



An
Bord
Pleanála

Inspector's Report

ABP-309395-21

Development	Conversion of the attic including reconfiguration of roof profile to include a dutch hip with 4 rooflights on rear slope and 1 rooflight on dutch hip.
Location	8 Gainsborough Park, Malahide, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F20B/0326
Applicant(s)	Neville and Anne Taplin.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Observer(s)	None.
Date of Site Inspection	7 th April 2021.
Inspector	Barry O'Donnell

1.0 Site Location and Description

- 1.1. The subject site is located at 8 Gainsborough Park, within the Gainsborough estate to the south-west of Malahide. The site consists of a two-storey semi-detached dwelling on a site of 0.022ha.
- 1.2. Gainsborough is a relatively large estate of semi-detached housing, accessed from Swords Road. Gainsborough Park is at the south end of the estate and overlooks an area of open space. Houses within Gainsborough Park incorporate hipped roofs and a gable feature on the front elevation.

2.0 Proposed Development

- 2.1. Permission is sought for conversion of the attic, for storage use purposes, including reconfiguration of the roof profile to include a dutch hip with 4 rooflights on rear slope and 1 rooflight on dutch hip.
- 2.2. The converted attic space would consist of a primary open storage space, accessed via a stairs adjacent to the gable end of the house.
- 2.3. The proposed roof reconfiguration involves building up the roof vertically, by approx. 1.75m from the eaves, and the construction of a dutch hip to tie in with the existing ridge.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 3rd February 2021 Fingal County Council refused permission, for 1 reason as follows:

“1. The proposed development, to provide a half hip to the side, which would involve the reshaping and reconstitution of the roof profile, would by reason of its bulk and scale be visually incongruous at this location and would be out of character with the architectural, visual uniformity and symmetry of semi-detached houses in this streetscape of Gainsborough Park, and therefore would set an undesirable precedent for such extensions in this area. The proposed development would

therefore be injurious to the visual and residential amenities of the area and would materially contravene the zoning and would be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Report dated 1st February 2021, which reflected the decision to refuse permission. The report stated that the development is acceptable in principle under the ‘RS’ zoning objective but considered that the proposed reshaping of the roof would detract from the symmetry of the semi-detached pair of dwellings and, further, that it would detract from the amenities of the adjoining dwelling and the visual character of Gainsborough Park. Regarding the presence of half-hipped roofs elsewhere within the Gainsborough estate, the report expressed the view that the subject site is located on the edge of the estate, in an area which has a specific roof profile and which overlooks an area of public open space and stated that the development would be visually obtrusive, out of character with the area and would set an undesirable precedent. The recommended reason for refusal is generally in accordance with the Planning Authority’s decision to refuse permission.

3.2.2. Other Technical Reports

Water Services Department report dated 8th January 2021, which outlined no objection to the development subject to 2 No. recommended standard conditions.

3.3. Prescribed Bodies

3.3.1. The Water Services report indicates that Irish Water was consulted on the application. No submission was recorded on the Planning Report and no submission has been provided as part of the appeal documentation.

3.4. Third Party Observations

3.4.1. No third party observations were received.

4.0 Planning History

4.1. I did not encounter any planning history records relating to the site.

Relevant Nearby Planning History

4.2. Planning records in the immediate surrounding area are extensive and include the following: -

F20B/0301 - *5 Gainsborough Close*: Permission granted on 1st March 2021 for conversion of attic space; reconfiguration of the roof including a new dormer to the rear and all associated site works.

F19B/0284 - *35 Gainsborough Avenue*: Permission granted on 30th January 2020 for proposed porch extension to front, single storey extension to rear, conversion of attic to storeroom with stair access and reconfiguration of existing roof to include dutch hip.

F18B/0244 - *1 Gainsborough Close*: Permission granted on 26th November 2018 for conversion of attic space and reconfiguration of the roof including a new dormer to the rear.

F06B/0659 - *20 Gainsborough Park*: Permission refused on 6th December 2006 for conversion of attic space to storage including changing the existing hipped end roof to a half hipped gable roof. Permission was refused for 1 reason, related to the bulk and scale of the development, which were considered to be out of character with the area.

5.0 Policy Context

5.1. Development Plan

5.1.1. The site is zoned 'RS' under the Fingal County Development Plan 2017-2023, with an objective to "*Provide for residential development and protect and improve residential amenity.*"

5.2. Natural Heritage Designations

5.2.1. The subject site is not located within or adjacent to any designated European Site.

5.3. EIA Screening

- 5.3.1. The proposal is for a domestic attic conversion and roof extension. This type of development does not constitute an EIA project and so the question as to whether or not it might be sub-threshold does not arise.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows: -

- The Planning Authority has granted permission for similar developments, in the last 3 years and including earlier this year, at 1 Gainsborough Close (Reg. Ref. F18B/0244), 35 Gainsborough Avenue (Reg. Ref. F19B/0284) and 5 Gainsborough Close (Reg. Ref. F20B/0301). Construction work to 2 of these properties has been completed.

