



An
Bord
Pleanála

Inspector's Report ABP-319915-24

Development	Conversion of attic space with construction of a dormer roof to the rear and 3 Velux roof windows to the front, together with all associated site works.
Location	8 Luttrellstown Avenue, Carpenterstown, Dublin 15
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW24A/0141
Applicant(s)	Finbar & Claire Brown.
Type of Application	Permission.
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant(s)	Linda Lovett.
Observer(s)	None.
Date of Site Inspection	30 October 2024.
Inspector	Natalie de Róiste

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1.0 Site Location and Description

- 1.1. The site, 8 Luttrellstown Avenue, is a semi-detached two-storey house in a mature housing estate in Luttrellstown, Carpenterstown, Dublin 15. It is attached to 10 Luttrellstown Avenue to the south, and borders 6 Luttrellstown Avenue to the north. It backs onto 32 Luttrellstown Walk.

2.0 Proposed Development

- 2.1. The conversion of attic space, construction of a new dormer roof to the rear, 3 new velux roof windows to the front, and all associated works.

3.0 Planning Authority Decision

3.1. Decision

Grant with conditions

3.2. Planning Authority Reports

3.2.1. Planning Reports

Report dated 27/05/24 recommending a grant of permission. This report noted the zoning and Development Plan policies, objectives, and standards, the third party objection, and considered the attic conversion acceptable subject to a reduction in width (from 4 metres to 3.3 metres, on a roof of c. 6.58 metres wide) to ensure the dormer would be subservient and not overly dominant.

3.2.2. Other Technical Reports

- Report from water services dated 10/04/24 – no objection subject to conditions.

3.2.3. Conditions

- Nine conditions, including an amending condition to reduce the width of the dormer box to 3.3 metres and to set it centrally within the roof plane; a condition that all bathroom windows be permanently fitted with obscure glass; a condition that any attic floorspace that doesn't comply with the Building

regulations not be used for human habitation; and a condition regarding hours of construction.

3.3. Prescribed Bodies

Uisce Éireann – no report

3.4. Third Party Observations

One observation received, from the first party appellant. Issues raised were as follows:

- Proposal will dwarf attached property and decrease property value
- Dormer window will invade privacy
- Noise and upheaval of construction will be intolerable for medical reasons

4.0 Planning History

None found on site.

5.0 Policy Context

5.1. Fingal County Development Plan 2023-29

The following are of relevance;

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.

Section 14.10.2 (and Section 14.10.2.5 specifically) give further guidance on the assessment of dormer extensions.

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.

5.2. Natural Heritage Designations

The site is not in or close to any site designated for natural protection or conservation. It is located c. 960 metres north of pNHA 000128 – Liffey Valley, and c. 910 metres south of pNHA 002103 – Royal Canal.

5.3. EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

6.0 The Appeal

6.1. Grounds of Appeal

One appeal was received, from the resident of 8 Luttrellstown Avenue, the adjoining house to the south. Issues raised included the following:

- The first application on the site (FW24A/0122) was invalid, and the exact same proposal was then granted.
- Following the initial objection, permission was granted with 10 conditions. Conditions were subsequently amended. There have been constant amendments/changes, including the inclusion of a WC, with the condition that it not be for habitual use.
- Letters are enclosed by named medical professionals, detailing their concerns for the impacts of stress caused by adjoining construction on the appellant's medical condition.
- Space is required outside the appellant's home for transport services, including ambulance services.
- Constant amendments are not in line with law.
- Hours of construction from 8 am to 7 pm are concerning.
- The application is invalid and should be invalidated.

Parts of this appeal were redacted by the appellant, following correspondence from the Board. The above is a summary of the redacted appeal.

6.2. Applicant Response

The applicant responded on 10 July 2024 as follows:

- The development is necessary to provide a home office for full-time remote work.
- The decision of the council (albeit with an amendment to reduce the dormer) is a fair and balanced one, accepted by the applicant.
- The Local Authority has behaved professionally and appropriately, with a good overview of the case on their website. There are no peculiarities, and all planning laws have been followed by the applicant and council.
- The applicants went above and beyond what was required, giving hard copies of plans to neighbours in advance of putting up notices.
- The appellant has provided letters asserting that construction has commenced, which is not the case, the Board is invited to visit and confirm same.
- A Solicitor's letter is attached in response to false accusations contained in the appeal.
- The Board is requested to dismiss the appeal under Section 138(1)(a)(i), or if the Board is not so minded to reject the appeal and grant planning permission; and to remove defamatory material from the file.

