



An  
Bord  
Pleanála

## Inspector's Report ABP319178-24

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### Development

Construction and alterations to existing bungalow to form two storey dormer bungalow with raised pitched roof incorporating two storey gable elevation at front on south eastern elevation to be extended forward of existing gable wall in addition to single storey extensions to front and rear of proposed bungalow incorporating (i) rooflights on front elevation (ii) raised roof to single storey garage conversion at side of existing bungalow and (iii) relocation of vehicular access to south-western boundary along with all associated site works.

### Location

Glendale, Seapoint Lane, Balbriggan, Co. Dublin.

### Planning Authority Ref.

F23A/0745.

### Applicant(s)

Mr Hugh Cashell & Mrs Deirdre Cashell.

### Type of Application

Permission.

### PA Decision

To grant permission.

### Type of Appeal

Third

### Appellant

1. Eugene Carr
2. Edmund McAuley

### Observer(s)

None

### Date of Site Inspection

11<sup>th</sup> May  
2024

### Inspector

Richard Taylor

## Context

### 1. Site Location/ and Description.

The appeal site is known as Glendale and located at 4 Seapoint Lane, Balbriggan County Dublin. The site currently comprises a detached 4-bedroom bungalow with a ridge height of approximately 5.07 metres and eaves height of 2.9 metres. The building is finished in roughcast render with hipped and pitched roof finished in concrete pantile roof tiles. The layout of the dwelling is broadly “T” shaped, and includes a gable ended projection to the right-hand side of the front elevation. The building is approximately 12.2 metres at the closest point, increasing to approximately 16 metres between the setback element of the dwelling and the front boundary. The front garden comprises 2 rectangular areas and grass separated broadly centrally by a path. There is also a driveway adjacent to the northeastern site boundary leading to an attached single storey gable garage. The roadside, southern, and northern boundaries comprise a wall approximately 1.2 metres in height. To the rear there is a single storey return to the dwelling. Beyond there is a rear garden mostly in grass with a number of mature shrubs and trees adjacent to the boundaries. The boundary treatment comprises mature hedging. The aspect of the site is such that the front elevation is orientated broadly to the southeast, and the rear is broadly orientated to the northwest.

The appeal site has common boundaries with 4 dwellings which are immediately adjacent. 2 Seapoint Lane is immediately adjacent to the south and comprises a bungalow that has been recently renovated to include alterations to the roof form. This dwelling is located on a corner site with the junction of Quay Street and is orientated at a broadly 45° angle relative to the southern boundary of the appeal site. This dwelling includes a garden area to the front and rear. It is in the ownership of one of the appellants in this case. To the north of the appeal site there is a further bungalow and is subject to a similar alignment and layout to the appeal site with garden areas to the front and rear. Further to the north there is a dwelling that also occupies a rectangular shaped site, however this is set back further from Seapoint Lane. On the opposite side of Seapoint Lane there are a number of dwellings that are generally 2 stories in height and a mix of detached and semi-detached dwelling types.

Immediately to the rear of the appeal site there is a large detached single storey dwelling in a broadly “L” layout and known as “Tig Linn”. It is sited towards the rear of the rectangular shaped plot. The southeastern gable of this dwelling is located in close proximity to the rear site boundary of the appeal site. It includes a large front garden area with smaller garden area to the rear. The front of the dwelling is orientated to the southwest, with the rear elevation orientated to the northeast. Access to this site is located off Quay Street and is elevated above the adjacent public road. This dwelling is occupied by the other appellant in this case.

## **2. Description of development.**

Construction and alterations to existing bungalow to form two storey dormer bungalow with raised pitched roof incorporating two storey gable elevation at front on south eastern elevation to be extended forward of existing gable wall in addition to single storey extensions to front and rear of proposed bungalow incorporating (i) rooflights on front elevation (ii) raised roof to single storey garage conversion at side of existing bungalow and (iii) relocation of vehicular access to south-western boundary along with all associated site works.

## **3. Planning History.**

There is no relevant history on the appeal site.

There are two recent planning permissions granted at the adjacent site at 2 Seapoint Lane for extensions and alterations to the dwelling. These permissions include a rear dormer roof alteration as part of the first application which was granted on 30th June 2020 (reference F20A/0120). A subsequent application comprising alterations to the permission and additional metal clad side dormer was approved by the Council on 18th September 2020 under reference F20A/0374.

