



An
Bord
Pleanála

Inspector's Report

ABP-321698-25

Development

Retention planning permission for alterations to previously approved planning application (ref: F20A/0374), alterations to front and side elevations, along with driveway entrance.

Location

Ard na Gréine, 2 Seapoint Lane,
Balbriggan, Co. Dublin, K32 KR67

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F24A/0970E

Applicant(s)

Eugene Carr

Type of Application

Retention Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party v Refusal

Appellant(s)

Eugene Carr

Observer(s)

None

Date of Site Inspection

8th April 2025

Inspector

Gerard Kellett

1.0 Site Location and Description

- 1.1. The site is located at Ard Na Greine, 2 Seapoint Lane, Balbriggan, Co. Dublin, K32KR67. It is situated on the eastern side of the Dublin-Belfast rail line and Seapoint Lane, which runs along the east of the rail line. The site accommodates a detached dwelling with a side and rear dormer and an extension to the rear. The property is oriented obliquely on the site, in a predominantly residential area characterised by a mix of house types. The site area is stated to be 0.056 hectares.

2.0 Proposed Development

- 2.1. Retention permission is sought for:
- a) Alterations to a previously approved planning application (ref: F20A/0374). The alterations include changes to the front and side elevations, along with modifications to the driveway entrance. These changes include:
 - i. The high-level horizontal window on the southern/ front elevation has been amended to a small rectangle window.
 - ii. The single pane high level portrait window on the eastern/side elevation of the dormer has been amended to 3 no. individual narrow windows of vertical emphasis, with the middle window lower and longer than the other windows. These windows serve a non-habitable room i.e. stairs and landing area.
 - iii. The side dormer has increased in height circa 310 mm. The overall width of the dormer along the eastern elevation has increased by circa 1 metre.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority refused permission on the 17th of December 2024 for the following reason:

- 1) The works seeking retention, namely the dormer extension, is considered to be dominant upon the roof slope of the dwelling, overbearing, and visually incongruous with the character of the area by reason of its bulk and scale. As such, to permit the development contravene materially Section 14.10.2.5 of the Fingal Development Plan 2023-2029 and would set an inappropriate precedent for other similar development. Therefore, the development by reason of visual prominence and overbearing appearance would seriously injure the amenities of the area and of property in the vicinity, would be contrary to the residential zoning objective of the site, and would, therefore, be contrary to the proper planning and sustainable development of the area.
- 2) Having regard to the lack of adequate information submitted with regards to the proposed surface water drainage arrangements, the development to be retained is considered unacceptable as it cannot be concluded how the surface water drainage arrangements would function. Therefore, the applicant has failed to demonstrate compliance with the provisions of the Fingal Development Plan 2023-2029 and the proposed development to be retained would be prejudicial to public health and, as such, would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planner's Report forms the basis for the decision to refuse permission. stating:

Design & Visual Impact

- The 3 no. individual windows on the eastern elevation of the dormer are considered to be visually incongruous with the surrounding area and have a negative visual amenity of the existing dwelling and the streetscape.
- The increase in height of the side dormer is considered to be visually dominant upon the side roof slop and is visually obtrusive by reason of the bulk and scale.

Surface Water Drainage

- The Water Services Section of FCC noted discrepancies between the permitted layout and the current layout. It is unclear whether the differences are material. Rainwater harvesting system has been omitted and soakaways have been introduced to the front drive.

Other

- Accuracy of drawings – The Planner Officer has stated that they found it challenging to assess the full extent of the proposed alterations seeking retention as the changes have not been fully detailed or clearly highlighted.
- The Planner notes that a perimeter block wall was permitted under the original F20A/0347 and that it has now changed to a 1.8 metre timber fence.

3.2.2. Other Technical Reports

- Water Services – Requested further information to clarify the changes to the permitted layout and the current layout regarding surface water drainage.
- Transport Planning – No objection

3.3. Prescribed Bodies

- Uisce Eireann – No objection

3.4. Third Party Observations

Two number third-party submissions were made on the application making the following points:

- Dormer Window: The window in the dormer structure along the east elevation has been built differently than permitted under F20A/0374. The constructed window is not in keeping with the amenity of the area and dominates this aspect of the building and the street.

