



An
Bord
Pleanála

Inspector's Report ABP-308541-20

Development	Construction of a first floor extension to the side, recladding of front entrance porch, single storey extension to rear, and attic conversion.
Location	20, Abbey Park, Dublin 13
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F20A/0406
Applicant(s)	John Patrick & Liga Dixon.
Type of Application	Planning Permission.
Planning Authority Decision	Grant permission with conditions.
Type of Appeal	First Party appeal against Conditions.
Appellant(s)	John Patrick & Liga Dixon.
Observer(s)	None.
Date of Site Inspection	7 th January 2021.
Inspector	Elaine Sullivan

1.0 Site Location and Description

1.1. The subject site has a stated area of 0.03ha and is located within the residential estate of Abbey Park, which is accessed from Grange Road, Baldoyle. It is located on the western side of Abbey Park and comprises a two storey, semi-detached house with a hipped roof profile and a garden to the front and rear. The house overlooks an area of green space to the front and backs onto Baldoyle Industrial estate to the rear.

2.0 Proposed Development

2.1. Planning permission is sought for the following development;

- Re-cladding the front entrance porch with timber and the construction of a first-floor extension, of c. 15.6m², to the side over existing structure and a single storey extension to the rear of c. 30.2m².
- The conversion of the attic with a dormer window to the front and alterations to the roof to provide a gable ended roof instead of a hipped roof to the side.
- It is also proposed to widen the front entrance from 2.5m to 4.1m and to provide a bin and bicycle store to the front of the house.

2.2. The proposed development has been amended by drawings submitted with the appeal which show the following development;

2.3. A zinc clad dormer window (of 3.3m x 1.6m) on the rear roof plane and the provision of new hipped roof profile above the first floor extension to the side,

2.4. A velux window and solar panels would be installed on the side hip of the roof and the entrance gate would be widened from 2.5m to 4.1m. A bin and bicycle store with a footprint of 7.6sqm (3.8m x 2m) would also be provided to the front of the house. Elevations of the store are not included.

3.0 Planning Authority Decision

3.1. Decision

3.2. Planning permission was granted by the Planning Authority subject to 14 conditions, most of which were standard in nature. Conditions No. 2 & 3 amended the development as follows;

Condition No. 2;

The dormer extension located along the front roof slope shall be omitted.

Reason: In the interest of clarity.

Condition No. 3;

The existing hipped roof profile of the dwelling shall be retained and shall not be amended.

Reason: In the interest of clarity.

Condition No's 4 & 5 required the submission of details showing the amendments to the roof profile and details of the bin and bike store for written agreement.

Condition No. 6 restricted the width of the vehicular entrance to no more than 4m.

3.3. Planning Authority Reports

3.3.1. Planning Reports

The recommendation to grant permission in the Planning Officer's report, (October 2020), reflects the decision of the Planning Authority. The report included the following;

- The proposed works are in accordance with the RS zoning for the site. The first floor extension to the side and the single storey extension to the rear would not result in any significant negative impact on the amenities of adjoining properties and would allow for sufficient private open space to service the dwelling.
- Planning permission is sought for an attic conversion and drawings submitted show a dormer window to the front and the alteration of the roof profile from a

hipped roof to a gable. These elements were not included in the public notices and as such are not included in the assessment. A condition to omit these features should be attached to any grant of permission.

- Details of the bike and bin store can be submitted by way of condition.

3.3.2. Other Technical Reports

- Water Services – No objection.
- Transportation Planning – The proposed entrance shall not exceed 4m in width.

3.4. Prescribed Bodies

- Irish Water – No objection.

3.5. Third Party Observations

One third party observation was received from the neighbouring property at No. 21 and is summarised as follows;

- There is a risk of damage to the property at No. 21 in terms of undermining the foundations, surface water runoff from the extension, shared roof coverings to the front and rear, boundary wall details and the access required to finish the proposed works such as rendering etc.
- There is no precedence for a gable wall in the existing row of houses.

4.0 Planning History

No planning history was found for the subject site.

5.0 Policy Context

5.1. Development Plan

RS is to “provide for residential development and to protect and improve residential amenity”.

Residential Extensions – the following factors will be considered:

- Overshadowing, overbearing and overlooking, along with proximity, height and length along mutual boundaries.
- Remaining rear private open space, and its usability.
- External finishes and design, which shall generally match the existing.

Roof alterations/expansions to main roof profiles, for example, changing the hip-end roof of a semi-detached house to a gable/'A' frame end or 'half-hip', will be assessed against a number of criteria including:

- Consideration and regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures.
- Existing roof variations on the streetscape.
- Distance/contrast/visibility of proposed roof end.
- Harmony with the rest of the structure, adjacent structures and prominence.

Objective DMS 41 - 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 drawings submitted with the appeal have been revised to reflect the requirements of Conditions 2, 3 & 4.

