



An  
Bord  
Pleanála

## Inspector's Report

### ABP-317252-23

#### Development

Retention will consist of new gable wall to the side of the existing house. A new 4.5m wide dormer roof to the rear of the existing house roof. 3 no. Velux windows to the front of the existing house roof and all ancillary works.

#### Location

12 Swords Manor Court, Swords, Co. Dublin, K67 A9P4

#### Planning Authority

Fingal County Council

#### Planning Authority Reg. Ref.

F23A/0110

#### Applicant

Derek and Emma Melia

#### Type of Application

Retention

#### Planning Authority Decision

Refuse

#### Type of Appeal

First Party

#### Appellant

Derek and Emma Melia

#### Observer(s)

Charles and Anne Lumsden

**Date of Site Inspection**

02 September 2023

**Inspector**

Rachel Gleave O'Connor

## **1.0 Site Location and Description**

- 1.1. The subject site is situated in the Swords Manor residential estate, to the south of Swords Manor Court. Residential estates at Ormond are situated to the west. The Swords Manor and Ormond residential estates are largely occupied by semi-detached pairs of dwellings with hip style roof forms. The exception to this on Swords Manor Court is No.23 which has been converted to a gable end roof and No.25 which is a detached property.

## **2.0 Proposed Development**

- 2.1. The appeal relates to retention permission, for the alteration of the hip style roof to a gable. Formed of the construction of a new gable wall to the side of the existing house, and including a new rear dormer roof extension (4.5m wide). In addition, 3 no. Velux roof windows are included to the front roof.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.2. The planning authority decided to refuse permission for the 2 no. reasons below:
  1. The hip to gable roof extension has had an unbalancing effect on the appearance of the semi-detached pair of dwellings and detracts from the design, character and appearance of the host pair. The development appears as a visually intrusive and discordant roof extension in the streetscape that detracts from the uniformity of roof forms evident in the area and seriously detracts from the visual amenities of the area and is contrary to the proper planning and sustainable development of the area. If permission for retention is granted for this unauthorised development it would establish an undesirable precedent that would create increased pressure for similar unsympathetic developments to follow within the Swords Manor estate. As such, the development materially contravenes Section 14.10.2.5, Policy SPQHP41, Objective SPQHO45 and Objective SPQHO43 of the Fingal Development Plan 2023-2029.

2. The rear dormer in combination with the hip to gable extension has resulted in a roof addition of excessive width and height proportions that appears excessively bulky and visually obtrusive, overbearing and overly prominent and an unsympathetic addition to the original roof form. It detracts from the character, appearance and design of the host dwelling and the host pair of semi-detached dwellings of which it forms part. The development proposed for retention would, therefore, seriously injure the visual amenities of properties in the vicinity and would set an undesirable precedent for similar excessively scaled roof dormers in the area and would therefore be contrary to the proper planning and sustainable development of the area contrary to Section 14.10.2.5, Policy SPQHP41, Objective SPQHO45 and Objective SPQHO43 of the Fingal Development Plan 2023-2029.

### **3.3. Planning Authority Reports**

#### **3.3.1. Planning Reports**

The following comments are included in the planner's report:

- The site is zoned 'RS' residential, alterations and extensions to existing dwellings are generally considered to be acceptable subject to relevant provisions in the Fingal Development Plan 2023-2029.
- Impact on visual and residential amenity: There is precedent in the Swords Manor estate and adjoining Ormond estate for hip to half-hipped / Dutch gable extensions, side dormer and/or rear dormer roof extensions with roof lights to the front and rear roof slopes. No precedent exist for full hip to gable extensions as proposed to be retained by the applicant. The introduction of a full gable end roof extension is therefore an uncharacteristic feature for the area, which is characterised by semi-detached houses forming an identical / symmetrical pair. It is visually incongruous and discordant in the streetscape and inconsistent with the established character of the surrounding area. If approved, it would set an undesirable precedent.
- It is considered that the proportions of the dormer are excessive in size and scale, resulting in a disproportionate and overly dominant form of

development which detracts from the character and appearance of the host dwelling and visual amenity of the surrounding area.

- A number of dwellings have roof lights to the front and rear roof slopes. It is not considered that the retention of 3 no. roof lights would impact negatively on the visual amenities of the area or the character and appearance of the host dwelling.
- No other adverse residential amenity impacts noted.
- No likelihood of significant effects on any European sites during the construction or operation of the proposed project, either alone or in-combination.
- No Environmental Impact Assessment required.
- Recommend that planning permission be refused.

#### 3.3.2. Other Technical Reports

- Transportation Planning Section: No objection.
- Water Services Department: No objection, subject to conditions concerning surface water / rainwater not to be discharged to the foul water system and that surface water drainage be in compliance with the 'Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0, FCC, April 2006.'

