



An
Bord
Pleanála

Inspector's Report ABP-308993-20

Development

Permission is sought for two new Velux or similar windows in the front roof and one new dormer window on the rear roof of an existing two-storey house to facilitate the conversion of an existing attic to habitable space, with all associated site works.

Location

No. 16 Evora Park, Howth, Co. Dublin.

Planning Authority

Fingal County Council.

Planning Authority Reg. Ref.

F20B/0246.

Applicant

Ciaran Dunne.

Type of Application

Planning Permission.

Planning Authority Decision

Grant with conditions.

Type of Appeal

First Party - Vs - Condition No. 2.

Appellant

Ciaran Dunne.

Observer(s)

None.

Date of Site Inspection

17th day of February, 2021.

Inspector

Patricia-Marie Young.

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies	5
3.4. Third Party Observations	5
4.0 Planning History.....	5
5.0 Policy Context.....	5
5.1. Development Plan.....	5
5.2. Natural Heritage Designations	6
6.0 The Appeal	7
6.1. Grounds of Appeal	7
6.2. Planning Authority Response	8
7.0 Assessment	9
8.0 Recommendation.....	14
Reasons and Considerations	15

1.0 Site Location and Description

1.1. No. 16 Evora Park, the rectangular shaped appeal site has a given site area of 0.0331ha and it forms part of a larger residential scheme that has the given name of 'Evora Park'. It is located c0.1km to the west of Evora Parks main access road junction with Howth Terrace, and it is situated c0.1km from Harbour Road, as the bird would fly, in Howth village, in north County Dublin. The site occupies an elevated position and contains a 2-storey semi-detached dwelling that forms part of a larger group of semi-detached pairs that address either side of the main access road that serves the Evora Park residential scheme and it is located in close proximity to small pocket of communal open space located at its cul-de-sac end which lies to the west. The streetscape scene is characterised by what originally was a homogenous scheme of 2-storey semi-detached dwellings that have over time been altered and added to since their completion. This residential area has a mature residential character and benefits from being in easy walking distance to the centre of Howth village as well as the various services and amenities contained therein.

2.0 Proposed Development

- 2.1. Planning permission is sought for two new 'Velux' or similar windows in the front roof slope and a dormer extension on the rear roof slope to facilitate the conversion of an existing attic to habitable space together with all associated site works.
- 2.2. The accompanying planning application form indicates that the existing gross floor space of the subject dwelling is 128.5m². It does not provide the proposed floor area of the attic extension proposed.
- 2.3. According to the submitted plans the proposed dormer would have an overall external width of 5.2m; an internal width of 4.43m; it would extend out from the main ridge of the roof 4.2m and there would be 0.95m between it and edge of the roof. The dormer would be centrally positioned maintaining the existing chimneys. The external treatment of the dormer is indicated as being clad in zinc, a window opening of a stated 1.4m high and 3.95m wide would face northwards, and the rainwater goods would consist of zinc.

2.4. The submitted plans also indicate that the windows proposed for the principal facing roof, i.e., within the southern roof slope, would both have a matching 1.6m by 1.34m or similar dimension.

3.0 **Planning Authority Decision**

3.1. **Decision**

3.1.1. The Planning Authority granted permission subject to 9 no. conditions. Of relevance to the subject matter of this appeal are the requirements of Condition No. 2. It reads:

“2. Prior to the commencement of development, the applicant shall submit for the written agreement of the Planning Authority plans indicating the following amendments to the proposed dormer extension at attic level:

a) The height of the dormer shall be set 200mm below the ridge level of the dwelling;

b) The length of the dormer shall not exceed 3m.

Reason: In the interest of protecting the visual and residential amenity of the area and comply with DMS OBJ 41.”

3.1.2. Whilst this appeal relates to the requirements of Condition No. 2, the appellant also refers to the requirements of Condition No. 3. It reads:

“3. That any attic floorspace which does not comply with Building Regulations in relation to habitable standards shall not be used for human habitation.

