



An
Bord
Pleanála

Inspector's Report

ABP-321548-24

Development	Conversion of attic to storage room with Velux rooflights and associated works.
Location	98 Tayleurs Point, Rush, Co. Dublin, K56 X584
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F24A/0922E
Applicant(s)	Barry Drumm
Type of Application	Permission.
Planning Authority Decision	Refusal
Type of Appeal	First Party V Refusal
Appellant(s)	Barry Drumm.
Observer(s)	Derek Jones.
Date of Site Inspection	23/4/25
Inspector	Ronan Murphy

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.012ha and located within an existing residential development known as Tayleurs Point, which is located at the eastern end of Rush Town Centre, Co. Dublin.
- 1.2. The surrounding area is mixed use in character with residential developments and commercial uses such as pubs and other forms of retail associated with Rush Town Centre.
- 1.3. The site is located in the north-western corner of a Cul-De-Sac within the Tayleurs Point residential development and front onto a communal car park associated with the overall development.
- 1.4. The site comprises of an existing two storey detached dwelling which has a gable pitched roof including a protruding central element which exceeds the height of the main roof structure. The dwelling includes a single storey extension to the rear.
- 1.5. The site is irregular in shape, flat and is bound to the west, south and east by residential development and to the north by commercial development.

2.0 Proposed Development

- 2.1. The proposed development seeks permission for the conversion of existing attic to storage room, to include raising of ridge height to accommodate same, to include rooflights to front, and associated site works. The proposed development would provide for an attic storage area of 24m².
- 2.2. The proposed development would lead to the increase in roof ridge height of the existing dwelling being raised from 7.2m to 8.25m. A total of 5 roof lights are proposed within the front roof profile.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1 By order dated 4 December 2024 Fingal County Council decided to refuse planning permission for the following reason:

1. *The proposed development, by reason of its height and the shallow depth of the dwelling's rear garden, would have an undue overbearing impact on the residential amenities of the neighbouring private open space to the west. Furthermore, the proposed development, by reason of the increased height of the eaves level of the dwelling and the proposal for five Velux windows, would be visually out of character with the neighbouring dwellings on the cul-de-sac. The proposed development would therefore seriously injure the residential and visual amenities of the area, materially contravene Objective SPQHO45 of the Fingal Development Plan 2023-2029 and not be in accordance with the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.1.1 There is one planning report on file dated 4/12/24 notes that the subject site is within the 'TC-Town and District Centre'. The area planners report outlines concerns in relation to the increase in height of the dwelling which would result in undue negative impact on the amenity of the adjoining rear open space of the dwelling to the immediate west of the subject site. The area planners report also notes, that while the terrace of dwellings to the south-east has a higher ridge level and more sloped roof, there is a proportional relationship between the top of the first-floor windows and eaves.

3.2.1.2 The area report also notes that the subject dwelling and the neighbouring attached dwelling are visible from Main Street, Rush and have a similar profile. The proposed development would result in the loss of this similar profile.

3.2.2. Other Technical Reports

- **Water Services Department:** Report dated 13/11/24 outlining no objection, subject to conditions.

3.3. Prescribed Bodies

- **Uisce Eireann:** Response dated 3/12/24 outlining no objection, subject to conditions.

4.0 Planning History

Subject site

F02A/1610. Application for the construction of 12 no. townhouses with associated car parking and landscaping. Permission granted, subject to conditions.

Site to the east

F23A/0567 / ABP-318980-24. Application for Construction of 4 dwellings comprising 2 detached 2 storey houses and 2 semi-detached 2 storey houses and associated site works. Permission granted, subject to conditions, this decision was subject to a third-party appeal (from the current first party) to An Bord Pleanála who upheld the decision of the local authority.

Site to the west

F23A/0703. Application for 1/ Conversion of attic space to bedroom, with construction of dormer window to front, and 2no. Velux windows to rear. 2/ Demolish of existing pitched roof to rear, 3/ construction of new pitched roof to rear, matching existing ridge height to front elevation, comprising of a landing and bathroom with 1no. dormer/2no. Velux windows to sides with obscured glass. 4/ Construction of new single storey extensions to rear comprising of en suite bathroom, and utility room, respectively. 5/ Construction of single storey shed to rear, and associated site works.

