



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319844-24

<b>Development</b>	Conversion of attic with all associated site works
<b>Location</b>	13 The Avenue, Robswall, Malahide, Co. Dublin
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F24A/0238
<b>Applicant(s)</b>	Seamus Hyland
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	First Party against Condition
<b>Appellant(s)</b>	Seamus Hyland
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	25 July 2024
<b>Inspector</b>	Aoife McCarthy

## **1.0 Site Location and Description**

- 1.1. The subject has a stated area of 0.0295 ha and is located at 13 The Avenue, Robswall, Malahide, Co. Dublin.
- 1.2. The site forms part of Robswall estate, comprising a mix of house and apartment types.
- 1.3. The site accommodates a 2-storey 4-bedroom end of terrace dwelling with storage at attic level and solar panels on the rear roof slope. The site includes garden to front and rear, with off-street parking to the front of the property.
- 1.4. The site is bounded by The Avenue to the north, the rear boundary of No. 22 The Terrace to the south; by the side boundary to No. 12 to the east and by adjoining properties at 14 The Avenue to the west.
- 1.5. The site forms part of a terrace of three dwellings fronting a linear area of open space. The access road serving the site (The Avenue) slopes from east to west, with associated difference in levels between the subject terrace of 3 no. units and adjoining property at No. 12 The Avenue.

## **2.0 Proposed Development**

- 2.1. The proposed development consists of the conversion of the attic to accommodate a bedroom and bathroom, with a total additional floorspace of 50.5m<sup>2</sup> Gross Floor Area (GFA).
- 2.2. The application includes the provision of dormer extensions to the front and rear of the house, both with overall height of 2m, overall width of 4m and projected depth of 4.2m. The application includes all associated works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. The Planning Authority issued a Notification of a Decision to Grant Permission on 8<sup>th</sup> May 2024, subject to 9 no. conditions.
- 3.1.2. Condition 2 requires that,

The proposed dormer structures to the front and rear roof slopes shall be amended as follows;

- (a) Reduction in width to maximum 3.5m and not exceed 2m in height
- (b) The ope and associated glazing shall be positioned centrally within the structures.

REASON: In the interest of visual amenity.

3.1.3. All other conditions are generally standard in nature.

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

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

- The planning report is the basis of the planning authority decision.
- The report refers to guidance within the Development Plan, notably with respect to Roof Alterations including Attic Conversions and Dormer Extensions.
- The planning report notes that the works would be consistent in approach with planning precedent at No. 22 The Avenue, Robswall, under Reg. Ref. F23B/0061.
- The report concludes that the proposed works are in accordance with the appearance of the existing house and integrate with the established character of the area.
- The planning report recommends that planning permission is granted, subject to the inclusion of a condition restricting the scale of both dormer window structures to a maximum width of 3.5m a maximum height of 2m.

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

3.2.3. **Water and Drainage Sections (16 April 2024):** No objection.

### **3.3. Prescribed Bodies**

3.3.1. **Dublin Airport / Dublin Airport Authority (19 April 2024):** No comment.

### 3.4. Third Party Observations

3.4.1. None.

## 4.0 Planning History

### 4.1. Subject Site

4.1.1. None of relevance on the subject site.

### 4.2. Relevant Planning History in the Wider Area

4.2.1. The following relevant planning history within Robswall estate is noted;

4.2.2. **No. 6 The Avenue (P.A. Reg. Ref.: F23B/0097):** Permission granted for alterations of the existing attic to accommodate a new attic stairs and allow conversion of attic space into non-habitable storage space with provision for skylight windows to front and the rear.

4.2.3. This dwelling is located within c.55m to the east of the subject site.

4.2.4. The drawings as submitted with this application confirm this dormer extension to have an overall width of 2.35m and height of 1.53m.

4.2.5. **No. 22 The Avenue (P.A. Reg. Ref.: F23B/0061):** Permission granted for alterations of the existing attic to accommodate a new dormer to the front roof slope of the existing dwelling.

