



An
Bord
Pleanála

Inspector's Report ABP317322-23

Development	Remodel roof of house and provision of dormer window to rear
Location	26 Lissadel Crescent, Seabury, Malahide, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F23B/0050
Applicant(s)	Pierre and Julie Brun
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	Third Party v Grant
Appellant(s)	Geraldine Yeomans-Daly
Observer(s)	Click here to enter text.
Date of Site Inspection	29 th . August 2023
Inspector	Brendan McGrath

1.0 Site Location and Description

The site is a semi-detached house, part of a mature suburban area in Malahide, Fingal. The houses are predominantly 3-bedroom, 2-storey and of conventional design with front and rear gardens. The appellant lives in a next-door house

2.0 Proposed Development

The proposal consists of re-modelling the main roof by extending it in the form of a Dutch hip, converting an attic space to a room and adding a dormer window to the rear. There is approximately 22m separating the proposed window and the first floor windows of the house to the rear.

3.0 Planning Authority Decision

3.1. Decision

The council granted permission with standard conditions attached.

3.2. Planning Authority Reports

3.2.1. Planning Report

The planning report is the basis of the council decision. The report recommends a grant of permission in accordance with the council's guidance on domestic extensions, having concluded that the proposed dormer would not significantly overlook any adjacent property and there were no issues in respect of overshadowing, overbearance or other aspects of residential amenity. The report references two recent grants of permission for comparable residential extensions at Seabury (F 21B/0219 and F22B/0201)

In respect of screening for EIA the planner concluded that the proposal by virtue of its size and scale would not represent development for the purpose of Part 10 under Section 5 or fulfil criteria under Schedule 7 of the Planning and Development Regulations.

In relation to Appropriate Assessment the planner concluded that there is no likelihood of significant effects on any European site.

3.2.2. Other Technical Reports

There are no other significant reports

3.2.3. Observations

There were a number of third party observations raising following matters:-

Loss of light,

Loss of privacy,

The proposal is out of character, the dormer element too large,

Devaluation of property, and

Bad precedent

4.0 **Planning History**

There is no recent planning history on or beside the site

5.0 **Policy and Context**

5.1. **Development Plan**

The relevant development plan is the Fingal Development Plan 2023-2029.

The site is zoned RS, the objective of which is to 'Provide for residential development and protect and improve residential amenity. The Plan contains extensive guidance on the design of residential extensions.

5.2. **Natural Heritage Designations**

None in the vicinity

5.3. EIA Screening

Having regard to the nature and modest scale of the proposed development, its location in a built-up urban area and the likely emissions therefrom it is possible to conclude that the proposed development is not likely to give rise to significant environmental impacts and 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 grounds of appeal are:-

- Excessive intensification
- Adverse visual impact
- Impact on residential amenity privacy
- Inappropriate materials
- Undesirable precedent

6.2. Applicant Response

The applicant asserts that he had shown the drawings of the proposal to what he considered would be the neighbours most affected by the proposal. These were the neighbours in the other half (no 28) of the semi-d pair, and the neighbours directly to the rear (5 Seabury View). They had no issues with the proposal.

6.3. Planning Authority Response

The council has reasserted its opinion that the proposal would not have undue adverse impacts and requests the Board to grant permission with a condition in line with condition 4 of its grant which would modify the proposed dormer window design in line with its development plan guidance.

7.0 Assessment

Having visited the site and examined all the application and appeal documentation I consider that the issues arising are:-

- the extent of the impact of on the residential amenity of the street and the wider neighbourhood, and
- the impact on the immediately adjacent house (24 Lissadel Crescent).

In my opinion, while the appellant raises relevant planning issues as to why modifications to an existing dwelling in a residential setting might not be acceptable, no aspect of this proposal is 'out of place'. Indeed, I consider the proposed design to be a 'well-mannered' response in the context of this suburban setting.

7.1. Appropriate Assessment Screening

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

I recommend that planning permission be granted for the reasons and considerations set out below and subject to the conditions listed.

9.0 Reasons and Considerations

9.1. Having regard to the need to protect established residential amenity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the residential amenities of the adjoining property and would be in accordance with the proper planning and sustainable development 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.

10.0 Conditions

1.	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. Reason: In the interest of clarity.
2.	Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works. Reason: In the interest of public health.
3.	Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 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. Reason: In order to safeguard the residential amenities of property in the vicinity.
4.	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.

Reason: 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.

Brendan McGrath
Planning Inspector

22nd September 2023