Reason: To clarify the extent of permission.”

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The **Planning Officers report** is the basis of the Planning Authority’s decision to grant permission subject to conditions. It includes the following comments:

- The subject site is served by a rear garden in excess of 15m in depth and therefore overlooking from the dormer window is not considered to be an issue for opposing properties of Evora Terrace and Dunbo Hill.

- Concerns are raised in relation to the scale of the dormer extension proposed. It is considered in the form proposed to be excessive in its overall dimensions. It is therefore recommended that it should be reduced so that it does not exceed 3m in width and the height reduced by 200mm below the ridge height of the main dwelling by way of condition.

3.2.2. Other Technical Reports

Water Services: No objection subject to safeguards.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

4.1. Site and Setting

4.1.1. Though the appellant in this appeal refers to a number of Planning Authority and Board decisions, the site has no recent planning history nor are there any Board decisions for similar developments within the suburban setting of the appeal site.

5.0 Policy Context

5.1. Development Plan

5.1.1. The policies and provisions of the Fingal Development Plan, 2017-2023, apply. The site lies within an area zoned 'RS' which has an aim to: "*provide for residential development and protect and improve residential amenity*".

5.1.2. The Development Plan states 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. The proposed quality of materials/finishes for dormers will be considered carefully as this can greatly improve their appearance. The level and type of glazing within a dormer structure should have regard to existing window treatments and fenestration of the dwelling”.

5.1.3. Chapter 3 of the Development Plan deals residential development.

5.1.4. Chapter 12 of the Development Plan sets out the development management guidelines for roof alterations/expansions to the main roof profile.

5.2. Natural Heritage Designations

5.2.1. There are a significant number of Natura 2000 sites in the hinterland and wider setting of the appeal site. The nearest are:

- The appeal site is located c0.4km to the south east of Special Area of Conservation: Baldoyle Bay SAC (Site Code: 000199).
- The appeal site is located c0.5km to the west of the Special Area of Conservation: Howth Head SAC (Site Code: 000202).
- The appeal site is located c1.km to the west of Special Protection Areas: Howth Head Coast (Site Code: 004113).
- The appeal site is located c1.1km to the south west of Special Protection Areas: Irelands Eye SPA (Site Code: 004117).

5.3. EIA Screening

5.3.1. Having regard to the modest nature, scale, and scope of the proposed development which includes no increase in footprint of the existing dwelling and the location of No. 16 Evora Park within the mature and built-up residential suburban setting of Howth, the serviced nature of the site and its surroundings, despite the proximity of the No. 16 Evora Park to several Natura 2000 sites I consider that there is no real likelihood of significant effects on the environment arising from the proposed development. I therefore consider that the need for Environmental Impact Assessment can be excluded at preliminary examination and a screening determination is not required.

5.4. Built Heritage

5.4.1. None within the immediate vicinity of the site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of this First Party Appeal can be summarised as follows:

- An application seeking to convert the attic into habitable space that will provide an extra room for an expanding family was sought. As part of this a dormer window extension at attic level has been provided to increase the height and size of the room now proposed alongside providing additional light, ventilation as well as an emergency escape for occupants.
- This appeal relates to Condition No. 2 only and it is sought that the Board omit this condition in its entirety.
- The proposed dormer easily fits into the residential and visual amenity of the area.
- The proposed dormer would not be visible from any public streetscape scene.
- The proposed development is consistent with local planning provisions.
- There is precedent for dormer windows in its setting and various examples of similar permitted developments are referred to.
- The restrictions placed by the Planning Authority by way of Condition No. 2 are not deemed necessary and there would be no additional overlooking or loss of privacy arising from this development.
- Condition No. 2(a) requires that the dormer window be reduced by 200mm. this would result in the development being in contravention of Condition No. 3 which requires 50% of the room to be of a height of 2.4m in order for it to be compliant with current building Regulations.
- Condition No. 2(b) requires that the length of the dormer not exceed 3m. Yet the drawings provided clearly show a length of 4.2m. It is considered that this wording is not clear, and it is questioned was width referred to in instead of length.