## **4. National/Regional/Local Planning Policy**

- The Fingal Development Plan 2023 – 2029 was made on 22nd February 2023 and came into effect on 5th April 2023. It has regard to national and regional policies in respect of residential development. The following policy considerations all relevant based on the nature of the proposal:
- Chapter 3: Sustainable Placemaking and Quality Homes.

- 3.5.13.1 Residential Extensions: The need for people to extend and renovate their dwellings is recognised and acknowledged. Extensions will be considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area.
- 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.
- Chapter 14 Development Standards:
- 14.10.2 Residential Extensions: 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. The following section provides guidance in relation to, front extensions, side extensions, rear extensions, first floor rear extensions, roof alterations including attic conversions and dormer extensions.
- 14.10.2.1 Front Extensions: Porch extensions, other than those deemed to be exempted development, should be of appropriate design and scale relative to the design of the original house. The scale, height, and projection from the front building line of the dwelling should not be excessive so as to dominate the front elevation of the dwelling. The porch should complement the existing dwelling, and a contemporary design approach may be considered. Front extensions will be assessed in terms of their scale, design, and impact on visual and residential amenities. Significant breaks in the building line should be resisted

unless the design can demonstrate to the Planning Authority that the proposal will not impact on the visual or residential amenities of directly adjoining dwellings. Sufficient depth to the forecourt is required to ensure off-street car parking is not impacted.

- 14.10.2.2 Side Extensions: Side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation) and impacts on residential amenity. First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable. In certain cases, a set-back of the extension's front facade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape and avoid a 'terracing' effect. External finishes shall generally match the existing.
- 14.10.2.3 Ground Floor Extensions (rear): Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining to serve the dwelling house. The proposed extension should match or complement the existing dwelling house.
- 14.10.2.4 First Floor Extensions: First floor rear extensions will be considered on their merits, noting that they can have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:
  - " Overshadowing, overbearing, and overlooking – along with proximity, height, and length along mutual boundaries.
  - " Remaining rear private open space, its orientation and usability.
  - " Degree of set-back from mutual side boundaries.
  - " External finishes and design, which shall generally be in harmony with existing.
- 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. Natural Heritage Designations**

There are no features of natural heritage within or adjacent to the site. The closest Natural Heritage designations are as follows:

- Skerries Islands NHA, Site Code      001218
- Skerries Islands SPA, Site Code      004122
- Rogerstown Estuary SAC Site Code 000208
- Rogerstown Estuary SPA Site Code 004015
- Rockabill to Dalkey Island SAC Site Code 003000
- Rockabill SPA Site Code              004014

## **Development, Decision and Grounds of Appeal**

### **6. PA Decision.**

The PA issued a notification of decision to grant permission on 2<sup>nd</sup> February 2024 subject to eleven conditions. In recommending the granted permission, the planning report notes the following:

- Consultation with Uisce Eireann, Departmental Water Services, Transportation Section, each responding with no objections subject to conditions. Conservation section have no objections.
- Third-party submissions are considered.
- No significant amenity impact on neighbouring properties. Visual impact and increased height would be acceptable, and the development would integrate satisfactorily into the existing dwelling. Building line is varied at this location and the development would not be detrimental.
- Design amendments to the front elevation are necessary by planning condition including the admission of three rooflights and greater design symmetry across first floor window openings.
- Precedent for extensions established within the immediate area and there is significant variation in housing styles which contributes to overall character.
- All materials required to match the existing dwelling in the event planning permission is granted.
- No impacts on natural heritage designations or features.
- Development would align with the land use zoning applicable to the site.
- The eleven conditions include development in accordance with the plans, revised plans detailing revisions to the proposals prior to commencement, materials, colours and textures to match the existing premises, obscure glazing to bathroom windows, premises to be used as a single dwelling, surface water details, provision of access in accordance with submitted details, hours of operation for construction activities, and development contribution.

