

An
Coimisiún
Pleanála

Inspector's Report

ABP-322609-25

Development	Attic conversion for storage, featuring a rear dormer, two front-facing Velux windows, a rear Velux window, and a new gable window on the side.
Location	13 Luttrellpark Court, Sheepmoor, Dublin 15, D15 XR2P
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW25A/0111E
Applicant(s)	George Venkov
Type of Application	Removal of Condition
Planning Authority Decision	Grant Permission
Type of Appeal	First Party
Appellant(s)	George Venkov
Observer(s)	None
Date of Site Inspection	8 th July 2025
Inspector	A Smyth

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Appendix 1 –EIA Screening

1.0 Site Location and Description

- 1.1. The appeal site in Luttrellpark Court, Coolmine, is a cul-de-sac of 10 semi-detached dwellings positioned only to the south side of the public road serving the development. The north boundary of the cul-de-sac is defined by a hedge of approximately 4 metres in height, interspersed with a few deciduous trees. A further residential development, Riverwood Hall lies beyond the north boundary.
- 1.2. Dwellings in Luttrellpark Court are constructed to the same design and material finishes. The appeal dwelling is two storeys with a half-hipped roof finished with terracotta-coloured concrete tiles. To its front elevation the dwelling is finished with red brick at ground floor and a smooth render above at first floor level. A mono pitched roof extends across the width of the dwelling above the front door and a projecting living room bay window. The gable, east side and rear elevation, south side of the dwelling are finished in rough cast render. A single storey mono pitched return extends across approximately half of the rear elevation. There is an area of rear amenity space defined by block boundary walls.
- 1.3. The rear garden faces south and abuts similar rear gardens of semi-detached dwellings in Luttrellpark Lawn. These are also two storey and of a similar design to the appeal site, particularly in terms of their half-hipped roofs. In the general locality some of the dwellings have been extended with larger single storey extensions to their rear. A number of dwellings in the area were observed to have low profile, velux type roof lights to their rear roof planes. A dormer extension is evident on the rear roof plane of No. 7 Luttrellpark Court to the east of the appeal site.

2.0 Proposed Development

- 2.1. The development seeks planning permission for the modification of a semi-detached dwelling by conversion of the attic space for storage purposes. The development includes the following works.
 - Provision of access stairs from the 1st floor landing to the attic. The new stairwell to be accommodated within the confines of the original roof structure, without external alterations to the half hip roof of the dwelling.
 - Provision of approximately 15 square metres of storage space.

- Provision of a 3-metre-wide dormer into the rear roof pitch, in conjunction with a low profile, velux type window situated between the proposed dormer and the adjacent property (No. 15 Luttrellpark Court).
- Provision of 2 velux type windows on the front pitch of the roof.
- Provision of a window to upper gable wall of dwelling to provide light to new attic stairwell.

3.0 Planning Authority Decision

3.1. Decision

On the 13th May 2025 the decision of the Planning Authority (PA) was to grant permission for proposed development, subject to nine conditions. Condition Two, the subject of this appeal, sets out the following requirement.

The developer shall amend the design of the proposed development to accord with the following:

- (a) *The maximum width of the dormer shall be 2.5m externally.*
- (b) *The dormer structure shall be set down a minimum 300mm from the existing ridge of the principle dwelling.*

REASON: In the interest of the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. The Planning Officer's report of 7th May 2025 contains the following considerations in relation to the development.

- The Fingal Development Plan 2023-2029 indicates that the development is within a 'RS' Residential zoning and, being associated with an existing dwelling, it is generally considered acceptable and compatible with the overall policies and objectives for the zone. It would not have undesirable effects and would otherwise be consistent with the proper planning and sustainable development of the area.

- With regard to the Development Plan, Section 14.10.2.5 – Roof Alterations including Attic Conversions and Dormer Extensions, the development is acceptable in principle.
- The rear dormer has a width of circa 3.0 metres and the height is stepped down from the principle ridge height. Without an annotated step-down height it is recommended this should be a minimum of 0.3 metres below the ridge. This can be done via condition.
- The rear dormer is visibly large on the main roof plane. To appear as a subordinate addition to the main dwelling it is recommended the dormer not exceed half the width of the existing dwelling. Therefore, the proposed dormer should not exceed circa 2.5 metres in width. This change will be reflected in conditions.
- The fenestration within the proposed dormer is in keeping with the existing dwelling and therefore relates well to the main dwelling.
- Whilst the dormer is not located centrally within the roof plane, it does appear in keeping with the main dwelling, due to the half-hipped roof profile of the main dwelling. With the suggested reduction in width to 2.5 metres, the dormer will be in keeping with the main dwelling and will not impact unduly on the visual amenity of the area.

