



An
Bord
Pleanála

Inspector's Report

ABP-314516-22

Development	Conversion of attic to storage including a dormer window to the rear, a ground floor extension to the rear and a ground floor extension to the side.
Location	No. 11 Saint Mochtas Road, Clonsilla, Dublin, D15 E1R8.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW22B/0077.
Applicant(s)	Ionel and Andreea Tutuleac.
Type of Application	Permission.
Planning Authority Decision	Grant permission.
Type of Appeal	First Party V Condition of Permission
Appellant	Ionel and Andreea Tutuleac.
Observer(s)	None.
Date of Site Inspection	7 th January 2023.
Inspector	Enda Duignan

1.0 Site Location and Description

- 1.1.** The address of the appeal site is No. 11 Saint Mochta's Road, Clonsilla, Dublin. The site has a stated area of 0.0211ha and is located on the northern side of Saint Mochta's Road. The site comprises a double storey, semi-detached dwelling with car parking provided within its front setback and an area of amenity space to its rear (north). The site is located within an established residential area which is characterised by double storey, semi-detached dwellings of a similar architectural style.
- 1.2.** Nos. 10 and 12 Saint Mochta's Road are located to the east and west of the appeal site respectively. The garden associated with No. 8 Saint Mochta's Road is located directly to the north of the appeal site. I note that there is an area of public open space to the south of the appeal site.

2.0 Proposed Development

- 2.1.** The proposed development seeks planning consent for the construction of a single storey extension to the side and rear of the existing dwelling. The extensions have a stated floor area of c. 44.3sq.m. and comprise a utility room to the side and open plan kitchen/living/dining room to the rear.
- 2.2.** The proposals also included the conversion of the existing attic level and the construction of a dormer window on the rear roof slope.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1.** The Planning Authority granted permission for the proposed development subject to compliance with 8 no. conditions.

- 3.1.2.** Condition No. 2 was included as follows:

The proposed development shall be amended as follows:

- a. The proposed dormer extension shall have a maximum external width of 3.0 metres.
- b. The proposed width of glass in the dormer extension shall be no more than 1.5 m wide.

- c. The proposed dormer extension shall be centred in the roof pitch.
- d. The proposed dormer extension shall be at least 300mm below the existing roof ridgeline.

REASON: In the interest of residential and visual amenity.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Fingal County Council Planning Report forms the basis for the decision. The report provides a description of the appeal site and surrounds and provides an overview of the proposed development and the policy that is applicable to the development proposal.

The Planning Authority note that principle of development is acceptable at this location and no concerns are raised with respect to the proposed ground floor level extensions. However, concerns are highlighted with respect to the scale and form of the proposed dormer structure and revisions to the design of the structure are recommended. A grant of permission was recommended within the Planning Report subject to compliance with 8 no. conditions.

3.2.2. Other Technical Reports

Water Services Section: Report received stating no objection subject to compliance with conditions.

3.3. Prescribed Bodies

Irish Water: Report received stating no objection subject to compliance with conditions.

3.4. Third Party Observations

None.

4.0 Planning History

None.

5.0 Policy Context

5.1. Development Plan

The site is within an area zoned 'RS' of the Fingal County Development Plan (CDP), 2017-2023, the objective of which is 'Provide for residential development and protect and improve residential amenity'. All lands within the immediate surrounds of the subject site are also zoned 'RS'. The vision for 'RS' zoned lands is to 'Ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity'.

The need for people to extend and renovate their dwellings is recognised and acknowledged in the current CDP. The policy notes that extensions will be considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area. Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and remaining usable rear private open space. Side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation), and impacts on residential amenity.

Policy objectives relevant to the development proposal include:

- **Objective 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.
- **Objective DMS42:** Encourage more innovative design approaches for domestic extensions.

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 proposed development does not fall within a Class of Development set out in Part 1 or Part 2, Schedule 5 of the Planning and Development Regulations, 2001 (as amended), therefore no EIAR or Preliminary Examination is required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A First Party Planning appeal has been received from the Applicant with respect to the Condition No. 2 (a), (b), (c) and (d) which was attached to a grant of permission. The grounds of appeal can be summarised as follows:

- The rationale for the reduction in the width of the dormer structure is not justified in the Planner's Report save for a reference to Objective DMS41. It is stated that the introduction of rear dormer windows is a very common intervention within housing estates within the Fingal area and are generally received favorably. Reference is made to the commentary within the Planner's Report which states that the dormer window is not considered to contribute to any significant increase in overlooking or loss of residential amenity.
- With respect to Condition No. 2(a), it is stated that the proposed dormer window has been carefully designed to be subordinate to the existing rear roof plane by being substantially pulled back from the existing eaves and limiting the width of the dormer to 3.5m relative to the existing roofscape which is c. 5.75m wide. In addition, the dormer occupies c. 11.5sq.m. of the roof plane, while over 12sq.m. of the roof remains. It is contended that these factors result in a dormer structure which is subordinate to the existing roof.
- In response to Condition 2(b), the grounds of appeal indicate that they are proposing a modification to the window to the dormer structure to provide 2 separate window panes within the structure. It is contended that the amount of glazing is appropriate to the dormer structure proposed.
- With respect to Condition 2(b), the Applicant is now proposing to relocate the dormer structure further from the party wall with the neighbouring property (by c. 600mm).

