



An  
Bord  
Pleanála

## Inspector's Report

**ABP317856-23**

<b>Development</b>	Retention of partial ground floor rear extension and gutter alignment and planning permission for a new flat dormer extension at rear of house.
<b>Location</b>	8 Boroimhe Blackthorn, Swords, Co. Dublin
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F23A/0333
<b>Applicant(s)</b>	Kevin and Alison Lynn
<b>Type of Application</b>	Retention and Permission
<b>Planning Authority Decision</b>	Split Decision - Approve retention and Refuse Permission
<b>Type of Appeal</b>	First Party vs Refusal
<b>Appellant(s)</b>	Kevin and Alison Lynn
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	30th November 2023.
<b>Inspector</b>	Leah Kenny

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## Appendix 1 – Form 1: EIA Pre-Screening

## **1.0 Site Location and Description**

The proposed development is at 8 Boroimhe Blackthorn, Swords, Co. Dublin. The property is a two-storey dwelling, with off-street parking and a front and rear garden.

It is an end-of-terrace and corner site on the southern side of Boroimhe Blackthorn. The property presents both its front and side (western) elevation to Boroimhe Blackthorn. The eastern (side) boundary of the property is shared with 7 Boroimhe Blackthorn. The southern (rear) boundary adjoins the side garden of 9A Boroimhe Blackthorn.

The property is part of the Boroimhe estate which is characterised by a mixture of terraced dwellings and duplex units.

The site has a stated area of .0273 ha and the existing dwelling a stated area of 154 sq. m.

## **2.0 Proposed Development**

The proposed development comprises the following:

- a) Retention of changes to development permitted under Reg. Ref. F04B/0274, involving a partial ground floor extension to the rear of the existing house (approximately 2.8m x 3.1m). The additional area links the two-storey extension to the side of the existing dwelling permitted under Ref. Ref. F04B/0274 with the original single storey kitchen extension to the rear.
- b) Retention is also sought for a higher gutter line along the extended side/rear elevation than originally permitted under Ref. Ref. F04B/0274.
- c) Planning permission is also sought for new flat dormer roof to the rear of the existing house roof and all ancillary works. The dormer area is indicated on the plans for use as office space and storage.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

By order dated 4th August 2023, Fingal County Council issued a split decision. It granted planning permission for the retention development subject to 6 no. conditions. Conditions of note include:

- Condition 2: External Finishes shall harmonise in colour and texture with the existing dwelling on site.

It refused permission for the new flat dormer roof to the rear of the existing house roof and all ancillary works. The one reason for refusal concluded that the proposal would be contrary to Section 14.10.25, Policy SPQHP41 and Objective SPQHO of the Fingal Development Plan 2023-2029 having regard to:

- No established precedent in the Boroimhe Blackthorn estate for flat roof dormers to the rear of existing dwellings – the proposal was considered unacceptable and out of character with the host dwelling and dwellings in the surrounding area.
- The proposed development would result in overdevelopment of the site, would be incongruous and would not be in visual harmony with the existing rear elevation of the dwelling, would be visually obtrusive and overbearing and would be seriously injurious to the existing visual amenities of the area.
- The proposed development would be disproportionate and an overly dominate form of development by reason of design and overall scale, which would detract from the visual amenity of the host dwelling and would be uncharacteristic and inconsistent with the established pattern of development in the surrounding area.

### **3.2. Planning Authority Reports**

#### **Planning Reports**

The planning report is the basis of the Planning Authority's split decision. The Case Planner considered the modifications to previously approved plans to be acceptable.

However, the introduction of the rear dormer was deemed to be uncharacteristic and out of character with the area, prominent and visible from the road, and would represent overdevelopment of the site.

The application was screened for Appropriate Assessment and the screening showed no potential for significant effects. The application was also screened for Environmental Impact Assessment, and it was concluded at preliminary examination that there is no likelihood of significant effects.

### **Other Technical Reports**

- Transportation Section – No objections raised.
- Water Services – No objection subject to conditions.
- Uisce Éireann - No objection subject to conditions.
- DAA – No comment to make other than to recommend consultation with the IAA and the IAA-ANSP (now AirNav Ireland).
- IAA – No report received.

### **3.3. Prescribed Bodies**

None.

### **3.4. Third Party Observations**

None.

## **4.0 Planning History**

Under PA Ref. F04B/0274, permission was granted for the construction of two-storey extension to the side of the existing dwelling and new pedestrian entrance to the rear. Also indicated in the plans were Velux rooflights to provide shafted light to landing area and provide light to attic space.

The subject application has sought permission for *inter alia* retention of modifications to the development permitted under F04B/0274.

