



An
Bord
Pleanála

Inspector's Report ABP-312422-22

Development	Extension to existing house and associated works.
Location	20 Carrickbrack Heath, Sutton, Co. Dublin.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F21A/0445
Applicant(s)	Elizabeth O'Reilly and Gary Flood
Type of Application	Permission
Planning Authority Decision	Grant permission subject to conditions.
Type of Appeal	First Party v Development Contribution Condition.
Observer(s)	None
Date of Site Inspection	18 th March 2022
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site comprises a detached, single storey house located on the western side of this street. Carrickbrack Heath is an established residential area located to the south of Sutton Village, off Carrickbrack Road. The area is characterised by similar single-storey detached houses with generous provision of private amenity space in an originally open plan format.
- 1.2. The subject house has a stated floor area of 167.15 sq m and is located on a site with a stated area of 0.1151 hectares. The house has a good-sized front garden and very generous private amenity space located to the rear/ west.

2.0 Proposed Development

- 2.1. The proposed development consists of alterations and extensions to the existing house including:
 - Removal of an existing chimney, the garage roof, and the existing roof on the house.
 - The provision of a new raised pitched roof with a first-floor window in the east elevation.
 - A new dormer to the southern roof profile.
 - The construction of a split-level extension to the rear of the house.
 - A single-storey extension to the south of the house.
 - A new garage roof and extension to the front of the garage.
 - New render finish to external walls and modifications to windows.
 - The widening of the front entrance.
 - All associated landscaping and site works.

The proposed development provides for a total of 281 sq m of floor area.

Revisions were made to the design in response to a further information request. Revisions were made to the development including revised first floor rear extension, dormer, and windows.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to conditions, following the receipt of further information. The conditions are generally standard. Condition number 8 is the subject of this appeal, and states as follows:

‘Prior to Commencement of development the developer shall pay the sum of €25,657 (updated at date of commencement of development, in accordance with changes in the Tender Price Index) to the Planning Authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the planning authority in respect of public infrastructure and facilities benefiting development in the area of the Authority, as provided for in the Contribution Scheme for Fingal County made by the Council. The phasing of payments shall be agreed in writing with the planning authority prior to the commencement of development’.

3.1.1. Planning Reports

The Planning report reflects the decision to grant permission subject to conditions. The calculation of the financial contribution is on the basis of the proposed development extending the house by 281 sq m, minus 40 sqm under the exempted development rights and the area to be levied is 241 sq m. This 241 is multiplied by €106.46 giving a total of €25,657.

4.0 Planning History

None.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. Under the Fingal Development Plan 2017 – 2023, the site is zoned ‘RS’ Residential, and which seeks to ‘Provide for residential development and protect and improve residential amenity’.

5.1.2. The Fingal Development Contribution Scheme 2021 – 2025 is of relevance to the appeal, please see copy attached as appendix to this report.

5.2. National Guidance

- Development Contributions – Guidelines for Planning Authorities (DoECLG, 2013)

6.0 The Appeal

6.1. Grounds of Appeal

The applicant has submitted a first party appeal under the provisions of Section 48(10)(b) of the Planning and Development Act 2000 as amended, against Condition no. 8 of F21A/0445 only.

The issues raised include:

- The additional floor area is 257.29 sq m. The levied area should be this figure less 40 sq m (exempted development) and 81.55 sq m for use of existing attic space. The area to be levied would be 135.74 sq m.

6.2. Planning Authority Response

- The area to be levied is 281 sq m, less 40 sq m for exempted development area and therefore a total area of 241 sqm.
- The Development Contribution was in accordance with the Fingal Development Contribution Scheme 2021 – 2025.

7.0 Assessment

7.1. This is an appeal made under the provisions of Section 48(10)(b) of the Planning and Development Act, 2000 as amended, and therefore the Board is restricted to consideration of Condition No. 8 only and cannot consider the proposed development *de novo*. The assessment is therefore confined to the application of the terms of the Fingal County Council Development Contribution Scheme 2021 – 2025 and any index related increase.

- 7.2. There are two issues that require consideration in my opinion, the development floor area, and the use of an attic space.
- 7.3. **Development Floor Area:** The originally submitted application was for an additional 257 sq m of floor area. The proposed development was revised by way of further information, and I cannot find any reference by the applicant to the revised floor area. Fingal County Council calculate the floor area of the development to be 281 sq m, which is an increase of 24 sq m. Whilst not a large increase, I am somewhat surprised that the floor area has increased as an assessment of the plans would suggest that the difference would have been neutral rather than an increase. However, as the Planning Authority have provided this figure, I will accept it and the applicant has not provided any details to suggest otherwise.
- 7.4. The Planning Authority therefore consider that the figure to be calculated is the development area of 281 sq m minus 40 sq m for exempted development giving a levy area of 241 sq m. This calculation is acceptable.
- 7.5. **Use of Attic Space:** The applicant contends that the attic space should be exempt from the calculation as this is existing floor area. I note this argument and I again rely on the submitted plans and elevations submitted in support of the application. The applicant's argument that the conversion of an existing attic space should not be included in the levy contribution is reasonable however, there are reasons why I consider that this does not apply in this case.
- 7.6. Firstly, there is no evidence that the attic space has been used for any purpose associated with the residential amenity of the house. The submitted 'Existing-Ground Floor Plan' – Reg No. (P) 101 Revision A, does not indicate that the attic space is directly accessed from the ground floor of the house. I therefore consider that its use was only for storage and related uses with limited access.
- 7.7. Secondly, the submitted drawing 'Existing Section' – Reg No. (P) 104 Revision A, indicates that the floor to ceiling height of the attic space is only 2.24 m. The Building Regulations require a floor to ceiling height of 2.4 m over a certain floor area and no part of this attic space meets this figure. Therefore, the attic space cannot be considered as habitable floor space, and is not therefore, a change of use.
- 7.8. The use of the attic space relies on the provision of a new access to this level but more crucially a raising of the roof ridge height to meet the required building

standards; this is achieved through the provision of a new roof over this area. I therefore consider that the conversion of the attic space is overstated by the applicant and the use of this space requires significant structural works to allow it to be used as a habitable space. I therefore dismiss the argument that the attic space should be excluded from the calculations for the contribution to be levied.

8.0 Recommendation

8.1. It is considered that the Planning Authority correctly applied the terms of the Fingal County Council Development Contribution Scheme 2021 – 2025 in requiring a contribution by way of condition. It is therefore recommended that Condition no. 8 be retained as is.

9.0 Reasons and Considerations

9.1. Having regard to the nature of the development which is for extensions and alterations to an existing house, I consider that the Planning Authority have correctly applied the terms of the Fingal County Council Development Contribution Scheme 2021 – 2025. Therefore, Condition no.8 of F21A/0445 shall be retained as written by the Planning Authority.

Paul O'Brien
Planning Inspector

18th March 2022