



An  
Bord  
Pleanála

## Inspector's Report

**ABP-320494-24**

<b>Development</b>	Construction of extension, conversion of attic and all associated site works
<b>Location</b>	12 Mulberry Crescent, Castleknock, Dublin 15, D15 X82Y
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	FW24A/0225
<b>Applicant(s)</b>	Dominic and Jen O'Donohoe
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Dominic and Jen O'Donohoe.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	10 <sup>th</sup> October 2024.
<b>Inspector</b>	Catherine Hanly

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## 1.0 Site Location and Description

- 1.1. The subject site contains a two-storey detached dwelling with a hipped roof. The site is served by a parking area to the front and private amenity space to the side and rear. The site abuts no. 11 Mulberry Crescent to the eastern side and no. 2 Mulberry Park to the northern rear. The site is located in a housing development of similar style two-storey detached and semi-detached houses.

## 2.0 Proposed Development

- 2.1. The proposed development consists of the following:
- A dormer roof extension to the rear. The roof of the dormer is in line with the ridge line.
  - Conversion of the attic into accessible storage space.
  - Proposed alterations to the existing roof to amend it from a hipped roof to a half-hipped roof with half hip features and gable ends to either side of the house. The ridge line of the house is not impacted upon by the proposed conversion works.
  - Associated site works

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Notification of the Decision to Refuse Permission issued on 9<sup>th</sup> July 2024 for 1 no. reason as follows:
- 3.1.2. *“The works seeking permission are considered to be incongruous with the character of the area, by reason of its excessive scale and bulk and would deviate significantly from the roof profiles in the surrounding area. To permit the proposed development would materially contravene Section 14.10.2.5 of the Fingal Development Plan 2023 – 2029 would seriously injure the amenities or depreciate the value of property in the*

*vicinity and would set an inappropriate precedent for other similar development. The proposed development would be contrary to the proper planning and sustainable development of the area.”*

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

#### **3.2.1. Planning Authority Report**

3.2.2. Basis of Planning Authority’s decision.

3.2.3. The Fingal County Council’s Planning Officer noted that the site is located on a prominent corner site and that no roofs on the dwellings in the vicinity of the site have been amended.

3.2.4. The Planning Officer further noted that the provision of a dutch hip feature in conjunction with the large dormer would be incongruous in the area. The Planning Officer also stated that the dormer was excessive in scale, dominant upon the roof slope, visually obtrusive when viewed from Mulberry Park Road and would have a negative visual impact on the area.

3.2.5. The Planning Officer considered that the development would materially contravene Section 14.10.2.5 of the *Fingal County Council Development Plan 2023-2029* and would establish an undesirable precedent at this location.

#### **3.2.6. Other Technical Reports**

- **Water Services Department:** No objection subject to conditions.

### **3.3. Prescribed Bodies**

3.3.1. None.

### **3.4. Third Party Observations**

3.4.1. None.

## **4.0 Planning History**

4.1. Planning History for the Site

- FW24A/0078: 2024 Refusal for a dormer extension to the rear. The application sought to amend the roof from a hipped roof to a gable roof and to raise the ridge height. The application was refused for 1no. reason which stated that it was excessive in scale and bulk, would be incongruous with the character of the area, would depreciate value of property in the area and materially contravened Section 14.10.2.5 of the Fingal Development Plan 2023 – 2029.

#### 4.2. Adjacent Sites

##### **No. 2 Mulberry Park** (located to the rear of the subject site)

- FW23A/0300: 2023 Refusal for a first-floor rear extension and the amendment of the roof from hipped to gable with an attic conversion and dormer extension to the rear. Refused as it would cause overlooking, would depreciate the value of property in the vicinity and would contravene section 14.10.2.5 of the *Fingal County Development Plan 2023 – 2029*.
- FW24A/0121: 2024 Grant for the amendment of the roof from hipped to gable and the conversion of the attic with dormer window to the rear.

##### **No. 3 Mulberry Crescent**

- FW23A/0160: 2023 Grant for the modification of the roof structure from hipped to gable and a dormer window to the rear.

##### **Nos. 9 and 11 Mulberry Park**

- FW21B/0107: 2021 Grant for the modification of the roofs on nos. 9 and 11 from hipped to gable with 2 no. dormer windows on the rear. Condition no. 2 is noted which required the dormer structures to be set down 300mm from the ridge and that the width of the dormers is no more than 3m.

