



An  
Bord  
Pleanála

## Inspector's Report ABP317973-23

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<b>Development</b>	Permission for attic conversion and dormer window to the rear
<b>Location</b>	9 Fairhaven Court, Castleknock, D15, D15F68X
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F23B/0034
<b>Applicant(s)</b>	Tony O'Donnell
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	First Party vs conditions
<b>Appellant(s)</b>	Tony O'Donnell
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	9 <sup>th</sup> November 2023
<b>Inspector</b>	Andrew Hersey

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## 1.0 Site Location and Description

- 1.1. The subject site is located at 9 Fairhaven Court, Castleknock, D15, D15F68X which is a new residential estate in Ashtown to the northeast of the Phoenix Park.
- 1.2. The site comprises of a two storey detached dwelling with front and rear gardens
- 1.3. The surrounding residential development is characterised by similar two-storey dwellings with front and rear gardens. To the rear east of the site there is a car park and apartments with balconies rising up to 5 stories in height with commercial units at ground floor. To the north there are apartments 3 stories in height.
- 1.4. The floor area of the existing house is stated as 158.94 sqm. The subject site has a stated area of 0.027612 hectares.

## 2.0 Proposed Development

- 2.1. The proposed development comprises of the following: Permission for
  - Modifications to the existing landing window at first floor level and installation of a new window at attic landing level.
  - The construction of a new dormer window to the rear main roof plane and
  - proposed change of use of the existing attic store space to consist of a home office and Wc.
  - All drainage, structural and associated site works to be implemented

## 3.0 Planning Authority Decision

### 3.1. Decision

Grant Permission subject to conditions:

Condition No 3 of the schedule of conditions imposed by Fingal County Council states:

*The proposed development shall be subject to the following amendments:*

- a) *The external width of the dormer shall be no more than 3.0metres.*
- b) *Glazing in the dormer structure shall not exceed 1.5metres in width.*

c) *Prior to commencement of development, revised plans illustrating the above shall be*

*submitted for the written agreement of the Planning Authority and the development shall be carried out accordingly.*

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

#### **3.2.1. Planning Reports**

3.2.1.1. The report of the Planning Officer (dated 15<sup>th</sup> August 2023) reflects the decision of the planning authority

#### **3.2.2. Other Technical Reports**

- None received

### **3.3. Submissions/Observations**

- None received

### **4.0 Planning History**

- None of relevance

### **5.0 Policy and Context**

#### **5.1. Development Plan – Fingal County Development Plan 2023-2028**

5.1.1. The Fingal County Dublin Development Plan 2023-2028 is the relevant County Development Plan for the area.

5.1.2. In relation to residential extensions the plan states that:

*The need for housing to be adaptable to changing family circumstances is recognised and acknowledged and the Council will support applications to amend existing dwelling units to reconfigure and extend as the needs of the household change, subject to specific safeguards. in particular, 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 to the character and form of the existing building, its architectural expression, remaining usable rear private open space, external finishes and pattern of fenestration. Additionally, careful consideration should be paid to boundary treatments, tree planting and landscaping*

5.1.3. Section 14.10.2.5 Roof Alterations including attic conversions and dormer extensions:

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.

5.1.4. The site is zoned with the objective RS “To Provide for residential development and protect and improve residential amenity” in the Fingal County Development plan 2023-2029.

5.1.5. The vision of the objective is to “Ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity”

## **5.2. Natural Heritage Designations**

- 5.2.1. The site is not located within or adjacent to any Natural Heritage Designations nor is there any hydrological link to the same

## **5.3. EIA Screening**

Having regard to the nature and scale of the proposed development it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for EIA can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. First Party Appeal**

- 6.1.1. A first party appeal vs Condition No. 3 was prepared by Plantech Design Consultants on behalf of the applicants and was lodged on the 7<sup>th</sup> September 2023.

### **6.2. Grounds of Appeal**

- That the condition to reduce the size of the dormer and the window is unwarranted having regard to the size and window arrangement on adjacent apartment developments which consist of balconies and full height glazing.
- There would be no impact upon adjacent properties as a consequence of the proposal
- A separate letter from the applicant outlines that his reasoning for the proposed attic conversion is for use as a home office for which privacy is required.
- He further states that the condition imposed reduces the scale of room to such an extent that it makes the proposal unviable.
- The appeal includes for revised proposals for the proposed dormer window which show for a dormer window 4.0 metres wide and glazing 2.4 metres.

### 6.3. Planning Authority Response

- The Planning Authority lodged a response to the appeal on the 26<sup>th</sup> September 2023 which requests that the Board uphold the decision of the Planning Authority

### 6.4. Observations

- None received

### 6.5. Further Responses

- None received

## 7.0 Assessment

### 7.1. Introduction

- 7.1.1. The appeal lodged is with respect of seeks to omit/amend Condition No. 3 which states:

*The proposed development shall be subject to the following amendments:*

*(a) The external width of the dormer shall be no more than 3.0metres.*

*(b) Glazing in the dormer structure shall not exceed 1.5metres in width.*

*(c) Prior to commencement of development, revised plans illustrating the above shall be submitted for the written agreement of the Planning Authority and the development shall be carried out accordingly.*

- 7.1.2. Section 139 (1) of the Planning and Development Act 2000, as amended, provides that an appeal may be brought against the decision of the Planning Authority to grant permission where the appeal relates only to a condition or conditions that the decision provides subject to the Board being satisfied, having regard to the nature of the condition or conditions, that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted

- 7.1.3. With respect of the above, I do not consider that it is possible to make a determination on this the condition without having to considering the proposed development *de novo* in the first instance. Any amendment or omission of this condition will have implications with respect of the assessment of the overall development with respect of visual and, residential amenities etc.
- 7.1.4. I also note that revised drawings have been submitted at appeal stage which includes for minor amendments of the proposed dormer window which is the applicants attempt at compromise with respect of the alterations to the dormer window as imposed under condition 3. I would consider that these proposals are not materially different to what was submitted to the planning authority and assessed by the then case planner. In this respect, I would not consider that the proposal warrants readvertisement under Article 35 of the Planning and Development Regulations 2001 (as amended). I think it is appropriate therefore for the Board to take into consideration the revised drawings submitted with the appeal.
- 7.1.5. In respect of the foregoing I consider in this instance that it is appropriate to assess the application *de novo*.
- 7.1.6. I have examined the application details and all other documentation on file and I have inspected the site and have had regard to the relevant local development plan policies, history files and other relevant guidance documents.
- 7.1.7. I am satisfied the substantive issues arising from the grounds of this first party appeal relate to the following matters:
- Principle
  - Visual and Residential Amenities

## **7.2. Principle**

- 7.2.1. The proposed development is located on lands zoned as RS in the current County Development Plan where it is the objective of the council “To provide for residential development and protect and improve residential amenity”



- 7.2.2. The proposed development comprises of a change of the storage space in the attic of the existing residential house to a home office and WC. The proposal also includes for a box dormer which will in effect increase the floorspace of the attic. I consider this is an appropriate form of development on residentially zoned lands and as such I consider that the proposed extension is acceptable in principle at this location.

### 7.3. Visual & Residential Amenities

- 7.3.1. In terms of additions to the existing building, the proposed development includes for a box dormer window in the east facing roof measuring 5.6metres wide x 2.9 metres deep as measured externally. This will result in an additional floorspace of circa 13sq.m.
- 7.3.2. The case planner did not object to the principal of the proposal but considered the dimensions and bulk of the said dormer window were excessive compared to the scale of the roof plane and would represent a dominant feature which would seriously injure the visual amenities of property in the vicinity
- 7.3.3. The case planner also raises concerns with respect to the scale of the fenestration at attic level and that overlooking to the adjacent property would arise.
- 7.3.4. On this basis a grant of permission was recommended subject to Condition No. 3 which stipulated that (a) *The external width of the dormer shall be no more than 3.0metres and (b) that Glazing in the dormer structure shall not exceed 1.5metres in width.*
- 7.3.5. Revised drawings were submitted with the appeal which show for the dormer reduced in size from that initially proposed. The now proposed dormer is proposed at 4.0 metres wide with glazing 2.4 metres wide. The plans also seek to lower the dormer from the ridge level by 300mm which was also a concern raised by the case planner and which I note is one of the requirements for roof extensions as set out in Section 14.10.2.5 of the Fingal County Development Plan 2023-2029.
- 7.3.6. Section 14.10.2.5 also seeks to have regard to *'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'* and that *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.*

- 7.3.7. I note the issues raised by the appellant with respect of the many floor to ceiling windows on the adjacent apartments and that many of these apartments directly overlook his rear garden space. The proposed window overlooks a car park to the rear of his back garden and I do not consider that this will impact upon the residential amenities of adjacent properties. Additionally, I do not consider that the size of the window proposed with the appeal documents is inappropriate in terms of design and does not detract from the appearance of the property or the visual amenities of the area in general.
- 7.3.8. With respect of the revised size of the dormer proposed, which is a reduction of which was initially submitted with the planning application, I find the new size to be acceptable in this context and does not dominate the roof plane.
- 7.3.9. In terms of material finish I note that a grey metal is proposed to clad the dormer window. I consider this appropriate in this context.
- 7.3.10. I also note that an existing window on the side elevation is to be relocated and that an additional window is proposed to serve the attic extension. Both these windows serve the stairwell. I do not consider that these will impact upon the residential amenities of the adjacent property
- 7.3.11. With respect of the above, I find the proposed alterations to the dormer submitted with the appeal to be acceptable and do not impact upon the visual amenities of the area nor will there be any impacts with respect of adjacent residential properties.

#### **7.4. Appropriate Assessment Screening**

- 7.4.1. Having regard to the nature and scale of the proposed development, the distance from any European site 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.

### **8.0 Recommendation**

- 8.1. I recommend that permission is granted subject to the following conditions;

## 9.0 Reasons and Considerations

- 9.1. Having regard to the information submitted with the application and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by the Board on the 7<sup>th</sup> day of September 2023 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>All external finishes including roof tiles, shall harmonise in material, colour and texture with the existing building on site unless otherwise indicated on the plans submitted.</p> <p>Reason: In the interests of visual amenity.</p>
3.	<p>The Applicants shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road, or adjoining property(s) as a result of site construction works.</p> <p>Reason: To protect the amenity of orderly development</p>
4.	<p>The entire dwelling shall be used as a single dwelling unit and shall not be subdivided in any manner or used as two or more separate habitable units.</p> <p>Reason: To prevent unauthorised development</p>

5.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, between 0800 and 1400 hours on Saturday 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.</p> <p><b>Reason:</b> To safeguard the residential amenities of adjoining property in the vicinity</p>
7.	<p>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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, 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.</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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Andrew Hersey  
Planning Inspector

13<sup>th</sup> November 2023