



An
Bord
Pleanála

Inspector's Report ABP-320030-24

Development	Alterations to roof, conversion of attic and all associated site works.
Location	9 Beverton Way, Turvey Avenue, Donabate, Co. Dublin, K36 ET04
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F24A/0330
Applicants	John Murphy
Type of Application	Permission
Planning Authority Decision	Grant, with conditions
Type of Appeal	First Party
Appellant	John Murphy
Observers	None
Date of Site Inspection	22 nd August 2024
Inspector	Jim Egan

1.0 Site Location and Description

- 1.1. The subject site (0.0197 ha) is located on Beverton Way within the larger Beverton estate, a 1990s housing development located west of the rail line in Donabate, north County Dublin. The site contains a two-storey semi-detached dwelling with a hipped roof, a stated floor area of 94sq.m, with in-curtilage car parking to the front and a rear garden. The character of the surrounding area comprises dwellings generally of similar form and appearance.

2.0 Proposed Development

- 2.1. Permission is sought for the conversion of the attic of an existing two-storey semi-detached dwelling to provide 29sq.m of internal storage space, with works to comprise of the following:

- alteration / extension of hipped roof to create a gable roof profile.
- a dormer extension to the rear roof elevation, to measure 3.9m wide, 1.77m high and 2.9m deep, with a window on the rear elevation facing west. The dormer structure would be set in 1.1m from the new gable end, 0.9m from the party boundary with No. 11 Beverton Way and 0.2m below the main ridge line of the dwelling.
- 1no. rooflight on the rear roof elevation, to measure 0.5m by 0.5m
- 2no. rooflights on the front roof elevation, located side by side, each measuring 1.2m wide by 0.6m high.
- 1no. new window to the southern side elevation at attic / second floor level, with the window to contain obscure glazing.

3.0 Planning Authority Decision

3.1. Decision

By order dated 30th May 2024 the planning authority decided to grant permission subject to seven conditions. Condition No. 3(a) is the subject of this appeal, which

requires the dormer structure to be reduced in width from 3.9m to 2.7m. Condition 3(b) requires the replacement of the proposed gable roof with a Dutch hip roof.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points of the Planner's Report include:

- The proposed development is acceptable in principle.
- For the purpose of consistency with previously approved roof extensions in the immediate area, a Dutch hipped or Dutch half hipped gable would be a more suitable design response, recommending a design change by condition.
- Proposed rear dormer would appear overly dominant on the roof profile, therefore not visibly acceptable and contrary to Section 14.10.2.5 of the county development plan, recommending a design change by condition.
- Proposal presents no residential amenity issues.

3.2.2. Other Technical Reports

Water Services: No objection subject to standard conditions in respect of surface water drainage.

Transportation Planning: No objection.

3.3. Prescribed Bodies

Uisce Éireann: No objection subject to standard conditions in respect of service connections.

3.4. Third Party Observations

None.

4.0 Planning History

4.1. **Appeal Site:** None for subject site.

4.2. Surrounding Area

Relevant permissions at Beverton estate, Donabate:

P.A. Ref. F21B/0241 – 6 Beverton Crescent (similar style dwelling backing onto Beverton Way / north-west of the appeal site), refers to a September 2021 grant of permission for roof alterations and a flat roof dormer to the rear (permitted dormer structure was 2.3m wide, c. 1.3m high and with a flat roof set 0.1m below the main roof ridge line).

P.A. Ref. F24A/0121 – 8 Beverton Avenue, refers to a May 2024 grant of permission for roof alterations and a flat roof dormer to the rear (permitted dormer structure was 3.68m wide, 1.56m high, and with a flat roof set 0.37m below the main roof ridge line).

P.A. Ref. F18B/0304 – 25 Beverton Way, refers to a January 2019 grant of permission for roof alterations and a hipped roof dormer to the rear and hipped roof dormer to the side (permitted dormer structure to the rear was 2.8m wide, set 0.3m below the main roof ridge line).

P.A. Ref. F14B/0126 – 9 Beverton Meadows, refers to an August 2014 grant of permission for roof alterations and a gable ended pitched roof dormer to the rear (permitted dormer structure was c. 2.8m wide, set 0.3m below the main roof ridge line).

P.A. Ref. F15B/0079 – 17 Beverton Meadows, refers to a June 2015 grant of permission for roof alterations and a gable ended pitched roof dormer to the rear (permitted dormer structure was c. 2.8m wide, set 0.3m below the main roof ridge line).

