



An
Bord
Pleanála

Inspector's Report

ABP-310131-21

Development	Permission for the conversion of the attic space including new dormer to the rear and all associated site works
Location	3 The Cove, Malahide, Co Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F21B/0046
Applicant(s)	James & Helen O'Sullivan
Type of Application	Planning Application
Planning Authority Decision	Grant permission with conditions
Type of Appeal	First Party vs. condition
Appellant(s)	James & Helen O'Sullivan
Observer(s)	None
Date of Site Inspection	14/11/21
Inspector	Ciara Kellett

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.....	6
5.0 Policy Context.....	6
5.1. Development Plan.....	6
5.2. Natural Heritage Designations	7
5.3. EIA Screening	7
6.0 The Appeal	7
6.1. Grounds of Appeal	7
6.2. Planning Authority Response	8
7.0 Assessment	9
8.0 Appropriate Assessment.....	11
9.0 Recommendation.....	12
10.0 Reasons and Considerations	12
11.0 Conditions	Error! Bookmark not defined.

1.0 Site Location and Description

- 1.1. The Cove housing estate is located in Malahide north County Dublin. It is situated to the west of Caves Strand/Sea Road which lead to the Malahide estuary. The Cove is a small housing estate of detached and semi-detached two storey houses with off-street parking within a predominantly residential area. No.3 The Cove is on the northern side of the estate road with a north-east south-west aspect. To the rear of the house lies a childcare facility. Beyond the childcare facility lies green open space leading to the estuary.
- 1.2. No.3 is a detached dwelling sharing open plan front gardens with neighbours. It is two storey with a pitched roof. 900mm is indicated as the distance between it and no.4 The Cove. No.2 The Cove has been extended with a two storey extension to the rear.
- 1.3. Appendix A includes maps and photos.

2.0 Proposed Development

- 2.1. The proposed development is described in the public notices as the conversion of attic space including a new dormer to the rear and all associated site works. The Drawings indicate solar panels and a rooflight to the front of the dwelling, but this is not described on the public notices.
- 2.2. The drawings indicate what is called the 'Flat Room' as being 4.630m x 3.240m in area. The internal height is indicated on the drawings as being 2.050m but the external height dimension on the drawing is stated as being 2.325m. The dormer window is noted as being 300mm below the ridge with a proposed roof overhang and stepped in from either side. The actual area of the proposed window glazing is not indicated on the drawings.
- 2.3. The dwelling is currently 92.5sq.m in area and the proposed conversion will provide an additional 22.5sq.m and is indicated as being for storage purposes on the application form.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to grant permission subject to 8 conditions. Condition 3(a) is the subject of this first party appeal. The conditions also included condition no.5 which states that any floorspace not in compliance with Building Regulations shall not be used for human habitation.

3.1.2. Condition no.3 states (noting that it is part a only that is the subject of the appeal):

Prior to the commencement of the development the developer shall submit for the written agreement of the Planning Authority revised plans at scale 1:100 to demonstrate the following amendments:

- a) Reduce the overall width of the dormer structure to 3 metres with the window ope not exceeding 2m in width and 1.2m in height.*
- b) Omit the roof overhang*
- c) Ensure the dormer structure is set down 300mm from the main ridge of the dwelling*
- d) Ensure the dormer structure is set in from the eaves level as demonstrated on drawing 'Proposed side south east facing'*

Reason: *In the interest of the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planner notes that the drawings detail the provision of a photovoltaic array of 7 panels and a roof light to the front elevation however these works have not been detailed within the development description and will not be considered as part of this application.
- It is considered that the main issues for consideration are compliance with zoning objective, integration and impact on the visual and residential amenity of the area, EIAR and AA.

- Notes that the works are considered to be an acceptable form of development within the RS zoning objective which seeks to '*Provide for residential development and protect and improve residential amenity*'.
- It is considered that the dormer structure in its proposed form by reason of the design, scale and mass would be unduly dominant and visually intrusive when viewed from the rear gardens of the adjacent dwellings and as such it does not accord with the requirement of Objective DMS41 and would not be acceptable.
- It is noted that the attic space is not for use as a habitable space and recommends that the structure be reduced in scale to aid the subordination on the rear roof slope.
- It is recommended that the structure be reduced in width to 3m with the window opening not exceeding 2m in width and 1.2m in height and that the roof overhang be omitted.
- It is not considered that the structure would give rise to undue overlooking.
- It is not considered that the development is a development for the purposes of Part 10 of the P&D Act or that appropriate assessment issues arise.
- A grant of permission is recommended subject to conditions.

