



An
Coimisiún
Pleanála

Inspector's Report

ABP-322947-25

Development	Change of use from attic to home office/storage, replace roof, flat roof dormer to rear roof, rooflight and associated site works.
Location	55 Boroimhe Hazel, Swords, Co.Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F25A/0340
Applicant(s)	Michael and Laura O Beirne
Type of Application	Permission
Planning Authority Decision	Grant Permission, with Conditions
Type of Appeal	First Party v Condition
Appellant(s)	Michael and Laura O Beirne
Observer(s)	None
Date of Site Inspection	28 th August 2025

Inspector

Paul Christy

Contents

1.0 Site Location and Description	5
2.0 Proposed Development	5
3.0 Planning Authority Decision	5
3.1 Decision:	5
3.2 Planning Authority Reports.....	6
3.3 Prescribed Bodies	7
3.4 Third Party Observations.....	7
4.0 Planning History.....	7
5.0 Policy Context.....	9
5.1 Development Plan: Fingal Development Plan, 2023-2029.....	9
5.2 Natural Heritage Designations	10
5.3 EIA Screening	10
5.4 Water Framework Directive Screening.....	10
6.0 The Appeal	11
6.1 Grounds of Appeal	11
6.2 Planning Authority Response	12
6.3 Observations	12
7.0 Assessment	12
7.1 Overview	12
7.2 Scale of the Proposed Dormer Window Relative to the Existing Dwelling ..	13
7.3 Potential Impacts on Adjacent Residential Properties	14
7.4 Development Contributions	15

8.0 AA Screening.....	15
9.0 Recommendation.....	16
10.0 Reasons and Considerations	16

Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The subject site is located in a large suburban residential area in the south-west of Swords, Co. Dublin. This wider area is comprised of numerous sub-areas. The sub-area of the subject site is characterised by a typical suburban layout largely comprised of two-storey terraced dwellings and three-storey duplex units.
- 1.2. The subject property is a two-storey dwelling at the end of a terrace of four, with a small area of garden to the front and a standard, rectangular-shape garden to the rear.

2.0 Proposed Development

- 2.1. The full extent of the proposed development is comprised of the following elements:
 - Change of use of existing attic to home office/storage use;
 - Replacement of the existing hipped roof with side gable with opaque window to the side;
 - Provision of flat roofed dormer to the rear roof; and
 - Provision of rooflight to the front roof, and all associated and ancillary site works.

3.0 Planning Authority Decision

3.1 Decision:

- 3.1.1. Grant with conditions (June, 2025). A total of nine conditions were imposed. The conditions were relatively standard in nature, with the exception of Condition 3, which Condition is the subject of this Appeal. This Condition requires revisions to the design of the proposed flat roofed dormer to the rear roof and reads as follows:

'Prior to the commencement of development, the developer shall submit revised plans and elevations for the written agreement of the Planning Authority demonstrating the following amendments: a) The width of the dormer shall be no

more than 3 metres. b) The rear dormer window shall (sic) no greater than 1.5 metres in width. REASON: In the interest of clarity and in the interest of the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. [Planning Report]: One report on file attached to the Chief Executive's Order. The Planning Officer's key comments in respect of the issues addressed in Condition 3 are contained in a section headed '*Impact on the Residential and Visual Amenity of the Area*' (p.5 of Report). These may be summarised as follows:

- Notes the dimensions of '*the proposed rear dormer window*' (3.9m wide)¹ and that it: '*rises to meet the existing ridge height of the dwelling*'. Notes the width of '*the proposed rear dormer window*' as being 2.1m². The Officer then considers that: '*there are no impacts regarding overlooking and visual intrusiveness as this window overlooks the applicants own rear garden.*'; and that: '*Adequate separation distance is provided to the nearest dwelling to the rear of the subject site*'³.
- The Officer then refers to previously permitted rear dormers in this area and states: '*However, in line with previously permitted rear dormers within the Borimhe development, the maximum width of the dormer shall not exceed 3m in width.*' ... (and that) '*the width of the rear window shall be no greater than 1.5m.*'
- The concluding paragraph in this section of the Report contains further general conclusions, including: that: '*The principle of attic conversions is supported by the Planning Authority via policies in the Development Plan*'. Furthermore, the proposed development: '*aligns with and maintains the character of the residential setting, and therefore is considered acceptable*'.

¹ It is assumed that this is a reference to the width of the entire dormer structure.

² It is assumed that this is a reference to the width of the window within the dormer structure.

³ There are no dwellings to the rear of the property. The lands are vacant.

Finally, the development: *'would have no impact on the visual or residential amenity'*.

3.2.2. With regards to Appropriate Assessment, the Officer concludes that: *'there is no likelihood of significant effects on any European sites'*.

3.2.3. [Other Technical Reports]: The Authority's Water Services Department submitted a standard report. The report advised of no objection in terms of flood risk and surface water drainage and standard conditions in relation to surface water drainage.

3.3. Prescribed Bodies

3.3.1. [Dublin Airport Authority]: Advises that it has *'no comment to make other than to recommend consultation with the IAA and AirNav Ireland'*.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

4.1. Subject site: No previous history.

4.2. Wider vicinity of site:

- **P.A. Ref. F25A/0278:** Attic conversion, including rear dormer window. 2025 Grant. During processing of application, the Authority issued a Further Information Request seeking a reduction in the dimensions of the dormer window. The application was granted on the basis of the revised, reduced window dimensions ie. 3m wide with window width of 1.5m.
- **P.A. Ref. F20B/0346:** Conversion of attic space, including rear dormer window. 2021 Grant. Condition 2 required a reduction in the dimensions of the rear dormer to a maximum 3m in width, with the glazed area not to exceed 1.5m in width and 1m in height.
- **P.A. Ref. F21B/0220:** Conversion of attic space, including rear dormer

window. 2021 Grant. Condition 2 required a reduction in the dimensions of the rear dormer to a maximum 3m in width, with the glazed area not to exceed 1.5m in width and 1m in height.

