



An
Bord
Pleanála

Inspector's Report ABP-309702-21

Development

The construction of a new gable wall to form new roof profile to side of existing dwelling, conversion of attic to non-habitable space with roof windows to front (3 No.) & dormer extension to rear.

Location

No. 21 Shenick Drive, Skerries, Co. Dublin.

Planning Authority

Fingal County Council.

Planning Authority Reg. Ref.

F20B/0328.

Applicant

Aisling Kettle.

Type of Application

Planning Permission.

Planning Authority Decision

Grant with conditions.

Type of Appeal

First Party-V-Condition No. 3

Appellant

Aisling Kettle.

Observer(s)

None.

Date of Site Inspection

8th day of May, 2021.

Inspector

P.M. Young.

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1.0 Site Location and Description

- 1.1. No. 21 Shenick Avenue, the appeal site has a given site area of 0.03ha and is located c1km to the south of the historic heart of Skerries and c0.2km at its nearest point to the west of R128, both as the bird would fly, in north County Dublin.
- 1.2. This appeal site forms part of a larger highly coherent in design and layout residential development scheme that is characterised by semi-detached 2-storey dwellings. This scheme lies to the north Shenick Road and to the east of Golf Links Road. Collectively it is comprised of Shenick Avenue, Shenick Drive, Shenick Grove and Shenick Park.
- 1.3. The site contains a two-storey semi-detached dwelling that forms a pair with No. 23 Shenick Avenue which adjoins it on its eastern elevation, and which originally was a mirror image of the subject dwelling. Since its construction No. 21 Shenick Avenue has been subject to significant alterations and extensions. Originally it would have formed part of a highly homogenous in appearance and built form semi-detached pairs that addressed either side of Shenick Avenue. To the east, west and on the opposite side of Shenick Avenue the streetscape is made up by matching semi-detached pairs that were historically linked by single storey garages. To the rear the site backs onto Skerries Rugby Football Club.
- 1.4. The site slopes from south to north and at the time of inspection the setback between the principal elevation and the roadside boundary was in use primarily for off-street car parking.
- 1.5. The setting and its immediate setting have a strong residential character.

2.0 Proposed Development

- 2.1. By way of this application planning permission is sought for the construction of a new gable wall to form new roof profile to side of existing dwelling, conversion of attic to non-habitable space with roof windows to front (3 No.) & dormer extension to rear. The Planning Application form indicates that the existing dwelling has a gross floor space of 197m² and the proposed gross floor space sought under this application is 48m². This is indicated as 'Non-Habitable).

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority **granted** the proposed development subject to 10 no. conditions. Of relevance to the grounds of this appeal is Condition No. 3. It states:

“Prior to commencement of development the Developer shall submit for the written agreement of the Planning Authority revised plans to demonstrate the following amendments to the development:

(a) The omission of the proposal altering the existing hip roof (over previous extension) to a gable ended roof,

(b) The rear dormer extension shall be reduced from c8.3m in width down to not more than 3m in width and from c2.3m in height down to not more than 2m in height. The top of the dormer extension roof shall be set 300mm below that of the existing roofline of the house and as proposed not less than 400mm above the first-floor eaves. The glazed area shall be limited to 1 No.window; not exceed 1.5m in width and 1m in height. The dormer window shall be fitted and permanently maintained with obscure glass. Use of film is not acceptable.

Reason: In the interest of consistency, visual and residential amenity and in the interest of the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report is the basis of the Planning Authority decision. It includes the following comments on the proposed development:

- The proposed development accords with the 'RS' land use zoning of the site.
- The modifications proposed to the roof profile would be very evident when viewed from the front and rear of this dwelling house.
- There are no examples of the proposed hip roof to a gable ended roof extension in the setting.

