European site, no Appropriate Assessment issues arise and it is considered that the proposed development would not 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 Condition 2(a) be removed.

9.0 Reasons and Considerations

- 9.1. Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 2(a) and the reason therefore as follows:

REASONS AND CONSIDERATIONS

Having regard to the nature and scale of the proposed development for a dormer window on the rear slope of the roof on an end of terrace dwelling in a residential estate, it is considered that, the dormer window would be subordinate to the main roof plane and would not result in a negative impact on the existing character and form or on the privacy of adjacent properties. It would, therefore, be in accordance with the proper planning and sustainable development of the area.

Elaine Sullivan
Planning Inspector

30th November 2020