



An  
Bord  
Pleanála

## Inspector's Report

**ABP 320743-24**

<b>Development</b>	The retention of modifications to the granted roof profiles to the front and rear and a dormer window to the rear at roof level.
<b>Location</b>	54 Castlefield Court, Clonsilla, Dublin 15, D15 N70H
<b>Planning Authority</b>	Fingal Co. Co.
<b>Planning Authority Reg. Ref.</b>	FW24A0258E
<b>Applicant(s)</b>	Paulo Melo
<b>Type of Application</b>	Retention
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Paulo Melo
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	26/10/2024
<b>Inspector</b>	Aisling Dineen

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## Appendix 1 – Form 1: EIA Pre-Screening

## **1.0 Site Location and Description**

- 1.1. The application site comprises one of a pair of semidetached two storey houses at 54 Castlefield Court, Dublin 15. The area is residential in character and this house, and the adjoining houses have front and rear gardens. The application site is on the access road into the Castlefield Development.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises retention of roof profile changes and retention of a box dormer roof on the rear roof profile of the subject dwelling.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority made a decision to refuse permission on the 12<sup>th</sup> August 2024 for the following reason:

The development is visually incongruous by reason of its bulk, design and massing which results in an overbearing effect on the surrounding visual and residential amenities, materially contravening Objective SPQH045 and policy SPQHP41 and residential 'RS' zoning objective on the site under the Fingal County Development Plan 2023 -2029. To permit the development in its present form would set an undesirable precedent, and would be contrary to the proper planning and sustainable development of the area.

The Chief Executive's decision reflects the planner's report.

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

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

- The planners report states that under the permitted development condition No 2 of FW22A/0032, it was stipulated that the proposed flat roof first floor extension be replaced with a hipped roof or pitched roof. The applicant proposed a hipped roof and this was accepted by the planning authority.

However, the applicant instead constructed a gable end roof. The roof ridge line was extended from 3.8 to 8.8 metres. The planners report acknowledges that this extended ridge line appeared to provide for a dormer window box of 6x2 metres, on the rear roof profile, also the subject of retention.

- The planners report acknowledges that the adjacent dwelling, which is the other in the pair of semi-detached dwellings, was also subject of an application to modify the roof profile and also sought permission for a rear first floor dormer. However, this was of a smaller scale within the design of the original dwelling. This was granted permission.
- The subject dormer is set 150 mm below the roof ridge line and has a 2.5 metre floor to ceiling height. The dormer box is finished in dry dashed render the same as the walls on the rear elevation.
- The report states that due to the bulk and contrasting finishes the dormer is considered to be excessive and overbearing within the overall extent of the roof.

#### 3.2.2. Other Technical Reports

Water Services – No objection subject to conditions.

#### 3.3. Prescribed Bodies

None.

#### 3.4. Third Party Observations

### 4.0 Planning History

#### Appeal Site

Current Enforcement application on the site, ENF Ref 24/103 for the construction of an attic dormer without planning permission.

FW20B/0081 Conversion of attic to storage including a dormer structure with 3 No windows to the side/rear at roof level. Refused.

FW20B/0058 Planning permission for single storey granny flat extension to side of existing house with ancillary works and extended front porch. Granted.

FW20B/0118 For conversion of attic to storage including a dormer window to the rear at roof level at No 54 Castlefield Court Clonsilla Dublin 15. Refused.

FW23B/0028 Planning permission for a first-floor extension to the side above an existing ground floor extension, including two bedrooms and a bathroom at 54 Castlefield Court, Clonsilla, Dublin 15. Granted.

#### Adjacent Site

FW20B/0082: No 53 Castlefield Court, Clonsilla, Dublin 15. Permission for conversion of attic to storage including a dormer structure with 3 No windows to the side/rear at roof level. Refused.

FW20B/0163: No. 53, Castlefield Court, Clonsilla, Dublin 15. Permission for conversion of attic to storage including changing their hipped end roof to a gable end roof, a dormer window to the rear and a window to the new gable wall. Granted.

## **5.0 Policy Context**

### **5.1. Fingal Development Plan 2023 - 2029**

The site is zoned Objective RS - Provide for residential development and protect and improve residential amenity.