### **7. Third Party Appeal.**

- This third-party appeal is on behalf of two appellants. The grounds for appeal are summarised as follows:

- The proposal will result in unacceptable level of overlooking and loss of privacy from the scale and design. The design includes raising the height of the dwelling by almost 2.5 metres to 7.5 metres, 1.5 metres in excess of the established building line of the area. 8 windows are present on the upper storey and will directly overlook into the neighbouring property to the rear. There are currently no windows at first floor level. There will be a significant increase in windows from 5 presently to 14.
- Contravenes the current zoning designation to protect residential amenity of the area and national planning guidance. The application site is zoned RS - residential in which the zoning objective description is “provide for residential development and protect and improve residential amenity”. The objective vision for areas under the zoning is to “ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.” Policy SPQ HP41- residential extensions and objective SPQ HO45 - domestic extensions support and encourage extension designs of appropriate scale and sensitively designed and subject to the protection of residential and visual amenities.
- Sustainable residential development in urban areas guidelines (2008) states under Section 1 inner suburban/infill development that “the design approach should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities.” The Urban Design Manual (2009) is referenced within Fingal County Development Plans. Residential amenity is not simply a matter of window to window distance standard but a general and common sense regard for privacy and protecting the residential amenities of neighbouring properties including the location of a site and residents expected level of privacy, and the size and orientation of windows, of those overlooking and those overlooked.
- The proposal if approved would depreciate the value of property within the vicinity.
- There is a lack of any mitigatory measures such as screen planting for impacts upon privacy and residential amenity.
- Proposal is not in keeping with the pattern of development established in the area which is in part to incorporate elements such as limited height and



provision of rear facing windows and the general focus upon recognition of the need not degrade residential amenities of neighbouring properties and uphold standards of privacy.

- The proposed alterations would significantly increase the height of the dwelling and rise above the established ridge line of the immediate area resulting in a visually dominant design that would not integrate with the existing setting. The scale, form and design would not be subordinate and constitute overdevelopment which would be visually obtrusive, unsympathetic, and out of character.
- Detrimental Precedent:
- The development, if permitted, with that an undesirable precedent for developments of this nature within established residential areas, which would in themselves and considered cumulatively, be harmful to the amenities of the area and be contrary to the proper planning and sustainable development of the area. The proposed height and design of the proposal will lead to an incongruous insertion into the streetscape and risk setting unacceptable precedent. Both proposals must adhere to regarding the established pattern of development within the immediate vicinity which serves to protect the privacy and residential amenities enjoyed by residence. The character of the area has not significantly changed in recent years and therefore it cannot be claimed that there is an emerging character which could be construed as being in favour of the development.
- Application Ref: F20B/0099 and appeal ref: ABP-307741-20 was refused permission on 9th July 2020 by Fingal County Council and by An Bord Pleanála on 30th October 2020 similar to the current case. The first refusal reason was on the basis of by virtue of design elements such as height, bulk and overall design was not subordinate to the main dwelling and impacted upon neighbouring properties residential amenities, policy of the plan which seeks to encourage sensitive impact on the environment, adjoining properties or area. The second refusal reason referred to setting an undesirable precedent for other similar developments, which would themselves or cumulatively be harmful to the surrounding residential amenity and sustainable development of the area.

- Suggested conditions:
- two conditions are suggested in the event the Board grant permission:
- a. Submission of revised floor plans and elevational drawings detailing the omission of four windows located on the first floor of the northwestern elevation.
- b. Additional screen planting provided long the site's boundaries consisting predominantly of trees, shrubs and hedging of indigenous species. Carried out in accordance with the agreed scheme within the first planting season following the commencement of construction works, and replacement of any planting which die, or removed, or become seriously damaged or diseased within a period of five years from the completion of development.
- Statutory notices: the proposal description seeks to amend the structure to a “2 Storey dormer bungalow”. This is a misleading description as a bungalow is single storey. It is not possible to have a two-storey bungalow, where the front and rear walls are two storeys high vertically to the eaves with the roof being developed beyond that height.
- Front building line: the proposal seeks to bring the property forward of the front building line on both the 1st and 2nd floor level. The retention of a building line is a cornerstone of planning practice and should not be breached. Maintaining the front building line is crucial to align with principles of good urban planning and local regulations. These principles are aesthetic harmony, maintenance of sunlight and daylight access, protection of privacy and overlooking, protection of infrastructure and services, and protection from an undesirable planning precedent. These principles are enshrined within the development plan. Both sides of the road follow building lines which and form the character of the street. There is clear building line set by the appeal site and neighbouring dwelling. The proposal breaches a building line even if the furthestmost forward part of the adjacent dwelling at 2 Seapoint Lane is taken in to account.
- Overshadowing: the significant increase in ridge height and bulk of the development will lead to adverse impact on neighbouring properties.
- Assessment by planning authority:
- The planning report infers that the neighbouring property has had extensions approved and constructed and therefore the appeal site should be allowed