- Currently the subject property is semi-detached, and it shares a 2-storey link with No. 23 to the east and the link between No. 19 to the west was only at garage level maintaining the semi-detached appearance. Therefore, the change from hip to gable is likely to increase the appearance of terracing which would impact on the character of this street.
- It is conceivable that some loss of light would occur to the private amenity space of No. 19's rear garden due to the raised hip to the gable proposed.
- It is likely that the location of the gable relative to No. 19 would be visually overbearing. It is therefore recommended that the gable be omitted by way of condition.
- The 3 no. roof windows to the front roof slope are deemed to be acceptable.
- The dimensions and the level of glazing proposed for the rear dormer are considered to be visually obtrusive in their setting. It is therefore recommended that these concerns be addressed by way of condition.
- The proposed development, if permitted, could set a new precedent.
- As the dormer serves as non-habitable space the principle of it is deemed acceptable. However, it would be appropriate if it were subordinate in its design.
- This development also seeks permission for the conversion of the attic space to a gym/WC/storage and home office. The use of the room for storage/non-habitable use is acceptable but there is an onus on the applicant to comply fully with Building Control Regulations.
- The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on any European Sites in the vicinity.
- No EIA is required.
- The proposed development is acceptable subject to conditions that deal with the concerns raised in this report.

3.2.2. Other Technical Reports

- None.

3.3. Prescribed Bodies

- None.

3.4. Third Party Observations

- 3.4.1. An objection to the proposed development was submitted by the occupants of the adjoining property No. 19 Shenick Avenue during the Planning Authority's determination of this application. In this submission they raised concerns that no provisions have been made for the increased rainwater fall off that would occur from the proposed development onto their property and further concern was raised that because of the scale of the proposed attic conversion it could result in a loss of light to their private open space to the rear of their property.

4.0 Planning History

4.1. Site

- **P.A. Ref. No. F08B/0368:** Planning permission was granted for the demolition of an existing garage attached to the western gable of the dwelling house and the construction of a two-storey extension to the western gable; a single storey extension to the north; two bay windows, a new glazed porch and roof canopy to the south; and, 8 no. roof windows together with all ancillary site works and services.

4.2. Setting

- 4.2.1. Board precedents: None within the setting of the site.

5.0 Policy & Context

5.1. Local Planning Provisions

- 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. Chapter 12 of 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. Objective DMS41 of the Development Plan is relevant. It states: *“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

5.2.1. The nearest European sites are:

- Special Protection Areas: Skerries Islands (Site Code: 004122) that lies c0.6km to the east of the site.
- Special Conservation Area: Rockabill to Dalkey Island (Site Code: 003000) that lies c2.6km to the east of the site.
- Special Protection Areas: Rockabill (Site Code: 004014) that lies c3km to the east of the site.

5.3. EIA Screening

5.3.1. Having regard to the nature, scale and scope of the proposed development which includes no ground works and relates to modifications to an existing dwelling in an established and serviced built-up residential setting of suburban Skerries, in north County Dublin, the nature of the receiving environment and the lack of any tangible

connection between this residential site and the nearest European Site, I consider that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for Environmental Impact Assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of this 1st Party Appeal can be summarised as follows:

- This appeal relates to Condition No. 3 of the grant of permission only.
- Examples of similar gable ended modifications on Shenick Avenue are given as precedents.
- Examples of dormer extensions that were permitted with widths in excess of 3m are given as precedents. These examples are contended to have widths ranging from 3.3m to 6.4m.
- The purpose of this planning application is to provide additional useable habitable space and as such the reduction below the ridgeline by 300mm would adversely impact upon the useability of this dormer extension.
- Examples of precedents for dormer extensions with wide windows are given as precedents. These examples are contended to have widths ranging from 3 by 1.2m windows at No. 27 Balbriggan Street to 5.4m wide windows at No.s 39 Quay Street and The Willows.
- The site overlooks a rugby pitch to the rear. As such the proposed development would not give rise to overlooking of the private amenity of properties in the immediate vicinity. There is no justification for the provision of obscure glass.
- The Board is requested to remove Condition No. 3 in its entirety.