4.2.6. This dwelling is located within c.55m to the east of the subject site.

4.2.7. The Report of the Planning Authority confirms that this dormer extension would have an overall width of 3.815m, overall height of 1.88m and projecting depth of 3.27m.

4.2.8. **No. 25 The Avenue (P.A. Reg. Ref.: F19B/0103):** Permission granted for new dormer to the front roofslope of existing dwelling, new window to side elevation, attic conversion and all associated internal alterations and ancillary works.

4.2.9. This dwelling is located c.103m to the west of the subject site.

- 4.2.10. The application drawings indicate this dormer extension would have an overall width of 2.35m and overall height of 1.53m.

## **5.0 Policy and Context**

### **5.1. Fingal Development Plan 2023-2029**

### **5.2. Land Use Zoning**

- 5.2.1. The site is subject to land use zoning RS – Residential, with the objective “to provide for residential development and protect and improve residential amenity”.

### **5.3. Section 14.10.2.9: 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.

#### **5.4. Natural Heritage Designations**

5.4.1. The subject site is located within 300m (to the south) of the following European Sites:

- Malahide Estuary Special Area of Conservation (Site Code 00205)
- Special Protection Area for Malahide Estuary (Site Code 00425).

5.4.2. There are no other sites within close proximity to the subject site.

#### **5.5. EIA Screening**

5.5.1. Having regard to the nature and modest scale of the proposed development, its location in a built-up urban area and the likely emissions there from it is possible to conclude that the proposed development is not likely to give rise to significant environmental impacts and the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage. (Form 1; Appendix 1 refers).

### **6.0 The Appeal**

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

6.1.1. A first party appeal has been lodged on behalf of the Applicant with respect to Condition 2 of this permission, which can be summarised as follows:

- The proposed dormer extensions have been designed with full regard to the existing front elevations, and are considered to appear balanced in size and scale, when viewed within the roof slopes.
- The dormer structure, as amended by condition 2, would appear under-sized within the front and rear roof slopes.

- The revised room and window size would significantly reduce the extent of natural daylight to the proposed additional habitable rooms within the extension.
- With respect to permitted development at No.22 The Avenue (PA Reg. Ref.: F23A/0061), the first party notes that;
  - The subject proposal includes a significantly deeper room plan, with an associated wider window requirement; and
  - The dormer extension appears under-sized within this front roof slope.

## **6.2. Planning Authority Response**

- 6.2.1. The Planning Authority has requested that the Board upholds the decision of the Council to grant permission, subject to condition, as issued in the Notification of the Decision to Grant Permission, dated 8<sup>th</sup> May 2024.

## **6.3. Observations**

- 6.3.1. None.

## **6.4. Further Responses**

- 6.4.1. None.

# **7.0 Assessment**

## **7.1. Introduction**

- 7.1.1. This is a first party appeal against condition no. 2 as attached to the Planning Authority's Notification of the Decision to Grant Planning Permission, part (a) of which limits the size of the dormer windows to a maximum width of 3.5m and maximum height of 2m. Part (b) requires the opes and associated glazing to be positioned centrally within the structures.
- 7.1.2. Following my examination of the planning file and grounds of appeal, I consider it appropriate that the appeal should be confined to condition no. 2 only. Accordingly, I am satisfied that the determination by the Board of this application as if it had been

made to it in the first instance would not be warranted and that the Board should determine the matters raised in the appeal only in accordance with Section 139 of the Planning and Development Act 2000, as amended.

## **7.2. Compliance with Development Plan Standards**

7.2.1. The rationale of the Planning Authority for the design changes under condition 2 is based on guidance as set out in the Development Management Standards (section 14.10.2.9) of the Fingal Development Plan 2023-2029, relating to the provision of a dormer extension.

7.2.2. I consider the substantive issue relates to compliance with the Development Plan with respect to the provision of dormer extensions, and in particular with respect to design and residential amenity.

- **Design**

7.2.3. From a review of the subject drawings and site visit, in my opinion, the design, scale and form of the proposed dormer extensions, would not have any adverse impact with the character and form of the existing building.

