



An  
Bord  
Pleanála

## Inspector's Report

### ABP-310637-21

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<b>Development</b>	Alterations to roof, new windows at attic level and two rooflights in front elevation
<b>Location</b>	34 The Grove, Pheasants Run, Clonee, Dublin 15
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	FW21B/0051
<b>Applicant(s)</b>	Mary McPeake.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant permission.
<b>Type of Appeal</b>	First Party
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	29 <sup>th</sup> September 2021.
<b>Inspector</b>	Barry O'Donnell

## 1.0 Site Location and Description

- 1.1. The subject site is located at 34 The Grove, within the Pheasant's Run estate to the east of Clonee and immediately south of the N3. The site consists of a two-storey semi-detached dwelling on a site of 0.02ha.
- 1.2. Pheasant's Run is a relatively large estate of semi-detached and detached housing, accessed from Littlepace Road. The Grove is at the north end of the estate and it overlooks a small, linear area of open space. Houses within The Grove incorporate hipped roofs and a projecting bay on the front elevation.

## 2.0 Proposed Development

- 2.1. Permission is sought for an attic conversion, which include alterations to the existing roof profile (hipped to gable end), a new window in the east facing gable at attic level, dormer window on the rear roof plane and 2 rooflights on the front roof plane. The converted attic space would be used as a home office.
- 2.2. The proposed roof reconfiguration involves building up the roof vertically from the eaves, by approx. 2.7m, to form a gable end and the provision of a box dormer with dimensions of 3.9m x 1.8m in a central location within the rear roof plane.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. On 1<sup>st</sup> June 2021 the Planning Authority granted permission, subject to 8 no. planning conditions. A number of conditions were attached, which required amendments to the development: -
  - *No. 2: The proposed rear dormer structure shall be subject to the following amendments and development shall be carried out accordingly;*
    - (a) *The dormer structure shall be set-down 300mm from the main ridge of the dwelling as indicated on the submitted drawings.*
    - (b) *The overall width of the dormer structure shall be no more than 3m.*

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

- *No. 3: Prior to any development taking place on the site, the applicant shall submit revised elevations, plans and sections of the proposed development with the omission of the proposed rooflights from the front (north) roof slope of the dwelling.*

### **3.2. Planning Authority Reports**

3.2.1. A planning report dated 28<sup>th</sup> May 2021 has been provided. The report outlined that the proposed roof profile alteration was acceptable and would not be visually intrusive. The report referenced similar developments in the area, which had been granted permission. The proposed rooflights were considered out of character and visually obtrusive and were considered likely to impact on the visual amenity of the area. Regarding the dormer structure, reference was made to development plan objective DMS41, which outlines that such developments will be considered where there is no negative impact on the existing character and form and the privacy of adjacent housing. The proposed dormer was considered to form a dominant and visually obtrusive structure, containing windows 1.9m and 0.9m wide and it was recommended that the dormer should be required to be reduced in width, to 3m and also that it should be set below the existing ridge by 300mm. The development was considered unlikely to result in increased overlooking or loss of residential amenity, due to the level of separation from adjacent housing. The report recommended that permission be granted, subject to 11 No. recommended conditions. Recommended conditions 9, 10 and 11 related to payment of a bond and financial contributions and they were identified to be omitted from the Planning Authority's decision.

#### **3.2.2. Other Technical Reports**

The planning report indicates that the application was not referred to other internal technical departments.

### **3.3. Prescribed Bodies**

3.3.1. None.

### 3.4. Third Party Observations

3.4.1. The planning report states that no third party letters of observation were received.

## 4.0 Planning History

F07B/0417 – Permission refused on 1<sup>st</sup> August 2007 for an attic conversion and including a proposed dormer window to side elevation and velux rooflight to rear elevation of existing hipped roof. Permission was refused for 2 reasons, related to (1) impact on residential and visual amenities of the area and (2) the setting of a precedent for similar development.

