



An
Bord
Pleanála

Inspector's Report

ABP 319223-24

Development	Retention of existing unauthorised rear dormer roof extension
Location	50 Carlton Court, Swords, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F23A/0766
Applicant(s)	Constantin and Jeni Salop
Type of Application	Retention Permission
Planning Authority Decision	To grant permission subject to conditions
Type of Appeal	First party v conditions
Appellant(s)	Constantin and Jeni Salop
Observer(s)	None
Date of Site Inspection	15 th May 2024
Inspector	Brendan McGrath

1.0 Site Location and Description

- 1.1. The proposal concerns a 2-storey, semi-detached house in a suburban estate in Swords, County Dublin.

2.0 Proposed Development

- 2.1. The proposal is to retain an unauthorised dormer roof extension to the rear. The dormer structure is approximately 5m wide and includes an off-centre 2.89m wide horizontal window and a smaller window.

3.0 Planning Authority Decision

3.1. Decision

Grant retention permission subject to 7 conditions, including condition 3:-

The following requirements shall be complied with in full:-

- a) The width of the rear dormer roof extension shall be reduced to a maximum of 3.5m in width
- b) Only one window shall be included on the rear dormer extension and the window shall be no greater than 1.5meters in width and shall be placed centrally within the reduced dormer
- c) Details of the revised rear dormer roof extension, including a timeline for completion, shall be submitted to and agreed in writing with the Planning Authority within 4 weeks from the date of the final grant of permission for retention.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 3.2.2. The planning report is the basis of the decision. The report makes reference to the guidance on residential extensions design contained in the Fingal Development Plan. The main gist of the report is that the current proposal has previously been considered by An Bord Pleanála (ABP 310248-21) and not permitted (by condition). The report also notes that the drawings submitted of the development are not accurate in that they show a large dormer window in two sections, not three as built, and they omit a second smaller window. The report recommends a grant of

permission incorporating a restrictive condition that is in accordance with the previous board decision.

3.2.3. Other Technical Reports

Water Services

No objection

Transportation Planning

No objection

3.3. Prescribed Bodies

Dublin Airport Authority

No objection

Uisce Eireann

No objection

3.4. Third Party Observations

None

4.0 Planning History

F21 B/0057 (ABP-310248-21)

Retention permission granted on appeal for multiple alterations to dwelling subject to four conditions, including condition two:-

The width of the dormer roof extension shall be reduced to a maximum of 3.5 metres and window shall be reduced to 1.5 metres. Details, including a timeline for completion, shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this Order

Reason: *To protect the amenity of neighbouring property.*

5.0 Policy Context

5.1. Development Plan

5.2. The relevant plan is the Fingal Development Plan 2023-2029. The subject site is in an area zoned RS with the objective to 'provide for residential development and protect and improve residential amenity'. The plan contains policy and guidance on the design of residential extensions. The relevant policies are SPQ HP41 Residential Extensions, and SPQ HO45 Domestic Extensions. The relevant guidance statement is in Section 14.10.2.5.

SPQ HP41 Support the extension of existing dwellings with extensions of appropriate scale and subject to the protection of residential and visual amenities

SPQ HO45 Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area

5.3. Natural Heritage Designations

None relevant

5.4. EIA Screening

The proposal is a class of development that does not require screening for EIA

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are that the decision places an unfair financial burden on the applicants and that there is precedent for rear dormer extensions of similar scale elsewhere in Fingal. Photographs of four such developments are submitted with no details of location or of the relevant grants of permission.

6.2. Planning Authority Response

The planning authority requests the Board to have regard to its own decision in respect of ABP 310248-21 and states that the development is the subject of enforcement. The Board is requested to uphold the decision of the local planning authority.

6.3. Observations

None

7.0 Assessment

- 7.1. Further to my examination of the planning file and the grounds of appeal that relate to one condition only i.e. Condition No. 3 of the notification of the decision of the planning authority to grant permission, and having assessed the documentation and submissions on file, I consider it is appropriate that the appeal shall be confined to this single condition. Accordingly, I am satisfied that the determination by the Board of this application as if it had made to it in the first instance would not be warranted and that it would be appropriate to use the provisions of Section 139 of the Planning and Development Act 2000 as amended, in this case.
- 7.2. Having examined all the application and appeal documentation on file. I consider that the main issue in this appeal of a condition is the extent to which the previous determination by the board (in respect of ABP 310248-21) continues to apply. I do not consider that the two grounds of appeal put forward on behalf of the applicants carry any weight. Appropriate Assessment also has to be considered.
- 7.3. The previous Board decision was made in the context of guidance in a previous development plan, the Fingal Development Plan 2017-2023. That Plan has now been superseded by the Fingal Development Plan 2023- 2029. This, as far as I can determine, is the only material change in circumstances which would warrant a review leading to a different determination.
- 7.4. The design guidance in respect of dormer extensions is less prescriptive in the new development plan but the same policies and principles apply. In my opinion,

therefore, there is no justification for overturning the previous board determination, made in 2021.

7.5. Appropriate Assessment

Having regard to the nature and scale of the proposed development, the nature of receiving environment as a built up urban area and the distance from any European site/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 and carrying out of an EIA at an initial stage.

8.0 Recommendation

I recommend that condition number 3 be retained as it is without amendment.

9.0 Reasons and Considerations

Having regard to the zoning objective RS of Fingal Development Plan 2023-2029 and the policies and guidance in that Plan, in relation to the design of roof extensions, and also having regard to the previous decision of the Board (ABP-310248-21), it is considered that the rear dormer as proposed, by reason of its scale and bulk, seriously injures the residential or visual amenities of property in the vicinity and sets an undesirable precedent.

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.

Brendan McGrath

Planning Inspector

22nd May 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	319223-24		
Proposed Development Summary	Retention of an unauthorised dormer roof extension to the rear of house		
Development Address	50 Carlton Court, Swords, Co. Dublin		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	<input checked="" type="checkbox"/>
		No	No further action required
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?			
Yes	<input type="checkbox"/>	Class.....	EIA Mandatory EIAR required
No	<input checked="" type="checkbox"/>		Proceed to Q.3
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]?			
		Threshold	Comment (if relevant)
Conclusion			
No	<input checked="" type="checkbox"/>	N/A	No EIAR or Preliminary Examination required
Yes	<input type="checkbox"/>	Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	<input checked="" type="checkbox"/>	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____**Date:** _____