

An
Bord
Pleanála

Inspector's Report ABP320290-24

Development

Construction of ground floor extension to the front of existing dwelling comprising of living room, family room and hall extension and a rear extension comprising of open plan kitchen, living and dining space. First floor extension to the side comprising of bedroom c/w ensuite. Conversion of existing attic space comprising of modification of existing roof structure, new access stairs and flat roof dormer to rear.

Location

21 Carrickhill Walk, Carrickhill,
Portmarnock, Co. Dublin, D13KN23.

Planning Authority

Fingal County Council.

Planning Authority Reg. Ref.

F24A/048IE.

Applicant(s)

Ian O'Brien & Elaine Clancy.

Type of Application

Permission.

Planning Authority Decision

Grant Permission.

Type of Appeal

Third Party

Appellant(s)

Philip & Jacqueline Derby

Observer(s)

None.

Date of Site Inspection

15/10/24.

Inspector

Anthony Abbott King.

1.0 Site Location and Description

- 1.1. Carrickhill Walk, Portmarnock comprises a network of suburban cul-de-sacs. No. 21 Carrickhill Walk is located on the west side of one of the Carrickhill Walk cul-de-sacs.
- 1.2. No. 21 Carraickhill Walk is a two-storey semi-detached house in a streetscape of similar houses. No. 21 Carraickhill Walk has been extended previously on the side (north) and rear of the property (west). The first floor of the side extension is recessed on the street frontage.
- 1.3. No. 21 Carrickhill Walk abuts no. 21a Carrickhill Walk to the south. No. 21a Carrickhill Walk is an infill house located in the side garden of no. 21 Carrickhill Walk granted planning permission circa. 2006.
- 1.4. No. 19 Carrickhill Walk is located to the west of no. 21 Carrickhill Walk in a back-to-back configuration with nos. 21 & 21a Carrickhill Walk. No.19 Carrickhill Walk is a substantial detached property with a large single-storey rear extension that projects east into the rear garden.
- 1.5. The site area is given as 0.028 hectares.

2.0 Proposed Development

- 2.1. Construction of the following:
 - Ground floor extension to the front of existing dwelling comprising of living room, family room and hall extension and a rear extension comprising of open plan kitchen, living and dining space.
 - First floor extension to the side comprising of bedroom c/w ensuite.
 - Conversion of existing attic space comprising of modification of existing roof structure, new access stairs and flat roof dormer to rear

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to condition. The following conditions are relevant:

Condition 3

The proposed dormer structure shall be set down from the main ridge line by a minimum of 300mm.

Reason: In the interest of residential amenity.

Condition 4

The proposed dormer structure shall be reduced un width size to 3m maximum and provide for one only window, centrally located within the structure.

Reason: In the interest of visual and residential amenity.

Condition 5

The proposed first floor side extension shall be constructed inside the existing boundary line.

Reason: In the interest of residential amenity.

Condition 6

The proposed front ground floor extensions overall dept shall be reduced to 1.8m.

Reason: In the interest of protecting existing residential and visual amenities.

Condition 7

The proposed cantilever at first floor level to the side shall be omitted and the first-floor side extension shall be constructed within the ground floor building footprint.

Reason: In the interest of visual and residential amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the CEO of Fingal County Council reflects the recommendation of the planning case officer.

3.2.2. Other Technical Reports

No objection subject to condition.

4.0 Planning History

There following planning history is relevant:

- Under Register Ref: F20B/1078 planning permission was granted in August 2020 for a single storey extension to front and rear, a new tiled roof over existing single storey extension to front and side and associated site works.

Condition 2 of F20B/1078 is relevant and states:

That the depth of the proposed front extension shall be reduced to 1.8 metres (existing external wall to proposed external wall). A compliance drawing detailing this modification shall be submitted to the Planning authority for its written agreement prior to the commencement of development.

Reason: in the interests of protecting existing residential and visual amenities.

- Under Register Ref: F05A/1028 planning permission was granted on 08th February 2006 for the relocation 2 no. existing windows on the gable end elevation and erection of a two storey 3-bedroom detached dwelling house (total area 108.8 sq.m.) with new vehicular entrance and associated site development works to the side.

The new dwelling was conditioned to be attached to the existing house on site at no. 21 Carrickhill Walk in order to provide a minimum of 2 metres separation distance between the proposed new dwelling and the side boundary of the site in order to retain the visual amenity and character of the area.

5.0 Policy and Context

5.1. Development Plan

The Fingal Development Plan 2023-2029 is the relevant local planning policy document.

