



An
Bord
Pleanála

Inspector's Report

ABP-315968-23

Development	Construction of a new dormer, gable and sundry minor works
Location	159 Littlepace Woods, Clonee, Dublin 15, D15 K5T3
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW23B/0002
Applicant(s)	Alex Chirtoaca
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	First Party
Appellant(s)	Alex Chirtoaca
Observer(s)	None
Date of Site Inspection	26 th May 2023
Inspector	Bernard Dee

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1.0 Site Location and Description

- 1.1. The appeal site is located within a large 1980s residential development to the south of the M3 in suburban Clonee. No. 159 is a two storey, 4-bed semi-detached dwelling and faces onto the public open space serving the development.
- 1.2. The house is hip-roofed and built of red brick and there is considerable uniformity of design among the houses comprising the Littlepace estate.
- 1.3. During the site visit on 26nd May 2023 access to the rear garden area was possible and I can confirm to the Board that there is a rear garden area c. 19m in length from the rear wall of the house and where the garden backs onto the rear garden of No. 139 Littlepace Gallops the boundary is defined by tall screen planting.

2.0 Proposed Development

- 2.1. The development will consist of the removal of the existing hip roof and building up the side wall to form a gable end (with window) with pitched roof. Two skylights are proposed to be inserted into the front slope of the remodelled roof.
- 2.2. It is also proposed to insert a dormer structure with two windows into the rear slope of the remodelled roof. The dimensions of the proposed dormer are c. 2.3m in height, c. 3.6m in width and c. 4.1m in depth. The main window in the dormer is the same size as the first floor bedroom window below and is in vertical alignment with same. There is also a smaller window within the dormer structure.
- 2.3. It is proposed to accommodate two rooms within the converted attic area. The purpose of the rooms is not stated.
- 2.4. The GFS of the house is stated to be 142m² and the dormer window will add an additional 4.3m² of GFS.

3.0 Planning Authority Decision

3.1. Decision

Permission for the proposed development was granted on 23rd February 2023 subject to 6 no. conditions. Condition No. 2 which is the subject of the First Party appeal states:

The development shall accord with the requirements of the Planning Authority as follows:

- a. The external width of the proposed dormer shall not exceed 3m.*
- b. The proposed gable window at attic level shall be fitted and permanently maintained in opaque glazing. The use of film is not permitted.*

Reason: In the interests of the residential and visual amenity of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report notes the residential zoning of the site and the acceptability in principle for the proposed works. The Planner then cites the relevant Development Plan provisions (see Paragraph 5.0 of this Inspector's Report). The Planner feels that the scale, bulk and massing of the proposed dormer structure would be excessive and visually dominant in the roof. The Planner notes that given the distance from the dormer to neighbouring properties no adverse impact on the residential amenity of the area is anticipated. The Planner recommends a grant of permission subject to the reducing the dormer to 3m in width.

3.2.2. Other Technical Reports

None on file.

3.2.3. Prescribed Bodies

None on file.

3.2.4. Observations

None received.

4.0 Planning History

4.1. On the Appeal Site (No. 159)

No planning history on the appeal site.

4.2. In the Vicinity of the Site

- FW22B/0117: permission granted at 80 Littlepace Drive for an extension at roof level for an attic storage area, conversion of a hipped roof to gable end

pitched roof, new skylights to front and a dormer to rear. The condition limiting the width of the rear dormer to 3m was attached to the grant of permission.

5.0 Policy and Context

5.1. Development Plan

Fingal Development Plan 2023-2029 is the statutory plan for the area within which the appeal site is situated and it came into effect on Wednesday 5th April 2023. The Planner's Reports on file therefore refer to the Fingal Development Plan 2017-2023 and may be disregarded by the Board. Set down below are the relevant Fingal Development Plan 2023-2029 policies and objectives in relation to this appeal.

The site is zoned Objective RS - Provide for residential development and protect and improve residential amenity, where the vision is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity in the Fingal Development Plan 2023-2029 which is the statutory plan for the area.

14.10.2.5 Roof Alterations including Attic Conversions and Dormer Extensions

Roof alterations/expansions to main roof profiles, for example, changing the hip-end roof of a semi-detached house to a gable/'A' frame end or 'half-hip', will be assessed against a number of criteria including:

- 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 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. The design, dimensions, and bulk of the dormer relative to the overall extent of roof as well as the size of the dwelling and rear garden will be the overriding considerations, together with the visual impact of the structure when viewed from adjoining streets and public areas.

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.

The quality of materials/finishes to dormer extensions shall be given careful consideration and should match those of the existing roof.

The level and type of glazing within a dormer extension should have regard to existing window treatments and fenestration of the dwelling. Regard should also be had to extent of fenestration proposed at attic level relative to adjoining residential units and to ensure the preservation of amenities.

Excessive overlooking of adjacent properties should be avoided.

5.2. **Natural Heritage Designations**

There are no natural heritage designations located in the vicinity of the appeal site.