- Reference is made to a number of perceived inaccuracies in the Planning Officer's report.
- The amended dormer permitted under this condition would not be fit for purpose and would in effect be a refusal of planning permission.
- The current Development Plan indicates that extensions will be favourably considered provided no negative impact arises on adjoining properties or on the nature of the surrounding area.
- The dormer as put forward in the initial application would result in conformity with the adjoining dormer in the adjoining property.
- Condition No. 2 would prevent the provision of habitable space to meet their needs.
- No objections were received by the Planning Authority.
- If concerns are present for residential amenity surely the reduction in glazed area by way of condition would suffice.

6.2. Planning Authority Response

6.2.1. The Planning Authority's response can be summarised as follows:

- This application was assessed against the policies and objectives of the Development Plan as well as the impact upon adjoining neighbours and the character of the area.
- For clarification purposes condition No. 2(b) requires the length of the dormer, from the eastern corner to the western corner of the structure to be reduced so that it does not exceed 3m.
- When measured on Drawing No. WS2-5 the dormer extension has a length of 5m across the roof slope and this is considered to be excessive as well as is not in accordance with Objective DMS41 of the Development Plan.
- The Board is requested to uphold their decision including the requirements of Condition No. 2 of the grant of permission.
- Should their decision be upheld it is requested that a Section 48 condition be imposed.

7.0 Assessment

- 7.1. This is a first-party appeal made only against Condition No.2 attached to the Planning Authority's decision to grant planning permission for the development sought under P.A. Ref. No. F20B/0246.
- 7.2. This condition relates to the dormer extension to the rear of No. 16 Evora Park only and it contains two sub-conditions. In general, it seeks that prior to the commencement of development that the applicant submits for the written agreement of the Planning Authority plans indicating that this component of the proposed development is amended as per the requirements of its two sub-conditions.
- 7.3. In this regard, the first sub-condition requires the applicant to reduce the height of the dormer extension so that it sits 200mm below the ridge level of the main dwelling (Note: Condition 2 (a)).
- 7.4. The second sub-condition requires that the 'length' of the dormer shall not exceed 3m.
- 7.5. The stated reason given for the sub-conditions reads: "*in the interest of protecting the visual and residential amenity of the area*" as well as compliance with objective DMS OJ 41 of the Development Plan.
- 7.6. The appellant in this case considers that these requirements are unworkable as the resulting dormer extension would be unable to meet current Building Regulations for habitable rooms which is the reason as to why this extension is being sought in the first instance.
- 7.7. The appellant also sets out confusion with the lack of clarity in terms of how this condition is written and sets out there are a plethora of different manners in which sub-condition (b) particularly could be interpreted by them. This is further added to by errors within the Planning Officer which cumulative add to the lack of clarity on this matter.
- 7.8. Either way they contend that to meet the requirements of these conditions effectively means that the Planning Authority has refused the development sought under this planning application which seeks to expand the habitable area of the subject dwelling to meet their residential needs.