6.2. Planning Authority Response

- 6.2.1. A submission was received from the Planning Authority, dated 12th March 2021, advising that the Planning Authority has no further comments to make. The Board is requested to attach a condition requiring the payment of a financial contribution, in the event of a grant of permission.

6.3. Observations

- 6.3.1. None.

6.4. Further Responses

- 6.4.1. None.

7.0 Assessment

- 7.1. Having inspected the site and considered the contents of the appeal in detail, the main planning issues in the assessment of the proposed development are as follows:

- Principle of development
- Material Contravention
- Impact on the character of the area and neighbouring properties
- Other issue
- Appropriate assessment.

7.2. Principle of Development

7.2.1. The proposed development is consistent with the 'RS' zoning objective, as set out in the Fingal County Development Plan 2017-2023.

7.3. Material Contravention

7.3.1. Having read the application and appeal documents, I am of the opinion that the proposed development does not represent a Material Contravention of the development plan, where the broad requirements of the development plan have been complied with. I am therefore satisfied that Section 37(2) of the Act is not applicable in this instance and the appeal can be considered on this basis.

7.4. Impact on the Character of the Area and Neighbouring Properties

7.4.1. Regarding the character of the area, the subject site is located at the rear (south) of the Gainsborough estate, in a part of the estate where a hipped roof profile is the predominant roof style. I noted on my visit to the site that there are large numbers of both hipped and dutch hip roof profiles within the estate, and in some instances both profiles are provided within the same area, for example at Gainsborough Downs, Gainsborough Avenue, Gainsborough Close and Gainsborough Green.

7.4.2. Whilst I did not encounter any other dutch hip profiles within Gainsborough Park, I do not consider the proposed development would have any material or undue impact on the character of the area. The subject house and adjacent houses are each of a stock design and whilst there is a symmetry to the design of each of the semi-detached house pairs, the area is not subject to any designation or protection, relating to the architectural design. Moreover, I noted in my review of planning records in the area that permission has been granted elsewhere within the Gainsborough estate for similar forms of development and, in the instances where the development has been completed, for example at 35 Gainsborough Avenue, it

has had no negative impact on the character of the area. In my opinion, a refusal of permission on the basis of impact on the character of the area would not be justified.

7.4.3. Regarding overshadowing of neighbouring properties, I am satisfied that the relationship to the neighbouring property would be acceptable. Similar to the subject house, the neighbouring dwelling incorporates a single storey rear projecting element, which is already overshadowed by the two-storey part of the house. Any additional shadow cast by the reconfigured roof profile is unlikely to materially increase the level of shade on the neighbouring property.

7.4.4. Notwithstanding the proposed storage use of the converted attic space, overlooking of neighbouring gardens may arise from the proposed rear-facing rooflights, which would be around 1.4 from floor level. Houses in the area incorporate a single rear-facing rooflight currently and, in this context, I consider it reasonable to require that 1 rear-facing rooflight shall be installed.

7.5. Other Issue

7.5.1. The Planning Authority has requested that, should permission be granted, a condition should be attached, requiring the payment of a financial contribution, in accordance with the Council's S48 development contribution scheme. I have reviewed the development contribution and note that Section 11 'exemptions and reductions' outlines that the first 40sqm of a domestic extension is exempted from the requirement to make a financial contribution. The house has not been extended previously, to my knowledge, and the proposed development has a gross floor area of 25.41sqm. The development therefore falls under the exemption threshold and is therefore not liable for the payment of a financial contribution.

7.6. Appropriate Assessment

7.6.1. The subject site is not within or adjacent to of any Natura 2000 site, the nearest designated sites being the Malahide Estuary Special Protection Area (Site Code 004025) and Special Area of Conservation (Site Code 000205), which are approx. 1km north.

7.6.2. Having regard to the nature and scale of the proposed development, which comprises a domestic attic conversion and roof reprofile, 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. I recommend that permission for the proposed development be granted, subject to conditions as set out below.

9.0 Reasons and Considerations

9.1. Having regard to the nature and scale of the proposed development and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions below, the proposed development is in keeping with the character of the area and would not seriously injure the amenities of the area or the amenities of properties in the vicinity. The proposed development would, therefore, 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, 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 rear roof slope shall incorporate 1 rooflight only, of maximum dimensions 800mm x 700mm, details of which shall be agreed with the Planning Authority in writing prior to the commencement of development.</p> <p>Reason: In order to protect neighbouring properties from overlooking.</p>

3.	<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.</p> <p>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>
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Barry O'Donnell
Planning Inspector

8th April 2021.