5.3. **EIA Screening**

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any 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**

The grounds of the First Party appeal prepared by DormerWindows.ie are, in summary, as follows:

- The proposed dormer is required to accommodate a growing family and to improve the residential quality of the family home. Restricting the dormer window to 3m in width restricts the functionality and amenity value of the attic space...
- The nearest house to the rear facing the proposed dormer window is 139 Littlepace Gallops which is approximately 40m from the dormer. There is therefore no need to restrict the size of the rear facing dormer.

- No objections to the proposed development were received from neighbours which indicates that none of the neighbours had an issue with the proposed dormer window.

- There are several other precedent cases of permission for this type of enlarged dormer where no 3m width restriction to the dormer was applied which the Board should have regard to – FW22B/0050 (205 Littlepace Meadows – 4.3m wide dormer); FW17B/0075 (45 Littlepace Drive – 4.2m wide dormer); FW17B/0009 (228 Littlepace Meadows – 4m wide dormer); FW17B/0090 (226 Littlepace Meadows – 4.3m wide dormer); and FW18B/0021 (131 Littlepace Walk – 4m wide dormer).

6.1. Applicant Response

Not applicable.

6.2. The Planning Authority response is as follows:

- The application was assessed against relevant Development Plan zoning and standards and existing government policy and guidelines as well as the potential impact on neighbours and the character of the area.
- The proposed development was considered to be consistent with the proper planning and sustainable development of the area subject to the imposition of Condition No. 2 in the interests of visual amenity.
- The precedent cases are noted but each case has to be assessed on its own merits and in this instance it was deemed necessary to impose Condition No. 2 given the negative impact on the visual amenity of the area attached to the scale and bulk of the proposed dormer.
- Should the Board grant permission it is requested that the Section 48 condition be reapplied to the Board's Order.

6.3. Observations

None received.

6.4. Further Responses

Not applicable.

7.0 Assessment

Having examined all the application and appeal documentation on file, and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The development in principle, an extension to an occupied residential structure, is considered acceptable in principle.

The main issues, therefore, are as follows:

- Impact on residential amenity.
- Visual impact.
- AA Screening.

7.1. Impact on Residential Amenity

7.1.1. The appellant states that the proposed development will not have any impact on the residential amenity of the area. Having regard to the location of the dormer window on the rear roof pitch, and to the c. 40m separation distance from the dormer to the nearest dwelling, I find that the dormer as proposed is highly unlikely to have any negative impacts on the residential amenity of the area through overlooking and consequent loss of privacy.

7.1.2. I conclude, subject to the conditions drafted below, that the proposed development would not have an adverse impact on the residential amenity of the area.

7.2. Visual Impact

7.2.1. The context within which it is proposed to construct this dwelling is not an Architectural Conservation Area nor in proximity to Protected Structures. No. 159 itself is not a Protected Structure.

7.2.2. From the drawings submitted, initially it appears that the enlarged single dormer is visually dominant. However, the rationale of lighting the converted attic necessitates such a design response. Regard must be had to the location of the dormer to the rear of the building and therefore out of sight from the public realm.

- 7.2.3. Given that the proposed dormer is not visible from the public realm it cannot have an adverse impact on the visual amenity of the area. If the dormer were placed on the front elevation then there may be justification for the imposition of Condition 2. However, given the location of the proposed dormer on the rear roof pitch, I believe there is no justification in this instance in imposing such a restrictive condition on the width of the dormer, which will adversely impact on the residential amenity of the occupants, for no valid reason.
- 7.2.4. The other work such as building up the gable with gable window, the conversion from hip-ended roof to pitched roof and the insertion of skylights on the front roof pitch are, in my opinion, in accordance with the proper planning and sustainable development of the area.
- 7.2.5. I conclude therefore that the proposed development would not seriously injure the residential amenity of adjoining property or the visual amenity of the area and that the dormer as proposed is in accordance with the proper planning and sustainable development of the area and that Condition No. 2 should be omitted if the Board is minded to grant permission in this instance.

7.3. AA Screening

Having regard to the relatively minor development proposed within an existing housing estate and the fact that there are no European sites in the vicinity of the appeal site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

I recommend that Condition No. 2 be omitted and that planning permission be granted for the reasons and considerations set out below and subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the provisions of the Fingal County Development Plan 2023-2029, including the zoning objective for the site ('RS – Residential'), which seeks to provide for residential development and protect and improve residential amenity; it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, or of property in the vicinity and would provide an acceptable standard of amenity for future residents. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 16 th January 2023 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.
2.	The development shall accord with the requirements of the Planning Authority as follows: The proposed gable window at attic level shall be fitted and permanently maintained in opaque glazing. The use of film is not permitted. Reason: In the interests of the residential amenity of the area.
3.	Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Reason: In the interest of visual amenity.

4.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
6.	<p>The developer shall pay to the planning authority a financial contribution of 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, as amended. The contribution shall be paid prior to 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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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>

Bernard Dee
Planning Inspector

29th May 2023