- 7.9. They therefore seek that the Board omit Condition No. 2 as they further contend that it is compliant with local planning provisions and also that it would not give rise to any undue diminishment of residential and/or visual amenities of the area.
- 7.10. Moreover, they consider that there is precedent for similar types of developments within the surrounding neighbourhood. In particular the semi-detached property it forms a pair with is referred to. The addition of a similar dormer extension in their view would add to the symmetry to the interventions at roof level for this semi-detached pair and like the adjoining property it pairs with, it would not be a highly visible intrusion on its streetscape scene.
- 7.11. Having regard to the nature of Condition No. 2 which is the subject matter of this appeal and to the absence of third parties objecting to the development sought under this application as well as to the appeal itself, my recommendation is that the determination by the Board of the application as if it had been made to it in the first instance would not be warranted. Therefore, I consider that the Board should determine the matters raised in connection with Condition No.2 in accordance with Section 139 of the Planning & Development Act 2000, as amended.
- 7.12. In the following paragraphs of this assessment, I set out my considerations of Condition No.2. For the most part I have limited my consideration to this condition, but I note that there is an inevitable synergy between the nature of the development sought under this application, the requirements of meeting Condition No. 2 on the development sought and the knock-on effects of doing so on Condition No. 3 of the notification to grant planning permission. This is due to the fact that Condition No. 3 seeks that any attic floorspace that does not comply with Building Regulations to not be used for human habitation, yet it is evident that the proposed development seeks by way of this application additional habitable space to meet their occupation needs at the subject premises.
- 7.13. In addition, I consider that the matter of 'Appropriate Assessment' requires examination also.
- 7.14. In relation to the dormer extension component of the development sought under this application I note that No. 16 Evora Park lies within an area of suburban land zoned 'RS' which aims to: "*provide for residential development and protect and improve residential amenity*". Under this land use zoning objective residential developments

like this are generally acceptable in principle subject to the proposed development being acceptable in terms of its impact on the visual amenities of the area and the established residential amenities of properties in its vicinity.

- 7.15. In terms of amenity impact the appellant contends that this component of the development sought under this application, like the development as a whole, would not give rise to any undue residential and/or visual amenity diminishment. This is concurred with by the Planning Authority on the matter of residential amenity; notwithstanding, concerns are raised by the Planning Authority in relation to the nature, scale and extent of the dormer extension proposed in that such extensions, having regard to Objective DMS 41 of the Development Plan, are not to form a dominant part of a roof structure and where they are considered to be appropriate they would not give rise to any negative impact on the existing character and built-form of the main dwelling.
- 7.16. In this case the Planning Officer considered that the dormer extension should be amended as in the manner proposed it was excessive in its built form. The Planning Officer also considered that the height of the dormer extension should be lowered so that at its maximum height it would sit below the ridge height of the main dwelling. They considered that these concerns could be dealt with by way of an appropriately worded condition.
- 7.17. It is quite clear that the design for the attic space seeks to achieve additional habitable space by way of a dormer extension that would effectively project from the majority of the rear roof slope of the main dwelling. With this extension to be of a height to allow the internal space to meet current building regulations for habitable rooms.
- 7.18. Its overall built form is not dissimilar to that which has occurred to the adjoining semi-detached pair it forms part of. But under this application a more qualitative palette of materials has been chosen which when weather would in my view reduce the overall visual overtness of such an extension at what is essentially a third-floor level within a residential area characterised by distinct two storey properties.
- 7.19. Moreover, the location of the subject property is such that only limited and localised views of this extension would be visible from the semi-private and public domain. Particularly when viewed as part of the streetscape scene of Evora Park which the property forms part of and which its principal façade addresses the main access road

serving the Evora Park residential scheme. Similarly, there would be limited and localised views of it from the recently developed residential development of Dunbo West to the north of it. I observed that this is largely helped by the mature visual features present to the rear including mature coniferous tree species.

7.20. There is also ample separation distance between it and residential properties within its immediate vicinity alongside solid tall rear boundaries and other man-made built insertions.

7.21. The current Development Plan indicates that: “*dormer extensions to roofs will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties*” and whilst in this case it would be a dominant part of the rear roof structure of the main dwelling it would not exceed the existing ridge height of the main dwelling with the matter of not exceeding the ridge height being a matter that could be ensured by way of an appropriately worded condition should the Board be minded to grant planning permission.

7.22. As said the design resolution also includes a sensitive and qualitative palette of materials which is often absent in this type of additions. As such this would in my view greatly improve the overall appearance of this addition with the main external treatments being such that they improve with weathering over time. Reducing the overall built dimensions to accord with Objective DMS 41 of the Development Plan in my view would achieve a visual imbalance in terms of the overall appearance of the rear roof structure of this semi-detached pair. Moreover, as rightly pointed out by the appellant the reduction in the overall built volume, particularly in terms of height and width would render the attic roof space unusable for habitable space which is the reason as to why this development is sought in the first instance.