6.3. Planning Authority Response

The Planning Authority responded as follows on 8 July 2024

- The application was assessed against relevant policies, impacts on third parties were given due consideration, the Board is requested to uphold the decision.

6.4. Observations

None received

6.5. Further Responses

Following redactions by the appellant, the redacted version of the appeal was recirculated to the other parties for comments. The applicant responded on 26 September 2024, reiterating that they had not commenced any construction or renovation work. The Planning Authority confirmed on 7 October 2024 that they had no further comments, and were satisfied with the grounds on which permission was granted.

7.0 Assessment

7.1.1. I have examined the application details, and all other documentation on file, including the appeal. I have inspected the site and have had regard to relevant local/regional/national policies and guidance.

7.1.2. I consider that the main planning issues for this appeal are as follows:

- The validity of the application and the appeal
- Overbearing impacts
- Overlooking and impacts on privacy
- Impacts from construction

There is considerable correspondence on the file which ultimately led to the redaction of certain parts of the appeal, prior to its allocation to me. I have had no sight of the appeal prior to its redaction, and am limiting my assessment to planning issues.

7.2. The validity of the application and the appeal

7.2.1. I have examined the application documents on the file, and also consulted the planning portal of Fingal County Council. I have found no discrepancies, irregularities, or inconsistencies in the drawings or documentation, or in the assessment of the file. I am satisfied that the application is valid.

7.2.2. I note that an earlier application was invalidated in April of this year, as the drawings were not scaling correctly. It is not unusual for an application to be invalidated and resubmitted. There are no drawings from this earlier application on the council

planning portal website. There were no amended drawings submitted as part of a further information request – there was no request for further information. There have been no drawings submitted as part of any compliance submission. I am satisfied that one set of drawings has been submitted as part of this application.

- 7.2.3. I note that 9 conditions were attached as part of the permission. One of these (condition 3) is an amending condition, reducing the size of the dormer window. The other conditions are standard conditions to protect residential amenity and environmental amenity; for example, condition 5 states that any bathroom/en suite window should be permanently obscured, and condition 6 states that any attic floorspace which does not comply with Building Regulations shall not be used for human habitation. The same 9 conditions are listed in the Chief Executive's Order and the notifications of permission sent to both parties. I see no discrepancy or irregularity in the conditions.
- 7.2.4. The applicants assert that the appeal should be dismissed under Section 138(1)(a)(i); however, planning issues have been raised in the appeal and it is appropriate to assess them. I also note that the first party's request that the Board visit the site and confirm that construction has not commenced could not be fulfilled were the appeal dismissed out of hand.

7.3. Overbearing Impacts

- 7.3.1. The third party has concerns (in her original objection, appended to the appeal) that the dormer extension will interfere with her house, dwarf her property, and decrease its value. I note the proposed setback from the appellant's property (1.715 metres from the cheek (the flank wall) of the dormer, and 1.48 metres from the flat roof of the dormer) is generous. There is also a setback from the eaves, and a setdown from the roof ridge. The proposed amending condition to reduce the width of the dormer and centre it on the roof will have a neutral effect on the appellant, due to the location and orientation of the houses; it will result in a setback from the boundary with the other neighbour (no 6 Luttrellstown Avenue, to the north). I note the first party is not appealing this condition. This condition is reasonable, given the guidance set out in the Development Plan regarding dormer extensions.

- 7.3.2. I am satisfied that the dormer extension as granted complies with the standards set out in the Development Plan, is of an appropriate scale, and will not have an overly dominant or overbearing impact on any neighbouring property.

