



An
Bord
Pleanála

Inspector's Report ABP-313453-22

Development

The conversion of existing second floor attic into a habitable space to facilitate two new bedrooms and an ensuite. Works will include alterations to existing first floor layout to facilitate new access stair and the installation of four new rooflights to the front elevation, six new rooflights to the rear elevation and one new window to the gable elevation. It is also proposed to widen the existing single gate to the side of the property to incorporate a new double gate and all associated site works.

Location

26 Hollywoodrath Crescent,
Hollystown, Dublin 15, D15RX2Y.

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

FW22B/0015

Applicant(s)

Frank McGrath

Type of Application

Permission

Planning Authority Decision

Grant subject to conditions

Type of Appeal	First Party v. Conditions
Appellant(s)	Frank McGrath
Observer(s)	None.
Date of Site Inspection	6 th October, 2022
Inspector	Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site is located at No. 26 Hollywoodrath Crescent, Hollystown, Dublin 15, approximately 3.0km north of Junction 3 (Clonsilla) on the N3 National Route and 2.3km southwest of Junction 2 (Cherryhound) on the M2 Motorway, in a developing suburban / residential area predominantly characterised by conventional two-storey, semi-detached housing (with front & rear garden areas and off-street car parking). It has a stated site area of 0.0355 hectares, is irregularly shaped, and is occupied by a two-storey, semi-detached dwelling house situated along the western side of the local service roadway. The property includes front, side and rear garden areas, off-street car parking, and a side access / gateway alongside the northern gable of the dwelling.

2.0 Proposed Development

- 2.1. The proposed development consists of the following:
- The conversion of the second floor attic space into habitable accommodation with the provision of 2 No. new bedrooms and an ensuite bathroom;
 - Alterations to the first floor layout to facilitate the insertion of a new access stair to the second floor accommodation;
 - The installation of 4 No. new rooflights (incorporating 2 No. fire escape units) to the front elevation;
 - The installation of 6 No. new rooflights (incorporating 2 No. fire escape units) to the rear elevation;
 - The provision of a new window (serving the stairway to the proposed second floor level) within the side gable elevation;
 - The removal of a section of walling to allow for the widening of an existing gateway to the side of the property and the provision of a new double gate; and
 - All associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 5th April, 2022 the Planning Authority issued a notification of a decision to grant permission for the proposed development, subject to 6 No. conditions. These conditions are generally of a standardised format and relate to issues including the use of the proposed development, the nature of the proposed rooflights, and construction management, however, the following condition is of relevance in the context of the subject appeal:

3.1.2. *Condition No. 2:*

The development shall be subject to the following amendments:

- a) The proposed rooflights in the front plane of the house shall be omitted.
- b) Prior to commencement of development, revised plans and elevations of the development shall be submitted for the written agreement of the Planning Authority and the development shall be carried out accordingly.

Reason: In the interest of visual and residential amenity.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

Details the site context and the applicable policy considerations before stating that the principle of the proposed development is acceptable by reference to the applicable land use zoning objective. It proceeds to consider the broader design of the proposal and notes that the rooflights will not result in any undue overlooking of neighbouring properties. However, it is subsequently stated that the scale of the rooflights proposed to the front roof pitch (the size of which is seemingly affected by the need to cater for fire escape purposes), when taken in combination with the existing solar panels within the same roof plane, would have a significant detrimental impact on the visual amenities of the surrounding area. The report thus concludes by recommending a grant of permission, subject to conditions, including a requirement that the rooflights proposed to the front of the property be omitted.

3.2.2. *Other Technical Reports*

None.

3.3. **Prescribed Bodies**

- 3.3.1. DAA: Notes that the proposed development is located within 'Noise Zone B' and refers to Objective DA07 of the Fingal County Development Plan, 2017-2023 which states the following:

'Strictly control inappropriate development and require insulation where appropriate in accordance with Table 7.2 above within Noise Zone B and Noise Zone C and where necessary in Assessment Zone D, and actively resist new provision for residential development and other noise sensitive uses within Noise Zone A, as shown on the Development Plan maps, while recognising the housing needs of established families farming in the zone . . .'

It is subsequently recommended that a condition be attached to any grant of permission requiring the noise sensitive uses to be provided with noise insulation to an appropriate standard in order to ensure that the development is designed with adequate noise mitigation in accordance with the Development Plan.

3.4. **Third Party Observations**

None.

4.0 **Relevant Planning History**

4.1. **On Site:**

None.