3.2.2. Other Technical Reports

Fingal County Council's Water Services Department in its report of the 25th April 2025 stated the following.

Water Surface: No objection subject to

- No surface water / rainwater is to discharge into the foul water system under any circumstances.
- The surface water drainage must be in compliance with the "Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0, FCC, April 2006.

Flooding: No objection

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Planning History

- FW24A/0084 – Permission granted on 15th April 2024 at 7 Luttrellpark Court, Sheepmoor, Dublin 15, D15 Y56R for conversion of existing attic space comprising of modification of existing roof structure new gable window, new access stairs, 2 No. roof windows to the front and a flat roof dormer to the rear.

5.0 Policy Context

5.1. Development Plan

Within the Fingal Development Plan 2023-2029 the following strategies and policies are applicable.

Chapter 13 Land Use Zoning

The appeal site is within a RS Residential zoning, the objective of which is to provide for residential development and protect and improve residential amenity. The vision for the RS zoning is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.

Chapter 14 Development Management Standards

Section 14.10.2.5 Roof Alterations including Attic Conversions and Dormer Extensions – Roof alterations/expansions to main roof profiles 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 the 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 the 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. Relevant National or Regional Policy / Ministerial Guidelines (where relevant)

None

5.3. Natural Heritage Designations

Proposed Natural Heritage Areas (pNHA): Royal Canal lies approximately 100 metres due north of the appeal site.

6.0 EIA Screening

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.

7.0 The Appeal

7.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- Objection to Condition 2 of the granted permission, that being inconsistent with the PA's own recent decision in granting permission to a neighbouring property (Ref: FW24A/0084).
- That the other property is identical in scale and design, is on the same street and in close proximity to the applicant's home.
- There is a prevalence of rear dormers exceeding 3 metres in width throughout Luttrellpark and the wider Sheepmoor area and that these form part of the established residential character.
- The applicant's proposed dormer is modest in scale, relative to what exists locally and poses no adverse impact on residential or visual amenity.

7.2. Planning Authority Response

The PA, in its submission letter to the Commission of the 16th June 2025, provided the following response.

- Having reviewed the appeal submission, the Planning Authority concur with the original decision and conditions attached.
- In visual terms the imposition of this condition will maintain the visual amenity and integrity of the building.

7.3. Observations

None

8.0 Assessment

This is a first party appeal against Condition No.2 of the grant of permission under Reg. Ref. No. FW25A/0111E. Under Section 139 of the Planning and Development Act, 2000 (as amended), the Board has the discretion to consider this condition in isolation from the remainder of the application. I consider, having regard to the nature of Condition No.2, that the determination by the Board of the application as if

it had been made to it in the first instance would not be warranted, and the appeal should be determined under the provisions of Section 139. I am satisfied that all other aspects of the proposed development are otherwise in accordance with the proper planning and sustainable development of the area.

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report of the local authority, and having inspected the site, and having regard to the relevant local policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Scale, relative to the host dwelling
- Visual Amenity
- Other Matters

8.1. Principle of Development

The appeal site is located within a RS Residential Zoning as defined by the Fingal County Development Plan (CDP) 2023-2029, the vision of which is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.

I note from the PA's report that it considers this development to be permitted in principle in a RS zoning.

Scale

In its assessment of the dormer element of the overall proposed development the PA has made its consideration against Chapter 14 – Development Management Standards, Section 14.10.2.5 – Roof Alterations including Attic Conversions, of the CDP. The PA determined the proposed 3 metre width of the dormer to be 'visibly large' and that to appear as a subordinate addition a reduction to 2.5 metres would be more in keeping with the host dwelling. Further, the PA considers the dormer is not centrally placed but would be in keeping with the dwelling, particularly with the reduction in its width, given the dwelling's half-hipped roof profile.

Section 14.10.2.5 contains a list of criteria to which alterations to main roof profiles of dwellings will be considered including the character and size of the proposed

development and its harmony with the rest of the structure. In this regard the policy states '*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.*'

From the applicant's elevation drawing I measure the overall extent of the roof as 5.6 metres and that the dormer's proposed 3 metre width is more in keeping with that overall extent. It is my opinion that to reduce the dormer width to 2.5 metres, less than half the overall extent of the roof including that part of the roof plane below its half-hip, would create a visual imbalance not in harmony with the rest of the dwelling's structure. I consider the PA's approach in seeking a width reduction does not properly account for the overriding considerations to be applied under Section 14.10.2.5, that being the design, dimensions, and bulk of the dormer relative to the overall extent of roof as well as the size of the dwelling.