leeway in the assessment. 2 Seapoint Lane front extension is at ground floor level only and is not two stories as proposed. A 2 Storey extension to the right-hand elevation replaced a flat roof single storey garage and remains below the ridge height of the main building retaining the form of a dormer bungalow. The report notes that the two-storey modern side extension windows overlook the neighbouring front garden. This area is open to public views and therefore there are no loss of privacy issues. 2 Seapoint Lane was also built with a different building line. The planning report refers to a “potential” breach of the building line. However, the proposal infringes the building line as demonstrated within photographic evidence. The appellant disagrees with the report conclusion that it would not be detrimental. The breach would be over two stories which is uncharacteristic at this location.

- The appellant disagrees with the conclusion of the report that there will be no detrimental impact on amenity. The setback from adjoining buildings is not such that there is no excessive level of overlooking. There was insufficient consideration of impact on character of the street. Insufficient weight has been given to the provisions of the development plan.

#### **8. PA Response**

- The planning authority response state that they have no further comment in relation to the application. Should the decision be upheld, they request the Board to apply the Councils Section 48 Development Contribution Scheme as appropriate.

#### **9. Applicant Response**

- Some degree of overlooking is expected within an urban area in which the site is located. Overlooking is already present between adjoining properties. 6 Seapoint Lane overlooks the appellant's property to the rear. The application site is overlooked by both existing properties immediately adjacent to the southwest, 2 Seapoint Lane (other appellant) and “Fly Gates” (to northwest of appeal site). The renovations of 2 Seapoint Lane includes an observatory and skylight windows following renovations which overlook the application site.
- Due to the layout/orientation of adjacent properties to the southwest there will be no directly opposing windows and will therefore not be possible to view into

any of the windows of 2 Seapoint Lane from the windows of proposed bedrooms 2 or 4. Aspect is into the rear garden which includes a large shed. Two proposed windows on the ground floor are high-level to allow light ingress and protect privacy.

- There is a 16-metre set back from the rear boundary from the single storey rear part of the application site. The proposed rear windows are over 23 metres from the rear boundary which exceeds minimum separation distances of 22 metres between opposing rear facing windows as per objective DM SO23.
- There is only one kitchen window directly facing the application site within the appellants building at the rear, Tig Linn, due to the angle of the building. The distance from the proposed window of bedroom 4 is estimated at approximately 46 metres. This distance is in excess of any that would be required for privacy. Any remaining windows within the application site building will be heavily obscured due to the perpendicular angle of both buildings and will have no impact on privacy.
- Proposed dormer windows will be at the same level as those on existing dormers at 6 Seapoint Lane and 2 Seapoint Lane. This is approximately at the same level as the current chimneys which are set back from the garden and windows of the appellants dwelling Tig Linn to the rear of the application site/4 Seapoint Lane.
- The appellants report refers to 8 new windows within the rear elevation which is inaccurate. The council approved plans include only three windows at dormer level on the rear elevation, with middle windows obscured. The windows serving bedroom 2 and 4 each have three panes, which have been included to aid the fenestration of the building and allow for opening sections but should not be counted as multiple windows.
- The appellants building at the rear, Tig Linn, is perpendicular to the appeal site, 4 Seapoint Lane. The application site faces the gable end of this dwelling. There is a small gap of approximately 4 metres between the side of Tig Linn and the boundary between Glendale and 6 Seapoint Lane. There is extensive mature vegetation to a height of 3 metres along the rear boundary which will be

retained to aid privacy. There is a shed within the appellants garden adjacent to this boundary which provides further privacy screening.