Split decision. Permission granted for the conversion of the attic space, demolition, and construction of a new roof to the rear, new single storey extension to the rear and shed. Permission was refused for the proposed dormer to the front.

5.0 Policy Context

5.1. Development Plan

Under the *Fingal County Development Plan 2023 – 2029*, the site is zoned “TC - Town Centre”, with a stated objective “to protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities”.

5.1.2. Relevant Sections/Policy and Objectives:

Section 3.5.13.1 which relates to residential extensions and states that the need for people to extend and renovate their dwellings is recognised / acknowledged and will be considered favourably when they do not have a negative impact on adjoining properties.

Policy SPQHP41 which seeks to support the extension of existing dwellings of appropriate scale and subject to the protection of residential and visual amenities.

Objective SPQHO45 which seeks to encourage sensitively designed extensions which do not negatively impact on the environment or on adjoining properties or area.

Section 14.10.2 which recognises / acknowledges the need for housing to be adaptable to changing family circumstances and the Council will support applications to amend existing dwelling units to reconfigure and extend as the needs of the household change subject to the design having regard to and protect the amenities of adjoining properties, particularly in relation to sunlight, daylight and privacy.

Section 14.10.2.5 which relates to roof alterations and states that roof alterations/expansions to main roof profiles, will be assessed against a number of criteria including:

- 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

5.2. Natural Heritage Designations

5.2.1 The appeal site is located c. 278m to the south-west of the North-West Irish Sea SPA and c. 706m to the north-east of the Rogerstown Estuary SAC. In addition, the appeal site is located c.700m to the north-east of the Rogerstown Estuary pNHA.

5.2.2 A full assessment is provided in Section 8.0 below relating to Appropriate Assessment.

5.3. EIA Screening

5.3.1 The proposal comprises of the conversion of existing attic to storage room, to include raising of ridge height to accommodate same. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A first party appeal has been received from Bell Associates on behalf of Barry Drumm. The grounds of appeal are summarised below:

- Unfair weight given to the third-party objection.
- Tayleurs Point has a number of recent attic conversions conducted throughout the development. This would give precedent to the application currently being considered.
- Huge pressure on new housing and enhancing existing housing to meet family needs. The Council should have recognised these pressures on the general public and taken a more proactive approach to grating minor domestic property enhancements.
- There are a large number of house types within the development in a variety of styles, all are presented in different formats. The variety of house styles in a

mixed development lends itself to a further slight variation of house type presented by the subject dwelling.

- In order to make an attic conversion work at this location there was no option but to raise the ridge and eaves height.
- House is detached in nature and presents in a completely different plane to the other dwellings within the Tayleurs Point development.
- The roof lights to the front were positioned to ensure no overlooking of properties to the rear of the site (115 Main Street, Rush).
- The development would only be visible from one point along Main Street which is adjacent to the entrance of 115 Main Street.
- The ground level rises by one metre between main street and the subject site, this in combination with the narrow and obscured field of view from Main Street would negate the proposed alterations.
- The roof lights windows to the front of dwellings are common in most housing developments. In this case, the roof lights would be partially obscured by roof features to the front of the dwelling.
- The appellant would be willing to reduce the number of roof lights to three.
- The roof lights look out onto a public open space / car parking area and do not overlook any private open space.

6.2. Planning Authority Response

6.2.2 Letter dated 20/1/25 stating that the Planning Authority has no further comment to make and An Bord Pleanála is requested to uphold the decision of the Planning Authority. If the appeal is successful then provision should be made for conditions relating to financial contributions to the Local Authority.

6.2.3 I make the Board aware that a condition requiring a financial contribution is not applicable in this case under the planning authorities Development Contribution Scheme as the proposal does not propose any additional habitable floor space. If the Board is of a mind to grant planning permission, I recommend that such a condition is not included.

