



An
Bord
Pleanála

Inspector's Report ABP315762-23

Development	Alterations to roof to facilitate attic conversion
Location	108 Hazelbury Green, Clonee, Dublin 15
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW22/0297
Applicant(s)	Audrey Heaghney
Type of Application	Permission
Planning Authority Decision	Grant permission subject to conditions
Type of Appeal	First Party against conditions 2(a) and 2(b)
Appellant(s)	Audrey Heaghney
Observer(s)	None
Date of Site Inspection	30 th May 2023
Inspector	Brendan McGrath

1.0 Site Location and Description

The site is a semi-detached house on a large housing estate in Clonee on the west side of Dublin.

2.0 Proposed Development

The proposal is to convert a hipped roof to a gable ended-roof with a rear dormer window, to facilitate change from attic to home office/study room, with bathroom. The adjoining house (Number 107), another semi-detached house, has an existing roof and dormer extension of the same design and scale to that which is now proposed at 108.

3.0 Planning Authority Decision

3.1. Decision

Grant subject to 7 conditions. The conditions are of a standard nature apart from Condition 2, which requires the following design amendments:-

- a) The dormer structure shall be set down 300mm from the ridge height of the main dwelling
- b) The overall width of the dormer shall not exceed 3.5m

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report is the basis for the planning authority decision. The report notes the following:-

- There are local precedents for similar development
- There is no issue of overlooking
- The proposal is in accordance with development plan design guidance on extensions to dwellings, other than the size of the proposed dormer, which

would be a too dominant roof feature, and therefore not in accordance with the guidance

- The proposal was screened for AA and it was concluded that there was no likelihood of significant effects,
- The proposal was screened for EIA and it was concluded that an EIA was not required

3.2.2. Other Technical Reports

There are no other reports

4.0 Planning History

There is no relevant planning history on the planning site. The planning history of the adjoining site (107) is not available.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. The Development Plan 2017-2023 referred to by the appellant and local authority has been superseded by the Fingal Development Plan 2023- 2029, which contains a more detailed design approach to roof alterations, under para 14.10.2.5 of Volume 1 of the Plan.

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

The appeal by the first party is against the second condition of the permission only, on the following basis

- The reduced dimensions imposed by the condition would seriously affect the functionality of the extension, and
- Precedents of grants of permission for large dormer extensions in the locality

6.2. Planning Authority Response

The planning authority has responded stating no objection in principle to the proposal but maintains that a reduction in size of the extension is necessary to comply with development plan guidance and to protect residential amenity

6.3. Observations

There are no observations

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 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 carried out in accordance with the following amendments, and development carried out accordingly:

- a) The dormer structure shall be set down 300mm from the ridge height of the main dwelling.
- b) The overall width of the dormer structure shall not exceed 3.5m

Condition 2 would require the height of the proposed structure to be reduced by 200mm and its width by 500mm

The visible impact of the proposal can be gauged by viewing the existing roof extension to house number 108, which has identical external dimensions.

7.3. This is a substantial extension including a large dormer element. However, the dormer would be barely visible from the public road. The proposal would not cause undue overlooking as there is no house directly behind the subject site and the nearest house backing onto the Hazelbury Green houses is about 38 metres away. I also note that there were no third party objections to the proposal.

7.4. The proposal involves a large dormer element which is not in accordance with the design guidance of the development plan. The proposal includes an additional bathroom in a house with two existing bathrooms, which I would not therefore consider to be a pressing additional requirement.

7.5. It is my impression that the proposed design has been entirely determined by the existing extension to the adjacent house (number 107) and that *de facto* situation cannot be ignored. In my opinion, therefore, the proposed dormer element should be allowed as proposed in terms of its relationship to the main ridge of the house, to ensure compatibility with the existing adjacent dormer, in the interests of visual amenity, but that the width of the dormer element shall be as required by condition 2b, to reduce its bulk and be in accordance with the design guidance of the development plan. .

Appropriate Assessment Screening

7.6. 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 OMIT condition number 2(a) for the reasons set out.

9.0 Reasons and Considerations

- 9.1. Having regard to the design guidance in the Fingal County Development Plan 2023-2029, the fact that the proposal would be barely visible from a public road, the lack of significant overlooking and the presence of an existing extension of the same type and scale on an adjacent house, the omission of condition number 2(a) would not be seriously injurious to residential amenity and would therefore be in accordance with proper planning and sustainable development.
- 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

14th June 2023