



An
Bord
Pleanála

Inspector's Report ABP 317391-23

Development	Conversion of attic space comprising modifications to roof structure, raising of existing c/w window, new access stairs, two roof windows to front and, flat roof dormer.
Location	38 The Nurseries, Forest Road, Swords Co. Dublin. K67 W866.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F23A/0170
Applicant	Stephen and Aideen Monaghan
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	First Party
Appellant	Stephen and Aideen Monaghan.
Date of Site Inspection	22 nd August, 2023.
Inspector	Jane Dennehy

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1.0 Site Location and Description

- 1.1. The site which has a stated area of 0.2053 hectares, is that of a semi-detached two storey house, with a stated floor area of 101 square metres. It is located at the western end of a *cul de sac* within The Nurseries, a residential estate on the northeast side of Forest Road to the southwest of Swords. A detached house is located to the west side of the application site. Directly to the rear, north side are terraced houses facing northwards onto Cherry Avenue. The original front boundary wall has been removed and the entire front garden area is used for parking for two cars.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for conversion of attic space. The proposals comprise modifications to the roof structure, raising the existing gable, a c/w window, a new access stairs, two roof windows to front and a flat roof dormer at the rear. The total stated additional floor area to be provided in the extension is twenty-six square metres.

3.0 Planning Authority Decision

3.1. Decision

By order dated 18th June 2023 the planning authority decided to grant permission subject to seven conditions.

Under Condition No 2 revisions are required as outlined below:-

Condition 2 (a) replacement of the gable side extension with a Dutch hip roof (i.e. with a gable end) side dormer. .

Condition 2 (b) Rear and side dormers to be set down from the ridge line of the roof and set up at least three tile courses from the eaves.

Condition 2 (c) The side dormer window to be fitted on a permanent basis with obscure glazing.

There are also requirements for external finishes to match those of the existing dwelling under Condition 2 (d) and, under Condition 2 (e), for the use of the attic room to be restricted to storage use.

The reason provided is the interest of visual amenity, privacy and to comply with Building Regulations.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the planning officer indicates acceptance of the proposed development subject to the revisions required under Condition No 2 (See section 3.1 above) and conditions of a standard nature.

He notes excessive proportions for the proposed rear dormer, a roof profile that would be incompatible with the dwelling and visually incongruous in the streetscape. He recommends modifications involving substitution of a Dutch hip roof side dormer below the ridge line and above the eaves with a width reduced to 2.5 metres. The restriction to storage uses for the attic level accommodation is recommended because the floor to ceiling height is less than 2.4 metres, the minimum required under Building Regulations.

3.2.2. Other Technical Reports

The report of the Transportation Department indicates no objection. It is noted that the existing vehicular entrance has been widened and is circa four metres wide. It is stated that sightlines as a result are in excess of DMURS standards and that there is sufficient pedestrian-vehicular inter visibility at the entrance and footpath.

The report of the Water Services Department indicates no objection subject to standard requirements.

The report of Uisce Eireann indicates no objection subject to standard requirements.

4.0 Planning History

There is no record of planning history for the application site.

5.0 Policy and Context

The operative development plan is the Fingal County Development Plan, 2023-2028 according to which the site is subject to the zoning objective:- *“To provide for residential development and protect and improve residential amenity.”*

It is the policy of the planning authority to support development of extensions to dwellings which are of appropriate scale, subject to protection of residential and visual amenities. (Policy SPQHP41) and it is the objective to encourage sensitively designed extensions which do not negatively affect the environment or adjoining properties or the area.

Objective 14.10.2 provides for acknowledgement to need for housing to be adaptable to changing circumstances and widespread support for reconfiguration and extensions subject to safeguards is indicated.

Section 14.10.2.5 provides for and sets out criteria for consideration of proposals for roof alterations, dormer extensions and attic conversions

5.1. 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

Grounds of Appeal

6.1. An appeal was lodged on behalf of the applicant the content of which is outlined as follows with regard to Condition 2 (a)

- The needs of both the applicant and the planning authority should be considered and the planning authority did not consider the needs of the applicant.

- Several houses in the Nurseries have been extended. Two examples of grants of permission are at No 12 and No 5 The Nurseries.
- There are several attic conversions in the area comprising rear dormers side dormers and gable raises. There are twenty plus grants of permission for gable raises and rear dormers at Boromhe, twenty plus at Cherry Avenue and Cherry Park and six plus at River Valley
- No 38, is a detached house, has a side entrance has been previously extended at ground level.
- There were no (third party) observations at application stage.