There have been several applications for the conversion of attic space, including modifications of existing roof structure, new access stairs and in many instances new dormers in the wider Boroimhe estate. The majority of these have been **granted** and have included conditions which where relevant a) restrict the attic use for storage purposes only and b) condition the rear dormer to be a maximum of 2.5m – 3m. The applications include: F23B/0056: 52 Boroimhe Laurels; F23B/0009: 20 Boroimhe Willows; F22A/0492: 1 Boroimhe Hawthorns; F21A/0629: 69 Boroimhe Maples; F21B/0220: 16 Boroimhe Poplars and F20B/0051: 80 Boroimhe Alder.

## 5.0 Policy Context

### 5.1. Development Plan

This application is considered under Fingal County Development Plan 2023-2029.

The site is in an area designated Zoning Objective 'RS' Residential *"to provide for residential development and protect and improve residential amenity."*

In Section 14.10.2 it is stated that the Council will support applications to amend existing dwelling units to reconfigure and extend the needs of the household change, subject to specific safeguards. 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 for the character and form of the existing building, its architectural expression, remaining usable rear private open space, external finishes, and pattern of fenestration. Relevant Policies and Objectives include:

- Policy SPQHP 41: Support the extension of existing dwellings with extensions of appropriate scale and subject to the protection of residential and visual amenities.
- Objective SPQHO45: Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.

Section 14.10.2.5 provides for and sets out criteria for consideration of proposals for dormer extensions, as follows:

- 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.
- The size of the dwelling and rear garden.
- The visual impact of the structure when viewed from adjoining streets and public areas.

The Development Plan also sets out specific design requirements relating to: setting back dormers from the eaves, gables and/or party boundaries and existing ridge level so as not to dominate the roof space; the quality of materials/finishes should match those of the existing roof; the level and type of glazing should have regard to existing window treatments and fenestration; and avoiding excessive overlooking of adjacent properties.

## **5.2. Natural Heritage Designations**

The site is not located within a designated Natura 2000 site, it does not adjoin such a site nor is it within the zone of influence of such sites.

## **5.3. EIA Screening**

Having regard to the modest scale and nature of the proposed development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

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

In setting out the grounds of appeal, the appellant stated that:

- Boroimhe Blackthorn is one of several roads in the four phase Boroimhe development. While currently no dormer roofs on Boroimhe Blackthorn there are many spread over each phase of the Boroimhe development.
- Due to demands of a growing family they wish to accommodate an office space for study/college, to assist in working from home and to create a sensory area for a member of the family.

## 6.2. **Planning Authority Response**

The Planning Authority had due consideration that there is no established precedent in the Boroimhe Blackthorn estate for flat roof dormers to the rear of existing dwellings and the proposal is considered unacceptable and out of character with the host dwelling and the dwellings in the surrounding area.

## 6.3. **Observations**

There were no observations.

## 6.4. **Further Responses**

Not applicable.

## 7.0 **Assessment**

7.1.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the planning application, the grounds of the First Party appeal, inspection of the site, and having regard to relevant policies and guidance, I consider that the main issues on this appeal are principle, design and visual amenity, residential amenity and use.

7.1.2. Each of these issues is addressed in turn below.

### **Principle**

7.1.3. The Fingal County Council Development Plan supports residential housing improvements which are in accordance with principles of good design and protection of existing residential amenity.

- 7.1.4. I consider the proposed retention of modifications relating to F04B/0274 to comply with Section 14.10.2.3 (Ground Floor Extensions (rear)) to be acceptable. They are not considered further in this assessment.
- 7.1.5. Regarding the proposed attic conversion, I note there is precedent for similar developments in the wider Boroimhe estate and further afield, noting also the inclusion of planning conditions restricting the attic use for storage purposes only, and limiting the size of the dormer to a maximum of 2.5m – 3m. I therefore also consider the principle of such a development to be acceptable.
- 7.1.6. However, while I consider this type of development to be acceptable in principle; there are specific matters which require careful consideration in respect of the subject case having regard to *inter alia* the criteria for dormer extensions, as set out in Section 14.10.2.5 of the Development Plan.
- 7.1.7. **Design and Visual Impact**
- 7.1.8. The subject property is end of terrace and on a corner site. While it has narrow frontage onto Boroimhe Blackthorn, it presents a long side (western) elevation to the perpendicular section of Boroimhe Blackthorn.
- 7.1.9. The house extends across the whole site, there is limited separation between the side gable and the side wall (the side extension was permitted under F04B/0274). The site also narrows along the side following the curve of Boroimhe Blackthorn; and the side elevation also angles to follow the plot line, before stepping in.
- 7.1.10. The side and rear of the property are highly visible from Boroimhe Blackthorn. The rear of the property presents visually on several planes – vertically to include the gable end and the two-storey set back and horizontally in terms of the rear ground floor extension, and the top and bottom of the roofline. Also evident are Velux roof lights in both the ground floor extension (3 no.) and the main roof (3 no.).
- 7.1.11. Although not indicated on the plans submitted with the application, there is also a blockwork pitched roof shed located at the rear of the garden, which is also evident when viewing the property from the side (west) and rear (south) along Boroimhe Blackthorn.
- 7.1.12. The proposed development is for a new flat roof dormer to the rear measuring 2.5m in width and projecting 4.2m outwards from below peak ridge height. I consider it