- **Dormer Structure:** The dormer structure along the east elevation has been built wider than originally approved under F20A/0374.
- **Lack of Clarity:** Difficult to assess the changes requesting retention within the application as they have not been differentiated or highlighted in the drawings or elevations.

4.0 Planning History

Site

- 4.1. **PA REF: F20A/0374:** Refers to a grant of permission on the 18th September 2020 for alterations previously approved Reg Ref: F20A/0120 to include; New metal-clad dormer to the side. Additional solar panels to the front and extension of the previously approved dormer to the rear. Change of the front bay window to a corner window. Alterations to the driveway/pedestrian entrances and boundary, including setting back 2 meters and extending to 1.8 meters for security. All ancillary works.
- 4.2. **PA REF: F20A/0120:** Refers to a grant of permission on the 30th June 2020 for the following: (i) Erection of a Micro Vert axis wind turbine; (ii) New solar panels and new Velux's to front roof; (iii) Garage conversion with new front door, lobby and utility; (iv) Reconfigure bay windows to front with change from render to stone & metal clad (v) Construction of new single storey extension to front between bay windows (vi) New dormer to rear to replace existing; (vii) New widened vehicular access with new pedestrian entrance and new single storey workshop extension to rear, all with ancillary works.
- 4.3. **Active Enforcement Case:** Ref. No. 22/070A.

To the immediate northeast

- 4.4. **ABP – 319178 – 24:** Refers to third party appeal against a grant of permission by FCC for a construction and alterations to existing bungalow to form two storey dormer bungalow with raised pitched roof incorporating two storey gable elevation. Appeal dismissed by the Board.

5.0 Policy Context

5.1. Development Plan

Fingal County Development Plan 2023 – 2029

The Fingal County Development Plan 2023 – 2029 is the relevant Development Plan for the subject site.

The subject site is zoned “RS – Residential” which has zoning objective, *“to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity”*.

3.5.13.1 Residential Extensions

Policy SPQHP41 – Supports extensions of appropriate scale, subject to the protection of residential and visual amenities.

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.

Chapter 14 Development Standards

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.

5.2. Natural Heritage Designations

The subject site is located to the northwest of Skerries Island SPA (004122) and to the north of Rogerstown Estuary SPA (004015) and SAC (000208).

6.0 Environmental Impact Assessment Screening

- 6.1. Having regard to the nature and scale of the development, it is not considered that it falls within the classes listed in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended), and as such preliminary examination or an Environmental Impact Assessment is not required. See Appendix 1.

7.0 The Appeal

7.1. Grounds of Appeal

A first party appeal has been lodged against the Planning Authority's decision to refuse permission. The grounds of appeal can be broadly summarised as follows:

- Design
 - The side dormer extension, while altered from the original approval, is argued to be an attractive and contemporary addition that enhances the architectural quality of the area.
 - The cladding and window treatment are described as visually appealing and have been complimented by locals and passers-by.
 - A significant two storey extension to the neighbouring property has been approved (ABP-319187-24), and it is argued that the two developments will complement each other.
 - The appeal emphasises the importance of design evolution, sustainability, and honest architecture, arguing that contemporary extensions should be distinguishable from original structures while maintaining appropriate scale and materials.
- Surface Water Drainage
 - The appeal clarifies that the application does not include any request for retention of surface water drainage arrangements. It maintains that the applicant remains subject to the conditions of the previous planning application (F20A/0374) which require compliance with surface water drainage standards.
- Other Matters
 - Overlooking Concerns – The amended windows overlook the neighbouring front garden to the northeast, which is already visible to the public, and therefore do not create additional adverse impacts

7.2. Planning Authority Response

Response received dated 13th February 2025 requesting the Board to uphold the decision of the Planning Authority. If the appeal is successful, provisions for financial contributions, bond/cash security of 2 or more units, tree bond, and contributions for play provision facilities should be included in conditions for approval.