The PA refers to a relevant planning history for a similar development in the vicinity of the site, PA reference FW24A/0084. However, no consideration, nor material weight has been given to the circumstances of the permission granted under that reference when determining this appealed site.

The granted permission referred to is at No. 7 Luttrellpark Court, three dwellings to the east of the appeal site which, amongst other elements of development, included the provision of a rear dormer. That dormer was originally proposed to have an external width of 3.8 metres however, granting that permission the PA imposed the following condition (Condition No. 2):

The proposed dormer shall be amended as follows:

- a. The dormer structure in the rear plane shall have a width of 3.0 metres maximum.*
- b. The dormer shall be centrally located between boundary with the adjoining dwelling and the subject dwelling's gable end.*

REASON in the interest of residential and visual amenity.

Having viewed the appeal site in context with the surrounding areas of Luttrellpark Court, Luttrellpark Grove to the east and Luttrellpark Lawn to the south, I note that works granted to No. 7 have been implemented, the dormer is evident and from my observations I consider that it accords with its Condition 2.

I fail to understand the PA's approach and I agree with the applicant to this appeal that an inconsistency of approach has occurred, as reflected by the variances applied in the 2nd condition of each of these two granted permissions. I am of the opinion that the conditioned restriction in the width of the proposed development would be unwarranted given the PA's consideration of Section 14.10.2.5 and planning judgement it applied to the development at No. 7, determining that a dormer width of 3 metres to be appropriate in this area.

Notwithstanding the inconsistent approach to two granted permissions so close together, I have further considered permissions involving dormer extensions, particularly those granted at appeal in the wider Luttrellpark area. Whilst those other permissions may not stand on all fours with this appeal case, in terms of design or the overall extent of alterations, they do establish that there are no standard dormer widths and that in none of these other cases can I find a width restriction to such an extent as specified by Condition 2 of this appeal case. In this regard I refer to the following decisions granted by the Commission.

Commission Ref: **ABP-304809-19**. Approximately 300 metres southwest of the appeal site at No. 17 Riverwood Glen, Castleknock. Granted permission provided for a rear dormer of 3.7 metres wide.

Commission Ref: **ABP-302723-18**. Approximately 400 metres southwest of the appeal site at No. 31 Riverwood Glen, Castleknock. Removal of Condition 2, restricting the width of the dormer to 3.3 metres, was allowed at appeal and the dormer width reverted to 4 metres as shown on submitted plans.

Commission Ref: **ABP-310066-21**. Approximately 600 metres east of the appeal site at No. 2 Sycamore View, Castleknock. Variation of Condition 2, including restriction on the width of the dormer to 3 metres, was allowed at appeal and the dormer width reverted to 3.6 metres as proposed.

Visual Amenity

In its submission to this appeal of the 16th June 2025 the PA stated: *'In visual terms the imposition of this condition will maintain the visual amenity and integrity of the building.'*

The CDP refers to consideration of visual amenity in terms of the impact on an area from proposed developments. I note within Section 14.10.2.5 of the CDP that criteria

for assessing the impact of an alteration to a roof of a dwelling includes its position on the streetscape and proximity to adjacent structures, and the presence of existing roof variations on the streetscape. Further the policy indicates that the visual impact of the structure will be considered when viewed from adjoining streets and public areas.

The PA's planning report has already considered that the roof dormer, albeit in conjunction with the suggested reduction in its width, will not unduly impact on the visual amenity of the area. The same consideration applied to the development at No. 7 when it was deemed that whilst there were no examples of similar structures in the area, the principle of such is widely accepted in the greater Blanchardstown/ Castleknock area.

Having had regard to Section 14.10.2.5 on assessment of visual amenity in an area, the considerations made in the planning reports for both applications and my observation of the dormer now constructed to No. 7, I am of the opinion this is now an established form of development in the area. From adjoining streets and public areas, I consider the proposed development will not offend visual amenity in the streetscape, particularly when viewed in combination with the dormer at No. 7. In view of this I also consider that the proposed development accords with the vision of the area's RS zoning, that being to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.