##### **No. 7 Mulberry Drive**

- FW22B/0010: 2022 Grant for the change in roof from hipped to gable, the conversion of the attic and a new dormer to the rear. Condition no. 2 is noted which states that the width of the dormer window shall not exceed 3 metres (measured externally).

## 5.0 Policy Context

### 5.1. Fingal County Development Plan 2023 – 2029

### 5.2. Land Use Zoning

- 5.2.1. The site is subject to land use zoning “RS”, with the objective to “*provide for residential development and protect and improve residential amenity*” in the *Fingal County Development Plan 2023 – 2029* (herein referred to as the *Fingal CDP*).
- 5.2.2. The site is located in a highly sensitive landscape, identified as Blanchardstown South.
- 5.2.3. The site is located in the River Valleys/ Canal Landscape Character type.

### 5.3. Residential Extensions

- 5.3.1. Section 14.10.2.5 of the *Fingal CDP* relates to roof alterations including attic conversions and dormer extensions and states the following:
- 5.3.2. “*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.*
- 5.3.3. *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.”*

5.3.4. **Policy SPQHP41** seeks to “support the extension of existing dwellings with extensions of appropriate scale and subject to the protection of residential and visual amenities”.

5.3.5. **Objective SPQHO45** seeks to “encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.”

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

5.4.1. The site is located approximately 0.3km to the north-west of the Liffey Valley Proposed Natural Heritage Area (site code 000128). The site is positioned approximately 1.1km to the south of the Royal Canal Proposed Natural Heritage Area (site code 002103).

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

5.5.1. I note the proposed development is not a project for Environmental Impact Assessment purposes.

### 6.0 **The Appeal**

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

6.1.1. A first-party appeal has been lodged in this instance, the grounds of which can be summarised as follows:

Land Use Zoning

- The proposed development is consistent with the permitted uses on “RS” zoned land.

#### Development Management Standards

- The design of the dormer ensures that the proposed ridge level aligns with the existing ridge level.
- New roof tiles are proposed to match the existing roof.
- Zinc standing seam is proposed on the dormer which is commonly used in juxtaposition with traditional roof tiles and brick facades. Zinc standing seam has been used on other dormer windows in the surrounding area.
- The dormer aligns with the existing ridgeline, is slightly set back from the roof end and is positioned to the rear of the site, away from the streetscape.
- There are a number of precedents for roof variations in the surrounding area.

#### Sustainable and Compact Settlement Guidelines for Planning Authorities (2024)

- The Guidelines include an emphasis on the renewal of existing settlements, rather than continues sprawl.
- SPPR1 of the Guidelines states that “*separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme prevent undue overlooking of habitable rooms and private amenity spaces*”. The proposed separation distance between the dormer window and the opposing wall is approximately 12.12 metres which is acceptable considering the wall opposing the rear of the site is a blank side wall with the exception of a small window, which is not unduly overlooked.

#### Planning Precedents

- There are a number of sites in the surrounding area that have been granted planning permission for dormer windows which extend from the roof’s ridge line and amend a hipped roof to a gable roof. These sites include no. 3 Mulberry Crescent (Ref. FW23A/0160), no. 4 Riverwood Chase (Ref. FW23A/0188E), no. 4 Diswellstown Court (Ref. FW23A/0401), nos. 9 and 11

Mulberry Park (Ref. FW21B/0107), no. 43 Sycamore Avenue (Ref. FW20B/0171) and no. 124 Hazelbury Green (Ref. FW24A/0160).

### Design

- The development does not deviate from the roof profiles in the area in the wider context of Carpenterstown.
- The dormer extends directly from the existing ridgeline and is setback from the roof end ensuring that it fits in with the character of the area.
- In situations where the Council believed the scale of the dormer to be excessive, it has been granted with conditions to reduce the dormer size.
- The dormer extension does not affect the existing separation distances between the site and neighbouring properties.
- The dormer window does not directly oppose first floor windows into habitable rooms. There is a separation distance of 12.12 metres between the dormer and the opposing side wall of no. 4 Mulberry Park and it is considered that no residential amenity is harmed.
- The application received no third-party observations. There is no evidence that the proposal will contribute to the depreciation of property value in the surrounding area.
- There is a precedence for the proposed development in the area.
- Internal storage is a primary factor in the provision of residential amenity and there are precedents of the Council granting planning permission for dormer extensions for the purposes of non-habitable storage spaces.