The Planning Authority decision is in accordance with the Planner's recommendation.

3.2.2. **Other Technical Reports**

The Planner's Report indicates that no Departmental Reports were requested.

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

None

4.0 Planning History

There is no relevant planning history pertaining to the subject site.

In the vicinity:

- **F10A/0467:** The Planning Authority granted permission in February 2011 at No.2 The Cove for the construction of a two storey extension to include roof lights to the rear and retention for the widening of the existing vehicular entrance.
- **F08B/0306:** The Planning Authority granted permission in July 2008 at 23 The Cove for the conversion of attic to storage including a new window to the gable wall at attic level.

5.0 Policy Context

5.1. Development Plan

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

5.1.2. Chapter 12 Development Management Standards refers to Dormer Extensions and states:

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** 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 site lies c. 100m south of Malahide Estuary SAC (Site Code 000205) and SPA (Site Code 004025).

5.3. EIA Screening

The proposed development is not of a nature or scale which would fall within the fifth schedule of the P & D Regulations 2001 (as amended) such as would necessitate the carrying out of an EIAR.

6.0 The Appeal

6.1. Grounds of Appeal

This is a First Party Appeal submitted by O'Neill Town Planning Consultants against the Condition no.3(a). The appeal states:

- All of the development control standards as they apply to room sizes, private open space, car parking spaces and storage spaces have been complied with.
- There is a need to increase the amount of space owing to changes in work practices generally.
- All of the attic space is built to habitable standards and although the rest of the house has not been designed to allow the attic space be used as habitable space the applicants see no reason why the space should be built at a substandard size given the desire to use the space after the required upgrades to fire doors etc. in the rest of the house in the future.
- The space is now required as a home office space after the pandemic.

- The attic has been designed to habitable standards and all of the space is required should the applicant use it as a habitable space.
- Note that there is no issue with the rest of condition no.3.
- Applicant happy to reduce the size of the window to “not exceeding 2m in width and 1.2m in height”.
- Sole reason for the appeal is to retain the width of the dormer itself to the original width, i.e. 4.8m.
- Consider there is no reason to reduce the dormer as it fully complies with all dormers set out in Chapter 12 of the Fingal Development Plan and complies with DMS41 therein.
- Applicants have the support of their neighbours.
- Submit that it would not be visible from the road.
- Request the Board to uphold the appeal.

6.2. Planning Authority Response

The Planning Authority responded to the appeal and stated:

- Application was assessed against the policies and objectives of the Development Plan and government policy and guidelines.
- It was assessed having regard to the zoning objective as well as impact on adjoining neighbours and the character of the area.
- The principle of a dormer is acceptable however the development as proposed by virtue of scale and width would form a dominant feature on the roof slope and not accord with DMS41.
- Request the Board to uphold Condition no.3 in its entirety.

7.0 Assessment

- 7.1. The First Party has appealed Condition no.3a only. Condition no.3a requires that the overall width of the dormer structure be reduced to 3 metres (from its current proposed width of 4.630m identified on the drawing – albeit the appeal document refers to 4.8m) and the window opening be reduced to 2m in width and 1.2m in height.
- 7.2. The first party has appealed Condition no.3a only. Having regard to the facts that the works are an acceptable form of development within the RS zoning of this location, and there were no third party observations, I am satisfied that the consideration of the proposed development ‘de novo’ by An Bord Pleanála would not be warranted in this case. Accordingly, I recommend the Board should use its discretionary powers under Section 139 of the Planning and Development Act 2000 (as amended), and issue the Planning Authority directions to retain, remove or amend the Condition no.3a.
- 7.3. The Planner considers the development in terms of its integration and impact on the visual and residential amenities of the area. It is stated that notwithstanding the set down from the ridge and being set in from the eaves, it is considered that the dormer structure would be unduly dominant and visually intrusive when viewed from the rear gardens of adjacent dwellings and as such, does not accord with the requirements of Objective DMS41. It is recommended that the structure be reduced in scale to aid the subordination on the rear roof slope. The window opening is also reduced by Condition 3a to 2m in width by 1.2m in height. I note that the applicant is willing to accept the reduction of the window opening as per the condition. I further note that the Planner considers that the window would not give rise to undue over-looking.
- 7.4. I note that the drawings originally submitted state that the attic is for storage purposes, however the appeal submitted provides further detail and states that the attic has been designed to habitable standards and that all of the space is required. I note however Condition no.5 addresses Building Regulations and habitable standards.
- 7.5. The Fingal Development Plan refers to dormers in Chapter 12. A number of considerations are referred to which I address in turn:

- *impacts on existing character and form and privacy of adjacent properties*

Having regard to the nature of the development and in particular the adjoining properties, I am satisfied that the dormer as proposed will not have a seriously negative impact on the character and form of the area. Of relevance is the development that has been constructed at no.2 The Cove. The photographs included in the appeal and the view I saw on my site visit (see photos attached) indicate that the development at no.2 will continue to be more dominant than the dormer proposed in no.3. There will be minimal impact on privacy of no.2 as their existing rear development extends much further into their garden as illustrated on the Site Plan and the contiguous rear elevation included on Drawing no. 101. In addition, it will not cause overshadowing having regard to the orientation on either no.2 or no.4. I accept that there could be a degree of overlooking into the garden of no.4, however this is development within an urban area and some degree of overlooking can be expected. I agree with the Planning Authority in terms of reducing the scale of the window ope which when scaled from the drawing appears to be c.3.2m in width. I note that the Planner did not consider that there was any undue over-looking and I concur with this and recommend that the window ope is reduced as per condition 3a but that the overall width of the dormer at 4.630m remains. The Board may wish to reduce this slightly however I am satisfied that with the omission of the overhang as per Condition no.3b this width will be acceptable.

- *Design, dimensions and bulk relative to the overall size of the dwelling and gardens, not form dominant part of roof.*

The dormer is proposed at 300mm below the ridge of the roof and set in from the eaves. Scaling from the drawing this appears to be c.900mm on the west side and c.700mm from the east side. It will not be seen from the front of the dwelling and having regard to the narrow gap between the houses of 900mm it is unlikely that there will be even fleeting glances of the structure. I acknowledge that it will be seen from the creche development to the rear, however it will be seen in the context of the development at no.2 The Cove. While in isolation it could be seen to form a dominant part of the roof, it will sit comfortably beside the development at no.2.

- *Dormer extensions up to ridge – not higher than ridge*

It is proposed to be set down 300mm below the ridge height.

- *Quality of materials/finishes*

Materials proposed are to match the existing dwelling.

- *Level and type of glazing should have regard to existing window treatments and fenestration*

Glazing in the reduced window ope is described as double/triple glazed and the colour is to be agreed. The reduction in the width of the window ope will be preferable in terms of the existing windows at first floor.

In summary I am satisfied that the proposed development complies with the Fingal Development Plan written statement in terms of *Extensions to Dwellings* addressed in Chapter 12.

- 7.6. **DMS41** is the specific objective and 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*”. Based on the above assessment, I am satisfied that in this particular case the dormer while in isolation could be considered to be dominant, given the context I am satisfied that there will be no negative impact on the existing character and form of the properties and it is in compliance in terms of it being below the ridge height.
- 7.7. In conclusion I am satisfied that the proposed dormer is acceptable subject to the reduction in the size of the window ope as currently expressed in Condition no.3a and recommend that Condition no.3a is amended.

8.0 **Appropriate Assessment**

Having regard to the nature and scale of development proposed and 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. Having regard to the nature of the condition the subject of the appeal and based on the reasons and considerations set out below, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 as amended, to **AMEND** condition number 3a.

10.0 Reasons and Considerations

Having regard to:

- (a) the provisions of the Fingal County Development Plan 2017-2023,
- (b) the nature, scale and orientation of the development proposed, and
- (c) the pattern of development in the area,

the Board did not consider that particular circumstances arose that would necessitate the reduction in the width of the dormer in this case.

Condition no.3A

Prior to the commencement of the development the developer shall submit for the written agreement of the Planning Authority revised plans at scale 1:100 to demonstrate the following amendments:

- a) The maximum width of the dormer structure shall be 4.630 metres with the window ope not exceeding 2m in width and 1.2m in height.*

Ciara Kellett

Inspectorate

29th November 2021