5.0 **Policy and Context**

5.1. **Fingal County Development Plan, 2017-2023:**

5.1.1. *Land Use Zoning:*

The proposed development site is located in an area zoned as '*RA: Residential Area*' with the stated land use zoning objective to '*Provide for new residential communities subject to the provision of the necessary social and physical infrastructure*'.

5.1.2. *Other Relevant Sections / Policies:*

Chapter 3: Placemaking:

Section 3.4: Sustainable Design and Standards: Design Criteria for Residential Development: Other Residential Development: Extensions to Dwellings:

The need for people to extend and renovate their dwellings is recognised and acknowledged. Extensions will be considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area.

Objective PM46: Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.

Chapter 7: Movement and Infrastructure: Noise:

Objective DA07: Strictly control inappropriate development and require noise insulation where appropriate in accordance with table 7.2 above within Noise Zone B and Noise Zone C and where necessary in Assessment Zone D, and actively resist new provision for residential development and other noise sensitive uses within Noise Zone A, as shown on the Development Plan maps, while recognising the housing needs of established families farming in the zone. To accept that time based operational restrictions on usage of a second runway are not unreasonable to minimize the adverse impact of noise on existing housing within the inner and outer noise zone.

Chapter 12: Development Management Standards:

Section 12.4: Design Criteria for Residential Development: Other Residential Development: Extensions to Dwellings

5.2. **Natural Heritage Designations**

5.2.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Royal Canal Proposed Natural Heritage Area (Site Code: 002103), approximately 4.6km south of the site.

5.3. EIA Screening

- 5.3.1. Having regard to the minor nature and scale of the development proposed, the site location in an established built-up area outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, 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

- Condition No. 2 should be omitted or amended to allow for the rooflights proposed to the front of the house. The purpose of these rooflights is to provide for compliance with the Building Regulations as regards fire safety, ventilation and lighting requirements.
- The proposed development site is located in an area zoned as 'RA' wherein the vision of the Planning Authority is to *'Provide an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities'*.

Due to the circumstances of the applicant's family, the existing dwelling house no longer satisfies their household needs and, therefore, the subject proposal aims to provide 2 No. additional bedrooms within the attic space thereby affording all family members their own private space. In order to achieve this, the existing first floor 'box' bedroom will be reduced to a small study to facilitate the insertion of a new stairway to the attic level. It is as a result of the loss of the existing 'box' bedroom that it will be necessary to provide two bedrooms at attic level to meet the 'households needs'. It should also be

noted that in order to utilise the attic space most efficiently, and taking account of the new stairs from below, it is proposed to divide the floorspace into two rooms with one bedroom to the rear and the other to the front of the house.

The removal of the rooflights proposed to the front of the dwelling as required by Condition No. 2 will render the front bedroom space void as it will no longer satisfy the necessary lighting, ventilation and fire safety / escape requirements. Although a solution would be to combine the rooms into a single larger bedroom and to provide additional windows to the rear for light and ventilation purposes, this would represent an inefficient use of the available space and would result in a deep, single aspect bedroom which would be difficult to light and ventilate properly. Any such revision would also have the effect of reducing the dwelling back to a four-bedroom unit and thus would be counter-productive to the main objective of the planning application. The only alternative would be to provide two small 'box' bedrooms to the rear of the property which would be far from an efficient layout resulting in a large percentage of 'dead' / unusable space to the front of the house.

- The Development Plan states that extensions and renovations will be *'considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area'*. Objective PN46 also aims to *'encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area'*.

The application site is located within a recently developed housing scheme where all of the dwellings have been fitted with an array of solar panels to the roof. Depending on the orientation of the individual dwelling, this solar array may be positioned to the front or back of the dwelling in order to receive the most sunlight.

Taking into account the inconsistent positioning and sizing of the solar panel arrays throughout the housing scheme, and as the front building line of the subject site differs from that of surrounding properties, it is submitted that the proposed siting of rooflights to the front of the existing house will not be

injurious to the visual amenities of the area and will not be read in conjunction with neighbouring dwellings. It is considered that the rooflights will blend into the existing streetscape and will be read as solar panels rather than windows thereby having a minimal impact on the visual amenities of the area.