#### 14.10.2.5 Roof Alterations including Attic Conversions and Dormer Extensions

Roof alterations/expansions to main roof profiles, for example, changing the hip-end roof of a semi-detached house to a gable/ 'A' frame end or 'half-hip', will be assessed against a number of criteria including:

- Consideration and regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures.
- Existing roof variations on the streetscape.
- Distance/contrast/visibility of proposed roof end.
- Harmony with the rest of the structure, adjacent structures and prominence.

Dormer extensions to roofs will be evaluated against the impact of the structure on

the form, and character of the existing dwelling house and the privacy of adjacent properties. The design, dimensions, and bulk of the dormer relative to the overall extent of roof as well as the size of the dwelling and rear garden will be the overriding considerations, together with the visual impact of the structure when viewed from adjoining streets and public areas.

Dormer extensions shall be set back from the eaves, gables and/or party boundaries and shall be set down from the existing ridge level so as not to dominate the roof space.

The quality of materials/finishes to dormer extensions shall be given careful consideration and should match those of the existing roof.

The level and type of glazing within a dormer extension should have regard to existing window treatments and fenestration of the dwelling. Regard should also be had to extent of fenestration proposed at attic level relative to adjoining residential units and to ensure the preservation of amenities.

Excessive overlooking of adjacent properties should be avoided.

Section 3.5.13.1 - Residential Extensions: The need for people to extend and renovate their dwellings is recognised and acknowledged. Extensions will be considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area.

Objective SPQH045: Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.

Policy SPQHP41: Support the extension of existing dwellings with extensions of appropriate scale and subject to the protection of residential and visual amenities.

## **5.2. Natural Heritage Designations**

There are no natural heritage designations located in the vicinity of the appeal site.

## **5.3. EIA Screening**

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

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

- While constructing a first-floor side extension as granted under Planning Register Reference NO FW 23B/0028 the appellant added non-approved works including a rear dormer window and modifications to the approved roof profile. A planning application was lodged to retain the modifications and was refused.
- It is noted that there is no specific objection to the permitted hipped end treatment to the constructed gable end roof. This type of alteration is an established pattern of renovations locally including at attached dwelling at No 53 and it is considered that the subject alteration balances the pair of attached dwellings.
- Regarding the dormer window, the planners report is referred to and it is stated that the planning officer had no objection in principle to the provision of a rear dormer. The planners report states: 'A similar scale (as no 53) dormer box, with a centrally aligned window would be more acceptable here.'
- It is submitted that the provision of rear dormer windows is an established pattern of development which has been granted permission locally.

- A list of locally granted end roof to gable end roof conversions incorporating rear dormer windows are provided, as follows:

91 Castlefield Court	Reg Ref FW22B/0060
95 Castlefield Court	Reg Ref FW21B/0078
97 Castlefield Court	Reg Ref FW21B/0073
53 Castlefield Court	Reg Ref FW20B/0163
109 Castlefield Court	Reg Ref FW20B/0014
33 Castlefield Court	Reg Ref FW19B/0122

- With regard to overlooking the size of the glazed window is the same as No 53, (the other of the pair of attached dwellings), there will be no more overlooking than the established pattern of granted renovations locally.
- With regard to overshadowing, the planners report states: *‘The impacts are not considered to be continuous high levels of overshadowing and can be considered in line with the suburban context of the site’.*
- With regard to overbearing, the dormer window is 6 metres in width, which equates to 68% of the overall roof width of 8.88 metres wide. A number of dormer windows are granted locally which are of similar scale, such as the following:

No 4 Deerhaven Avenue Reg Ref FW22B/0023 (ABP 313622- 22). Relates to a 4.33-metre-wide dormer window granted on appeal to the Board equating to 75% of the overall roof width.

No 10 Coolmine Wood – Reg Ref FW22A/0051. Relates to a 4.55-metre-wide rear dormer granted planning permission. This equates to 59% of roof width.

No 35 Beechwood Heath Reg Ref FW21B/0043. Relates to a 5-metre-wide dormer within 11.5 metres roofscape.

No 28 Lohunda Dale, Reg Ref FW`18b/0046, 4.05-metre-wide dormer within 6 metres roof width, which equates to 67.5% of the roof width. This is stated to be very similar to No 54 Castlefield Court, the subject appeal site.



