

An  
Bord  
Pleanála

## Inspector's Report ABP314820-22

### Development

Permission is sought for a dormer extension to the existing roof with dormer to the rear and three number roofs to the front elevation and one to rear elevation. The roof to be changed from a hipped design to an 'A' style gable roof with internal alterations to accommodate new design layout at first floor level with stairs to the attic on the existing two storey semi-detached house with single storey extension to rear.

### Location

17 Castleknock Avenue, Castleknock, Dublin 15.

### Planning Authority

Fingal County Council.

### Planning Authority Reg. Ref.

FW22A/0181

### Applicant(s)

Paul Murphy.

### Type of Application

Permission

### Planning Authority Decision

Grant.

**Type of Appeal**

Third Party

**Appellant(s)**

Anthony Moyles & Family.

**Observer(s)**

None.

**Date of Site Inspection**

10<sup>th</sup> August, 2023.

**Inspector**

Anthony Abbott King.

## **1.0 Site Location and Description**

- 1.1. The applicant site comprises a semi-detached two-storey house on the south side of Castleknock Avenue. The house has previously been extended at the rear at ground and first floor level and to the side by a first floor cantilever extension.
- 1.2. The streetscape on Castleknock Avenue comprises semi-detached and detached house typologies.

## **2.0 Proposed Development**

- 2.1. A dormer extension to the existing roof with dormer to the rear and three number roofs to the front elevation and one to rear elevation. The roof to be changed from a hipped design to an 'A' style gable roof with internal alterations to accommodate new design layout at first floor level with stairs to the attic.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Grant of planning permission subject to 6 conditions.

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

#### **3.2.1. Planning Reports**

The decision of the CEO of Fingal County Council reflected the recommendation of the planning case officer.

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

This application given nature and extent was not referred to technical departments for comment.

## 4.0 Planning History

The following planning history is relevant:

- Planning permission was granted under register reference: FW17A/0219 for a single and two-storey rear extension with a first-floor cantilevered side extension.

## 5.0 Policy and Context

### 5.1. Development Plan

The Fingal Development Plan 2023-2029 policy framework is not identical to the policy framework provided by the previous Fingal Development Plan 2017-2023 against which the Planning Authority assessed the subject application. I have set out below the relevant policies and objectives of the Fingal Development Plan 2023-2029 for the information of the Board.

#### Zoning

The relevant land-use zoning objective is 'RS' (Map Blanchardstown South): *Provide for residential development and protect and improve residential amenity.*

- Chapter 13 (Land use Zoning) states the vision for the objective is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenities.

The proposed development is a permitted in principle use.

#### Residential Extensions

- Chapter 14 (Development Standards) Section 14.10. (Additional Residential Accommodation in Built-up Areas) in particular Section 14.10.2 (Residential Extensions) is relevant. It states that the need for housing to be adaptable to changing family circumstances is recognised and acknowledged. The planning authority will support applications to amend existing dwelling units to

reconfigure and extend as the needs of the household change, subject to specific safeguards, in particular the protection of adjoining properties.

- And Section 14.10.25 (Roof Alterations including Attic Conversions and Dormer Extensions) is relevant and provides development criteria for roof alterations / expansions to main roof profiles to include:
  - *The 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.*

#### Dormer Extensions to Roofs

- Section 14.10.25 provides guidance for dormer extensions to roofs. Dormer extensions will be evaluated against the impact of the structure on the form, and character of the existing dwelling house and the privacy of adjacent properties. Dormer extensions shall be set back from the eaves, gables and/or party boundaries and shall be set down from the existing ridge level so as not to dominate the roof space.

## 5.2. EIA Screening

5.3. The development is not in a class where EIA would apply.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The appellant is the resident of no. 53 Castleknock Elms. The rear garden of no. 53 Castleknock Elms backs onto the rear garden of the applicant property at no.17 Castleknock Avenue. The appeal statement claims that the proposed development is contrary to the 'RS' (residential) Zoning objective and a number of policy objectives of the Fingal County Development Plan 2017-2023 for the reasons summarised below:

- The tree screening provided by planting in the applicant's rear garden has been removed. There is now no screening between the applicant property and no. 53 Castleknock Elms. The extension of no.17 Castleknock Avenue, and any subsequent extension, is clearly visible from the rear of no. 53 and has a negative visual and residential amenity impact in terms of overlooking;
- The current development must be assessed cumulatively with the previous planning permission taking into consideration the original scale of the subject house at 91.2 sqm. and that this property has already been extended by 35.7 sqm.. The new proposal seeks to add a further 25sqm. and provide an aggregate floor area of 152 sqm. The issue of cumulative overdevelopment has not been addressed by the Planning Authority.
- It is claimed not all attics are suitable for habitable conversion, which is evidenced in the instance of the subject development. No. 17 Castleknock Avenue does not have sufficient floor to ceiling height at attic level for habitable conversion and cannot meet building regulations. Furthermore, the self-regulation of the attic as a storage space is untenable.
- The proposed attic should not be permitted as a habitable space. It is considered without the submission of a revised attic floorplan layout the applicant will implement the habitable floorplan layout submitted with the application;
- The proposal is contrary to the Section 12.4 (Extensions to Dwellings) of the Fingal Development Plan 2017-2023 by reason of the adverse impact of the development on adjoining residential properties, including negative overlooking impacts, and would represent overdevelopment of the site evidenced in the 40sqm. private open space provision to the rear of the property, which is deficient in the context of the number of bed spaces proposed;
- The modification of the rear dormer window by way of condition will not obscure the window or angle it away from no. 53 Castleknock Elms. The replacement of the dormer with roof lights would provide adequate lighting of an attic storage area.

## 6.2. Applicant Response

The applicant response is summarised below:

- The appellant referred to planning permission granted under register reference FW17A/0219 went through the full rigours of the planning process, including appeal to An Bord Pleanála, and was subsequently built in full accordance with that permission;
- The proposed attic conversion is not intended to create a habitable space rather to create an accessible functional space for storage. The bedroom layout shown in the submitted drawings is a mistake. The applicant has enclosed with this statement an attic floor plan (scale 1:50) showing the use as storage. Therefore Part F of the Building Regulations is not applicable;
- The application has been prepared in accordance with the relevant planning policy objectives of the Fingal County Development Plan 20217-2023 and there is no overshadowing or overbearing created as a result of the proposed works;
- In the matter of 'separation distance-back-to-back', the proposed dormer is greater than the 22m opposing window separation distance from the appellant's rear elevation required by the development plan;
- The window of the first-floor bedroom 3 is closer to the appellant's rear elevation. Therefore, the outlook the appellant claims will result from the dormer already exists. It is claimed the use of the attic space as a storage space would make the issue of outlook a moot point;
- The change in roof profile from the current half-hipped roof to an 'A-Style' gable roof is necessitated by the requirement to obtain head-height clearance to achieve permanent stair access to the attic. A precedent for same is evidenced locally at no. 108 Castleknock Elms;
- The cumulative impacts of this proposal when combined with the implemented planning permission (ground and first-floor extension) would not have a negative impact on the area, including residential amenity, and would not represent overdevelopment of the site. Rather the current proposal is an

enhancement. The immediate neighbouring houses at no.16 & 18 Castleknock Avenue has no objection to the proposed development;

- This application is motivated by a better utilisation of existing space, in order to meet the evolving needs of the household, rather than the roof extension / dormer setting a poor precedent for similar such development and should be welcomed as a positive way forward.
- The house was built in 1979 was design for a different era of living and requires adaptation and optimisation of floor plates. The Board is respectfully requested to uphold the decision of the Planning Authority to grant planning permission.

### 6.3. **Planning Authority Response**

The Planning Authority has no further comment and respectfully requests that the decision be upheld.

### 6.4. **Observations**

There are no observers recorded.

## 7.0 **Assessment**

- 7.1. The following assessment covers the substantive points made in the appeal submission and encapsulates my *de novo* consideration of the application.
- 7.2. The appellant observes that no.17 Castleknock Avenue has been significantly extended to date and that further extension given the cumulative adverse impacts and the deficient rear garden space should preclude further extension. Section 14.10.2 (Residential Extensions) of the Fingal County Development Plan 2023-2029 recognises the need for housing to be adaptable to changing family circumstances and acknowledges that the Planning Authority will support applications to amend existing dwelling units to reconfigure and extend as the needs of the household change subject to specific safeguards.

The applicant states that the conversion of the attic is motivated by a better utilisation of existing space in order to meet the evolving needs of the household. It is



considered that the extension of the house at roof level is acceptable in principle notwithstanding the extension of the house previously at ground and first floor level. However, further extension of the dwelling is subject to satisfying the requirements of Section 14.10.2 (Residential Extensions), which *inter alia* requires the design and layout of residential extensions to have regard to and protect the amenities of adjoining properties,

- 7.3. The appellant claims *inter alia* that the proposed development would be visually obtrusive and would result in adverse impacts on residential amenities. The applicant proposes to replace the existing half-hipped roof to an 'A-Style' gable roof in order to provide head room to accommodate a staircase to attic level from the first floor. Section 14.10.25 (Roof Alterations including Attic Conversions and Dormer Extensions) of the Fingal Development Plan 2023-2029 provides assessment criteria for roof alterations / expansions to the main roof profile.