6.1.2. The appeal is accompanied by a copy of Fingal County Council's Notification of Decision to Refuse Permission under Reg. Ref. FW24A/0225.

## **6.2. Planning Authority Response**

6.2.1. A response was received to the grounds of appeal which can be summarised as follows:

- The proposed development is excessive and fails to comply with Section 14.10.25 of the *Fingal CDP*.
- The Planning Authority requests that An Bord Pleanála uphold the decision of the Planning Authority.
- In the event that the appeal is successful, provision should be made for applying a financial contribution and/or Bond in accordance with Fingal County Council's Section 48 Development Contribution Scheme.

### 6.3. Observations

6.3.1. None.

## 7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, including the reports of the planning authority, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Design
- Other Matters

7.2. Each of these issues are addressed in turn below.

### 7.3. Principle of Development

7.3.1. The application site is zoned “RS” which has the objective to “*provide for residential development and protect and improve residential amenity*” in the *Fingal CDP*. Residential development is permitted in principle under this zoning objective. Regard is also had to Section 14.10.2.5 of the *Fingal CDP* in relation to roof alterations.

7.3.2. As such, I am satisfied that the principle of extending the dwelling is acceptable, subject to a number of other considerations, which are addressed below.

### 7.4. Design

- 7.4.1. Section 14.10.2.5 of the *Fingal CDP* sets out the criteria for which a roof extension and alteration will be assessed against. In assessing the proposed development, the Planning Officer from Fingal County Council noted the site's position on a corner site at the junction of Mulberry Crescent and Mulberry Park. The Planning Officer further noted that the hipped roofs on the dwellings in Mulberry Crescent or Mulberry Park have not been altered. As such, the Planning Officer considered that the provision of a dutch hip feature in conjunction with the large dormer would be incongruous in the area and would have a negative visual impact.
- 7.4.2. The appellant submits that several properties have similar attic conversions which extend from the ridge line and where the hipped roof has been amended to a gable roof. I note that some of the precedents which the appellant has referenced are not located within the Mulberry estate. However, as referenced above in the planning history under section 4, there is a precedent for amending the roof profiles of dwellings from hipped to gable in the Mulberry estate at nos. 2, 9 and 11 Mulberry Park, No. 3 Mulberry Crescent and no. 7 Mulberry Drive. I note from my site inspection, that the construction works have been undertaken at no. 3 Mulberry Crescent and no. 2 Mulberry Park. As such, I consider that there is a precedent for altering the roof profiles of dwellings in the Mulberry estate.
- 7.4.3. I note the planning history of the site under reference FW24A/0078, where the applicant was refused permission to amend the roof from a hipped roof to a gable roof and to raise the ridge height. The application was refused for 1no. reason which stated that it was excessive in scale and bulk, would be incongruous with the character of the area, would depreciate value of property in the area and materially contravened Section 14.10.2.5 of the *Fingal CDP*.
- 7.4.4. From analysis of the subject application, I note the applicant has amended the design of the roof, from that refused under reference FW24A/0078. The applicant now proposes to amend the hipped roof to a half-hipped roof with half hip features and gable ends to either side of the house, otherwise known as a dutch hip. I note the subject application also proposes to maintain the ridge height of the dwelling.
- 7.4.5. With regards to the dormer extension, the Planning Officer considers that the dormer is excessive in scale, dominant upon the roof slope and would be visually obtrusive when viewed from Mulberry Park Road. Furthermore, the Planning Officer states that

the visual intrusion is only being undertaken to provide more storage and will not increase the residential amenity.