7.23. I also raise no issue with the principal of insertion of windows at roof space level as this I observed is a prevalent later insertion to both the front and rear roof of properties within Evora Park residential scheme and in such residential areas there is a general level of overlooking characteristic of these types of suburban and urban residential developments.

7.24. In my view the only consideration in terms of creating greater harmony to the design resolution of the dormer extension and that of the main dwelling would be to address the excessive in height and width windows that are proposed facing out from its rear

elevation. As said previously the matter of ensuring the ridge height of the main dwelling is not exceeded can be dealt with by way of an appropriately worded condition.

7.25. The breaking of the proposed large single window into two distinct window openings would in my view lessen the visual overtness arising from the design proposed. It would also reduce the perception of being overlooked as appreciated from properties in its immediate vicinity as well as it would achieve a better visual balance with the semi-detached pair the main dwelling forms part of. As this adjoining built insertion contains two separate window openings though the glazing fenestration unfortunately fails to harmonise with that present at first and ground floor level of this adjoining property.

7.26. This amendment would in my view be in keeping with the Development Plan requirements for such developments that state that: *“the level and type of glazing within a dormer structure should have regard to existing window treatments and fenestration of the dwelling”*. The appellant also indicates in their appeal submission this is a design amendment that they would be willing to incorporate into the dormer extensions overall design.

7.27. Moreover, this would ensure that the dormer extension would be able to achieve the requirements set out in Condition No. 3 and thus the needs of the applicant to achieve additional habitable space within the existing footprint of this dwelling.

7.28. Based on the above considerations I recommend that the Board do not omit Condition No. 2 but rather amend the wording of this condition in order to achieve the modification to the dormer extensions design resolution set out above. I consider that such an amendment would ensure that the proposed development is in the interests of residential and visual amenities of the area alongside would be consistent with local planning provisions for this type of development as set out in the Development Plan.

7.29. **Appropriate Assessment**

7.29.1. Despite the appeal sites proximity to several European sites, having regard to the nature and scale of the proposed development sought which essentially relates to the development within the envelope of an existing dwelling within an existing built-up area, it is not considered that the proposed development would be likely to have a

significant effect, directly or indirectly, individually or in combination with other plans or projects on any European site. I consider no Appropriate Assessment issues arise.

7.30. Other Matters Arising

- 7.30.1. The appellant raises a number of concerns in relation to the Planning Authority's handling of this application in terms of their handling of this application. These have been alluded to above. The Board however does not have an ombudsman role and such concerns are outside of its remit in the adjudication of this appeal. Should the appellant wish to they could address these concerns to the Planning Authority for comment.

8.0 Recommendation

- 8.1. Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination 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 & Development Act 2000, as amended, to **AMEND** Condition Number 2 so that it shall be as follows for the reason set out.

Condition No. 2 shall read as follows:

The proposed development shall be amended as follows:

- (a) The overall dimension of the rear window on the dormer extension shall be amended into two symmetrically positioned and sized windows with a cumulative glazed area not exceeding the height and width of one of the first-floor rear level windows below as well as be of a matching material and glazing fenestration that matches existing windows present on the rear elevation. Thereafter these windows shall be maintained in a manner consistent with the details agreed with the Planning Authority.
- (b) The height of the dormer extension shall not exceed the height of the ridge height of the main dwelling.

Revised drawings including elevational and floor plans showing compliance with these requirements shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

Reasons and Considerations

Having regard to the provisions of the Fingal County Development Plan, 2017 to 2023, particularly those relating to dormer extensions, to the residential zoning of the site and to the setting of the site together with the nature, scale and extent of the proposed development subject to the amended condition set out above, the Board considered that the proposed development would not seriously injure the residential amenities of adjoining properties or the visual amenities of the area; and, it would, therefore, be in accordance with the proper planning and sustainable development of the area.

Patricia-Marie Young.
Planning Inspector

24th day of February, 2020.