



An
Bord
Pleanála

Inspector's Report

ABP-317676-23

Development

The development will consist of (i) building a one-storey porch extension to the front of house; (ii) creating a new off-street vehicular entrance and parking spaces at the front with access from James McCormack Gardens; (iii) building a rased roof dormer window at the rear and (iv) converting the attic space to a home office. The works will also include all associated internal, site and drainage works.

Location

7 James McCormack Gardens,
Sutton, Dublin 13.

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F23A/0283

Applicant(s)

Stephanie Madden

Type of Application

Permission

Planning Authority Decision

Refusal

Type of Appeal

First Party

Appellant

Stephanie Madden

Date of Site Inspection

08th September 2023

Inspector

Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.0138 hectares, is located to the north west of Sutton at no. 7 James McCormack gardens. The site is occupied by a two-storey mid-terrace dwelling part of a terrace of 4 no. dwellings made up of no. 5-8.

2.0 Proposed Development

- 2.1. Permission is sought for a development consisting of (i) building a one-storey porch extension to the front of the house, (ii) creating a new off-street vehicular entrance and parking spaces at the front with access from James McCormack Gardens, (iii) building a raised roof dormer window at the rear and (iv) converting the attic space to home office. The development has a floor area of 19sqm with the porch having a floor area of 3.18m and a ridge height of 3.22m. The dormer extension has a floor area of approximately 16sqm. The dormer extension has a ridge height above the ridge height of the existing dwelling and a width of 3.85m

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on one reason...

1. The proposed development in particular the dormer extension would be considered dominant upon the roof slope of the dwelling to the front and rear, visually obtrusive and would negatively impact upon the level of residential amenities of the surrounding area, to materially contravene Objective SPQHO45 and Section 14.10.2.5 of the Fingal Development plan 2023-2029 and contravene the RS zoning

objective for the area and as such would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning Report (03/07/23): The dormer extension was considered to be excessive scale and projects above the ridge level of the existing dwelling. It was considered to contrary the provisions of Development plan policy set down under Section 14.10.2.5 and Objective SPQHO45. Refusal was recommended based on the reason outlined above.

Other Technical reports

Water Services (26/05/23): No objection.

Uisce Eireann (15/06/23): No objection.

Transportation Planning (26/05/23): No objection subject to conditions.

3.3. Prescribed Bodies

DAA (14/06/23): No observations.

3.4. Third Party Observations

3.4.1 None.

4.0 Planning History

No planning history.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Fingal Development Plan 2023-2029. The appeal site is zoned RS, 'Residential' with a stated objective 'to provide for residential development and protect and improve residential amenity'.

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.

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.

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

None in the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by Phillip Boyd and Associates on behalf of Stephanie Madden. The grounds of appeal are as follows...

- The appellant highlight that a number of precedent examples were shown for similar dormer extensions albeit within the Dublin City Council area.
- The appellant states that the extension is not highly visible from the front and refers to a two-storey extension on a dwelling to the rear of the site that is visible in the area.

- The appellant states that the extension is not excessive in size and the width of the dormer is less than the width of the dwelling with no objections raised by the owners of the properties on either side.
- There a lack of reference to the proposed vehicular entrance on the planning assessment and the fact that it was refused also. The front boundary was remove to allow access for a skip associated with works on an exempted development extension to the rear.
- The appellant disputes that works on the porch have begun noting that a concrete base has been built to prepare for accessible access.

6.2. Planning Authority Response

6.2.1 Response Fingal County Council

- The Planning Authority remain of the opinion that the proposed dormer by virtue of its scale, bulk, height and design would unduly impact on the amenity of the surrounding area/neighbouring properties and would be detrimental to the visual amenities of the area contrary to Objective SPHQHO45. The proposed development is considered to materially contravene the RS zoning objective.

7.0 Assessment

7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Design, scale, visual amenity/compliance with Development Plan policy

Vehicular entrance

7.2 Design, scale, visual amenity/compliance with Development Plan policy:

7.2.1 The proposal is for a number of elements, which consist of a single-storey porch extension to the front, a dormer extension to the rear and a vehicular entrance onto the public road with provision of off-street car parking. The proposal was refused on the basis that the dormer extension to the rear was considered excessive in scale and would have a detrimental visual impact with the decision to refuse determining that it is material contravenes Objective SPQHO45 and Section 14.10.25 (I would refer to Section 37(2)(b) of the Planning and Development Act, 2000 (as amended) regarding the criteria in which the Board may grant permission in the case where a development has been refused on the basis of material contravention).