7.2.4. Whilst the concerns of the Planning Authority with respect to the provision of this extension within the front roof slope is noted, in my opinion, the scale, bulk and form of the proposed extension does not overly dominate the front roof slope. I also consider that the scale, form and bulk of the proposed dormer extension, along with the velux window and relocated solar panels is acceptable within the rear roof slope.

7.2.5. I note that the dormer extensions both sit below the main ridge line of the roof and provide sufficient set back distances from the building eaves.

- **Residential Amenity**

7.2.6. With respect to potential overlooking from the rear of the property, there is a noted separation distance of 13.814m from the rear dormer extension to the party boundary with No. 22 The Terrace, to the immediate south.

7.2.7. Having regard to the established habitable rooms at grade and first floor levels within the property, I am satisfied that the proposed dormer extensions would not give rise to any adverse impacts with respect to privacy of this property.



- 7.2.8. Having reviewed the site, I am also satisfied that the proposed dormer extensions will not give rise to any adverse impacts with respect to privacy to the adjoining properties to the east and west.
- 7.2.9. In this context, the report of the Planning Authority (dated 8th May 2024) considers that undue impacts to the residential amenities of adjoining properties by way of overlooking, overshadowing and overbearance, are unlikely to arise in this instance.
- 7.2.10. It is noted that the principle of the proposed development (albeit to a width of less than 4m) is consistent with the permitted development at No. 6 (P.A. Reg. Ref. F23B/0097) and No. 22 The Avenue (P.A. Reg. Ref. F23B/0061 refer).
- 7.2.11. Further to the site visit, I note that the proposed front dormer extension will be visible when viewed from a series of positions along The Avenue and the adjacent areas of open space.
- 7.2.12. In this context, I do not consider that the front dormer extension will be overly visually dominant at this location. I consider that the scale and form of the subject proposal will integrate with the established built form and character of the existing building and wider streetscape.
- 7.2.13. I therefore consider that the proposed dormer extensions would not be contrary to the development standards set out in the Development Plan.
- 7.2.14. In this context, whilst the concerns of the Planning Authority are noted, in my view, the reduction in width of the dormer structures from 4m to 3.5m is unwarranted.
- 7.2.15. I therefore recommend that the Planning Authority be directed to omit condition no. 2 of this permission.

## **8.0 Appropriate Assessment Screening**

- 8.1. I have considered the proposed attic conversion in light of the requirements S177U of the Planning and Development Act 2000 (as amended).
- 8.2. The site is located within 300m (to the south) of the Malahide Estuary Special Area of Conservation (Site Code 00205) and the Special Protection Area for Malahide Estuary (Site Code 00425), the closest European Sites to the proposed development.

- 8.3. The proposed development comprises Permission for an attic conversion and all ancillary works within a property at 13 The Avenue, Robswall, Malahide, Co. Dublin.
- 8.4. No nature conservation concerns were raised in the planning appeal.
- 8.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion relates to:
- The limited extent of works forming part of this project, within an established residential development.
  - The distance of the project to the closest European Site.
- 8.6. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.7. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## **9.0 Recommendation**

- 9.1. I recommend that the Planning Authority be directed to omit condition no. 2 of the permission for the reasons and considerations as set out hereunder.

## **10.0 Reasons and Considerations**

Having regard to the residential land use zoning of the site, the pattern of development in the area, the nature and scale of the proposed development and dormer extensions which have been recently permitted by the Planning Authority in the immediate vicinity of the site, it is considered that the amendments to the front and rear dormer extensions required by condition 2 are not required to protect the visual and residential amenities of the area. Thus, the proposed development would be in accordance with the proper and sustainable development of the area.

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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Aoife McCarthy  
Planning Inspector

26 August 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	319844-24		
<b>Proposed Development Summary</b>	Conversion of attic with all associated site works.		
<b>Development Address</b>	13 The Avenue, Robswall, Malahide, 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>			
Yes			EIA Mandatory EIAR required
No	X		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>Conclusion</b>
No		X	No EIAR or Preliminary Examination required
Yes			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:** \_\_\_\_\_**Date:** 26 August 2024