



An
Bord
Pleanála

Inspector's Report ABP317392-23

Development	Attic conversion
Location	10 Boraimhe Elmes, Swords, County Dublin.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F23A/0137
Applicant(s)	James Creegan
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Applicant V Condition 2
Appellant(s)	James Creegan
Observer(s)	None
Date of Site Inspection	29 th July 2023.
Inspector	Hugh Mannion

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1.0 Site Location and Description

1.1. The application site comprises the two-storey element of a duplex apartment at 10 Boroimhe Elmes, Swords, County Dublin. The duplex unit is part of a larger mix of duplex units and conventional houses located off the R132/old N1 just north of Dublin Airport. The building faces onto a shared parking landscaped area and to the rear is an undeveloped site which has the benefit of a planning permission for residential development.

2.0 Proposed Development

2.1. The proposed development comprises the conversion of existing attic space to habitable accommodation with ensuite, velux roof lights to the south (front) facing roof plane, and velux fire escape window and light tunnels to the north (rear) roof plane at 10 Boroimhe Elmes, Swords, County Dublin.

3.0 Planning Authority Decision

3.1. Decision

Grant permission with conditions.

Condition number 2.

Prior to commencement of development the developer shall submit for the written agreement of the planning authority revised elevation, roof and floor plans indicating the following.

- a) The roof light to the front/south slope of the roof shall be omitted.
- b) The 6 number roof lights and 1 light tunnel on the rear/south roof slope shall be omitted and replaced by 2 roof lights measuring 450mm by 450mm.
- c) The attic room shall be used for storage purposes only.
- d) The external finishes shall harmonise in colour and texture with the existing apartment building on site.

Reason: In the interests of visual amenity, to comply with building control regulations and the requirements of condition 22 of F99A/0712.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The planner's report recommended a grant of planning permission as provided for in the Chief Executive's order.

3.2.2. Other Technical Reports

Irish Water reported no objections.

Transport Planning reported no objection.

Water Services reported no objection.

Dublin Airport Authority reported no objection.

4.0 **Planning History**

- 4.1. Permission was granted under F99A/0712 for a mix of houses/duplex apartments including this site. Condition 22 required that the roof space be used for storage or building plant/services only.

5.0 **Policy and Context**

5.1. **Development Plan**

- 5.2. The application site is zoned RS Residential 'to provide for residential development and to protect and /or improve residential amenity in the Fingal County Development Plan 2023-2029.

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 Development Management Standards 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.

5.3. Natural Heritage Designations

Not relevant.

5.4. EIA Screening

- 5.5. 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 object of the application is to improve the accommodation in the dwelling. The omission of the room as habitable space defeats the purpose of the works.
- The roof light configuration was chosen to accommodate fire safety.
- Apart from the roof lights there are no alterations to the external finishes.
- Other similar developments have been permitted in the area.

6.2. Planning Authority Response

6.3. Condition 2 is required to protect the visual amenity of the area, comply with Building Control regulations and with conditions of a previous permission.

6.4. Observations

- None

7.0 Assessment

7.1. The appeal relates solely to condition 2 of the grant of planning permission issued by Fingal County Council. I have read the file, considered the grounds of appeal and the planning authority's comments and carried out a site inspection. I consider that there are no other planning issues raised in the application, other than condition 2, and I recommend that the Board consider the appeal under section 139 of the Planning and Development Acts 2000, as amended, and confine its consideration to the matters raised in the appeal.

7.2. The application site comprises an existing two storey element of a duplex unit at 10 Boraimhe Elmes, Swords, County Dublin. Boraimhe Elmes is a small development (about 48 units) accessed from the R132 (formerly the Dublin/Belfast route) north of Dublin Airport. The area is generally characterised by conventional housing

development. To the north of the site (behind the application site) is an undeveloped area with a permission for 219 apartments under ABP314253-22.

- 7.3. The planning authority makes the point that there is an inconsistency between the windows as shown on 'north contiguous elevation' on drawing number 3 and the 'proposed roof plan' shown on drawing number 1 submitted with the application. I agree with this observation, which is correct, and I consider that rooflights flat on the roof plane do not give rise to injury to visual amenity in a manner as to require their amendment/omission by way of a condition attached to a grant of planning permission. Additionally, I agree with the planning authority that the application generally complies with the provisions set out at 14.10.2.5 of the County Development Plan in relation to attic conversions. Therefore, I conclude that no amendment by way of condition is necessary, and I recommend removal of parts (a) and (b) of condition 2.
- 7.4. In relation to the proposed use - the application states that it is for 'habitable use'. The standard for 'habitable use' is set out in the building regulations (2.4m floor to ceiling height over 66% of the floor area and additional requirements in relation to stair access) and a grant of permission does not confer that status on any space where it does not meet the threshold set out in the Building Regulations. The Development Management Guidelines advise against attaching planning conditions that refer to compliance with other codes where compliance with other codes is required by other legislation (for instance building regulations and fire safety regulations) and therefore on this point I recommend omitting part (c) of condition 2.
- 7.5. The application does not propose any changes to external finishes of the dwelling except when roof tiles are replaced by windows. I consider, therefore, that part (d) of condition 2 is not necessary and I recommend its removal.
- 7.6. **Appropriate Assessment Screening**
- 7.7. Having regard to the nature and scale of the proposed development and to the absence of emissions therefrom 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

8.1. I recommend removal of Condition 2.

9.0 Reasons and Considerations

The proposed development comprises a modest amendment to an existing residential use which will not impact on the residential amenity of neighbouring property or the visual amenity of the wider area. Condition 2 refers, in part, to compliance with matters regulated under the Building Control Act, 1990, as amended. Having regard to these considerations the Board is satisfied that condition 2 is not required for 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.

Hugh Mannion
Senior Planning Inspector

31st July 2023