Zoning

The relevant land-use zoning objective is 'RS' (Sheet 9): *Provide for residential development and protect and improve residential amenity.*

- Chapter 13 (Land use Zoning) states the vision for the objective is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenities.

The proposed development is a permitted in principle

Residential Extensions

- Chapter 14 (Development Standards) Section 14.10. (Additional Residential Accommodation in Built-up Areas) in particular Section 14.10.2 (Residential Extensions) is relevant. It states that the need for housing to be adaptable to changing family circumstances is recognised and acknowledged. The planning authority 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 protection of adjoining properties.
- And Section 14.10.2.5 (Roof Alterations including Attic Conversions and Dormer Extensions) is relevant and *inter alia* states:

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 the 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.....

Relevant National Guidelines

- The Department of Housing, Local Government and Heritage 'The Sustainable Residential Development and Compact Growth Guidelines for Planning Authorities' (15 January, 2024).

5.2. EIA Screening

5.3. The proposed development is not within a class where EIA would apply.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are summarised below:

- The appellants' house at no.19 Carrickhill Walk backs onto the development the subject of this appeal. They object to the proposed development, which has been granted by the planning authority subject to 13 conditions. They request the Board to reject the current planning permission for the dormer roof structure.
- The appellants made an observation to the planning authority (04 June, 2024) objecting to the construction of a dormer roof with two windows overlooking the rear of their house at no. 19 Carrickhill Walk. The appellants claim that the dormer windows(s) will intrude on their privacy by reason of direct overlooking of their living areas including the bedroom, kitchen, dining room, living room and bathroom.
- The Fingal Development Plan Section 14.10.2 requires residential extensions to protect the amenities of adjoining properties particularly concerning sunlight, daylight and privacy.
- The Fingal Development Plan Section 14.10.2.5 requires roof alteration, including attic conversions to ensure the preservation of amenities and to avoid excessive overlooking of adjacent properties.
- There are no dormer roofs on Carrickhill Walk, a dormer window would negatively impact the streetscape. Roof lights are the consistent method of providing light to attic conversions in Carrickhill Walk.
- The appellant suggested to the planning authority that consideration should be given to replacing the proposed dormer window with roof lights in order to secure the appellants privacy.

- The appellants welcome the attachment of Condition No. 3 (set down of the dormer by 300mm from the roof ridge) and Condition No. 4 (a reduction in the dormer width to a maximum 3m), which regulate the position and the scale of the dormer. However, they claim that the conditions do not preserve and protect their amenity by reason of loss of privacy.

6.2. Applicant Response

The applicant has submitted the following response to the appeal statement:

- The applicant welcomes condition nos. 3, 4, 5, 6 & 7 of the planning authority recommendation, which regulate the size and position of the proposed earl dormer structure.
- The first floor bedroom windows of no. 21 Carrickhill Walk already overlook no. 19 Carrickhill Walk due to the scale and design of the extension to the rear of no. 19 Carrickhill Walk.
- The proposed dormer is set back on the roof plane further away from opposing windows. The height of the dormer will also restrict the view.
- Overlooking is always a factor within a suburban housing estate.
- There have been 42 planning applications for attic conversions in Portmarnock since 2020. There are also many examples of attic conversions throughout Fingal County Council and in the Dublin 13 area.
- The planning authority have made a decision to grant permission assessed to be consistent with the development plan, which should be upheld.

6.3. Planning Authority Response

The planning authority response is summarised below:

- The concerns regarding the dormer structure are noted. However, the inclusion of Condition nos. 3 and 4 would ensure that the structure would be subordinate on the rear roof slope.

- The planning authority request that An Bord Pleanála upholds their decision to grant permission. It is recommended that Condition nos. 3 and 4 be included in any grant of permission.
- A Section 48 condition is requested in the event of a positive recommendation.

6.4. Observations

None

7.0 Assessment

- 7.1. The following assessment covers the points made in the appeal submission and is a consideration of the overall development to be retained. It is noted there are no new substantive matters for consideration.

Proposal in context

- 7.2. The applicant proposes to extend the existing dwelling house (floor area given as 134.14 sqm.) at no. 21 Carrickhill Walk by approximately 90 sqm. The additional floor area would be provided by the construction of a ground and first floor extension and the conversion of the existing attic space. It is noted that in 2020, the applicant was granted planning permission under register reference F20B/1078 for the extension of the dwelling house subject to condition.
- 7.3. The substantive matter under appeal is the proposed rear dormer structure. A rear dormer extension approximately 3600mm x 5000mm would be located in the rear roof plane. The rear dormer would have two identical window openings measuring 1800mm in width. The window openings would have a height above window cill of 900mm and would be approximately 900mm above finished second floor level.
- 7.4. The attic conversion would require the reconfiguration of the pitched roof extending the ridge line above the proposed first floor front and side extension creating a gable elevation that would replace the existing hipped roof. The side gable would be raised above the cantilever of the proposed reconfigured first floor, which would overhang the ground floor of the house by 700mm.