- There is no view of Balbriggan harbour from the windows of bedroom 2 and 4. The purpose of these windows is to ensure light and quality of the internal rooms.
- Images provided within the appellant report to demonstrate the height of the proposed building are not drawn to scale and does not reflect the building angle.
- The appeal site is positioned northeast of 2 Seapoint Lane thereby ensuring no impact on sunlight, shadowing and daylight. There will be a marginal increase of shadowing on 6 Seapoint Lane during the winter months on the area comprising adjoining garages. A letter of support was received in relation to the proposal from the owners of this property.
- The building line on this street is staggered with various depths, with no two properties on the same line. Properties on either side of the application site have different building lines as considered in council decision F23A/0745 dated 2<sup>nd</sup> February 2024. This is shown on images within the appellant's report.
- The proposal will not affect the amenity of the area. It has been sensitively designed with full understanding of the plan. The dwelling has not been developed since constructed in the 1950s, neighbouring properties have all been updated. The proposal will enhance the amenity of the area. The street includes dormer bungalows. The ground floor increases by approximately 19 square metres. There is no increase in height over the rear projection of the building to minimise overlooking. The proposal comprises a compact footprint and modest extension to maintain existing levels of private open space and parking provision. The existing gable fronted bay is a distinctive feature of the property that has been maintained to ensure amenity of the area.
- The existing dwelling is not a protected structure and does not make an architectural contribution to the streetscape. It is of typical style of its era and is not unique to the area. Architectural styles of Seapoint Lane are varied, in keeping with the time of their development.

- Glendale/4 Seapoint Lane will continue to be a single-family home renovated in an energy conscious, flexible and sustainable way which is supported by the “RS” zoning objectives.
- There are no concerns from the Department of Water Services, Department of Transport, or Irish Water other than standard requirements. The proposal will not impact on public utilities.

## **Environmental Screening**

### **10. EIA Screening –**

Having regard to the limited nature and scale of development 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.

### **11. AA Screening -**

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.

## **2.0 Assessment**

- 2.1. Having examined all the application and appeal documentation on file and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The main issues, therefore, are as follows:
- (a) Principle of Development.
  - (b) Description of proposed development.
  - (c) Building line.
  - (d) Amenity impacts.

- (e) Precedent and Other Cases.
- (f) Devaluation of property.
- (g) Suggested conditions.
- (a) Principle of Development.

2.2. The site is zoned 'RS Residential' with an objective to "Provide for residential development and protect and improve residential amenity". Residential is a permitted in principle use within this Zoning Objective, and as such the proposed development is acceptable in principle.

- (b) Description of proposed development

2.3. One of the appellants has queried the description of the proposal as it relates to a "two storey dormer bungalow". They consider that the description is misleading, as a bungalow is a single storey building.

2.4. The description of development should accurately summarise the nature and extent of works of the proposal for which permission is sought. The supporting plans indicate a first-floor level addition to the existing footprint within a revised roof structure. It also includes a first-floor extension above an existing projected bay feature. I do not consider that the use of the term "two storey bungalow" to be misleading and is sufficient to alert the reader and any interested party on the extent of works included as part of the proposal.

- (c) Building line, building height and impact on character

2.5. The proposal includes extensions to the front of the building and a revised roof form from hipped and pitched to pitched which includes a dormer window. The appellants consider that these interventions will adversely impact on the established building line layout, streetscape and character of the area, and are inappropriate in terms of subserviency.

2.6. The existing plan layout includes a projecting element at ground floor. The proposals include a front extension of the recessed element of approximately 3 metres with a further projection of approximately 0.5 metres for a bay window. This element will remain behind the existing adjacent projecting element. It will also remain to the rear of the front elevation of the adjacent dwelling to the east at 6 Seapoint Lane. I also note that this element would remain behind the front elevation of the existing garage.

Public views of this element would be screened, to an extent, when viewed on approach from a northeasterly and southerly direction. Accordingly, I do not consider that this part of the proposals would adversely impact on character of the streetscape and is acceptable.

- 2.7. The proposals also include a front extension of approximately 1.5 metres to the existing single storey bay feature located on the right-hand side of the front elevation. This element is also to be increased in height to provide first floor accommodation with a ridge height of 7.5 metres and an eaves height of 5.6 metres.
- 2.8. The policy states that front extensions will be assessed in terms of their scale, design, and impact on visual and residential amenities. It goes on to state that significant breaks (my emphasis) in the building line should be resisted. I consider that an additional projection of 1.5 metres would not be significant in spatial terms. The revision of this element to two stories would have a more significant visual impact on the appeal site side of the road given the height characteristics of existing dwellings adjacent to the site. However, the visual impact must be assessed taking account of the built form context within Seapoint Lane. The buildings opposite the site are all two stories in height, and I note that the dwelling opposite the application site includes a two-storey projecting bay feature similar to that proposed. The buildings opposite also adopt a staggered a setback alignment to the public road. Seapoint lane is a relatively short road with a limited number of dwellings orientated towards it. The existing dwellings on the application side of the road have a staggered alignment and set back from Seapoint Lane with two of the four dwellings having a similar set back distance. I do not therefore consider that building line alignment is a regimented or strong townscape feature within Seapoint Lane. On balance I therefore consider that the additional front extensions would not adversely impact on character.
- 2.9. The grounds of appeal also refer to the increased roof height of the proposal and the adverse impact that this form would have on the character of the area. The most relevant considerations within the plan are 14.10.2.5 Roof Alterations including Attic Conversions and Dormer Extensions. This states the following:



*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.*

2.10. From a review of the existing built context, I note that there is a degree of variance in relation to architectural form, styles and materials. The four dwellings on the appeal site side of Seapoint Lane exhibit varying height characteristics and do not have matching eaves and ridge heights. I also note that the existing dwelling, "Flygates", adjacent to and north of 2 Seapoint Lane has a similar roof form as a dormer bungalow to the appeal proposal, whilst dwellings opposite on Seapoint Lane are all traditional typical two storey dwellings with pitched roofs. The proposal increases the ridge height of the existing dwelling from 5.07 metres to 7.5 metres, representing an increase of 2.5 metres. The architectural form adopts that of a pitched roof with dormer windows. This will result in a "stepping up" of the roof form of the application site of approximately 0.6 metres in relation to 2 Seapoint Lane and approximately 1.6 metres above the immediately adjacent dwelling at 6 Seapoint Lane. I also note that the existing dwelling ridge height sits below both adjacent properties, approximately 2 metres below 2 Seapoint Lane, and 1 metre below 6 Seapoint Lane based on the supporting plans. Due to the variance within Seapoint Lane and local area, I do not consider that the increase in height would be significant, nor would the resulting form significantly impact on the character of the area. The revised gable treatments would be subject to restricted public views and mostly screened by the existing adjacent dwellings. I consider that the proposal is subservient in terms of design and the alterations are appropriate given the policy support "to amend existing dwelling units to reconfigure and extend as the needs of the household change". I note that the Council has sought revisions to the front elevation including window treatments. I agree that this is necessary to assist with architectural cohesion and ensure an appropriate response to the character of the area. I am also satisfied that there will

be no adverse impact on character taking account of the positive response from the Conservation Officer of the Council. This site is not located within an Architectural Conservation Area, and I have not been directed to any designations within which the site is located that would preclude the design approach.

(d) Amenity Impacts

- 2.11. The grounds of appeal also refer to the proposal adversely impacting on amenity in relation to overshadowing, loss of privacy and overlooking.
- 2.12. The proposal includes alterations and new window positions as part of a revised front elevation treatment. These windows are directed towards the front of the site and public realm, save for 6 windows on each gable elevation of the front two storey projecting bay extension. These comprise 2 first floor windows and 1 at ground floor to the northeast elevation with 1 at first floor and two at ground floor to the southwest gable elevation. I note that there are ground floor gable windows to the existing single storey front projection. All of these proposed windows would be directed to public facing areas within Seapoint Lane apart from those on the proposed southwest elevation which are oriented to the common boundary with the adjacent dwelling at 2 Seapoint Lane. I note from the submitted supporting plans and site visit that there are no habitable rooms within the gable elevation of the adjacent dwelling at 2 Seapoint Lane. The closest window is approximately 12.8 metres from the gable of 2 Seapoint Lane which is orientated at approximately 45° away from the common boundary between the properties. I consider that this is sufficient distance to mitigate against overlooking and loss of privacy. The remaining windows will not adversely impact in terms of privacy given their orientation to the front garden areas and/or public road. I am also satisfied that these additions will not significantly result in a loss of light due to a combination of their size and design, separation distances, and site aspect which is orientated in a broadly southeasterly direction. Accordingly, the sun path will be orientated towards the front of the site for a short time during the mornings only.
- 2.13. The proposal also includes window openings to the gable elevations. On the proposed northeast elevation 5 windows are proposed at ground floor level, with 3 at the first-floor level, of which one is annotated as frosted glazing. The southwestern elevation includes 7 openings at ground floor level, of which two are high level. No

openings are proposed within the first-floor revised roof gable. 1 window is proposed at first floor in the gable of the proposed two storey front extension which has been discussed above. I am satisfied that there will be no adverse impact in terms of overlooking or loss of privacy from the proposed gable ground floor windows as views would be mitigated by existing site boundary treatments. No overlooking will be possible from the first-floor gable window on the northeastern elevation as it will be obscurely glazed.

