



An  
Bord  
Pleanála

## Inspector's Report

### ABP-320529-24

<b>Development</b>	Retention permission for alterations previously approved under FW22A/0032 and planning permission for amendments to rear roof, together with all associated ancillary works.
<b>Location</b>	33 Ingleswood Road, Clonsilla, Dublin 15, D15 K25D
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	FW24A/0230
<b>Applicants</b>	Mivlian Idrisov & Stakhzada Daujliatova
<b>Type of Application</b>	Retention Permission and Permission
<b>Planning Authority Decision</b>	Refuse Retention Permission and Permission
<b>Type of Appeal</b>	First Party
<b>Appellants</b>	Mivlian Idrisov & Stakhzada Daujliatova
<b>Observers</b>	None
<b>Date of Site Inspection</b>	2 <sup>nd</sup> October 2024
<b>Inspector</b>	Jim Egan

## **1.0 Site Location and Description**

The subject site, with a stated area of 0.0395ha, comprises No. 33 Ingleswood Road, Clonsilla, Dublin 15, a corner site within an established residential area. The site contains a two-storey semi-detached dwelling, with a stated floor area of 307sq.m. The dwelling has been substantially modernised and is characterised by the contemporary design, form and material finishes including those of recently constructed side and rear extensions. Whilst not indicated on the submitted drawings, during a site inspection I observed a single storey flat roofed structure at the rear of the site wrapping around to the eastern site boundary.

## **2.0 Proposed Development**

Permission for retention is sought for alterations to a previously approved ground floor rear extension, comprising an additional floor area of c. 7sq.m. Permission is also sought for the construction of 2no. dormer extensions on the rear roof slope to replace an existing single dormer structure.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Planning permission was refused for the following reason:

- 1. The proposed development and works seeking retention permission by reason of design, dimensions, bulk, dominance and massing results in an overbearing effect on the surrounding visual and residential amenities, especially when viewed from the public road and surrounding rear gardens. The development materially contravenes Objective SPQHO45 of the Fingal County Development Plan 2023-29 and significantly detracts from the character of the area and is incongruous in its setting. Permitting the development which is seeking retention permission would contravene a condition of a previous permission, Condition 1 Reg. Ref F22A/0032 and would also set a poor precedent for similar developments. The development by reason of its scale and visual prominence on its corner site location would seriously injure the visual amenities of the area, would materially*

*contravene the residential 'RS' zoning objective of the site, and, therefore, would be contrary to the proper planning and sustainable development of the area.*

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

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

The main points of the Planner's Report include:

- The proposed development, comprising extensions to an existing dwelling in the 'RS' Residential Zone, is acceptable in principle.
- The submitted drawings are inconsistent with development previously permitted and are also inconsistent with the extent of development on the site.
- The proposed alterations to the previously approved single storey rear extension, by reason of the extent, scale and proximity to site boundaries, are considered significant, negative and overbearing on neighbouring properties.
- Drawings submitted indicate that a first-floor rear extension has not been built in accordance with a previous permission. These alterations, whilst they appear minor in scale, are not included into the retention application, and remain unauthorised.
- The combined visual impact of the proposed 2no. dormer structures will be significant and will dominate the rear roof profile when viewed from the public road.
- Recommends that retention permission and permission be refused.

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

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

### **3.3. Prescribed Bodies**

None

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

None.

## 4.0 Planning History

### 4.1. Appeal Site:

**P.A. Ref. FW22A/0032** – relates to a 2022 grant of permission for a single storey front extension, two-storey side extension, part single, part two-storey rear extension, and velux window to the front.

Note: In response to a request for further information, a rear dormer was omitted, and the ground floor and first floor level rear extensions were reduced to a depth of 5m and 3.5m, respectively, measured externally. Permission was granted on this basis.

**P.A. Ref. FW22A/0289** – relates to a 2023 refusal for retention permission for a dormer extension to the rear roof slope, single-storey domestic out-building within the rear garden, and as-built alterations to the previously approved ground and first floor rear extensions.