- In terms of Condition 2(d), it is stated that the condition will severely impinge on the utility of the space at attic level leaving a space of only 1.95m high. It is stated that the visible face of the dormer as proposed is 1.7m high and is only slightly more than half the height of the current roof at 2.8m. Reference is made to permissions where similar dormer structures of a similar height have been approved by the Planning Authority.
- In conclusion it is submitted that the conditions imposed by the Local Authority are unjustified and overly severe given the impact of the proposed dormer window and the pattern of Local Authority decision making locally. It is requested that these conditions are set aside in favour of the revised dormer window now proposed.
- Plans, sections and elevations of the revised proposed dormer structure accompany the appeal submission.

6.2. Planning Authority Response

6.2.1. A submission was received on 3rd October 2022 which requests the Board to uphold the decision of the Planning Authority and retain the condition in question.

6.3. Observations

None received.

6.4. Further Responses

6.4.1. None received.

7.0 Assessment

7.1.1. The First-Party Appeal relates to Condition No. 2 attached to the Planning Authority's Notification of Decision to Grant Permission. I am satisfied that the development is otherwise in accordance with the proper planning and sustainable development of the area, and that the determination by the Board of the application as if it had been made to it in the first instance would not be warranted. My assessment will therefore be limited to the matters raised in relation to the terms of the Condition, pursuant to the provisions of section 139 of the Planning and Development Act 2000 (as amended).

7.1.2. Given the nature of the appeal, Objective DMS41 of the current CDP is directly relevant to the assessment of the proposed development. There are 2 no. interconnected elements of this policy, with the first being that 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. In addition, Objective DMS41 notes that dormer extensions shall not form a dominant part of a roof and consideration may be given to dormer extensions proposed up to the ridge level of a house. However, they shall not be higher than the existing ridge height of the house. I note that the Planning Authority within their assessment of the application did not raise any concerns with respect to the impact of the proposal on the residential amenity of properties within the vicinity of the site and no overlooking issues were considered to arise. Given the pattern of development in the surrounds of the site and the setback of the dormer window from the rear boundary (i.e. c. 13.2m), I am also satisfied that proposal will not result in undue overlooking of properties within the site surrounds. However, the Planning Authority recommended suitable conditions to modify the design of the dormer window so that it would assimilate better within the existing roof profile.

7.1.3. In response to concerns of the Planning Authority, the Applicant has modified the design of the dormer to provide 2 no. windows and has relocated the dormer by c. 600mm to the east so that it is more central within the rear roof plane. I note that the revised dormer has a width of c. 3.5m and a height of c. 1.6m. Although the revised dormer is not set down from the ridge line (i.e. by 300mm as required by Condition No. 2(d)), the dormer structure matches the ridge line of the existing dwelling and would not be directly visible from the public realm to the immediate south, a response which is consistent with Objective DMS41 of the current CDP. The remainder of the rear dormer structure is wholly contained within the rear roof profile, and I am satisfied that it will not represent a visually prominent feature when viewed from the amenity areas of the properties to the north or on Saint Mochta's Road to the north-east. The dormer structure is subsidiary in scale to the rear roof profile and I consider it to fit in harmoniously with the existing dwelling. In this regard, I am satisfied that the development as now proposed is acceptable and in accordance with the pertinent policy of the Fingal County Development Plan, 2017-2023. Accordingly, I recommend

that Condition No. 2 be omitted in its entirety and Condition No. 1 be replaced so that the proposal is carried out in accordance with the plans and particulars submitted at appeal stage.

8.0 Appropriate Assessment

Having regard to the minor nature of the proposed development and to the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the 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 inspected the site and reviewed the drawings and documents on file, I am satisfied that the determination by the Board of this application as if it had been made to it in the first instance would not be warranted. Accordingly, I consider that it would be appropriate to use the provisions of Section 139 of the 2000 Act, as amended.

I recommend that Condition No. 2 be omitted in its entirety and Condition No.1 shall be replaced with following:

1. The proposed development shall comply with the plans and particulars lodged with the application submitted, and as amended at appeal stage (Drawing Nos. PL-002-A, PL-003A, PL-006A as received by the Board on 1st September 2022) except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

9.2. Reasons and Considerations

Having regard to the nature and scale of the proposed development, the 'RS' zoning for the site, the provisions of the Fingal County Development Plan, 2017-2023 and subject to compliance with conditions, it is considered that, the proposed dormer structure would not seriously injure the residential and visual amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Enda Duignan
Planning Inspector

11th January 2023