#### 3.4. Prescribed Bodies

- Uisce Éireann: Request condition requiring a connection agreement with Irish Water prior to the commencement of development and adherence to the codes and standards for Irish Water.
- IAA: No observations.
- DAA: Recommend consultation with IAA.

#### 3.5. Third Party Observations

- There were three third party submission to the Local Planning Authority on the application. These raised issues concerning adverse impact upon privacy to

adjacent homes and gardens at no.'s 6 and 7 Swords Manor View; that the gable end is out of character with neighbouring dwellings; that the dormer dominates the rear roof plane; and that it creates a precedent. Reference to Objective DMS41 in the Development Plan.

## 4.0 Planning History

- 4.1. No relevant planning history for the subject site itself.
- 4.2. Adjacent areas:
- 4.3. No.23 Swords Manor Court: Reg. Ref. F20B/0155 – Planning Permission GRANTED for new ground floor only extension to the rear of the existing house extending the full width of the garden and a proposed new Dutch hip gable wall and new window and door to the side of the existing house and a new dormer roof to the rear of the existing house roof and all ancillary works. Decision 29<sup>th</sup> September 2020. [Note condition no.2 required the ridge height of the dormer to be reduced to at least 300mm below the roof ridge line and that the width be reduced to 2.5m; the number of windows be reduced to one; and the proposed window in the gable elevation be non-opening.]
- 4.4. No.2 Swords Manor Grove: Reg. Ref. F19B/0054 – Planning Permission GRANTED for demolition of an existing ground floor only shed to the rear of the existing site and building a new ground floor extension to the rear of the existing house extending 1.5m past the existing house towards the boundary wall and a new dormer roof to the side of the existing house roof and all ancillary works. Decision 25<sup>th</sup> June 2019. [Note condition no.2 required the line of the existing hipped roof on the front and rear roof slope of the existing dwelling retained. The side dormer to be constructed on the side roof slope and not break the existing hipped roof line; dormer to be set down a minimum 200mm from the ridge and up from the eaves by three tile course.]
- 4.5. No.34 Swords Manor Grove: Reg. Ref. F19B/0005 – Planning Permission GRANTED for conversion of attic to storage, including dormer window to side at roof level. Decision 9<sup>th</sup> April 2019. [Note condition no.3 that the side dormer be set down a minimum 200mm from the ridge and set up from eaves by three tile courses; the dormer have a maximum width of 3.5m; the window to be permanently fitted obscure glazed.]

- 4.6. No.20 Ormond Close: Reg. Ref. F22B/0178 – Planning Permission GRANTED for proposed new Dutch hip gable wall & new window to the side of the house and a new dormer roof to the rear of the existing house roof and all ancillary works. Decision 8<sup>th</sup> November 2022. [Note condition no.2 the dormer will have a maximum width of 3m and set down below the ridge and set up b 3 tile courses from the eaves].
- 4.7. No.25 Ormond Way: Reg. Ref. F21B/0307 – Planning Permission GRANTED for replacing the existing hip roof with a ‘half-hip’ type; converting the attic space for non-habitable family use with dormer roof window and velux window to the rear and new stair access from the existing upper floor landing; a new window to the side; a single storey porch and two ‘velux’ roof windows to the front of the house and all associated internal, site and drainage works. Decision 23<sup>rd</sup> November 2021. [Note condition no.2 that the dormer be set down 300mm below the ridge].
- 4.8. No. 2 Ormond Grove: Reg. Ref. F21B/0084 – Planning Permission GRANTED for new gable wall and new window to the side of the existing house and a new dormer roof to the rear of the existing house roof and all ancillary works. Decision 31<sup>st</sup> August 2021. [Note in response to a FI request the gable roof profile was replaced with a half hipped / Dutch hip gable roof profile. Condition no.2 required the rear dormer be set down by 300mm below the existing ridge, the height be no more than 2m and the width of the window not exceed 1.5m.]
- 4.9. No. 19 Ormond Way: Reg. Ref. F21B/0267 – Planning Permission GRANTED for hip dormer with obscure glazing in existing roof-hip on the side elevation, roof lights in the roof to the front of the dwelling, converting the attic space for non-habitable use and stair access from the first floor landing. Decision 13<sup>th</sup> October 2021.
- 4.10. No. 35 Ormond Way: Reg. Ref. F19B/0295 – Planning Permission GRANTED for (1) conversion of existing attic to non-habitable storage use (2) remodel of existing hip roof profile to Dutch hip style gable at the side (3) provision of dormer to the rear (4) provision of 1 no. roof light to the rear. Decision 18<sup>th</sup> February 2020. [Note condition no.2 that the dormer not be less than 300m below the roof ridge and max width of 2.5m.]
- 4.11. No. 9 Ormond Avenue: Reg. Ref. F16B/0267 – Planning Permission GRANTED for loft conversion to include removal of hipped end of roof and construction of a Dutch

type hipped roof with window to gable end at loft level, also dormer structure with window to rear roof profile. Decision 11<sup>th</sup> January 2017.