7.3. Observations

None received

8.0 Assessment

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, 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 & Visual Amenity
- Residential Amenity
- Surface Water Drainage
- Other matters

8.1. Principle of Development

- 8.1.1. The site is zoned 'RS Residential' with an objective to *"Provide for residential development and protect and improve residential amenity"*. Extensions are permitted within this zoning objective, and as such the proposed development is acceptable in principle.

8.2. Design & Visual Amenity

- 8.2.1. The Planning Authority as the first reason for refusal determined the development to be retained namely the first-floor side dormer by reason of its bulk and scale is considered to be dominant and visually incongruous with the character of the area and considered to be overbearing to the neighbouring residential amenities. The grounds of appeal maintain the side dormer extension, while altered from the original approval, is argued to be an attractive and contemporary addition that enhances the architectural quality of the area. It is maintained the zinc cladding and window treatment are described as visually appealing. Reference is made to a significant two storey extension to the neighbouring property which has been approved (ABP-319187-24), and it is argued that the two developments will complement each other.
- 8.2.2. I note the prevailing character of the area around Seapoint Lane, is residential with a mix of architectural styles and building forms. The area includes detached and semi-detached dwellings, with variations in height and design. On the appeal site side of Seapoint Lane, there are bungalows and dormer bungalows with staggered building lines and differing ridge heights. On the opposite side of the road, there are two-story dwellings with pitched roofs, including staggered setbacks and projecting bay features. The area exhibits a degree of variance in architectural styles and characteristics, contributing to a diverse streetscape.
- 8.2.3. In this context, I have had regard to the relevant provisions of the Fingal Development Plan 2023–2029, in particular policy SPQHP41 which supports extensions of appropriate scale, subject to the protection of visual amenities and objective SPQHO45 which encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area. Furthermore section 14.10.2.5 – Roof Alterations including Attic Conversions and Dormer Extensions. This section states that dormer extensions shall be assessed having regard to the impact of the structure on the form and character of the existing dwelling. The design, dimensions, and bulk of the dormer relative to the overall extent of the roof, along with the size of the dwelling and rear garden, will be the overriding

considerations. Additionally, the visual impact of the structure when viewed from adjoining streets and public areas will also be a key factor.

8.2.4. The subject site comprises a hipped-roof dwelling and the development for retention relates to a flat-roofed, boxed dormer extension to the side roof slope, designed to provide additional accommodation at attic level. I note that a similar flat-roofed dormer 6.2 metres in height was granted under a previous planning permission however the applicant had not built in accordance. This in my view establishes a precedent by the PA and context for the form and scale of dormer development on the site. The current dormer seeking retention, while modestly larger increasing the built form southwards at roof level (circa 310 mm), with the overall height of the dormer maintained at 6.2 metres, is in my view considered on balance to be within the parameters of what was previously deemed acceptable by the Planning Authority. Furthermore, having regard to location to the side elevation which has limited visibility from the public road, the built character of varying architectural styles and characteristics, contributing to a diverse streetscape, the absence of adverse residential amenity impacts, and the precedent established under the earlier permission, I consider that the development to be retained is acceptable and does not introduce any overbearing or impact on the visual amenity of the surrounding area in accordance with policy SPQHP41, objective SPQHO45 and section 14.10.2.5 (Roof Alterations including Attic Conversions and Dormer Extensions) of the plan.

8.2.5. Having regard to the foregoing, I consider the development to be retained is in accordance with policy SPQHP41 which supports extensions of appropriate scale, subject to the protection of residential and visual amenities, objective SPQHO45 which encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area and section 14.10.2.5 (Roof Alterations including Attic Conversions and Dormer Extensions) of the plan. Therefore, it is recommended that retention permission be granted.