6.2. Planning Authority Response

6.2.1. No response received.

6.3. Observations

6.3.1. No observations received.

7.0 Assessment

7.1. This is a First Party appeal which is made against Condition No. 3 attached to the Planning Authority's decision to grant planning permission. Condition No. 3 essentially seeks the omission of the proposed alteration of an existing hipped roof to a gable ended roof on the western side of the subject dwelling (Note: Condition 3(a)). In addition, it seeks a number of amendments to the overall design of the dormer extension including:

- 1) The reduction in its width from 8.3m to 3m and from 2.3m in height down to no more than 2m in height;
- 2) The reduction in its height so that it sits 300mm below the existing roofline of the house and not less than 400mm above the first floor eaves;
- 3) It limits the glazed area to 1 no. window with this window not exceeding 1.5m in width and 1m in height; and,
- 4) It limits the dormer window to being fitted and permanently maintained with obscure glass.

7.2. The Planning Authority requires revised plans demonstrating these amendments prior to the commencement of development and that that the amendments would be subject to their 'written agreement'.

7.3. The stated reason for these modifications to the proposed development is given as: "*in the interest of consistency, visual and residential amenity and in the interest of the proper planning and sustainable development of the area*".

7.4. By way of this appeal, the appellant requests that the Board omit Condition No. 3 in its entirety on the grounds that the proposed development in the absence of the requirements set out in it would not give rise to any adverse residential and/or visual amenity impact. They also set out that there are various examples for each aspect of the dormer extensions design for which the Planning Authority seek amendments of

by way of the requirements of condition No. 3. As such it is their view that its requirements are not reasonable.

- 7.5. I am satisfied that outside of the requirements of Condition No. 3 with these requirements essentially relating to the residential and visual amenity impacts concerns of the Planning Authority from the proposed development, that no other substantive issues arise in relation to this appeal case.
- 7.6. Notwithstanding, for clarity I note that the matter of 'Appropriate Assessment' also needs to be addressed. This I have considered separately under Section 8 of this report below.
- 7.7. Based on the above considerations I am satisfied that this appeal case can be considered under Section 139 of the Planning and Development Act, 2000, as amended, and therefore a *de novo* consideration by the Board is not required. Accordingly, I recommend the Board should use its discretionary powers under this section of the said Act and issue the Planning Authority with directions to either: 1) retain, 2) remove or 3) amend Condition No. 3 of the Planning Authority's notification to grant planning permission for the development set out under Section 2.1 of this report above.
- 7.8. Condition No. 3 of the Planning Authority's grant of planning permission requires significant amendments to the design of the proposed dormer extension and the level of modifications to occur to the roof structure over this semi-detached property in order to ensure that the proposed development does not give rise to any adverse residential and/or visual amenity impact alongside that this development is consistent with the relevant provisions set out under the Development Plan for dormer extensions to existing dwellings.
- 7.9. Invariably the residential and visual amenity impacts that could potentially arise from the proposed development overlap to a certain degree due to the fact that this subject dwelling is one of a semi-detached pair in a coherently designed and highly homogenous residential scheme set in the mature predominantly residential in function southern outskirts of Skerries, in north County Dublin.
- 7.10. In terms of residential amenity and the potential of the proposed development to give rise to adverse impacts. I raise particular concerns in terms of the potential impact that would arise from the proposed development to the adjoining and neighbouring

established dwellings within the visual setting of No. 21 Shenick Avenue. I consider these properties are particularly sensitive and vulnerable to change with No.s 19 and 23 Shenick Avenue, which adjoin the subject property to the west and east respectively, being particularly vulnerable to being overlooked.

