



An
Bord
Pleanála

Inspector's Report

ABP-308662-20

Development	Construction of a flat roof dormer to the rear of existing dwelling.
Location	13 Manorfields Green, Dublin 15.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW20B/0112
Applicant(s)	Sonya Meekel
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Sonya Meekel
Observer(s)	None
Date of Site Inspection	21/01/21
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1. The proposed development is located within the Manorfields Estate, a suburban area in Dublin 15. No 13 is a semi-detached two storey house located on the eastern side of Manorfields Green. Manorfields Close is a cul-de-sac with hammer head turning area to the rear of the site. The front garden of no. 9 Manorfields Close adjoins the boundary wall.
- 1.2. There are existing roof lights to the rear of the subject property. There is a high rendered block wall, to Manorfield Close to the rear of the site and c.1.8m high wooden fences on either side of the rear garden area. There is an on-site parking area within the site frontage and access is to Manorfields Green.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a flat roofed dormer to the rear of an existing dwelling at no.13 Manorfields Green.
- 2.2. A letter providing a rationale for the proposed development has been submitted by Canavan & Byrne Architectural Services (CBA).
- 2.3. A Site Layout Plan, Floor Plans, Sections and Elevations have been submitted.

3.0 Planning Authority Decision

3.1. Decision

On the 23rd of October, 2020, Fingal County Council refused permission for the proposed development for the following reason:

The proposed development by virtue of the location of the dormer window within the roof plane and its size and bulk, would have a negative impact on the visual amenity of the area most notably from the adjoining Manorfields Close and would not be in keeping with the existing character and form of development in the area. It would contravene materially Objective DMS41 of the Fingal County Development Plan 2017-2023.

3.2. Planning Authority Reports

Planner's Report

The Planner had regard to the locational context of the site, planning history and policy. They noted that no submissions were made. They had concerns about the visual impact from Manor Close. Their Assessment concluded that the proposed development is not in keeping with the existing development on site and detracts unduly from the character and amenity of the adjoining development and would not be in accordance with the Fingal CDP. They did not consider the proposed development to be in accordance with the proper planning and development of the area.

3.3. Other Technical Reports

None

3.4. Prescribed Bodies

None

3.5. Third Party Observations

None

4.0 Planning History

The Planner's Report provides that there is no planning history which is directly relevant to the subject site. In addition, there appears to be no planning history for a dormer in the rear roof plane in the vicinity of the site.

5.0 Policy Context

5.1. Fingal County Development Plan 2017-2023

The site is zoned 'RS' – Residential where the Objective seeks to: *Provide for residential development and protect and improve residential amenity.*

Section 3.4 refers to Sustainable Design and Standards and includes regard to Extensions. *The need for people to extend and renovate their dwellings is recognised and acknowledged. Extensions will be considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area.*

Objective PM46: *Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.*

Section 12.4 refers to Design Criteria for Residential Development and includes regard to Extensions and notes that a number of factors will be considered to satisfy the Planning Authority that there will be no significant negative impacts on surrounding residential or visual amenities. This includes regard to the impact of roof alterations and dormer extensions to roofs.

Objective DMS41 refers to and provides the criteria for dormer extensions to roofs and in view of its relevance to the current Appeal regard is had to this in the Assessment below.

Objective DMS42: *Encourage more innovative design approaches for domestic extensions.*

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.*

5.2. Other Relevant Government Guidelines

Development Management, Guidelines for Planning Authorities (2007).

5.3. Natural Heritage Designations

There are no Natura 2000 sites within proximity to the site.