5.0 Policy Context

5.1. Development Plan

The Fingal Development Plan 2023-2029 is the relevant Statutory Plan, having come into effect on 5th April 2023. Policies and objectives of relevance to the appeal include the following:

- The site is zoned RS – Residential, the objective of which is to provide for residential development and protect and improve residential amenity. ‘Residential’ is Permitted in Principle on land zoned RS.
- Donabate is categorised as a ‘Self-Sustaining Growth Town’ under the Fingal Settlement Hierarchy (Table 2.20).
- Section 13.5.13 seeks the regeneration of Fingal’s towns and villages by making better use of under-used land and buildings within the existing built-up urban footprint and to drive the delivery of quality housing and increased housing options, achieved in several ways and by projects of varying scale including small residential extensions.
- Section 3.5.13.1 acknowledges the need for people to extend and renovate their homes. Associated Policy SPQHP41 and Objective SPQHO45 support and encourage domestic extensions where they do not negatively impact on adjoining properties or 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.

Development Management Standards

- Section 14.10.2 states that the Council will support applications to amend existing dwellings to reconfigure and extend as the needs of the household change; and, of relevance to this appeal, states that residential extensions must have regard to the character and form of the existing building; external finishes; fenestration the amenities of adjoining properties.
- Section 14.10.2.5 refers to criteria that will be assessed against for dormer extensions and includes:
 - The impact of the structure on the form and character of the existing dwelling house.

- The design, dimensions, and bulk of the dormer relative to the overall extent of roof, the size of the dwelling and rear garden.
- 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.

5.2. Natural Heritage Designations

- The subject site is not within or immediately adjacent to any designated or Natura 2000 sites.

Special Areas of Conservation (SACs)

- The site is c. 1km south of the Rogerstown Estuary SAC (Site Code: 000208) and 1km north of the Malahide Estuary SAC (Site Code: 000205).

Special Protection Areas (SPAs)

- The site is c. 1km south of the Rogerstown Estuary SPA (Site Code: 004015), 1km north of the Malahide Estuary SPA (Site Code: 004025), and 3km west of the North-West Irish Sea SPA (Site Code: 004236).

Proposed Natural Heritage Areas (pNHAs)

- The site is c. 1km south of the Rogerstown Estuary pNHA (Site Code: 000208), 3km west of the Portrane Shore pNHA (Site Code: 001215) and c. 1km north of the Malahide Estuary pNHA (Site Code: 000205).

5.3. EIA Screening

Refer to Form 1 Appendix 1. The proposed development comprises works to extend an existing dwelling. These works do not fall into a class of use under Schedule 5 of the Regulations and, therefore, I do not consider that EIA or Preliminary Examination for EIA is required in this instance.

6.0 The Appeal

6.1. Grounds of Appeal

A First Party appeal has been submitted on behalf of the Applicant against Condition No. 3(a) on Fingal County Council's decision to grant permission, specifically the

condition requires the rear dormer to be reduced to a maximum external width of 2.8m (from 3.9m).

The following is a summary of the grounds of appeal:

- Requests that Condition 3(a) be removed.
- Rear dormer extensions of c. 3.5m or greater previously approved at Beverton and the wider Donabate area.
- Attention is drawn to the following permissions:
 - Proposal is comparable to a rear dormer granted permission at No. 8 Beverton Avenue (rear dormer width of 3.68m)
 - Side dormer extension approved at No. 14 Beverton Avenue and No. 19 Beverton Way, with approved dormer width of 3.5m and 3m, respectively. Further examples provided within the wider Donabate and Fingal area.
- A reduced dormer width of 2.8m would limit internal storage space and negatively impact on the residential amenity of the dwelling.
- Proposal accords with zoning and relevant policies and objectives under the county development plan.

6.2. Planning Authority Response

A submission received from Fingal County Council on 29th July 2024 states that, having reviewed the first part appeal, the Planning Authority has no further comment to make on the proposal, and requests An Bord Pleanála to uphold the decision of the Planning Authority.

6.3. Observations

None.

6.4. Further Responses

None.

7.0 Assessment

Having regard to the nature and scale of the development and the specific issue arising, that being a first party appeal against Condition number 3(a) of the Planning Authority decision, I am of the opinion that the determination of the application as if it had been made to the Board in the first instance is not warranted. In that regard I note the provisions of section 139 of the Planning & Development Act 2000 (as amended). This assessment will therefore be confined to the specific appeal of Condition number 3(a) of the Planning Authority decision. The issue of appropriate assessment screening also needs to be addressed.

The issues can be dealt with under the following headings:

- Scale and Design
- Other Matters

7.1. Scale and design

- 7.1.1. The appellant contends that a reduced dormer width of 2.8m would limit internal storage space and maintains that the proposed dormer (3.9m wide) is consistent with Fingal's development plan policy and refers to permissions granted in the Beverton estate for rear and side dormers of 3.5m, and greater, in width.
- 7.1.2. Section 14.10.2.5 of the County Development Plan refers to criteria used to assess applications for dormer extensions and, of relevance to this appeal, includes that dormer extensions shall be designed to have regard to the context of the dwelling and avoid dominating the roofscape.
- 7.1.3. The Planning Authority was concerned that the dormer would appear overly dominant on the roofscape, therefore not visibly acceptable and contrary to Section 14.10.2.5; and attached condition no. 3(a) requiring that the proposed dormer be reduce from 3.9m to 2.8m in width.
- 7.1.4. Having reviewed relevant planning permissions and having visited the area, I do not consider that hipped / pitched roof dormers to the side or rear roof provide precedent of relevance to this appeal. Hipped / pitched roof dormers, by their nature, are less dominant on a roofscape compared to box dormers.