- 7.11. I consider that the proposed dormer extension would, if permitted as per the design resolution put forward in this application would give rise to an increased level of overlooking over and above the existing situation. Whilst I acknowledge that it is the case that the Shenick residential scheme they and the subject property form part of does include a degree of overlooking arising from 1st floor level rear elevation windows. As well as I acknowledge that certain levels of overlooking are to be expected in such suburban settings. Notwithstanding, the proposed extension would, if permitted in the form proposed due to its significant area of glazing which I note is over and above that which characterises 1st floor level rear windows amongst this group of semi-detached pairs would significantly add to the level of overlooking of No.s 19 and 23 Shenick Avenue with this impact diminishing the further east and west due to the views of and from the third-floor attic dormer becoming more oblique.
- 7.12. To maintain the level of glazing proposed even if two of the windows were fitted with obscure glazing would reduce the actual level of overlooking that would arise but it would not change the level of perception of being overlooked from this 3rd floor level of attic accommodation.
- 7.13. In relation to other properties within the visual setting of the proposed development, in particular Churchfield Lawn and the R128/Holmpatrick properties, I consider that there are ample separation distances between them and the subject site. Therefore, outside of the visual incongruity of the proposed dormer extension when observed from their semi-private and private domains no diminishment of their established residential amenities would arise.
- 7.14. I also observed that the rear of the group of semi-detached dwellings, as a result of their elevated position, relative to the ground levels between their rear boundaries and the lower ground levels separating them and the R128 results in these dwellings being more visible in their suburban scape including from the public domain of the R128. With this road forming part of an attractive regional route that at this point runs alongside the coastline of the Irish Sea. I therefore raise a concern that due to the high

level of visibility of the subject property and the group of matching 2-storey semi-detached properties it forms part of the fact that these and other dwellings in its visual setting do not include highly visually overt 3rd floor level the proposed development, if permitted, without any level of subservience or harmony with the existing dwelling, its semi-detach pair or the matching group of semi-detached pairs it forms part of would be visually at odds with the character and pattern of development that characterises this suburbanscape. Including as appreciated from the public domain of the R128 and also from the adjoining Skerries Rugby Football Grounds.

- 7.15. In terms of other residential amenity impacts I consider that the proposed development, if permitted in the form proposed has the potential from the increased volume of the roof structure as a result of it extending towards No. 19 Shenick Avenue and also by extending it significantly towards the eaves level could give rise to additional levels of overshadowing. In turn this has the potential to diminish the level of daylighting reaching the rear of their properties which contains their private amenity space provision. the private amenity spaces of No.s 19 and No. 23 Shenick Avenue. This conclusion I would base on a number of factors including the orientation and juxtaposition of the proposed development additional building volume relative to adjoining properties in particular relative to their useable private amenity spaces. The documentation provided with this application does not provide any assurance that if increased overshadowing occurred that it would be of a negligible nature in relation to the existing context and the established amenities of properties in its vicinity.
- 7.16. In terms of other amenity impacts I am cognisant that the Development Plan indicates that dormer extensions should be considered having regard to their impact on the existing character and form of the dwelling in which it is to be inserted alongside those in its setting. It also indicates that the design, dimensions, and bulk of any roof proposal relative to the overall size of the dwelling, that the dormer extension shall generally not form a dominant part of a roof through to the level and type of glazing within a dormer structure should have regard to existing window treatments and fenestration of the dwelling (Note: Chapter 12). This is reinforced by Objective DSM41 which essentially reiterates this guidance.
- 7.17. In addition, in the context of Shenick Avenue which arguably has a definable and coherent character of itself due to the homogeneity in its overall design and layout resolution Objective DMS44 of the Development Plan is relevant. It states that the

Planning Authority shall seek to: “*protect areas with a unique, identified residential character which provides a sense of place to an area through design, character, density and/or height and ensure any new development in such areas respects this distinctive character.*”