- 2.14. One of the grounds of appeal relates to the proposed first floor windows on the rear elevation within the proposed dormer window, which would adversely impact on the amenity of the existing dwelling to the rear. The applicant disputes that there will be any negative impact, in summary due to the separation distances and associated layout of the dwelling to the rear.
- 2.15. The proposed rear dormer design comprises a monopitched roof with gable elevations set in approximately 0.6 metres and 0.5 metres from each of the main gables of the dwelling. It is also set approximately 0.3 metres from the eaves treatment of the ground floor. The walls of the dormer are finished in render with a “slate or tegral roof tile” finish. There are three “sets” of window openings within the first-floor elevation. The middle set of windows relate to a proposed bathroom with those on either side for proposed bedrooms.
- 2.16. The principal rear elevation of the existing dwelling is approximately 28.4 metres from the rear site boundary and narrows to approximately 27.2 metres. The separation from the rear boundary would be approximately 18.4 metres from the rear elevation of the single storey return extension. The gable of the dwelling to the rear is located in close proximity to the site boundary at approximately 0.2 metres widening to approximately 0.4 metres. This dwelling is orientated on a southwest to northeast alignment, with the front elevation directed southwest to Quay Street. It is broadly orientated to align with the rear boundary of the application site. I note from my site visit that the common boundary within the application site consists of mature vegetation approximately 3 metres in height. I also note that there is a single storey shed/outbuilding structure located immediately adjacent to the northwestern corner of the application site. I viewed the application site from various positions within the rear garden area of the appellant's property. The existing roof structure of the application site was subject to restricted views from broadly the southeastern half of

the rear amenity area, but was visible from the northern area of the rear of the appellant's site. On the basis of site assessment, I consider that views into the rear property of the appellant would be limited to oblique angles and severely restricted from bedroom 2 due to the alignment of the appellants dwelling relative to the application site. There would be no overlooking from the middle windows as these relate to a bathroom and would be obscurely glazed which can be secured by planning condition. Views from bedroom 4 would be possible, however these would also be oblique and there are significant separation distances between the properties. I do not consider the resulting relationship to be unacceptable within this urban context and accordingly would not result in an unacceptable impact on amenity.

(e) Precedent and Other Cases

2.17. The appellants consider that the proposal if approved would result in an undesirable precedent. They also refer to another case under council reference F20B/0099 and ABP-307741-20 which they consider similar to the appeal site that was refused 30th October 2020 for similar reasons. I do not consider that an unacceptable precedent would result due to the variance in architectural styles and characteristics of built form within the area. The cited case, whilst including a dormer window extension, does not share similar characteristics to the appeal proposal in terms of design, site location and associated context. I therefore do not consider it is of material relevance to this appeal. Each case must be assessed on its own merits taking account of the particular circumstances and relevant policies.

(f) Devaluation of property.

2.18. The appellants state that the proposal if approved would result in the devaluation of property. I have not been provided with any evidence to support this opinion. I consider the amenity impacts of the proposal are acceptable for the reasons discussed above, I therefore conclude that the proposal would not result in devaluation of properties within the area, including those of the appellants.

(g) Suggested conditions and Other Issues.

2.19. The appellant has suggested two conditions in the event that the Board grant permission. The first relates to the omission on the first floor of the northwestern elevation. I have considered this issue in the above assessment and conclude that

these windows would not adversely impact on amenity. I therefore consider this condition is unnecessary.

2.20. The second condition suggested by the appellant relates to additional planting along the boundaries of the site, details to be agreed with the council, carried out and completed within the first planting season following the commencement of construction, and replacement of any such planting within five years if removed or become seriously damaged or diseased.

2.21. As discussed above the site includes mature planting around the rear boundaries of the site which will assist in mitigating visual and amenity impact of the proposal. I agree that additional planting would assist in the protection of residential amenity. I also consider it necessary to condition the retention of existing boundary vegetation which I note is not included within the schedule of conditions of the notification of decision to grant permission issued by the council on 2nd February 2024.