No 59 St Mochtas Green, Reg Ref, FW23B/0020. Relates to a 3.8 metre window sitting within a 6-metre roof width, which is 63% of roof width. Fingal by condition reduced the width to 3 metres and the Board overturned it (ABP 317123-23).

- Regarding contrasting finishes the appellant is prepared to apply a dark coloured render in place of the current dry dash, if required, in order to reduce the visual impact.
- The subject roof modifications are common within the estate and in this case the gable end is mirrored on the attached dwelling.
- Given the pattern of development and dormer windows granted within the Dublin 15 area within the last few years, the subject dormer window is not contrary to the proper planning and sustainable development of the area.

## **6.2. Applicant Response**

Applicant is the appellant.

## **6.3. Planning Authority Response**

- The application was assessed against the policies and objectives of the Fingal Development Plan 2023 – 2029 and existing government policy and guidelines. The development was assessed having regard to the development plan zoning objective as well as the impact on surrounding lands and the character of the area.
- An enforcement investigation is currently active on the site under ENF Ref 24/103 for the construction of an attic dormer without planning permission. This application is seeking retention permission for alterations made to the permitted development Register Reference FW23B/0028.
- The permitted development required the applicant to replace the proposed flat roof for the first-floor extension with a hipped or pitched roof, which ties into the existing roof of the dwelling. Instead, the applicant constructed a gable end roof that extends right up to the site boundary shared with No 55 Castlefield Court.

- The applicant has also constructed a 6 metre X 2 metre flat dormer box along the rear roof profile of the building, which ties into the existing roof of the dwelling and the modified roof ridge line extends to approximately c. 8.8 metres. The 6-metre-wide box dormer is considered to be substantial in scale when considered within the overall extent of the roof. The proposed dormer and associated roof modifications are considered to be excessive, bulky, overbearing, contrary to objective SPQH045 and the residential objective on the subject site.
- The planning authority requests the Board to uphold the decision of the planning authority to refuse permission.

#### 6.4. **Observations**

None

#### 6.5. **Further Responses**

None.

### 7.0 **Assessment**

7.1. Having examined all the application and appeal documentation on file and having regard to the relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal and the planning authorities' reasons for refusal and I am satisfied that no other substantive issues arise. AA also needs to be considered. The main issues, therefore, are as follows:

- Impact on residential amenity.
  - Roof Profile
  - Dormer
- Visual impact.
  - Roof Profile
  - Dormer

- Appropriate Assessment.

7.2. There are two elements to the proposed development; retention of the modifications to the roof profile and the retention of the rear dormer window in the roof space.

7.3. Impact on residential amenity

7.4. Roof Profile

7.5. Regarding the roof profile, the appellant submits that the planners report had no objection to the roof modifications and that this type of alteration is an established pattern of renovations locally including at attached dwelling at No 53 and the appellant argues that it is considered that the subject alteration balances the pair of attached dwellings.

7.6. Having assessed the planners report in detail it is clear that the main issue, which the planners report took issue with was the scale of the rear box dormer window in the roof space. Therefore, I would concur with the appellants interpretation of this aspect of the planner's assessment, notwithstanding the planning authority's response to the appeal, which takes issue with both elements: *'the proposed dormer and associated roof modifications are considered to be excessive, bulky, overbearing', inter alia.*

7.7. Having inspected the site and the pattern of development in the vicinity, including the form of development on the attached adjacent property at 53 Castlefield Clonsilla and its planning history, which includes a grant of planning permission for a gable end roof profile and a rear dormer window, under FW20B/0163, I am satisfied that the modified roof profile is a form of development that has been permitted by the planning authority in the vicinity of the site and is therefore clearly established in precedent and is acceptable.

7.8. The shadow study on file reflects that there will be no significant overshadowing relating to the modified roof profile and the planners report also acknowledges that regarding overshadowing; *'The impacts are not considered to be continuous high levels of overshadowing and can be considered in line with the suburban context of the site'*. I concur with the planners report in this regard.