- Contrary to the report of the case planner, permission has previously been granted for rooflights within the front roof pitch of housing within the Hollywoodrath estate. In this respect, the Board's attention is drawn to PA Ref. No. PF/0015/21 wherein permission was granted for 2 No. (smaller) rooflights to the front of a dwelling with the planner's assessment considering the windows to be acceptable and making no reference to any impact on the visual amenity of the area.
- By way of precedent, there is a dwelling house facing onto the main road within the estate which has had two rooflights installed within its front elevation. There are also several instances of multiple rooflights having been installed to the rear of properties while the orientation of these units, when taken in conjunction with the estate layout, results in the majority of the rooflights being visible from the public road.

6.2. Planning Authority Response

- No further comments other than to request that the decision as issued be upheld.

6.3. Observations

None.

6.4. Further Responses

None.

7.0 Assessment

- 7.1. From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the

appeal relate to the inclusion of Condition No. 2. Furthermore, in accordance with the provisions of Section 139 of the Planning and Development Act, 2000, as amended, I am satisfied that this appeal should relate only to the merits of the aforementioned condition.

7.2. Condition No. 2:

- 7.2.1. This condition requires the omission of the grouping of 4 No. rooflights (incorporating 2 No. fire escape units) proposed to be installed within the front roof pitch of the existing dwelling house *‘in the interest of visual and residential amenity’*. The rationale for this requirement can be derived from the report of the case planner and stems from an assertion that the size of the rooflights, when taken in combination with the existing solar panels installed within the same roof plane, would be seriously injurious to the visual amenity of the area and would set an undesirable precedent for similar such development.
- 7.2.2. While I would acknowledge that the application site is located in a developing residential area where there is a considerable level of consistency and uniformity in house design with a common theme evident throughout the wider Hollywoodrath Estate, there are nevertheless notable variations in both the architectural and elevational treatment of housing within the scheme. Not only are there a number of different house types which employ a variety of features such as front gables, ‘box’ dormer windows and changing shades of brickwork etc., but the semi-detached housing characteristic of Hollywoodrath Crescent is not entirely uniform in itself given that the occupants of several of the houses have chosen not to install (6 No.) solar panels to the front of their properties. In this regard, I am inclined to suggest that there is scope to allow for the alteration of individual properties (as would be expected given that housing estates evolve over time with individual homeowners choosing to make changes or improvements to their properties such as through the replacement of fenestration or the adoption of new colour schemes etc.) provided that it does not detract from the prevailing character or streetscape of the area.
- 7.2.3. Given the site context, the limited scale and nature of the works, and noting the applicant’s suggestion that the proposed rooflights could be compared to the solar panels prevalent along this section of the streetscape, in my opinion, the impact of the proposal will be minimal and will not detract from the visual or residential amenity

of the area. There are multiple examples of rooflights having been installed to the rear of housing in the immediate site surrounds which are visible from the public road as a result of their orientation relative to same. Further credence is lent to the proposal by reference to the grant of permission issued in respect of PA Ref. No. FW20B/0146 which permitted the insertion of 2 No. rooflights to the front of the dwelling house at No. 42 Hollywoodrath Avenue. It is of further relevance to note the possible changes to the broader roofscape that may be attributable to the recent issuing of the Planning and Development Act, 2000 (Exempted Development) (No. 3) Regulations, 2022 (in reference to Class 2 of Part 1 of Schedule 2) which state there is now no limit to the area of solar panels which can be installed on rooftops of homes, anywhere in the country i.e. solar installations will be able to cover the entire roof of a house with the 12sqm/ 50% roof limit which previously applied having been removed (subject to certain conditions such as minor setback distances from the edge of the roof and the caveats that apply to protected structures and within Architectural Conservation Areas).

- 7.2.4. Therefore, on the basis of the foregoing, it is my opinion that the rooflights proposed to the front of the subject dwelling house will not be of such significance as to detract from the visual or residential amenity of the area and thus their omission through the imposition of Condition No. 2 would not be warranted.

7.3. Appropriate Assessment:

- 7.3.1. Having regard to the minor nature and scale of the development under consideration, the site location in an existing built-up area outside of any protected site, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

- 8.1. Having regard to the nature of the condition the subject of the appeal, 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, based on the

reasons and considerations set out below, directs the Fingal County Council under subsection (1) of Section 139 of the Planning and Development Act, 2000, as amended:

- to **REMOVE** Condition No. 2 for the reasons and considerations set out hereunder:

Reasons and Considerations:

Having regard to the site location in a developing residential area, the surrounding pattern of existing and permitted development, and the limited nature and scale of the proposed development, it is considered that the imposition of condition number 2 is not warranted and that the proposed development would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Robert Speer
Planning Inspector

8th October, 2022