7.4. Overlooking and impacts on privacy

- 7.4.1. The third party has concerns regarding invasion of privacy due to the rear dormer. As noted above, the dormer as permitted is not oversized; additionally, the proposed window opening is on a par with the existing first floor bedroom windows. I note that there is already a certain amount of mutual overlooking in this housing estate, with first floor windows overlooking neighbouring gardens, partly screened by intermittent mature trees. Given this existing context of mutual overlooking, and the form and scale of the dormer extension and its window opening, I am satisfied that there will be no undue impacts on neighbouring privacy.

7.5. Impacts from construction

- 7.5.1. I undertook a site visit on 30 October, and found no evidence of any construction work of any kind underway or undertaken. The appellant has concerns regarding the proposed hours of construction, the noise, vibrations, and general disturbance associated with construction, and potential access problems due to construction workers' vehicles.
- 7.5.2. Construction does by its nature cause some unavoidable noise and disturbance. An attic conversion and dormer window is a relatively small development with a short period of construction, and often undertaken with the residents of the house in situ. The impacts are typically not unduly onerous, and short-lived, and no special mitigation measures are usually required due to the short duration of the impacts. In this particular instance, the creation and submission of a simple construction management plan would be helpful, to alleviate neighbouring concerns, and ensure that construction is undertaken in an efficient and considerate manner.
- 7.5.3. The hours of construction have been conditioned to 8 am to 7 pm Monday to Friday, and 8 am to 2 pm on Saturdays, with no works to take place on Sundays or Bank Holidays. I would not recommend any further limitation on the hours of construction – a reduction in hours worked per day would prolong the duration of the construction

job, and stretch the associated inconvenience and disturbance over a greater number of days.

- 7.5.4. Regarding potential access problems to and from the appellant's house due to construction worker's vehicles, Luttrellstown Avenue is c. 7 metres in width and has neither designated car parking nor parking restrictions. All houses have driveways, and there does not appear to be high demand for on-street parking. A small number of cars were parked on the street on the morning of the site visit. There would appear to be ample space for the parking of construction vehicles without impeding other road users or residents. I note also that car parking is dealt with under the Road Traffic (Traffic and Parking) Regulations, 1997 (as amended), and any parking that interferes with the normal flow of traffic or which obstructs or endangers other traffic, or parking which obstructs a vehicular entrance is a matter for Garda enforcement.
- 7.5.5. On the whole, while there will be some typical impacts from construction, these will be short-lived, and I do not believe that a refusal of permission is merited due to the construction impacts from this relatively small development.

8.0 AA Screening

Having regard to the nature and small scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on any European site.

9.0 Recommendation

I recommend a grant of permission.

10.0 Reasons and Considerations

Having regard to the provisions of the Fingal County Development Plan 2023-29, and the scale, nature and suburban context of the residential development, it is considered that the proposed development, subject to compliance with the

conditions set out below, would not seriously injure the residential or visual amenities of the area.

11.0 Conditions

1. The development shall be 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 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.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

The proposed dormer extension shall be no greater than 3.3 metres in width, and shall be set centrally within the roof plane.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: to comply with the Development Plan provisions at Section 14.10.2.5 Roof Alterations including Attic Conversions and Dormer Extensions.

3. The external finishes of the proposed dormer extension (including roof tiles/slates) shall match those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

4. The glazing to any bathroom or en-suite windows shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

Reason: In the interest of residential amenity.

5. Site development and building works shall be carried out between the hours of 8 a.m to 7 p.m. Mondays to Fridays inclusive, between 8 a.m. and 2 p.m. on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only

be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

6. The disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: To prevent flooding and in the interests of sustainable drainage.

7. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a simple Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours and days of working, noise management measures, dust management measures, parking of vehicles, and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and neighbouring amenity.

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.

Natalie de Róiste
Planning Inspector

31 October 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-319915-24		
Proposed Development Summary	Attic conversion and dormer window		
Development Address	8 Luttrellstown Avenue, Carpenterstown, Dublin 15		
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	✓
		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		Class.....	EIA Mandatory EIAR required
No	✓		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)
No	✓	N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4
4. Has Schedule 7A information been submitted?			
No		Preliminary Examination required	
Yes		Screening Determination required	

Inspector: _____ Date: _____