The proposal is to replace the half hip roof with an 'A-style" roof profile, exhibiting a fully articulated side gable elevation instead of a sloped roof profile. It is considered that the visual and residential amenity impact of the gable elevation in terms of massing would be significantly reduced given the layout of the semi-detached housing blocks on Castleknock Avenue - configured gable end to end with modest separation distances. The new roof would match the existing roof in material finish.

The change in roof profile would be visible on street. However, the wider streetscape on Castleknock Avenue is not uniform with gable fronted houses replacing the hipped roof style semi-detached housing blocks from no. 23 Castleknock Avenue westward. Furthermore, the rear gardens of the houses on this side of Castleknock Avenue are located south of the main building line and the massing of the proposed 'A-style' roof would be north of the rear garden amenity space mitigating overshadowing impacts. It is considered the criteria listed in Section 14.10.25 for roof alterations would be satisfied In principle.

- 7.4. The proposal includes the insertion of a dormer window. The dormer would be located to the rear of the property. It would be set back from the eaves. The dormer would measure 3.5m in width. The Planning Case Officer considered that the dormer as originally proposed would be dominant in the roofscape and amended the location and size of the dormer window. I would concur with the Planning Case Officer. It is

considered in the interests of visual amenity that the width of the dormer should be reduced to 2.5m and that it should be set down by 300mm from the roof ridge. It is further considered subject to condition that the proposed dormer window would comply with Section 14.10.25 of the Fingal County Development Plan 2023-2029, which requires dormer extensions to be set back from the eaves and set down from the existing ridge level so as not to dominate the roof space.

- 7.5. The appellant states that overlooking of the rear garden of adjoining properties, in particular no. 53 Castleknock Elms, would result from the insertion of a rear window in the attic (2<sup>nd</sup> floor) level. It is considered that that the existing rear first-floor window has the potential to overlook the rear garden of no. 53 Castleknock Elms and adjoining properties. It is further considered that the proposed use of the attic as a storage area would further mitigate the potential to overlook – see below. On balance the possibility of overlooking is marginally greater than the existing situation with reference to the existing rear first floor bedroom window.
- 7.6. The appellant claims that no.17 Castleknock Avenue does not have sufficient floor to ceiling height at attic level for habitable conversion and cannot meet building regulations. The applicant has responded and acknowledges that the proposed attic conversion is for storage purposes only. He has submitted a drawing at a scale 1:50 showing the indicative layout of the attic storage area. The use of the attic conversion as a storage space can be dealt with by way of condition.
- 7.7. In conclusion, the proposed development would represent a reasonable improvement in residential amenity and would on balance comply with development plan standards for residential extensions, roof profile adaption and dormer window provision at attic level subject to condition. It is considered that the proposed development would not have a significant negative impact on the residential amenities of adjoining properties and would be consistent with the proper planning and sustainable development of the area.

#### 7.8. **Appropriate Assessment Screening**

The proposed development comprises modifications to roof profile and insertion of rear dormer in an established urban area.

Having regard to the nature and scale of the proposed development it is possible to screen out the requirement for the submission of an NIS.

## 8.0 Recommendation

8.1. I recommend a grant of planning permission subject to condition.

## 9.0 Reasons and Considerations

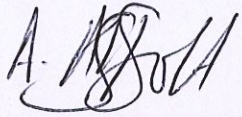
9.1. Having regard to the residential zoning objective, the pattern of development in the area, which is characterised by suburban semi-detached and detached houses with front and rear gardens, and the policy framework provided by the Fingal County Development Plan 2023-2029 for domestic extensions at roof level, it is considered that the proposed development would represent a reasonable improvement of residential amenity, would not have a significant negative impact on the residential amenities of adjoining properties and would be consistent with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) The proposed dormer shall be set down by 300mm from the ridge level of the roof and the width of the dormer shall be reduced to 2.5m;</p> <p>(b) The configuration of the attic as a storage space.</p>

	<p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of clarity and in the interests of visual amenity.</p>
3.	<p>Details of the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

“I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way”.



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Anthony Abbott King  
Planning Inspector

17th August 2023