6.0 The Appeal

6.1. Grounds of Appeal

A First Party Appeal has been submitted by the Applicant Sonya Meekel. This includes regard to the following:

- The applicant looked at other positive dormer window applications and precedent decisions locally prior to designing and submitting her proposal for permission. She then designed her proposal to match the positive precedent applications.
- A list of precedent applications is provided, including relative to the Clonsilla, Clonee, Castlenock areas in Dublin 15.
- Details are provided relative to the design of the current proposal on the subject site. This includes an extract from the application drawings.
- They consider that the proposal for a small flat roofed dormer on the rear elevation complies with planning policy including relative to the residential zoning and also to dormer windows (DMS41) in the Fingal CDP.
- It is submitted that the proposed dormer development will not impact unduly in a negative manner upon the residential amenities of properties in the area through direct overlooking or overshadowing or be overbearing.
- The proposed dormer fully respects the architecture, finishes, roof height profiles etc. of neighbouring houses.
- The refusal reason is based on the visual design opinion of the planner and does not represent a material breach of the Development Plan or good design practice.
- The proposed development has no other impediments and there were no objections submitted.
- It will improve the accommodation in the house. Their growing family needs the extra study room and storage space and cannot afford to be relocated out of the area to another part of the city, as the value of housing stock across the city has risen significantly in the past few years.

- They request the Board to overturn the Council's decision and to grant permission for the proposed development.

6.2. Planning Authority Response

They provide that they have no further comment to make in relation to this appeal.

In the event the appeal is successful, provision should be made in the determination for applying a financial contribution in accordance with the Council's Section 48 Development Contributions Scheme.

7.0 Assessment

7.1. Planning Policy Considerations

- 7.1.1. The site is located in an area zoned 'RS, Residential', under the Fingal Development Plan 2017-2023. This zoning objective is to provide for residential development and protect and improve residential amenity. The vision for the zoning objective is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity. Extensions to existing houses are acceptable in principle within this zoning provided they do not impact adversely on the residential amenities of the area or on the character of the existing house.
- 7.1.2. As noted in the Policy Section above Objective DMS41 relates directly to the design and impact of dormer extensions and seeks to ensure that they do not appear overly dominant or impact on the privacy of neighbouring properties. The issues raised in this Appeal are considered further in this Assessment below.

7.2. Regard to Material Contravention issue.

- 7.2.1. The Council's reason for refusal includes that the proposal would contravene materially Objective DMS41 of the Fingal County Development Plan 2017-2023. This Objective is as follows: *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.

- 7.2.2. Section 34(6) of the Planning and Development Act 2000 sets out the procedure under which a planning authority may decide to grant permission for a development which they are concerned would contravene materially the development plan or local area plan. Section 37(2) of the 2000 Act provides the constrained circumstances in which the Board may grant permission for a material contravention. These include whether the development is of strategic or national importance, where the development should have been granted having regard to regional planning guidelines and policy for the area etc., where there are conflicting objectives in the Development Plan or they are not clearly stated, or permission should be granted having regard to the pattern of development and permissions granted in the area since the making of the Plan.
- 7.2.3. In this instance the proposed development is clearly not of strategic or national importance, there is no policy or guidelines advising that such a development should be permitted in this residentially zoned area. It is noted, as seen on site, that the proximate residential in the immediate area does not contain such dormer windows. The First Party has referenced several precedent cases where permission was granted for dormer windows in the wider area.
- 7.2.4. Regard is had to the issue of precedent and to design and layout in the appropriate sections below. However, in this instance taking into account the residential zoning and the nature and scale of the proposed development for the insertion of a dormer in the rear roof plane of an existing house, below the existing ridge height, I would not consider that the proposal would be considered to materially contravene the Development Plan or Objective DMS41.

7.3. Design and Layout

- 7.3.1. The current proposal is for the insertion of a flat roofed dormer window to the rear of no.13 Manorfields Green. Existing floor plans show an attic room with velux roof lights at the rear. Proposed plans show the inclusion of the rear dormer window. This is shown as 3.6m in length. It is shown c.0.6m from the gable end of the house and 1.8 m from the boundary with the adjoining house and is thereby not centrally

located within the roof plane. It is to be set marginally below the ridge height i.e. as shown on the Side Elevation (Southwest) drawing: 108.05 to 107.90 The plans also show a larger roof light proposed over stairs to attic room.