- 7.9. I am satisfied that the retention of the modified roof profile is acceptable and would not conflict with objectives SPQH045 or policy SPQHP41 or the residential 'RS' zoning objective of the development plan.
- 7.10. Dormer Window
- 7.11. The submission to the appeal states that the size of the glazed area of the box dormer is the same scale as that permitted on the attached adjacent dwelling. Therefore, it is argued that there are no further impacts on residential amenity, than that already permitted and established on the adjacent site.
- 7.12. As referred to under para 7.7 above, it is noted that the planning authority granted planning permission for a dormer window on the adjacent house at No 53 Castlefield Court (The other dwelling in the pair of semi-detached dwellings), under FW20B/0163. This dwelling has the same rear building line to the rear boundary, as the subject dwelling. Under this adjacent application, regarding residential amenity and the distance of the dormer relative to the rear site boundary, the planners report stated; *'The proposed dormer will not impact unduly in a negative manner upon residential amenities of the area through overlooking into adjoining properties'*.
- 7.13. With regard to the dormer window, the subject of retention, alone and in context with the adjacent planning precedent, I am satisfied that residential amenities of adjacent properties will not be unduly impacted within this urban context.
- 7.14. Visual Impact
- 7.15. Roof Profile
- 7.16. While the roof profile is a departure from the hipped roof profile established within Castlefield Court, it is noted that a gable roof profile was already permitted on the attached adjacent property, by the planning authority. Therefore, albeit the subject dwelling is bigger in scale than the adjacent dwelling, the form of both semi-detached roof dwellings having gable roof profiles, provides a degree of symmetry or 'balance' as referred to in the appellants submission. Furthermore, the site occupies a less conspicuous position at the start of a row of semi-detached dwellings, along the entrance drive, into Castlefield Drive.
- 7.17. I recommend that retention permission for retention for the modified roof profile should be permitted.

7.18. Dormer Window

7.19. The planner's report has clearly taken issue with the size of the box dormer on the rear roof space. The report refers: *'Due to the bulk and contrasting finishes the dormer is considered to be excessive and overbearing within the overall extent of the roof'*. The appellant however submits that the size as a percentage of the overall roof width is on par with similar developments granted in the Dublin 15 in recent years. A list of relevant grants of planning permission for various box dormers has been provided.

7.20. It is noted that the planning authority has permitted box dormers with stipulations regarding materials and finish of the box's, which are applied in order to assimilate with roof profiles. I do not consider that the size of the glazed window element within the roof space to be an issue and it is of similar dimension to that permitted on the adjacent site. However, I consider that the white pebble dash finish pronounces the visibility of the box dormer element within the roof space. I recommend that retention permission for the box dormer be granted but that a condition be applied regarding the material finish/colour be applied to match the roof colour, should the board be mindful of a favourable decision.

7.21. Appropriate Assessment.

I have considered ABP 320743-24 in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located 18 km from North Dublin Bay SAC, site code 000206 and North Bull Island SPA, Site Code 004006.

The proposed development comprises roof modifications and a box dormer window.

No nature conservation concerns were raised in the planning appeal.

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

- Minimal nature of works in an established urban context.
- Location-distance from nearest European site and lack of connections.

I conclude that on the basis of objective information, that the proposed 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 Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## **8.0 Recommendation**

8.1. I recommend that retention permission be granted.

## **9.0 Reasons and Considerations**

Having regard to the provisions of the Fingal County Development Plan 2023-2029, including the zoning objective for the site ('RS – Residential'), which seeks to provide for residential development and protect and improve residential amenity; it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, or of property in the vicinity and would provide an acceptable standard of amenity for future residents. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **10.0 Conditions**

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed
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	<p>particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>a. The external colour finish of the proposed box dormer shall match that of the existing colour of the rear roof profile of the house. Said modifications shall be implemented within three months of the date of this decision.</p> <p>b. Details of the materials, colours and textures of all 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><b>Reason:</b> In the interests of visual amenity.</p>
3.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</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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Aisling Dineen

Planning Inspector  
7<sup>th</sup> November 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	ABP 320743.24		
<b>Proposed Development Summary</b>	The retention of modifications to the granted roof profiles to the front and rear and a dormer window to the rear at roof level.		
<b>Development Address</b>	54 Castlefield Court, Clonsilla, Dublin 15, D15 N70H		
<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>	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>			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>			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>
			<b>Conclusion</b>
<b>No</b>		N/A	No EIAR or Preliminary Examination required
<b>Yes</b>		Class/Threshold.....	Proceed to Q.4



4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes		Screening Determination required

Inspector: Aisling Dineen

Date: 7<sup>th</sup> November 2024