6.3. Observations

6.3.1 An observation has been received from Derek Jones. The observation is summarised below.

- Any allegations and personal references are not relevant and should not be on a publicly accessible file.
- There is no precedent for such works within the Tayleurs Point development.
- The applicant has not explained how the inclusion of 2 non-habitable storage rooms would enhance the dwelling or the need for roof lights.
- The increase in height, massing and elevational treatment would have a negative impact on the existing properties.
- The proposal would set an undesirable precedent.
- The increase in height of the dwelling was not included in the statutory notices.
- The application did not include sufficient contiguous east elevation drawings.
- Overshadowing and overbearing impacts on No.115 and 117 Lower Main Street.
- The impact of the increased height when viewed from the public park on Lower Main Street has not been addressed.

6.4. Further Responses

6.4.1 There are no further responses on file.

7.0 Assessment

7.1 Having examined the appeal details and all other documentation on file and inspected the site. I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Impacts on the amenity of the area.
- Visual Impact.

- Procedural issues
- Appropriate Assessment

7.2 Principle of Development

7.2.1 The proposed attic conversion, including the increase in ridge height of the dwelling and roof lights are acceptable in the 'TC' zoning objective.

7.3 Impact on Residential Amenity

7.3.1 The proposal comprises of the conversion of the existing attic to storage rooms and the raising of the ridge height of the dwelling by c.1.05m (from 7.2m to 8.25m). The Planning Authority decided to refuse planning permission for the proposed development for one reason. The key issues related to the impact of the proposed development on the residential amenities of private open space of the property to the west of the appeal site as a result of the height of the proposal. and that the proposed development would not comply with Objective SPQHO45 of the *Fingal Development Plan 2023-2029*.

7.3.2 The *Fingal County Development Plan 2023 – 2029* broadly supports the extension of existing dwellings subject to such extensions being at an appropriate scale which protect the visual amenities of the area.

7.3.3 Having considered the plans submitted with the application, I submit that the extension potential of the site is constrained by a number of factors, namely its irregular shape and limited site area. In my opinion, there is little scope for extending the dwelling at ground level on this site. Given these limitations, the only viable alternative is for the landowner to extend the dwelling above first floor level.

7.3.4 Concerns have been raised that the proposed development would lead to undue overshadowing and overbearing of No. 115 Lower Main Street (west of the site) and No.117 Lower Main Street (north of the site).

7.3.5 Having visited the site and reviewed the drawings submitted with the application, I am satisfied that neither the properties at No's 115 and 117 Lower Main Street would experience a significant loss of residential amenity in terms of overshadowing or overbearing development.

- 7.3.6 I have come to this conclusion having regard to the relatively minor increase in ridge height of the dwelling in combination with the orientation of the site. In my opinion, any loss of sunlight No.115 Lower Main Street would be isolated to early to mid-morning, while any loss of sunlight for No.117 Lower Main Street would be isolated to later afternoon / early evening.
- 7.3.7 The proposal would not lead to undue overlooking of any adjoining properties. The proposed roof lights are flush to the roof and would face towards the car park associated with the Tayleurs Point estate and therefore are acceptable.
- 7.3.8 Notwithstanding this, I do have concerns with respect to the number of roof lights proposed. The number of windows should be reduced to a total of 3 (i.e. one roof light window per room and serving the stairs. This would ensure that the proposal would not detract from the character of the area.
- 7.3.9 Concerns have been raised with respect to external views of the proposed development. I have undertaken a site visit, and I am satisfied that the proposed extension would not unduly affect the character of the area. The existing dwelling is visible from one point along main street, which is a gap between No's 113 and 115 Lower Main Street and the proposed increase in height would not be so incongruous to have a negative impact on the character of the area. I note third-party concerns that the proposal may be visible from the public park on Lower Main Street, However, in my opinion, any views of the extended dwelling would be minor and as such would be acceptable in a town centre context.

7.4 Visual Impact

- 7.4.1 The area planners report highlights concern in relation to massing of the building and the impact that the increase in height would have on the proportionality of the original design of the building.
- 7.4.2 The design of the dwelling includes a protruding central element which exceeds the height of the main roof structure. The increase in ridge height would reduce the prominence of the central element so that it would sit below the main roof structure and would enhance the proportionality of the building and would, in my opinion, enhance the character of the dwelling.