Other Matters

Although not directly raised in the applicant's submission, Part (b) of Condition 2 requires that *'the dormer structure shall be set down a minimum 300mm from the existing ridge of the principle dwelling.'* Formulation of this part of the condition is derived from the PA's planning report where it states: *'Whilst the dimension of the step-down is not noted on the submitted drawings, it is recommended the dormer should be set down a minimum of 0.3m below the ridge line of the main dwelling. This can also be done via condition.'*

Section 14.10.2.5 states that *'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 elevation drawing that accompanied the planning application, whilst not annotated, shows the proposed dormer to be

positioned approximately 0.36 metres below the dwelling's ridge. I therefore consider the drawing sufficiently addresses the matter of step-down. Additionally, I note that the drawings accompanying the permission at No. 7 allowed for a minimal step down of approximately 0.1 metres, but this was not a specification conditioned on its decision notice.

I am therefore of the opinion that Part (b) of Condition 2 is not considered necessary to ensure proper implementation of the proposed development.

In its submission the PA sought, should the appeal be successful, that the following be provided by the applicant:

- a financial contribution and/or a provision for any shortfall in open space and/or any Special Development Contributions required in accordance with Fingal County Council's Section 48 Development Contribution Scheme.
- the inclusion of Bond/Cash Security for residential developments of 2 or more units.
- conditions should also be included where a tree bond or a contribution in respect of a shortfall of play provision facilities are required.

I consider there to be no justification in adding these additional requirements as the appeal in question is concerned solely with the requested removal of a condition from the decision notice.

Nevertheless, having considered Fingal County Council's Section 48 Development Contribution Scheme 2021-2025 document, I note under Section 11(i)(d) that Attic Conversions are a form of development that is exempt from development contributions.

Summary

The substantive issue in this appeal is the disparity between assessment of two very similar proposed developments and their subsequent conditional requirements. I am of the opinion that the applicant in this appeal case is correct in their assertion that an inconsistency has occurred. I consider that Parts (a) and (b) of Condition 2 are sufficiently addressed on the drawings submitted with the planning application and their inclusion by way of condition was not necessary.

9.0 AA Screening

- 9.1. I have considered the proposed alterations to an existing dwelling in light of the requirements of S177U of the Planning and Development Act 2000 as amended.
- 9.2. The subject site is located approximately 6 kilometres east of the Rye Water Valley/Carlton Special Area of Conservation (SAC).
- 9.3. The proposed development comprises of the conversion of attic space with provision of a dormer to the rear roof plane, 3 velux windows, 2 to the front and 1 to rear roof and a new gable window.
- 9.4. No nature conservation concerns were raised in the planning appeal.
- 9.5. 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:
- The small-scale nature of the proposed works.
 - The distance to the nearest European site and lack of connections.
 - The Appropriate Assessment contained within the PA's planning report.
- 9.6. 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.
- 9.7. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

- 10.1. The subject site is located approximately 100 metres due south of the Royal Canal.
- 10.2. The proposed development comprises of alterations to a dwelling to convert attic space with the provision of new roof light windows to front and rear, provision of a dormer to the rear roof and a new gable window.
- 10.3. I have assessed the proposal to convert the attic space and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order

to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 surface and/or groundwater water bodies either qualitatively or quantitatively.

10.4. The reason for this conclusion is as follows:

- The small-scale nature of the works to a dwelling with existing foul and surface water connections.
- The distance to the nearest water body, intervening land uses and a lack of hydrological connections.
- Fingal County Council's Water Services Department report of the 25th April 2025 raised no objection with regards to surface water disposal or flooding from the proposal.

10.5. Conclusion

10.6. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1. Given my assessment in Section 8 of this report, I consider that Condition 2 is not appropriate or necessary for the reasons set out in my assessment and I recommend to the Commission that **Condition 2 of the permission granted should be removed** for the following reasons and considerations.

12.0 Reasons and Considerations

Having regard to planning history of the area, the site's location and the scale of the proposed dormer relative to its surrounding residential area, it is considered to be a form of development that would not contravene the zoning objective for the area as

set out in the Fingal County Development Plan 2023-2029, and would not seriously injure the amenities of property in the vicinity. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

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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.



A Smyth
Planning Inspector


29 July 2025

Appendix 1 - Form 1 EIA Pre-Screening

Case Reference	ABP-322609-25
Proposed Development Summary	Attic conversion featuring a rear dormer, two front facing velux windows, a rear velux window and a new gable window.
Development Address	13 Luttrellpark Court, Sheepmoor, Dublin 15, D15 XR2P
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified	

<p>in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold</p>
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>State the Class and state the relevant threshold</p>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: 

Date: 29th July 2025