### Relevant nearby planning history

FW21B/0047 – *1 The Grove*: Permission granted on 29<sup>th</sup> June 2021 for an attic conversion and including alterations to existing roof profile (from hipped to gable end), new window in the east facing gable wall at attic level, 4 rooflights in rear elevation roof plane and 2 rooflights in front elevation roof plane.

FW21B/0029 – *11 The Drive*: Permission granted on 2<sup>nd</sup> June 2021 for an attic conversion and including new roof profile (from hipped to gable end, new roof light windows to the front and rear and all associated ancillary site works required.

FW18B/0017 – *57 The Drive*: Permission granted on 16<sup>th</sup> May 2018 for an attic conversion and including removal of hipped end of roof and the construction of hipped end of roof and the construction of an apex roof with dormer structure including window to rear roof profile, also window to gable end at loft level.

## 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.*"

5.1.2. Section 12.4 contains design criteria for residential development. In respect of roof alterations, it states that such proposals will be considered against a number of criteria, including:

- Consideration and regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures.
- Existing roof variations on the streetscape.
- Distance/contrast/visibility of proposed roof end.
- Harmony with the rest of the structure, adjacent structures and prominence.

5.1.3. The section also provides guidance in relation to dormer extensions, stating that such proposals will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties and that the design, dimensions and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations.

5.1.4. The following objectives are relevant to the appeal: -

*DMS41: 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 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

6.1.1. The grounds of appeal can be summarised as follows: -

- A first party appeal is lodged in respect of conditions 2(a), 2(b) and 3 of the Planning Authority's decision.
- Condition 2(a)
  - The proposed set down of 300mm would make the dormer head space unusable, at approx. 2m. The submitted drawings identified a setdown of 100mm below the main ridge.
- Condition 2(b)
  - Similar developments in the area have been permitted without a 3m width restriction and it is unfair to do so in this instance. Reference is made to FW18B/0074 (44 Littlepace Drive), FW17B/0075 (45 Littlepace Drive) and FW16B/0088 (6 The Wood).
- Condition 3
  - A number of dwellings in the immediate vicinity have been granted permission for front-facing rooflight and it is unfair to require their removal in this instance. Reference is made to FW18B/0074 (44 Littlepace Drive), FW17B/0075 (45 Littlepace Drive), FW16B/0088 (6 The Wood), FW20B/0030 (24 The Drive), FW17B/0073 (57 The Grove) and FW21B/0047 (1 The Grove).

### 6.2. Planning Authority Response

6.2.1. A submission was received from the Planning Authority on 29<sup>th</sup> July 2021, advising that the application was assessed against the policies and objectives of the county development plan and existing government policy and guidelines and was also assessed having regard to development plan zoning objectives, residential and visual amenity and design. The Planning Authority remains of the opinion that conditions 2 and 3 of its decision are appropriate. The Board is requested to uphold

its decision. The Board is also requested to attach a condition requiring a S48 contribution to its Order.

### 6.3. **Observations**

6.3.1. None.

## 7.0 **Assessment**

7.1. This is a first party appeal against conditions 2(a), 2(b) and 3 of the Planning Authority's decision to grant permission for application Reg. Ref. FW21B/0051. Under Section 139 of the Planning and Development Act, 2000, as amended (the Act), the Board has the discretion over whether to consider these conditions in isolation from the remainder of the development. I consider, having regard to the nature and intent of conditions 2(a), 2(b) and 3, that determination by the Board as if the application had been made to it in the first instance would not be warranted in this instance and the appeal can be assessed under the provisions of Section 139 of the Act.

### 7.2. **Condition 2(a)**

7.2.1. The condition requires that the dormer structure shall be set down 300mm from the main ridge of the dwelling as indicated on the submitted drawings.

7.2.2. The applicant states that the proposed set down of 300mm would make the dormer head space unusable, at approx. 2m, and also states that the submitted drawings identified a setdown of 100mm below the main ridge.

7.2.3. I have given consideration to the relationship of the proposed dormer structure to the main ridge, in the context of section 12.4 of the development plan and also objective DMS41, which is the applicable objective pertaining to dormer extensions. The objective states that such extensions will only be considered where there is no negative impact on the existing character and form, and the privacy of adjacent properties and further states that consideration may be given to dormer extensions proposed up to the ridge level of a house.