- 7.18. Similarly Objective PM46 Development Plan is also relevant in the context of this appeal as it states that the Planning Authority shall seek to: “*encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.*”
- 7.19. In this instance case the amendment to the attic level which requires extensive changes to the roof shape, profile and slope would result in the hip ended profile being lost and replaced by a ridge height that extends an additional c5.6m from its current c3.5m where it adjoins with No. 23 to where it finishes at a gable ended side elevation. In addition to this rear roof slope would be amended to contain a dormer extension that has overall height that matches the original ridge height of the dwelling, that would extend from the top of the amended roof by a given 5.875m and would have a maximum width of 8.155m. Altogether this is not a subordinate insertion at attic level and is a significant dominant change of a roof structure that forms part of a coherent in design 2-storey semi-detached pair and within a streetscape setting characterised by a larger group of similarly originally matching 2-storey semi-detached pairs with matching hipped roofs over.
- 7.20. Having regards to the overall design of the dormer extension and is associated new gable wall I consider that as appreciated from the streetscape setting of Shenick Avenue the visual impact would be in the form of the diminishment of the integrity of this semi-detached pair and their contribution to a highly coherent and uniform in their appearance, design and layout through to building to space relationship collection of semi-detached pairs that address either side of Shenick Avenue as appreciated from the public domain of their streetscape setting.
- 7.21. Whilst it is the case that all planning applications should be considered on their merits the failure of this design to demonstrate compliance with the local planning provisions for this type of development could establish a precedent for similar developments. Thus, compromising what is effectively a local design guide for such interventions to ensure that such developments carefully consider their visual and residential amenity

impacts to ensure that no adverse impacts arise. This I consider would be a concerning outcome and having examined the planning history of the surrounding setting I consider that there is no precedent, in particular Board precedent for this type of dormer extension insertion in a similar setting to that proposed under this application.

7.22. Moreover, it would give rise to visually incongruous third floor level that would fail to be subordinate or respectful of the design of this semi-detached pair, the group of semi-detached properties it forms part of and through to would be a visually incongruous intrusion into its visual setting. A setting that is characterised by 2-storey built forms and rear additions that are largely single storey in their built form.

7.23. Furthermore, it would give rise to serious injury to adjoining properties in its immediate vicinity by way of diminished their established levels of residential amenity by way of undue additional overlooking that is over and above what would normally arise in such a residential suburban area in immediate context of what is a residential scheme designed with 2-storey built forms.

7.24. In conclusion, I consider that the Condition No. 3 would ensure that the proposed development would not be contrary to the Development Plan provisions for this type of development; that the design resolution is appropriately subordinate to the existing dwelling and the semi-detached pair it forms part of as well as the larger group of semi-detached properties that address the northern side of Shenick Avenue and back onto Skerries Rugby Football Club; and, importantly no significant adverse diminishment of established residential amenities would arise. I therefore recommend that the Board retain Condition No. 3 in its entirety.

7.25. **Other Matters Arising**

7.25.1. The proposed development essentially relates to the provision of 48m² of additional floor area at attic level of a two-storey property that there is conflicting functional use proposed, i.e., non-habitable and habitable. However, the documentation as presented and the appeal as submitted would tend to support the use of the attic as not being for non-habitable use but rather habitable use. I would share the view of the Planning Authority's Planning Officer that the use of the attic space for storage and non-habitable use is acceptable and that there is an onus on the applicant/developer to comply fully with Building Controls.

8.0 **Appropriate Assessment**

- 8.1. Having regard to the modest nature and scale of the proposed development alongside to the nature of the receiving environment, namely an urban and fully serviced location, 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.

9.0 **Recommendation**

- 9.1. I recommend that Condition No. 3 be retained in its entirety for the reasons and considerations set out below.

10.0 **Reasons & Considerations**

Having regard to the pattern of development and the visibility of No. 21 Shenick Avenue in its established and highly coherent suburban setting, it is considered that the proposed development would be acceptable subject to the requirements set out under Condition No. 3 in terms of it not injuring the visual and residential amenities of the area. Subject to the requirements of Condition No. 3, with the requirements of its subsection (a) and (b) working in unison with one another to ensure that no undue adverse residential and visual amenity impacts arise the proposed development would not establish a precedent for similar developments that would be in conflict with the provisions of Chapter 12 of the Development Plan as well as Development Plan Objectives DMS41, DMS44 and PM46.

Patricia-Marie Young
Planning Inspector

9th day of May, 2021.