2.22. For clarity and completeness, I am satisfied that the revised access location and associated driveway parking area works are acceptable and will not adversely impact on visual amenity or character of the area, or in relation to road safety and associated issues. This aspect is broadly similar to the existing provision, albeit relocated and taking account of the positive response from the Council Transportation Planning Section subject to the planning conditions which are appropriate. In addition, I am satisfied that there will be no adverse impacts in terms of water infrastructure or flooding due to the positive consultation responses from the Water Services Department of the Council and Uisce Éireann.

### **3.0 Recommendation**

3.1. I recommend that permission for the development be Granted.

### **4.0 Reasons & Considerations**

Having regard to the provisions of the Fingal County Development Plan 2023 – 2029, in particular the residential zoning of the site, to the prevailing pattern and character of existing development in the vicinity and to the nature and scale of the proposed development, it is considered that, subject to compliance with the

conditions set out below, the development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would not endanger public safety or convenience by reason of traffic generation, flooding and drainage proposals, or otherwise. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

1. The development shall be retained/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 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. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

3. Prior to the commencement of development, the developer shall submit revised floor plans and elevational drawings detailing the following revisions for the written agreement of the planning authority:
  - (a) The omission of 3 no. roof lights located within the front elevation roof slope.
  - (b) Window opening serving the master bedroom shall be similar in scale, design and form to those serving bedroom number 3 and shall be centrally positioned within the gable projection.
  - (c) The ensuite window at first floor level shall be fitted with obscure glazing.
  - (d) Window openings within the projecting bays at ground floor serving the sitting room and lounge shall be redesigned to have greater vertical emphasis and shall be consistent in terms of scale, and cill to lintel heights.

Reason: In the interest of visual amenity.

4. All external finishes shall accord with the detail submitted with the planning application unless otherwise agreed in writing with the planning authority.

Reason: in the interest of visual amenity.

5. All bathroom/ensuite windows shall be fitted and permanently maintained with obscure glass. The use of film is not acceptable.

Reason: in the interests of residential amenity.

6. The flat roof structure over the single storey extension shall not be used as amenity space by occupants of this dwelling and access to this roof structure shall be strictly for maintenance purposes.

Reason: In the interest of protecting residential amenities.

7. The following requirements shall be complied with in full:

- 1) The front boundary wall and side boundary walls to the front garden shall not exceed a height of 900mm.
- 2) No objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding a height of 900mm; which would interfere or obstruct (or could obstruct over time) the required visibility envelopes.
- 3) No gate shall open across a public footpath/roadway.
- 4) The proposed new vehicular entrance shall not exceed a maximum width of 4m.
- 5) The footpath and kerb to the new vehicular entrance shall be dished at the developer's expense to the satisfaction of the Planning Authority.
- 6) The footpath and kerb to the existing vehicular entrance shall be reinstated at the developer's expense to the satisfaction of the Planning Authority.
- 7) All underground or overhead services and poles shall be relocated, as may be necessary, to a suitable location adjacent to the new boundary.
- 8) All stormwater shall be disposed of to soakpits or drains within the site and shall not discharge onto the public road.

9) All the above works shall be carried out at the Developer's expense according to the Specification and Conditions of Fingal County Council.

Reason: In the interest of road safety and proper planning and sustainable development.

8. Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.

Reason: In the interest of public health.

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays 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.

10. (a) All necessary measures shall be taken by the applicant/developer to prevent the spillage or deposit of any materials including clay rubble or other debris on adjoining roads during the course of development. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the applicant/developers own expense.

(b) The applicant/developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road arising from the construction work and shall either make good any damage to the satisfaction of Fingal County Council or pay the Council the cost of making good any such damage upon issue of such a requirement by the Council.

Reason: In the interest of traffic safety and to protect the amenities of the area.

11. The existing vehicular entrance shall be closed and the boundary wall extended to close the opening. All material finishes to the roadside boundary wall shall harmonise with the existing boundary in terms of materials, textures and colours used.



Reason: In the interests of visual amenity.

12. (a) A scheme indicating boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This boundary treatment scheme shall include the retention of existing boundary vegetation and additional supplementary landscape which shall provide a screen along all boundaries to the rear of the dwelling, consisting predominantly of trees, shrubs and hedging of indigenous species. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the commencement of construction works.

(b) Any existing and/or additional trees, shrubs and hedging which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development, in the interest of visual amenity.

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting the 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 the 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.

Reason: 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.

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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Richard Taylor  
Planning Inspector  
3<sup>rd</sup> June 2024