8.3. Residential Amenity

- 8.3.1. In terms of residential amenity, policy SPQHP41 supports extensions of appropriate scale, subject to the protection of residential and objective SPQHO45 which encourage sensitively designed extensions to existing dwellings which do not negatively impact on adjoining properties. Furthermore section 14.10.2.5 (Roof Alterations including Attic Conversions and Dormer Extensions of the plan states that dormer extensions shall be assessed having regard to the impact of adjacent properties.
- 8.3.2. In that context, the 3 no. side windows within the dormer faces towards the front garden area of the neighbouring property to the northeast. This arrangement in my opinion is not considered to give rise to undue overlooking or loss of privacy, given the nature and positioning of no directly opposing first floor windows in relation to the adjoining dwelling. I consider this relationship does not introduce any new level of unacceptable overlooking. Additionally, these windows serve a non-habitable room i.e. stairs and landing area. Furthermore, the footprint of the development has not changed from the that of previously permitted by the PA. The footprint of the first-floor dormer has not extended any closer to the neighbouring properties boundaries to the northeast as previously permitted. The separation distance of 2.5 metres is maintained from that previously permitted.
- 8.3.3. Having regard to foregoing, it is my view the retention of the dormer as built would not cause any undue impact to residential amenities as a result, and would be in accordance with policy SPQHP41, objective SPQHO45 and section 14.10.2.5 (Roof Alterations including Attic Conversions and Dormer Extensions) of the plan.

8.4. Surface Water Drainage

- 8.4.1. Surface Water Drainage the second reason for refusal by the Planning Authority. The Planning Authority stated the applicant failed to demonstrate that the existing surface water drainage for the site. I note the Water Services report from FCC requested further information regarding surface water drainage details. The grounds of the

appeal state the surface water drainage for the entire development has been installed as per the previous permission F20A/0374.

- 8.4.2. Having reviewed the site layout plan illustrates surface water drainage discharging to an on-site soakaway to the front drive. Furthermore, on inspection of the site, I note the front driveway had a permeable gravel surface. Given this, I am satisfied that surface water management measures, such as soakaways, could likely be implemented on-site to ensure that all surface water generated within the site is collected and disposed of within the site and that no surface water discharges are onto the public road or adjoining properties. Therefore, I am satisfied that details of surface water drainage regarding the subject development could be reasonably considered through agreement with the Planning Authority by way of appropriate condition(s) if the Board was minded to grant permission.

9.0 Appropriate Assessment Screening

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

10.0 Recommendation

- 10.1. I recommend that RETENTION PERMISSION should be GRANTED for the reasons and considerations as set out below.

11.0 Reasons and Considerations

- 11.1. Having regard to the nature, scale, location and design of the development to be retained, it is considered that, subject to compliance with the conditions set out below, the development to be retained would comply with the zoning objective for the site, as set out in the Fingal Development Plan 2023 – 2029 in particular policy SPQHP41

(Residential Extensions), objective SPQH045 (Domestic Extension) and section 14.10.2.5 (Roof Alterations including Attic Conversions and Dormer Extensions) of the plan, would not seriously injure the visual or residential amenity of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be retained 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 and the development shall be retained in accordance with the agreed particulars.

Reason: **In the interest of clarity.**

2. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Within 3 months from the final grant of retention permission, the applicant/developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: **In the interest of public health.**

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.**

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.

Gerard Kellett
Planning Inspector
17th April 2025

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321698-25		
Proposed Development Summary	Retention planning permission for alterations to previously approved planning application (ref: F20A/0374), alterations to front and side elevations, along with driveway entrance.		
Development Address	Ard na Gréine, 2 Seapoint Lane, Balbriggan, Co. Dublin, K32 KR67		
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	√
		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	√	Alteration/extension to the existing dwelling is not specified as a Class of Development as per the regulations	No further action required.
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	√		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			
No	√	Screening determination remains as above (Q1 to Q4)	
Yes			

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 designated Natura 2000 site. The closest European Sites are as follows:

- Skerries Island SPA (004122) to the northwest.
- Rogerstown Estuary SPA (004015) and SAC (000208) to the north.

Having considered the nature 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 nature of the development.
- The separation distance between the subject site and the European and the absence of a direct hydrological connection between the sites.

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.