7.2.4. In this instance the proposed dormer is set below the ridge of the house by 100mm and I consider this arrangement to be acceptable and in accordance with objective DMS41, where the proposed dormer would have no negative impact on the

character and form of the dwelling or the visual amenity of the area. Accordingly, I conclude that condition 2(a) of the Planning Authority's decision should be omitted.

### **7.3. Condition 2(b)**

- 7.3.1. The condition required that the overall width of the dormer structure shall be no more than 3m.
- 7.3.2. The applicant states that similar dormer extensions have been permitted in the area, without a 3m restriction, and identifies a number of examples of such permissions having been granted.
- 7.3.3. Objective DMS41 outlines that such additions should not form a dominant part of the roof and also outlines that a key aspect of the assessment of such proposals will consideration of impacts on existing character and form, and the privacy of adjacent properties.
- 7.3.4. The issue of dominance is not clarified by the development plan and therefore, in my view, the issue falls to be considered in relation to the other aspects of the objective, i.e. impact on the existing character and form and the privacy of adjacent properties.
- 7.3.5. The dormer is centrally located within the roof plane, set away from the roof edge/property boundary by at least 1m, is set below ridge level by 100mm and is set back from the eaves by more than 1m. The structure (3.9m wide x 1.8m high) would also occupy less than 50% of the rear roof slope (6.1m wide x 3.2m high).
- 7.3.6. I also note, as the applicant points out, that the Planning Authority has granted permission elsewhere in the area for similarly wide dormer structures.
- 7.3.7. I agree with the Planning Authority, that the addition of a dormer to the rear roof plane would not have a significant impact on the privacy of the rear adjoining property, 20 The Drive, given the depth of the rear garden of the subject site, the perpendicular relationship of this adjacent house and the fact that there is already a degree of overlooking of this property from houses within The Grove.
- 7.3.8. In my view, the proposed dormer would not form a dominant part of the roof slope, would not have an adverse impact on the character and form of the dwelling and would not impact on the privacy of adjacent properties. I consider it complies with the requirements of objective DMS41 and, accordingly, I conclude that condition 2(b) of the Planning Authority's decision should be omitted.



#### **7.4. Condition 3**

- 7.4.1. The condition requires omission of the proposed rooflights from the front (north) roof slope of the dwelling.
- 7.4.2. The planning report on the application states that they would be out of character and visually obtrusive and would impact on the visual amenity of the area.
- 7.4.3. The applicant states that the Planning Authority has granted permission in a number of instances in the area, for front-facing rooflights and identifies a number of examples of such permissions having been granted.
- 7.4.4. As the applicant has highlighted, similar forms of development have been granted permission in the wider area and, in my view, they are now commonplace in contemporary housing developments. It is also worth pointing out that the subject house and adjacent houses are also of a stock design and are not subject to any designation or protection, relating to the architectural design. Whilst the proposed rooflights will be a noticeable addition to the front roof slope, I do not consider they would have any significant or undue visual impact. Accordingly, I conclude that condition 3 of the Planning Authority's decision should be omitted.

#### **8.0 Recommendation**

- 8.1. I recommend that the Board, for the reasons and considerations set out below, direct the Planning Authority under Section 139 of the Act to remove conditions 2(a), 2(b) and 3 of its decision to grant permission under Reg. Ref. FW21B/0051.

#### **9.0 Reasons and Considerations**

Having regard to the scale and design of development proposed, together with the pattern of development in the surrounding area and the requirements of Section 12.4 and Objective DMS41 of the Fingal County Development Plan 2017-2023, it is considered that the requirements of conditions 2(a), 2(b) and 3 are not necessary and that the proposed development would not impact on the amenities of adjoining property, by reason of overlooking, and would not impact on the character or visual amenity of the area.

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Barry O'Donnell  
Planning Inspector

30<sup>th</sup> September 2021.