- In response to these conditions an alternative roof profile is proposed. A tiled hipped roof similar to other first floor extensions in Abbey Park is now proposed rather than the flat roof required by Condition No. 4. These revisions are detailed in the drawings submitted with the appeal on the 30th of October 2020, Drawing Ref. ABP-900.
- In accordance with Condition No. 2 the dormer window along the front roof slope has been omitted and it is proposed to install the dormer on the rear roof slope instead.
- This arrangement will allow for the retention of the original floor layouts permitted by the Planning Authority and would also maintain a stair access to the attic/hobby room (non-habitable space).

6.2. Planning Authority Response

A response from the Planning Authority was received on the 9th December 2020 and contains the following comments;

- The Planning Authority welcomes the amended plans and considers the proposal in its amended form to be acceptable and in accordance with the proper planning and sustainable development of the area.
- However, in the event of a grant of permission, the Planning Authority requests that the Board place a condition restricting the height of the proposed dormer so that it is set 300mm below the ridge level of the dwelling.

6.3. Observations

- None received.

7.0 Assessment

7.1. The details of the appeal specifically relate to the requirements of Conditions No. 2, 3 and 4. However, the revised proposal submitted at appeal stage differs in other respects from the original proposal. These works include a dormer window to the rear, an extension to the roof and the provision of a hipped roof profile to the side. Given the inclusion of the additional works, it is my view that, the assessment of the

proposal should not be limited to the provisions of Section 139 of the Planning and Development Acts and should be subject to a de novo assessment.

- 7.2. The proposed extensions are minor in scale. The single storey extension to the rear would be 3.6m deep and would extend to the full width of the house. It would have a double pitch roof profile with two roof lights on each plane. The first floor extension to the side would align with the front and rear walls of the house and as such would align with the adjoining property. Given the scale of the works proposed to the side and rear, as well as the orientation of the site on an east-west axis, the works would not result in any undue impact on the existing residential amenity of neighbouring properties in terms of overlooking or overshadowing.
- 7.3. Concerns were raised in a third party submission to the Planning Authority with regard to the potential for damage to the adjoining house from the proposed works and, also that the proposed gable ended roof was out of character with the existing pattern of development on the road. The proposed development by virtue of its scale and form, does not give rise to an exceptional risk of damage to the adjoining properties. However, I note that damage to private properties is a civil matter to be resolved between the parties, having regard to the provisions of s. 34 (13) of the 2000 Planning and Development Act. Therefore, this issue is not included in the assessment of the appeal.
- 7.4. The original gable ended roof profile has been replaced with a hipped roof profile with tiled finish. This proposal is in keeping with the established style throughout the estate and is acceptable in principle. The angle of the pitch to the side would be slightly different to that of the original roof on the adjoining property. However, in my opinion this would not be obviously noticeable and would be acceptable within the streetscape and the existing pattern of development within the area.
- 7.5. The position of the dormer window has been moved from the front of the property to the rear. It would be centrally positioned within the roof, approximately 2.5m from the adjoining boundary and set back from the eaves. It would extend directly from the ridge and as such would be no higher than the existing ridge. Given the scale and position of the dormer window, it would read as subordinate to the main roof profile. Comments received from the Planning Authority requested that should permission be granted that the dormer be set back from the ridge by 300mm. In my opinion this

requirement is unnecessary as the window would be no higher than the existing ridge height and as such would be in accordance with Objective DMS 41.

7.6. Additional works proposed include widening of the vehicular entrance and the provision of a bin and bicycle store to the front. These works are acceptable in principle but as the details of the store are not included, I recommend that a planning condition be attached to any grant of permission that requires agreement by compliance. I note that the Planning Authority recommended that the width of the vehicular entrance be restricted to 4m in accordance with the other entrances in the area. This is a reasonable approach in my view.

7.7. 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 planning permission be granted as per the drawings submitted with the first party appeal.

9.0 Reasons and Considerations

9.1. Having regard to the nature and scale of the proposed development for an extension to the side and rear with a hipped roof profile to the side, and the provision of a dormer window to the rear of a semi-detached dwelling in a residential estate, it is considered that, the nature and scale of the proposed development would be acceptable within the context of the site. The dormer window would be subordinate to the main roof plane therefore, the proposed development would not result in a negative impact on the existing character of the area or the amenities of adjoining properties and would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 30th day of October 2020, 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 width of the vehicular entrance shall not exceed 4m.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>Details of the proposed bin and bicycle storey to the front of the property shall be submitted to the Planning Authority for written approval prior to the commencement of development.</p> <p>Reason: In the interest of clarity.</p>
4.	<p>The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing structure in respect of colour and texture.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<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. 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>
6.	<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>
7.	<p>The applicant shall comply with the requirements of Irish Water.</p> <p>Reason: In the interest of public health.</p>
8.	<p>The developer shall pay to the planning authority a financial contribution 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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as 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.</p>

Elaine Sullivan
 Planning Inspector

25th January 2021