- 7.5. The dormer would project (approximately 3600 mm) from the ridge line (approximately 100mm below the ridge apex) of the reconfigured pitched roof toward the eaves. It would have a flat roof. The existing chimney stack would be removed. The elevation finish of the dormer would match the existing finish of the house.
- 7.6. The attic would accommodate a large single space and an ancillary space with access door from the main attic room. The ancillary space does not appear to have fenestration. The second-floor rooms would be accessed via a staircase located in the centre of the first-floor plan ascending to attic level.

Principle of domestic extension

- 7.7. Section 14.10.2 (Residential Extensions) of the Fingal Development Plan 2023-2029 *inter alia* states that the need for housing to be adaptable to changing family circumstances is recognised and acknowledged. The planning authority 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 protection of adjoining properties.
- 7.8. I would concur with the planning case officer in the matter of the reconfiguration of the roof structure that the retention of the existing hipped roof profile would be onerous. It is acknowledged that the row of houses to the east on the opposite side of the cul-de-sac have side gable roof profiles. I consider the reconfiguration of the roof acceptable in principle.
- 7.9. Furthermore, I would also concur with the planning case officer, in the matter of the proposed 700mm side elevation overhang (north) by reason of the cantilever of the first floor above the ground floor. It is considered that cantilever would potentially alter the house typology creating a terrace in the streetscape in the instance the adjoining property at no. 23 Carrickhill Walk extended in a similar manner.
- 7.10. I note that no. 21 Carrickhill Walk was originally a detached property and that an infill house at no. 21a Carrickhill Walk is constructed in the side garden to the south (F05A/1028). The development inside the existing ground floor footprint of the reconfigured first floor can be dealt with by way of condition.

Appellants substantive grounds of appeal

- 7.11. The appellants observe that there are no dormer extensions or dormer windows in the roof planes of the streetscapes in the vicinity in Carrickhill Walk. Rather roof lights are the consistent way of providing light to attic conversions to date in Carrickhill Walk. The appellants cite development plan policy protecting the amenities of adjoining properties particularly concerning sunlight, daylight and privacy.
- 7.12. The planning case officer acknowledges the concerns of third parties in relation to loss of privacy arising from the proposed dormer structure. The case officer cites mitigation in the matter of overlooking by reason of the reduction in the scale of the dormer structure.
- 7.13. The planning authority recommendation restricts the dormer extension to a maximum width of 3m (Condition no. 4) and reduces the height of the structure in the rear roof plane by 200mm providing a set down of 300mm from the ridge height of the existing pitched roof (Condition no. 3). The planning case officer also notes the reduction of fenestration to one dormer window opening only and the probable limited use of the second floor space by reason of deficient headroom height at attic level.
- 7.14. The appellants welcome the attachment of Condition No. 3 (set down of the dormer by 300mm from the roof ridge) and Condition No. 4 (a reduction in the dormer width to a maximum 3m), which regulate the position and the scale of the dormer. However, they claim that the conditions do not preserve and protect their amenity by reason of loss of privacy and request the omission of the dormer and the substitution of roof lights.

Assessment of dormer extension

- 7.15. I consider that attic conversions and dormer window openings to the rear of a domestic property is permissible under the provisions of the Fingal Development Plan 2023-2029 *inter alia* subject to protection of existing amenities. Section 14.10.2.5 (Roof Alterations including Attic Conversions and Dormer Extensions) provides criteria for the assessment of dormer extensions including consideration of the character and size of the dormer structure, its position on the streetscape and proximity to adjacent structures.