Reason for Refusal:

- 1. The development, by reason of its bulk, massing and overly scaled proportions at first floor and dormer level, would be contrary to Objectives DMS42, PM46 and DMS41 of the Fingal County Development Plan 2017-2023, would be out of character with neighbouring properties, unacceptable in terms of overlooking and overbearing impacts and would seriously injure the amenity of neighbouring residential property depreciating the value of same. The development would set a poor precedent for other similar development and would, therefore, be contrary to the proper planning and sustainable development of the area.*

**P.A. Ref. FW23A/0367** – relates to a 2023 refusal for retention permission for a dormer extension to the rear roof slope and for as-built alterations to the previously approved ground floor rear extension.

Reason for Refusal:

- 1. The works seeking retention permission in relation to design, dimensions, bulk, overbearance and dominance within the roof space has a negative visual*

*impact when viewed from adjoining streets and public areas, significantly detracts from the character of the area, and is incongruous in its setting. To permit the development which is seeking retention permission would contravene a condition of a previous permission, Condition 1 Reg. Ref. FW22A/0032, would materially contravene Section 14.10.2.5 of the Fingal Development Plan 2023-2029, would set an inappropriate precedent for other similar development and would therefore be contrary to the proper planning and sustainable development of the area.*

#### **4.2. Surrounding Area**

None relevant.

### **5.0 Policy Context**

#### **5.1. Development Plan**

##### Fingal Development Plan 2023-2029

Policies and objectives of relevance include:

- The site is zoned 'RS' – Residential, the objective of which is '*to provide for residential development and protect and improve residential amenity.*'
- Section 3.5.13.1 acknowledges the need for people to extend and renovate their homes, whilst associated Objective SPQHO45 supports and encourages domestic extensions where they do not negatively impact on adjoining properties.

##### *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 14.10.2.3 outlines that ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining to serve the dwelling house and that

the proposed extension should match or complement the existing dwelling house.

- Relevant criteria specific to dormer extensions under Section 14.10.2.5:
  - 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, 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. National Guidance**

*Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024*

## **5.3. Natural Heritage Designations**

The site is not located within or adjacent to any designated sites. The closest European Site is the Rye Water Valley/Carton SAC (Site Code 001398), c. 6km southwest of the proposed site. The Royal Canal pNHA (Site Code 002103) is located c. 1km south of the site.

## **5.4. 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 against the Planning Authority's decision to refuse permission.

The following is a summary of the grounds of appeal:

- Proposal is consistent with the zoning of the site.
- Proposal has been designed to a high standard to prevent undue impact on amenity of adjoining dwellings.
- The proposed dormer structures are of less bulk compared to the existing single dormer structure and would appear subordinate to the main roof, with no overbearing effect on the surrounding visual and residential amenities.
- Reference to permissions granted by Fingal County Council for similar dormer developments in the Dublin 15 area and also references a Dublin City Council permission.

### **6.2. Planning Authority Response**

A submission received on 9th September 2024 reiterates the Planning Authority's position with respect to the rear extension and dormer structures and also its concerns with respect to the inconsistencies with the submitted drawings in terms of as-built development on the site.

In the event that the appeal is successful, the Planning Authority requests that conditions requiring financial contributions and/or Bonds in accordance with the Section 48 Development are included.

### **6.3. Observations**

None.

### **6.4. Further Responses**

None.

## 7.0 Assessment

Having examined the application details, first party appeal and all other documentation on file, inspected the site and having regard to relevant local policies and objectives, I consider that the main issues in this appeal are as follows:

- Procedural Issues
- Scale and Design
- Other Matters

### 7.1. Procedural Issues

- 7.1.1. The Planning Authority identified inconsistencies with the submitted drawings including the extent of additional floor area for which retention is required, discrepancies in dimensions shown for the proposed dormer structures and omission of an existing single storey building in the rear garden.
- 7.1.2. The planning application seeks retention permission for the as-built ground floor rear extension and the construction of 2no. dormer structures on the rear roof slope. The application was accepted and validated by Fingal County Council. The Planning Authority previously refused permission for the single storey building in the rear garden and the as-built first floor rear extension. As such, this is a matter for the Planning Authority to pursue through the appropriate channels and these elements do not form part of my assessment.
- 7.1.3. In terms the ground floor rear extension, the public notices refer to retention permission sought for *'increase in floor area to single storey extension to rear'*. By association, the submitted floor plan includes a hatching to denote the extent of floor area which is subject to the retention application and suggests that the extension has been extended by c. 250mm beyond the depth granted under P.A. Ref. FW22A/0032. The ground floor rear extension, as previously granted, was restricted to a depth of 5m from the rear building line of the dwelling. The submitted floor plan shows that the main bulk of the ground floor rear extension has a depth of 5m from the original rear building line, however part of the structure extends by a further c. 2.5m along the eastern boundary to form an L shape. As such, retention permission is required for the



additional c. 2.5m depth (equating to an additional floor area of c. 8.7sq.m), rather than the c. 250mm depth indicated by hatching on the submitted floor plan.

I would make the Board aware that, by reason of incorrect hatching, the extent of development for which retention is required would appear to be misrepresented on the drawings however I am satisfied that the drawings correctly represent the as-built development and provide a reasonable basis for assessment.

- 7.1.4. The drawings show a discrepancy in the width of the 2no. dormer structures, with the floor plan indicating that each dormer would be 2.9m wide while the rear elevation drawing shows this dimension to be 2.753m. In my view, based on the level of detail provided on the floor plans, the 2.9m figure is more accurate and will form the basis of my assessment.

## **7.2. Scale and Design**

- 7.2.1. The applicant has lodged an appeal against the Planning Authority's decision to refuse permission. The appellant submits that the development is appropriately scaled and does not give rise to any undue impact on the amenity of the site or adjoining properties.
- 7.2.2. Objective SPQHO45 of the Fingal County Development Plan supports and encourages domestic extensions where they do not negatively impact on adjoining properties.
- 7.2.3. The extended element (2.5m) brings the overall single storey rear extension to c. 7.5m, with a flat roof parapet height of c. 3.28m and built to the eastern property boundary with No. 35 Inglewood Road. Having regard to the relatively long rear gardens, c. 20m, evident in the subject site and adjoining sites running east, and by virtue of the fact that the first floor rear extension is set in by 2m off the eastern property boundary, I consider ground floor rear extension, by reason of scale, depth, height and roof profile, to be acceptable and would not cause an undue loss of amenity to the adjoining residential property, consistent with Objective SPQHO45 of the Fingal Development Plan.
- 7.2.4. The appellant submits that the proposed dormer structures are of less bulk compared to the existing single dormer structure and would appear subordinate to the main roof, with no overbearing effect on the surrounding visual and residential amenities, with

reference made to similar permissions granted in the Dublin 15 area. The appellant places much emphasises on how the 2no. dormers compare to the existing dormer structure in terms of scale and bulk. The existing dormer does not appear to benefit from a grant of planning permission. My assessment is based only on the proposed dormers for which permission is sought, as set out in the public notices.