- 7.1.5. In the immediate vicinity of the site, a rear box dormer was granted permission at No. 8 Beverton Avenue (also referred to by the appellant), being 3.68m in width, 1.56m in height and set 370mm below the ridgeline of the dwelling. In that case, I note a distinctive symmetry between the dormer and arrangement of windows / doors at ground and first floor levels, indicating an informed design approach. This, along with the height and set down from the main roof ridge line, results in a dormer extension which is visually subordinate to the rear roofscape, and respectful to the character of the main dwelling as a whole.
- 7.1.6. It is my view that by reason of the principal dimensions, the proposed dormer would be visually dominant on the roofscape and out of character with the dwelling, particularly having regard to the window / door arrangement on the rear elevation at ground and first floor levels and the requirement of part (b) of Condition 3 (replacement of proposed gable roof with Dutch hip roof), therefore contrary to Section 14.10.2.5 and Policy SPQHP41 of the Fingal County Development Plan.
- 7.1.7. I consider that a reduction in the width to 3m and height to 1.5m would allow the proposed dormer structure to appear sufficiently proportioned and sufficiently subordinate to the rear roofscape and relate better to the character of the dwelling in terms of ground and first floor rear elevations, whilst allowing a sufficient head height to be achieved internally, notwithstanding the intended use of the attic level for domestic storage.
- 7.1.8. Therefore, I recommend an amendment to Condition 3(a) requiring the maximum width of the dormer to be reduced from 3.9m to 3.0m, the height of the dormer to be reduced from 1.77m to 1.5m, and the dormer structure to be centred on the rear roof.

7.2. Other Matters

- 7.2.1. In terms of principle dimensions, I note that the first party appeal document refers to a proposed dormer width of 3.5m, as identified on the application drawing, however this is an internal measurement. Using the scaled drawing on file, I measured the external width of the dormer to be 3.9m.
- 7.2.2. In the Planning Authority's response to the First Party appeal, they have indicated that should the appeal be successful, provision should be made in the determination for applying a financial contribution in accordance with the Council's Section 48

Development Contribution Scheme. As per Section 11(d) (Exemptions and Reductions) of the Fingal County Council Development Contribution Scheme, 2021-2025, an exemption applies to attic conversions. In this regard, I do not consider the inclusion of a condition for a development contribution to be applicable in this instance given the nature of the proposed development.

8.0 AA Screening

8.1. I have considered the proposed development, which comprises extensions to an existing residential property, in light of the requirements S177U of the Planning and Development Act 2000 (as amended).

8.2. The subject development is located in an established suburban area approximately 1km from the following European Sites:

- Rogerstown Estuary SAC (Site Code: 000208)
- Rogerstown Estuary SPA (Site Code: 004015)
- Malahide Estuary SAC (Site Code: 000205)
- Malahide Estuary SPA (Site Code: 004025)

The subject development comprises extensions to an existing residential property. As such, the proposed development has no hydrological or other connection to any European site.

8.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment as there is no conceivable risk to any European site. The reason for this conclusion is as follows:

- The scale and nature of the development;
- The distance to the nearest European site and the lack of connections; and,
- Taking into account the screening determination of the Planning Authority.

8.4. I conclude on the basis of objective information, that the subject development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore a retrospective Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

9.0 Recommendation

I recommend that the Board consider the appeal in the context of section 139 of the Planning & Development Act 2000 (as amended). I further recommend that the Board direct the Planning Authority to amend Condition No. 3(a).

10.0 Reasons and Considerations

Having regard to the location and context of the site and provisions contained in Section 14.10.2.5 of the Fingal County Development Plan 2023-2029, it is considered that an amendment to Condition 3(a) is in accordance with proper planning and sustainable development.

Condition 3(a)

Prior to commencement of development, revised plans, elevations and cross sections shall be submitted for the written agreement of the Planning Authority demonstrating the following:

- (a) The dormer structure revised as follows:*
 - i. maximum width shall be 3.0 metres,*
 - ii. maximum height shall be 1.5 metres,*
 - iii. shall be centred on the rear roof elevation.*

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.

Jim Egan
Planning Inspector

27th August 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-320030-24		
Proposed Development Summary	Alterations to roof, conversion of attic and all associated site works.		
Development Address	9 Beverton Way, Turvey Avenue, Donabate, Co. Dublin, K36 ET04		
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 X	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			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			No EIAR or Preliminary Examination required
Yes			Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____