## 5.0 Policy Context

5.1. Local Planning Policy is set out in the Fingal County Development Plan 2023-2029.

5.2. Section 14.10.2 Residential Extensions

The need for housing to be adaptable to changing family circumstances is recognised and acknowledged and the Council 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 design and layout of residential extensions must have regard to and protect the amenities of adjoining properties, particularly in relation to sunlight, daylight and privacy. The design of extensions must also have regard to the character and form of the existing building, its architectural expression, remaining usable rear private open space, external finishes and pattern of fenestration. Additionally, careful consideration should be paid to boundary treatments, tree planting and landscaping...

5.3. Section 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 the 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 dominant 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.

- 5.4. Policy SPQHP41 – Residential Extensions: Support the extension of existing dwellings with extensions of appropriate scale and subject to the protection of residential and visual amenities.
- 5.5. Objective SPQHO45 – Domestic Extensions: Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.
- 5.6. Objective SPQHO43 – Contemporary and Innovative Design Solutions: Promote the use of contemporary and innovative design solutions subject to design respecting the character and architectural heritage of the area.
- 5.7. **Natural Heritage Designations**
- 5.8. The subject site is located to the south west of the Malahide Estuary Special Area of Conservation (000205) and the Broadmeadow Swords Estuary Special Protection Area (004025). There is no connection to any European (Natura 2000) sites and no pathways.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The main points of the grounds of appeal are as follows:

- The builder said there was no planning issue.

- Lots of houses in the area have planning for it.
- Had the chance to have him start in 2 weeks or wait another year as fully booked out.
- Built this extension so that the householders daughter who is autistic can use as a sensory room and relax with schoolwork and making friends.
- There are numerous dormer roofs in the Swords and Skerries area that have same size dormer and gable wall to the side.
- Don't have the money to reduce / knock it down.
- No. 7 Kelly's Bay Weir had the same works approved Ref. F21B/0060.

## 6.2. Planning Authority Response

The Planning Authority provided a response to the appeal dated 27<sup>th</sup> June 2023 which is summarised below:

- An Bord Pleanála is requested to uphold the decision of the Planning Authority.
- In the event that this appeal is successful, provision should be made in the determination for applying a financial contribution in accordance with the Council's Section 48 Development Contribution Scheme.

## 6.3. Observations

- One observation received stating concerns relating to adverse impact upon privacy, that the gable end is out of character with neighbouring dwellings, that the dormer dominates the rear roof slope and that it could reduce the value of adjacent property.

## 7.0 Assessment

7.1. I propose to assess the appeal under the following headings:

- Impact upon adjacent occupiers amenity; and
- Visual impact.

7.2. Impact upon adjacent occupiers amenity

7.3. The Planning Authority's assessment does not highlight any concerns in relation to amenity impact with respect to overlooking, however I note that observations on both the original application and the appeal raise the matter of adverse privacy impact.

7.4. The dormer is set into the roof at no.12 Swords Manor Court subject to this appeal and situated over 10m to the rear boundary line (approx.) and over 20m to the most proximate neighbour to the rear, being the main rear elevation of no.6 Swords Manor View. The Planning Authority have not raised any concerns with respect to overlooking and/or adverse privacy impacts, and I concur that the roof alterations to the property do not present adverse amenity impacts with respect to overlooking and privacy. There are a number of examples of dwellings in the area with roof level windows (see section 4 above, planning history), and the extent of overlooking from the property is within acceptable parameters that reflects what can be expected to occur in residential streets in an urban area in my view.

7.5. Visual impact

7.6. I note that the Planning Authority and observers raise concern that the hip to gable alteration is uncharacteristic of the area, and that the dormer is excessive for the dwelling.

7.7. The alteration of one semi-detached property from a hip to gable roof, could potentially result in an unsympathetic destabilisation of the symmetry in the pair of semi-detached properties. However, there is no blanket approach requiring the rejection of a hip to gable roof alterations under the Development Plan. Section 14.10.2.5 of the Development Plan is clear that in assessing whether a hip to gable roof alteration is acceptable, regard will be had to the following:

- Consideration and regard to the character and size of the structure, its position on the streetscape and proximity to the 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.

7.8. In relation to the first bullet point, the hip to gable alteration has squared-off the end of the dwelling house and does not project beyond the established ridge or building

line of the property. Proximity to adjacent structures remains within established parameters and the property itself is not overly prominent in the streetscape.