6.2. Planning Authority Response

A submission was received on 13th July, 2023 according to which the requirements of Condition no 2 is key to protection of the residential and visual amenities of the area and compliance with the building regulations.

- Condition No 2 (a) is included because the proposed change to roof profile would be incongruous in the streetscape and would establish undesirable precedent. Dormer roof extensions have been acceptable elsewhere in the estate and a pitched roof. A condition with a requirement for the gable roof form to be replaced with a Dutch hip roof (with gable end) side dormer below the ridge and up from the eaves would be acceptable.
- Condition No 2 (b) and (c) are included, to render the rear extension proportionate and subservient, a reduction in width for the rear dormer and replacement of the hip to gable roof extension with an appropriately proportioned dormer as per condition 2 (a) would be acceptable.
- Condition 2 (d) is included obscure glazing for the side dormer window would make it acceptable.

The examples within the estate cited in the appeal for precedent are not similar and the other examples are for properties outside the estate and are not relevant.

7.0 Assessment

- 7.1. In effect, the content in the appeal is in objection to the requirements of Condition Nos 2 (a) (b) and (c) and it is contended to provide for a permitted development that does not provide for the accommodation needs and preferences of the applicant but the basis for this claim is not explained. While facilitation of achievement of accommodation requirements of an applicant by way of alterations, upgrades and extensions to a dwelling is fully acknowledged it is subject to acceptability of the proposed development on planning grounds, namely, the interests of the proper planning and sustainable development of the area.
- 7.2. It is noted that the description in the notices indicates a proposal for “*conversion of the existing attic space comprising modifications....*” and that the layout on the attic level floor plan does not indicate proposals for use as habitable/living accommodation. Furthermore that planning officer notes suitability of the development to be permitted for storage purposes only.
- 7.3. The modifications to the side gable end, which are a requirement by condition attached to the planning authority decision involve for considerable and significant modifications, would, compared to the proposal in the application, be less dominant than the original proposal. However due to the alteration to roof profile in bulk and altered form above the eaves the revised proposal would also be visually incongruous within the established, uniform roof profile in the streetscape as was provided for in the original design for the dwellings at The Nurseries. The proposed roof profile and, the roof profile as revised by condition, would interfere with the integrity of the dwelling, with consequent negative impact on the established character and visual amenities of the area.
- 7.4. The proposed rear dormer, which in effect is at second floor level, is at distance of twenty-two metres from the main rear façade of No 102 Cherry Avenue. The twenty-two metres separation distance is the minimum recommended for windows at first floor level which are directly opposite each other. Notwithstanding the requirements of Condition No 2 (b) attached to the planning authority decision for the rear dormer, it is considered that a grant of permission for a revised dormer of significant size and mass in a rear slope of a half hip roof would be also conspicuous and give rise to overlooking and perceptions of overlooking affecting residential amenities and

property value at adjoining properties at each side in The Nurseries and to the rear on Cherry Avenue.

- 7.5. Should the attic level accommodation be confined to storage use only as shown on the attic floor plan and required under Condition 2 (d), having regard to the minimum height requirements of the Building Regulations, the necessity for the dormers is questionable in that sufficient natural light could be provided via rooflights. (Rooflights in the front roof slope are included in the application.)
- 7.6. With regard to precedent, it is agreed with the planning officer that the permitted developments at Nos 5 and 12 The Nurseries are not directly comparable to the development proposed in the application and therefore do not form a basis from which precedent can be taken. (P .A. Reg. Ref 12B/0205 and 21B/0205) refer. Similarly, developments at separate residential estates are not comparable for such purposes.

Appropriate Assessment Screening

- 7.7. 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 and 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 AA at an initial stage.

8.0 Recommendation

In view of the foregoing it is recommended that permission for the proposed development be refused based on the following reasons and considerations. .

9.0 Reasons and Considerations

It is considered that:-

The proposed alterations to roof profile in form and bulk would be excessive in mass, inappropriate in form relative to the roof profile of the existing dwelling and would breach and be visually intrusive, conspicuous and out of character

with uniform roof profile of the dwellings within the streetscape at The Nurseries and,

That the proposed attic level dormer window at the rear would give rise to overlooking and perceived overlooking of adjoining properties at Cherry Avenue and The Nurseries.

As a result, the proposed development would seriously injure the residential amenities and the integrity and visual amenities of the streetscape and, would be contrary to the provisions of section 14.10.2.5 of the Fingal County Development Plan, 2023-2028 and the interests of the proper planning and sustainable development of the area.

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.

Jane Dennehy

Inspector

24th August, 2023.