- 7.4.3 In addition to this, I am satisfied that the increase in height of the dwelling by c.1.05m (from 7.2m to 8.25m) is relatively minor and would not unduly increase the massing of the building.
- 7.4.4 I note the area planner's concerns relating to the uniformity of design between the subject dwelling and the dwelling to the south. However, I believe such uniformity is not so predominate that it should dictate the treatment of all interventions at roof level, the roof profiles of the area of such merit that they should be retained in totality.
- 7.4.5 The reason for refusal states that the proposed development would materially contravene Objective SPQHO45 of the *Fingal Development Plan 2023-2029*. Having regard to the scale of the development involved and the absence of significant impacts on the visual environment I would not agree that a material contravention applies in this case. Therefore, the requirements of Section 37 2(b) of the Planning and Development Act 2000 (as amended) which enable the Board to materially contravene the Development Plan are not relevant.

7.5 Procedural issues

- 7.5.1 The first party appeal states that the interests presented as part of the appeal are not coming from the point of view of a concerned citizen but from a commercial point of view. The third-party observation states that any allegations and personal references are not relevant and should not be on a publicly accessible file. I make the Board aware that I do not make any comment on the bone fides of either the first party appellants or the third-party observers and that my assessment is based on the information provided on the file.
- 7.5.2 The third-party observer has stated that the proposed increase in height of the dwelling was not included in the statutory notices. As a result of this, the public could not assess the impact of the proposed development from the wording of the statutory notices. The third-party observer is of the opinion that more objections would have been lodged if this information were known.
- 7.5.3 I note the third-party concerns; however, I make the Board aware that the site notice on file states that the proposed development includes the raising of the ridge height. I am satisfied that the public were informed that the proposal included the raising of the ridge height.

7.5.4 I note that the application material does not include a rear elevation drawing. While such a drawing would be helpful, I am of the opinion that sufficient information has been provided for the Board to determine this application.

8.0 AA Screening

8.1. I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended. The proposed development is located within a residential area within the town of Rush, Co. Dublin. The proposal comprises of the raising of the ridge height of an existing dwelling.

8.2. The subject land is adjacent to a European site, the North-West Irish Sea SPA is c. 278m to the south-west of the site and the Rogerstown Estuary SAC is c. 706m to the north-east of site. In addition, the appeal site is located c.700m to the north-east of the Rogerstown Estuary pNHA.

8.3. It is noted that there is no hydrological connection between the site and either the North-West Irish Sea SPA or the Rogerstown Estuary SAC. In this regard, all surface water, effluent, and greywater generated on site is required to be discharged to the Uisce Eireann Sewerage Network.

8.4. Having considered the nature, scale, and location of the proposed development 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:

- The relatively small scale of the development

8.5 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.

9.0 Recommendation

9.1 I recommend that planning permission be granted.

10.0 Reasons and Considerations

10.1 Having regard to the pattern of development in the area and the design and scale of the proposed development and to the provisions of the *Fingal County Development Plan 2023-2029* it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the character of the streetscape and would not seriously injure the amenities of nearby dwellings or commercial properties. 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 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.

Reason: In the interest of clarity

2. The proposed development shall be amended as follows: -
 - a) The number of roof lights within the front roof profile shall be reduced to three (3) in total.

Revised drawings and details showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenities of the area

3. 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.

Reason: 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.

4. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. Construction hours for the proposed demolition and construction shall be in accordance with the following:
 - No works shall take place on site outside the hours of 08.00 and 18.00 Monday to Friday, and 08.00 to 13.00 Saturday, or on Sundays or public holidays, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of the protection of residential amenity.

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.

Ronan Murphy
Planning Inspector

25 April 2024

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321548-24		
Proposed Development Summary	Conversion of attic to storage room with Velux rooflights and associated works.		
Development Address	98 Tayleurs Point, Rush, Co. Dublin, K56 X584		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No	X		
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	N/A		
No			

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	N/A		

5. Has Schedule 7A information been submitted?		
No	Tick/or leave blank	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes	Tick/or leave blank	Screening Determination required

Inspector: _____ Date: _____