7.2.2 The proposed dormer extension has a width of 3.85m and is setback 0.7m from the gables and/or party boundaries, is setback from the eaves level of the existing dwelling but does have a ridge height exceeding the ridge height of the existing dwelling by approximately 0.35m meaning it is partially visible from the front of the dwelling/public road/area. Objective SPQHO45 in relation to Domestic Extensions Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area. Under Section 14.10.2.5 Roof Alterations including Attic Conversions and Dormer Extensions it is clearly stated in regards to dormer extensions that such 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”. In this case the dormer extension is setback from the gables/party boundaries, the eaves but not set down or at the very least level with the ridge height of the existing dwelling. I do consider that the proposal is contrary to Section 14.10.2.5, which is clear in regards to dormer extensions. The appellant has argued that there are precedent examples, however these relate to the Dublin City Council area, not the Fingal area. I would not consider that the development would represent a material contravention of Development Policy under either Objective SPQHO45 or Section 14.10.25, but is contrary policy under Section 14.10.25. I would consider that the proposed dormer extension would not be detrimental to amenities of adjoining properties given any windows are orientated as per the main orientation of existing windows on the dwelling and acceptable separation distances are maintained. I do consider the dormer extension is excessive in height and is visible from the front elevation and

public area including the public road with a clear policy prohibiting dormer extension higher than the existing ridge height. In this regard I would recommend refusal of the proposed dormer extension.

7.2.3 The Planning Assessment of the development did not assess the porch extension and appear only have assessed the dormer extension. The single-storey porch extension is acceptable in overall design and scale. The appeal submission disputed that the porch extension had been under construction, however at the time of my site inspection the porch extension is constructed (application is not a retention application).

7.3 Vehicular Entrance:

7.3.1 The Planning Assessment did not give any evaluation of the vehicular entrance and the decision to refuse appears solely to relate to the dormer extension. The existing street features a significant level of dwellings that have vehicular entrances and off-street car parking with the appeal site appearing to be the only dwelling that does not feature such. The Planning Authority raised no objection to the proposed vehicular entrance as such was not part of the reason for refusal with the Council's Transportation Planning section raising no objection. The existing front boundary has been removed (the applicant/appellant claims such was for the purposes of a skip). I would consider that the proposal for a vehicular entrance and off-street car parking is satisfactory, it is in keeping with the character of existing dwellings in the vicinity and would not be not cause any traffic safety issues.

7.4. Conclusion:

7.4.1 I would consider that the proposed dormer extension is excessive in scale and would be contrary Section 14.10.25 of the County Development Plan in relation to dormer/roof extensions. I do however consider that the proposed porch extension and vehicular access are acceptable in design and scale and would not be contrary to the proper planning and sustainable development of the area. In this regard I

would recommend a split decision with refusal for the dormer extension and a grant of permission for the porch and vehicular access.

8.0 Appropriate Assessment

8.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European 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.

9.0 Recommendation

9.1. I recommend a split decision.

I recommend refusal of permission for the proposed dormer extension.

10.0 Reasons and Considerations

1. Under Section 14.10.2.5 of the Fingal County Development Plan in relation to Roof Alterations including Attic Conversions and Dormer Extensions it is clearly stated in regards to dormer extensions that such 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 proposed dormer extension is excessive in scale featuring a ridge higher than the ridge height of the existing dwelling rendering the extension visible from the public area and being contrary to the clearly stated provisions of section 14.10.2.5. The proposed development would be contrary Development Plan policy, would set an undesirable precedent for similar development in the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

11.0 I recommend a grant of permission for the propose porch extension and vehicular entrance.

12.0 **Reasons and Considerations**

Having regard to the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities, character of the area or residential amenity of property in the vicinity and would be acceptable in regards to traffic safety and convenience. The propose development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 **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. 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. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Any relocation of utility infrastructure shall be agreed with the relevant utility provider. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

3. Surface water runoff shall be discharged on site and shall not be allowed to discharge onto the public road or any adjoining properties.

Reason: In the interest of public health and surface water management

5. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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.

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.

Colin McBride
Senior Planning Inspector

11th September 2023