- 7.2.5. The Planning Authority concludes that the combined visual impact of the proposed 2no. dormer structures would be significant and would dominate the rear roof profile when viewed from the public road.
- 7.2.6. Section 14.10.2.5 of the County Development Plan refers to criteria used to assess applications for dormer extensions and sets out that dormer extensions shall be designed to have regard to the context of the dwelling, avoid dominating the roofscape; shall be set back from the eaves, gables and/or party boundaries and be set down from the existing ridge level so as not to dominate the roof space.
- 7.2.7. The proposed dormers would each be c. 2.9m wide and set down by c. 240mm below the main ridge line and c. 530mm above the eaves. A separation distance of c. 1.6m would be maintained to both the gable end and party roof line, along with a c. 1.5m separation between the two dormers. Material finishes would comprise metal cladding. The rear roof, as extended under a previous permission, has a width of c. 10.3m. The windows on the rear elevation of the dormers would c. 30m from first floor windows on the rear elevation of an opposing dwelling to the north. A roof light, located between the two dormers, is shown on the proposed floor plans but not on the elevations. The rooflight would measure c. 1m x 1m and would serve a WC. The dwelling is not a protected structure nor is the site located in an Architectural Conservation Area.
- 7.2.8. I consider that the proposed dormers, by reason of design, scale, positioning and setbacks achieved, would not dominate the rear roofscape, and therefore would not adversely impact the visual amenity of the area or amenity of adjoining dwellings, consistent with Objective SPQHO45 of the Fingal Development Plan. Noting the discrepancy with dormer widths, with floor plans indicating 2.9m and the elevations showing 2.753m, for the purpose of clarity, I consider it appropriate to include a condition that restricts the width of each dormer to 2.9m.
- 7.2.9. I consider the rooflight, by reason of its concealed location between the dormers, and by virtue of its function to serve a WC, to be acceptable and would not adversely

impact the visual amenity of the area or amenity of adjoining dwellings, consistent with Objective SPQHO45. Noting the absence of the rooflight on the submitted elevations, and for the purpose of clarity, I consider it appropriate to include a reference to the rooflight in the conditions, by way of restricting the principal dimensions to 1m by 1m.

### **7.3. Other Matters**

- 7.3.1. In the Planning Authority's response to the 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. Considering previously approved extensions, I recommend the inclusion of a condition in respect of development contributions.

## **8.0 AA Screening**

Refer to Appendix 2. Having regard to the nature, scale and location of the proposed development and proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **9.0 Recommendation**

I recommend that retention permission and permission be granted for the reasons and considerations set out below.

## **10.0 Reasons and Considerations**

Having regard to the nature and extent of the proposed extensions, 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 or of

property in the vicinity and would, therefore, be accordance with the proper planning and sustainable development of the area.

## 11.0 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.</p> <p>(a) The grant of retention permission relates only to the single storey rear extension.</p> <p>(b) The grant of permission relates only to the 2no. dormer structures and 1no. rooflight on the rear roof elevation.</p> <p>(c) The 2no. dormer structures shall each have a width of no greater than 2.9m, measured externally.</p> <p>(d) The rooflight on the rear roof elevation shall be dimensioned no greater than 1m by 1m, measured externally.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The existing dwelling and the proposed extensions shall be jointly occupied as a single residential unit and the extension shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p><b>Reason:</b> To restrict the use of the extension in the interest of residential amenity.</p>
3.	<p>Site development and building works shall be carried out between the hours of 0700 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 shall only be allowed in exceptional</p>

	<p>circumstances where prior written agreement has been received from the planning authority.</p> <p><b>Reason:</b> To safeguard the amenity of property in the vicinity.</p>
4.	<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, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, 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>

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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Jim Egan  
Planning Inspector

21<sup>st</sup> November 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP-320529-24		
<b>Proposed Development Summary</b>	Retention permission for alterations previously approved under FW22A/0032 and planning permission for amendments to rear roof, together with all associated ancillary works.		
<b>Development Address</b>	33 Ingleswood Road, Clonsilla, Dublin 15, D15 K25D		
<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	No further action required
<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			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>
No			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:** \_\_\_\_\_

## **Appendix 2**

### **AA Screening**

I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.

The site is not located within or adjacent to any European Sites. The closest European Site, part of the Natura 2000 Network, is the Rye Water Valley/Cartron SAC (Site Code 001398) located c. 6km southwest of the site.

The proposed development is located in an urban area and comprises extension of an existing dwelling. The development would be connected to all public services including water and sewer.

Having considered the nature, scale and location of the proposed development, and having regard to the AA Screening carried out by the Planning Authority, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site.

The reason for this conclusion is as follows:

- Nature and scale of the proposed development;
- Urban location with access to all public services and utilities; and
- The distance from European Sites, and absence of ecological pathways to any European Site.

I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.