



An
Bord
Pleanála

Inspector's Report ABP 315034-22

Development	Attic conversion with dormer window to the rear
Location	7 Warren Green, Baldoyle, Dublin 13
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F22B/0183
Applicant(s)	Jason and Sinead Martin
Type of Application	Permission
Planning Authority Decision	Grant permission with conditions
Type of Appeal	First Party against condition
Appellant(s)	Jason and Sinead Martin
Observer(s)	
Date of Site Inspection	30 th . May 2023
Inspector	Brendan McGrath

1. Site Location and Description

1.1. The site is in a housing estate in a suburban setting. The house is semi-detached and two-storey, of conventional design with a pitched, tiled roof.

2.0 Proposed Development

2.1. The proposal is to create an attic room with a 1.8m high ceiling lit by a rear dormer window and roof-light. The ridge of the roof of the proposed dormer structure is flush with the ridge of the main roof of the house.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The local authority granted permission with 7 conditions attached. Condition 2 requires that 'the proposed dormer shall be set 300mm below the ridge level of existing dwelling', in the interest of visual amenity

3.2. Planning Authority Reports

3.2.1. Planning Report

- The planning report is the basis of the planning authority decision.
- The report makes reference to the design guidance in the Fingal County Development Plan 2017-2023, notably Objective PM46 '*encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area*' and 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.*'

- The report also refers to a recent grant of permission for an identical proposal on the same site which has the same condition attached (F21B/0361)
- The application has been screened for EIA and it has been concluded that the proposal would not by virtue of size and scale represent development for the purpose of Part 10 under Section 5 of the Planning and Development Regulations
- The application has been screened for Appropriate Assessment and it has been concluded that the project individually or in combination with another project, will not have a significant effect on any European site.
- Grant of permission is recommended with the same condition (no 2) attached restricting size of dormer as the previous grant.

4.0 Planning History

- 4.1. F21 B/0361 Permission granted for attic conversion with dormer window to the rear including a condition (no 2) that dormer window be set 300mm below existing ridge level

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Development Plan 2017-2023 referred to by the appellant has been superseded by the Fingal Development Plan 2023- 2029, which contains revised guidance on roof alterations, under para 14.10.2.5 of Volume 1 of the Plan. It states that ‘dormer extensions shall be set down from the existing ridge level so as not to dominate the roof space.’

5.2. Natural Heritage Designations

None relevant

5.3. EIA Screening

- 5.3.1. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

- 1.1.2. The appeal is lodged on behalf of the first party and concerns only the second condition, requesting that the condition be omitted. The condition requires that 'The proposed dormer shall be set 300mm below the ridge level of the existing dwelling'

- 1.1.3. The grounds of appeal are that:-

- The proposed design as submitted is in accordance with the relevant development plan guidance,
- The condition would result in a room that was too low in which to stand up,
- The proposed design as submitted, was not objected to by any neighbour or community group,
- The proposed dormer window design as submitted would not be visible from the public road,
- There are examples of similar extensions in Dublin, permitted and built, including extensions permitted on appeal by the Board.

6.1. Planning Authority Response

- 1.1.1. The planning authority has restated its reasoning.

7.0 Assessment

7.1. Further to my examination of the planning file and the grounds of appeal that relate to one condition only i.e. Condition No. 2 of the notification of the decision of the planning authority to grant permission, and having assessed the documentation and submissions on file, I consider it is appropriate that the appeal shall be confined to this single condition. Accordingly, I am satisfied that the determination by the Board of this application as if it had made to it in the first instance would not be warranted and that it would be appropriate to use the provisions of Section 139 (c) of the Planning and Development Act 2000 as amended, in this case.

7.2. Condition number 2 states as follows:-

The proposed dormer shall be set 300mm below the ridge level of the existing dwelling

REASON: in the interest of visual amenity

7.3. The new development plan guidance sets out a number of criteria to be taken into account but does require that dormer structures be 'set down from the existing ridge level.

7.4. The proposal would not be visible from the public road and would not cause undue overlooking as there is no house directly behind the subject house and the nearest house to the rear is more than 25 metres away. I also note that there were no third party objections to the proposal. I also think that weight should be given to the desirability of creating an attic room with adequate head space.

7.5. In my opinion, therefore, a 100mm reduction in the ridge height of the proposed dormer structure would suffice, would be in accordance with the development plan guidance and would preserve the functionality of the additional room proposed.

7.6. Appropriate Assessment Screening

7.6.1. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom/to the absence of emissions therefrom, the nature of receiving environment as a built up urban area and the distance from any European site/the absence of a pathway between the application site and any

European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an EIA at an initial stage.

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 in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND condition number 2 so that it shall be as follows for the reason set out.

2 The proposed dormer shall be set 100mm below the ridge level of the existing dwelling

REASON: in the interest of visual amenity

9.0 Reasons and Considerations

9.1. Having regard to design guidance in the Fingal County Development Plan 2023-2029 and the functionality of the proposed extension and the fact that the structure would not be visible from the public road, would not cause undue overlooking and would not seriously injure the residential or visual amenities of the area, the Board considered that a dormer extension of reduced height would not seriously injure the residential or visual amenities of the area

9.2. 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.

Brendan McGrath
Planning Inspector

12th. June 2023