- 7.3.2. In view of the set back from the rear of the houses on either side of the subject site, it is not considered that overlooking or overshadowing will occur or that it will be overbearing for the adjoining semi no.15 or the property to the south no.11. It is recommended that if the Board decide to permit that it be conditioned that external finishes match that of the existing house.
- 7.3.3. As shown on Proposed Section A-A this is to achieve a floor to ceiling height of 2m which is below the recommended floor to ceiling height of 2.4m for habitable accommodation as per Technical Guidance Document F *Ventilation* of the Building Regulations 2019. It is noted that the floor plans do not show this area being used as a bedroom. The First Party provide that it will afford the family an extra study and storage area which they require for their family needs.
- 7.3.4. I refer the Board to Section 7.8 of the *Development Management - Guidelines for Planning Authorities (2007)* which states that it is inappropriate in development management to attach planning permission conditions which are the subject of more specific controls under other legislation or are directly regulated by other statutes, unless there are particular circumstances e.g. the matters are relevant to proper planning and sustainable development and there is good reason to believe that they cannot be dealt with effectively by other means. The Guidelines detail that the existence of a planning condition, or its omission, will not free a developer from his or her responsibilities under other codes and further advise that the Building Regulations require certification by a developer's design team. It is outside the remit of this planning appeal to determine whether or not the floor to ceiling height of the attic room area complies with the Building Regulations. The onus is on the First Party to comply with the relevant standards set out in the Building Regulations.

7.4. Impact on the Character and Amenities of the Area

- 7.4.1. The Council's reason for refusal considers that the proposal would have a negative impact on the visually amenity of the area most notably as seen from the adjoining Manorfields Close. The rear of no.13 Manorfields Green can be seen in the context

of the roofscape from the hammer head turning area of Manorfields Close, so it will be visible from the rear when standing in this cul de sac. Provided as shown on the plans submitted the ridge height is lower than that of the existing house, the proposed dormer extension shall not be visible in the streetscape of Manorfields Green.

- 7.4.2. The houses in this area are two storey semi-detached and are of relatively similar design concept and I noted on site that there are no dormer windows on other houses in close proximity to the site. However, it is noted that there are no properties to the rear facing the site, so the issue of overlooking does not occur relative to Nos. 8 and 9 Manorfields Close which are set back on either side of the cul de sac. I would not consider that it will impact negatively on these properties or on the setting of the cul de sac.

7.5. Regard to Precedent Cases

- 7.5.1. The First Party has noted a number of precedent cases where permission was granted for dormer windows. These are generally in Clonsilla or Clonee in the Dublin 15 area. However, I noted on site that there are no such dormer windows in the immediate area. This proposal will introduce a new concept in this area so the issue of precedent arises and it is important that an undesirable precedent not be created.
- 7.5.2. While note is had to these permissions for roof alterations including the insertion of dormers as cited, the scenarios presented in each of the cases referred to are different. In this case the main issue with the dormer is that it will be visible from Manorfields Close, a cul-de-sac. However as noted above I would not consider that having regard to the scale and nature of this proposal that it will impact adversely on the amenities of adjoining properties or on the character of the area.

7.6. Regard to Development Contribution

- 7.6.1. Section 11 of the Fingal County Council Development Contributions Scheme 2021 - 2025 refers to *Exemptions and Reductions* i.e.:
- (a) The first 40 sq metres of domestic extensions. This exemption is cumulative and limited to 40 m² in total per dwelling.*

(d) Attic conversions.

- 7.6.2. I would consider that the proposed development falls into these exemption categories and that if the Board decide to permit a Development Contribution condition would not apply.

7.7. Screening for Appropriate Assessment

- 7.7.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that permission be granted for the reasons and considerations below.

9.0 Reasons and Considerations

Having regard to the residential land use zoning, to the form and character of the established dwelling on the site, to the design and scale of the roof alterations to include the provision of a flat roofed dormer at the rear, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or of property in the vicinity and would be in accordance with the provisions of the current Fingal County Development Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. 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.

Reason: In the interest of clarity.

2. (a) The external finishes of the dormer window extension including the fenestration shall match that of the existing dwelling.
- (b) The ridge height of the proposed dormer window extension shall not exceed and shall be lower than the ridge height of the existing house.

Reason: In the interest of visual amenity.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

Angela Brereton,
Planning Inspector

27th of January 2021