would introduce another element into an already well-developed site, and busy rear elevation. Given the highly visible nature of the rear of the property and extent of development already on site, I consider it would result in overdevelopment of the site, detract from the main dwelling, and would seriously injure the visual amenities of the area and properties in the vicinity.

7.1.13. Having regard to the foregoing, I consider the proposed development to be contrary to Section 14.10.25, Policy SPQHP41 and Objective SPQHO of the Fingal Development Plan 2023-2029.

7.1.14. I note the Applicants submitted precedent for planning permission being granted for attic conversions including dormers to the rear of properties in the area. This included examples within the wider Boroimhe estate, however, at the time of my site visit the majority had not been constructed. The existing prevailing pattern of development therefore does not include dormers. Notwithstanding this, any dormer proposal must be considered on its own merits having regard to the criteria included in Section 14.10.25 of the Development Plan.

### **Residential Amenity**

7.1.15. Having regard to the orientation of the house relative to nearby properties and the fact there are no directly opposing windows, I am satisfied that direct overlooking will not occur; however, because of the conspicuous nature of the dormer there may be indirect and /or a perception of overlooking and loss of privacy.

7.1.16. I note there appears to be discrepancy in the positioning/size of the dormer window in the drawings (between the section and elevation). Should the Board be minded to grant planning permission, a condition should be included for the details of the dormer window to be agreed with the Planning Authority, including potential obscure glazing to protect the amenity of adjacent properties.

### **Use**

7.1.17. I note the Applicant intends to use the attic space as an office/sensory area and storage. However, as the ceiling height is 2m, it is less than the minimum requirement for a habitable space under the Building Regulations. Should the Board be minded to grant planning permission, a condition should be included restricting the attic use for storage purposes only.

## **Appropriate Assessment Screening**

- 7.1.18. Having regard to the modest nature and scale of development, location in an urban area, connection to existing services and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

- 8.1.1. I recommend planning permission be granted for the retention of changes to development permitted under Reg. Ref. F04B/0274, involving a partial ground floor extension to the rear of the existing house and gutter alignment. Refer to Reasons and Considerations below (para. 9.1.1) and Conditions (Section 10).
- 8.1.2. I recommend that planning permission be refused for the new flat dormer roof to the rear of the existing house and all ancillary works. Refer to Reasons and Considerations below (para. 9.1.2).

## **9.0 Reasons and Considerations**

- 9.1.1. Having regard to the nature and scale of development, it is considered that, subject to compliance with conditions set out below, the development proposed for retention would not seriously injure the visual amenities of the area or residential amenity of property in the vicinity. The development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.
- 9.1.2. Having regard to the restricted nature and prominent location of this corner site and the established pattern of development in the area, it is considered that the proposed development by reason of its scale (when combined with development already on site), form and design would be visually obtrusive on the streetscape, and out of character with development in the vicinity and would, therefore, seriously injure the visual and residential amenities of the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be retained 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.</p> <p><b>REASON:</b> In the interest of clarity.</p>
2.	<p>That the entire premises be used as a single dwelling unit apart from such use as may be exempted development for the purposes of the Planning and Development Regulations 2001 (as amended).</p> <p><b>REASON:</b> To prevent unauthorised development.</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.**



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Leah Kenny  
Planning Inspector

28<sup>th</sup> January 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	<b>ABP317856-23</b>		
<b>Proposed Development Summary</b>	Retention of partial ground floor rear extension and gutter alignment and planning permission for a new flat dormer extension at rear of house.		
<b>Development Address</b>	8 Boroimhe Blackthorn, Swords, Co. Dublin		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	
		<b>No</b>	X
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>			Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>		N/A	No EIAR or Preliminary Examination required
<b>Yes</b>		Class/Threshold.....	Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>		<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

Inspector: \_\_\_\_\_

*Leah Kerry*

**Date: 28<sup>th</sup> January 2024**