- 7.16. SPPR1 of the Sustainable Residential and Compact Settlement Guidelines for Planning authorities (January 2024) requires that when considering a planning application a separation distance of at least 16m between opposing windows serving habitable rooms above ground floor level at the rear and side of houses should be maintained. The submitted site layout plan shows that the distance between the main rear building line of no. 21 Carrickhill Walk and the shared property boundary to the west with no.19 Carrickhill Walk is 10567mm.
- 7.17. The separation distance between the rear elevation of no.19 Carrickhill Walk and the shared property boundary to the east is a similar distance. The existing back-to-back distance between the main rear building line of the opposing streetscapes is approximately 22m. The applicant proposes to recess the dormer structure in the rear roof plane set back from the eaves and the main rear building line of no. 21 Carrickhill Walk.
- 7.18. I consider that excessive overlooking of the neighbouring property to the west at no. 19 Carrickhill Walk is not supported given the existing separation distance between the substantive opposing rear building lines. Furthermore, the existing rear first floor windows of no. 21 Carrickhill Walk have the potential to overlook the rear garden and internal spaces of no. 19 Carrickhill Walk, including the large ground floor rear extension, given the back-to-back configuration of the streetscapes. I consider that the substantive issue is the visual impact of the dormer.
- 7.19. The subject dormer will be visible from viewing points to the south and south-west of no. 21 Carrickhill Walk given the end of streetscape configuration of nos. 21 & 21a Carrickhill Walk. I note that the planning authority conditioned the permission to grant an additional house on site at no. 21a Carrickhill Walk (2006) providing *inter alia* that the infill dwelling was attached to the existing house on site in order to provide a minimum of 2 metres separation distance between the proposed new dwelling and the side boundary of the site in order to retain the visual amenity and character of the area.
- 7.20. Section 14.10.2. 5 of the Fingal Development Plan 2023-2029 provides guidance on the assessment of dormer extensions. The guidance *inter alia* states that the design, dimensions, and bulk of the dormer relative to the overall extent of roof as well as the size of the dwelling and the rear garden will be the overriding considerations,

together with the visual impact of the structure when viewed from adjoining streets and public areas. I would concur with the planning case officer that the dormer should be reduced in size and location vis a vis the ridge height of the existing pitched roof. This matter can be dealt with by way of condition.

Front extension

7.21. Finally, in the matter of the ground floor front extension, the planning case officer notes that the applicant has previously been conditioned to reduce the overall depth of the ground floor extension to 1.8m in the interest of residential and visual amenity (F20B/0078). The proposed roof structure of the front extension would project an approximate 3m from the existing front building line. The applicant in their response to the appeal statement states *inter alia* that that the condition to restrict the depth of the front extension is acceptable.

7.22. I would concur with the planning case officer in restricting the ground floor extension to 1.8m in overall depth (existing external wall to proposed external wall) in the interests of residential and visual amenity. This matter can be dealt with by way of condition.

Conclusion

7.23. I conclude that proposed development subject to condition would be consistent with Section 14.10.2 (Residential Extensions) and Section 14.10.2.5 (Roof Alterations including Attic Conversions and Dormer Extensions) of the Fingal Development Plan 2023-2029, would not have an adverse impact on the residential amenities of adjoining properties, including the amenity of no. 19 Carrickhill Walk, and, as such, would be consistent with the proper planning and development of the area.

7.24. Appropriate Assessment Screening

The proposed development comprises the extension of an existing dwelling within an established urban area.

Having regard to the nature and scale of the proposed development, it is possible to screen out the requirement for the submission of an NIS.

8.0 Recommendation

- 8.1. I recommend a grant of planning permission for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the residential zoning objective, which seeks to provide for residential development and protect and improve residential amenity, the grounds of appeal and the applicant response, I consider that proposed development subject to condition would be consistent with Section 14.10.2 (Residential Extensions) and Section 14.10.2.5 (Roof Alterations including Attic Conversions and Dormer Extensions) of the Fingal Development Plan 2023-2029, would not have an adverse impact on the residential amenities of adjoining properties, including the amenity of no.19 Carrickhill Walk, and, as such, would be consistent with the proper planning and development of the area

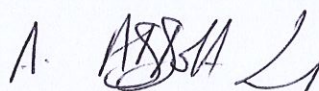
10.0 Conditions

1.	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of development the developer is requested to submit for the written agreement of the Planning Authority revised drawings providing for the following modifications:</p>

	<p>(i) The cantilever at first floor level to the side shall be omitted and the first floor side extension shall be constructed within the ground floor building footprint.</p> <p>(ii) The rear dormer structure shall be set down from the main ridge line of the existing pitched roof by a minimum of 300mm.</p> <p>(iii) The dormer structure shall be reduced to a maximum width to 3m and provide for one window opening centrally located within the structure.</p> <p>(iv) The front ground floor extension shall project at a maximum dept of 1.8m (existing external wall to proposed external wall).</p> <p>Reason: In the interest of orderly development, visual and residential amenity.</p>
3.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Details of the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting 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. 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</p>

	<p>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 the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 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.</p>
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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.



Anthony Abbott King
Planning Inspector

16 October 2024