- 7.9. In relation to the second bullet point, alterations to roof forms in the area are established on both Swords Manor Court and in surrounding streets (see planning history in section 4 above). The Planning Authority asserts that this precedent relates to alterations to a 'Dutch' style or 'half hip' style roof. In my opinion, many alterations approved in the area are closer to a gable finish. With reference to planning permission Reg. Ref. F20B/0155 at no.23 Swords Manor Court, the drawings available to view on the Council's website illustrate a 'Dutch hip gable wall' which is set down just 650mm from the ridge and in 1.124m from the gable. The resulting 'hip' is minor and almost inconsequential in my view. It should also be noted that during my site visit, I observed that the actual alteration undertaken to no.23 Swords Manor Court comprises a full hip to gable conversion and does not reflect the minor hip reflected in the approved drawings. Furthermore, I note planning permission Reg. Ref. F22B/0178 at no.20 Ormond Close (to the south west of the subject site) which was approved with a hip to 'Dutch hip gable wall' with a set down of only 470mm from the ridge and inset of 925mm from the gable end, reflecting an even more minor hip style than the aforementioned application. On my visit to the area, the alteration to this roof in reality reflected a gable end. Another example is at no.2 Ormond Grove to the south of the subject site, with planning permission Reg. Ref. F21B/0084 granted for a 'Dutch hip' (with revised drawings submitted by way of FI), with a set down of 600mm from the ridge and an inset of just 800mm from the gable wall. On my site visit to the area I also observed that no.16 Ormond Grove had a hip to Dutch gable alteration with similar proportions, and which reflected an appearance much closer to a gable end appearance than a hip. In my opinion, all of these examples demonstrate a resulting hip that is so minor as to be visually inconsequential. A casual glance at a property with a 'Dutch hip gable wall' of these proportions (such as no.16 Ormond Grove) would likely miss that any hip existed at all, with the overwhelming impression being that there is a gable end to the property.
- 7.10. In relation to the third bullet point, the appeal dwelling is situated towards the middle of the street and the flank ends are not particularly prominent in views into, and out of, the area.

- 7.11. In relation to the final and fourth bullet point under Section 14.10.2.5 copied above, the altered roof at the appeal site has been finished to tie in with the appearance of the original property with respect to materials and does not project beyond the established building lines or ridge height of the property, ensuring harmony with the structure overall. I am also satisfied that given the established alteration to other roof forms in the area, including to another dwelling in Swords Manor Court, the alteration is not visually incongruous and harmonises appropriately with adjacent structures.
- 7.12. With respect to the rear roof dormer extension, the Development Plan states that '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 dominant the roof space.' The Planning Authority and observers raise concern that the dormer is overdominant in the roofscape. The drawings on file include a section view, demonstrating that the dormer is set up a 3 tile course from the eaves of the house, and set below the ridge by a tile course. I also note that in many of the approved applications for dormer roof extensions in the area (see planning history section 4 above), a condition was used to ensure an inset from the eaves of at least a 3 tile course, and set downs from ridge levels by between 200mm and 300mm, or to an unspecified extent. For the appeal scheme, the dormer set down of a tile course from the original ridgeline to the property reflects this, as illustrated in the section drawing provided. The dormer is also set in by between 900mm and 1m from each side of the property. While the dormer itself is wider than some of the other dormers approved in the area (by around a 1m), I am satisfied that the requirements under the Development Plan have been met with the dormer set below the ridge, up from the eaves and in from the side ends of the property.
- 7.13. In relation to the Velux windows, these are established in the front and rear roofs of properties in the area and a common additional to dwellings in urban areas.
- 7.14. Overall, I am satisfied that the visual impact is not so significant or harmful that it would warrant refusal of planning permission, and that it reflects established forms in the area.

## 8.0 Recommendation

8.1. Having regard to the above, I recommend that retention permission be GRANTED for the development, subject to conditions, for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

Having regard to:

(1) the zoning of the site under Objective 'RS' Residential to 'Provide for Residential Development and protect and improve Residential Amenity',

(2) planning policies and objectives under the Fingal County Development Plan 2023-2029,

(3) the nature, scale and design of the development,

(4) the existing pattern of development in the vicinity, and

(5) the planning history of the site,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously, or disproportionately, injure the 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.

## 10.0 Conditions

1.	The development shall be retained in accordance with the plans and particulars lodged with the application.  <b>Reason:</b> In the interest of clarity.
2.	Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.  <b>Reason:</b> In the interest of public health and surface water management

3.	<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 Contributions Scheme made under section 48 of the Planning and Development Act 2000 as amended. The contribution shall be paid in 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 An Bord Pleanála 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, 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>
----	--

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.

---

Rachel Gleave O'Connor  
Senior Planning Inspector

04 September 2023