7.4.6. In accordance with the requirements in section 14.10.2.5 of the *Fingal CDP*, I note that the dormer is proposed to be set back from the eaves and set in from the gables. Section 14.10.2.5 of the *Fingal CDP* further states that dormer extensions should be “*set down from the existing ridge level so as not to dominate the roof space*”. I note however that the development is not set down from the ridge. I further note that under reference FW21B/0127 for the development of 2no. dormer windows on the rear elevation at nos. 9 and 11 Mulberry Park, the Planning Officer in Fingal County Council included a condition requiring the dormer structures to be set down 300mm from the ridge. From analysis of the submitted drawings, I note that the proposed floor to ceiling height in the dormer structure is 1.8m. If a similar condition was included to reduce the overall height of the dormer, by 300mm from the ridge, it would create a floor to ceiling height of 1.5m. I consider that this would create an unsuitable area for the residents of the dwelling. I note that section 14.10.2.5 of the *Fingal CDP* states that the reasoning behind the requirement for the dormer to be set down from the ridge line, is to ensure it does not dominate the roof space. Having regard to the width of the dormer and its design including materials and set back from the boundaries and the eaves, I consider that the dormer will not dominate the roof space and that the scale of the dormer is acceptable. As such, I consider the proposed design of the dormer in line with the ridge line to be acceptable. I therefore consider the design of the dormer extension to be in accordance with section 14.10.2.5 of the *Fingal CDP*. Furthermore, I consider that the fenestration proposed in the dormer window is acceptable relative to the existing fenestration on the rear elevation. Noting the existing fenestration on the side elevation of no. 2 Mulberry Park and the separation distance of 12.1m between the dormer window and the side elevation of no.2 Mulberry Park, I consider that the proposed development will not result in undue overlooking of adjacent properties. I therefore consider that the proposed dormer window will not impact the residential or visual amenities of adjacent properties.

7.4.7. In Fingal County Council’s reason to refuse permission, the Planning Officer stated that the proposed development would depreciate the value of property in the vicinity. However, having regard to the assessment and conclusion set out above, I am

satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would seriously affect the value of property in the vicinity.

- 7.4.8. I note that the attic space is proposed to provide additional storage space for the dwelling. I note that there are limited storage areas in the ground and first floor of the dwelling. I therefore consider that the provision of additional storage space to accord with Policy SPQHP41 in the *Fingal CDP* which seeks to “*support the extension of existing dwellings with extensions of appropriate scale and subject to the protection of residential and visual amenities*”.
- 7.4.9. Noting the positioning of the dwelling at the junction of Mulberry Crescent and Mulberry Park, the variation in roof designs between the detached dwellings at Mulberry Crescent and the semi-detached units along Mulberry Park, the gable roofs permitted and constructed in the vicinity of the site, the proposed materials and the maintenance of the ridge height proposed, I consider that the proposed dutch hip roof is acceptable. I therefore consider that the proposed dutch hip roof is in harmony with the dwelling and adjacent properties, is in accordance with section 14.10.2.5 of the *Fingal CDP* and will not impact the visual amenities of adjacent properties or the streetscape.
- 7.4.10. Thus, in conclusion, I am satisfied that the proposed development is in accordance with section 14.10.2.5 of the *Fingal CDP* in relation to roof alterations and dormer extensions. I am further satisfied that the proposed dormer would have no undue overlooking impacts on any neighbouring property and the development would not impact the visual amenities of the streetscape. I therefore consider that a material contravention of the Development Plan does not arise in this instance. As such, I consider that Section 37 (2) of the Planning and Development Act 2000, as amended does not apply.

## **7.5. Other Matters**

- 7.5.1. Fingal County Council submitted a response to the grounds of appeal and requested that in the event that the appeal is successful, that provision should be made for applying a financial contribution. Regard is had to the *Fingal County Council Development Contribution Scheme 2021 – 2025*, which states under section 11 that

attic conversions are exempt. The Contribution Scheme further states that the first 40m<sup>2</sup> of domestic extensions are also exempt. Noting that the proposed development seeks to convert the attic, I consider that no financial contributions are warranted in this instance.

## 8.0 AA Screening

- 8.1.1. Having regard to the development proposed being for a roof extension to an existing residential dwelling in a serviced urban area, I consider that no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, either individually or in combination with other plans or projects on a European site.

## 9.0 Recommendation

- 9.1. I recommend that planning permission should be granted, subject to conditions as set out below.

## 10.0 Reasons and Considerations

- 10.1. Having regard to the pattern of development in the area, and the nature, design and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1.	The development shall be carried out in accordance with the plans and particulars submitted with the planning application except as may be
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	<p>otherwise required by the following conditions.</p> <p><b>Reason:</b> To clarify the plans and particulars for which permission is granted</p>
2.	<p>The entire premises shall be used as a single dwelling unit and shall not be used for multiple occupancy living units/ non-residential uses, except where otherwise permitted by way of a separate grant of planning permission.</p> <p><b>Reason:</b> In the interests of clarity and to ensure proper planning and sustainable development.</p>
3.	<p>All external finishes shall be as indicated on drawings submitted unless otherwise agreed in writing with the Planning Authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>

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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Catherine Hanly

Planning Inspector

17/10/2024