- **P.A. Ref. F21A/0629:** Conversion of attic space, including rear dormer window. 2022 Grant. Condition 4b) required a reduction in the dimensions of the rear dormer to a maximum 3m in width.
- **P.A. Ref. F22A/0492:** Conversion of attic space, including rear dormer window. 2022 Grant. Condition 2c) required a reduction in the dimensions of the rear dormer to a maximum 2.5m in width.
- **P.A. Ref. F24A/0730E:** Conversion of attic space, including rear dormer window. 2024 Grant. Condition 3b) required a reduction in the dimensions of the rear dormer to a maximum 3m in width, and Condition 3c) required that the window shall be no greater than 1.5m in width.
- **P.A. Ref. F20B/0122:** Conversion of attic space, including rear dormer window. 2020 Grant. Submitted, and approved, dormer window was 3m wide, while the window was 1.1m high.
- **P.A. Ref. F23B/0056:** Conversion of attic space, including rear dormer window. 2023 Grant. Condition 2 required a reduction in the dimensions of the rear dormer to a maximum 3m in width.

4.3. The above-noted cases illustrate the consistent approach of the Local Authority in dealing with rear dormer windows in this area. This approach is generally to allow a maximum width of 3m for the dormer structure, and maximum width of 1.5m for the window contained therein.

4.4. Wider Authority Area:

- **P.A. Ref FW20B/0070, ACP Ref. 308013:** Conversion of attic space, including rear dormer window. 2020 Grant.
- **P.A. Ref FW20A/0090, ACP Ref. 308014:** Part 2 storey extension, including rear dormer window. 2020 Grant.

- **P.A. Ref FW25A/0028, ACP Ref. 322288:** Rear dormer window extension. 2025 Grant.

4.5. Of note is that in all three cases, whilst acknowledging that other issues must also be considered, the Commission granted permission for rear dormer windows c4m in width.

5.0 Policy Context

5.1. Development Plan: Fingal Development Plan, 2023-2029

5.1.1. Chapter 14: 'Development Management Standards': In Section 14.1: Introduction' it is stated that: *'Proposals must comply with the standards and criteria that apply to particular development types, be consistent with the objectives set out in the preceding chapters and be compliant with relevant legislative guidance.'* In this context, several provisions contained in Section 14.6, 'Design Criteria for Residential Development in Fingal' are relevant to the subject proposal:

- Section 14.6.6.4: 'Overlooking and Overbearance' contains general guidance on the assessment of levels of overbearance and potential to cause significant levels of overlooking to neighbouring properties.
- Section 14.10.2.5: 'Roof Alterations Including Attic Conversions and Dormer Extensions' provides specific guidance in relation to dormer windows. This includes:
 - ~ they will be evaluated against the impact on the form and character of the existing dwelling and the privacy of adjacent properties;
 - ~ the design, dimensions, and bulk relative to the overall extent of roof as well as the size of the dwelling and rear garden will be overriding considerations, together with the visual impact when viewed from adjoining streets and public areas;
 - ~ dormers 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;

- ~ materials/finishes should match those of the existing roof;
- ~ the level and type of glazing 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. Natural Heritage Designations

- 5.2.1. The site is located 2.9km to the south-west of: Malahide Estuary Special Protection Area (Site Code 004025); Malahide Special Area of Conservation (Site Code 000205); and Malahide Estuary Proposed Natural Heritage Area (Site Code 000205). The site is also located 2.07km to the north-west of the Feltrim Hill Proposed Natural Heritage Area.

5.3. EIA Screening

- 5.3.1. 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). 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.

5.4. Water Framework Directive Screening

- 5.4.1. The subject site is located: 4.9km to the north of the *Sluice_010* river waterbody; 0.9km to the west of the *Gaybrook_010* river waterbody; and within the catchment of the Dublin groundwater body described in catchments.ie as 'Poorly productive bedrock'.

- 5.4.2. The proposed development comprises minor alterations to an existing terrace dwelling within a large suburban residential area in the south-west of the large town of Swords, Co. Dublin.
- 5.4.3. No water deterioration concerns were raised in the planning appeal.
- 5.4.4. I have assessed the development 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.
- 5.4.5. The reasons for this conclusion are as follows:
- Nature of works - small scale alterations to an established terrace dwelling within a large suburban residential estate; and
 - Location and proposed drainage arrangements - distance from nearest water bodies and lack of hydrological connections and the proposed connection to the existing public surface water drainage system serving the estate.
- 5.4.6. Conclusion: I conclude that on the basis of objective information, 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.

6.0 The Appeal

6.1 Grounds of Appeal

- 6.1.1. In the key section of the grounds of appeal, the Appellant begins by quoting the

following extract from the Planner's report: *'It is considered that there are no impacts regarding overlooking and visual intrusiveness as the window overlooks the applicants (sic) own back garden.'* The Appellant then quotes the contents of the subject Condition No. 3. and goes on to: *'contend that the ... condition does not take into consideration the unique location/orientation of the rear of number 55 Boroimhe Hazel. We note that the lands immediately behind the property are zoned GB Breen Belt and in part within an Airport Noise Zone A/B. It is therefore our contention that no residential properties will ever be built behind the property.'*

6.2. Planning Authority Response

- 6.2.1. In its response, the Authority advises that it wishes to reaffirm the reason⁴ for the subject Condition as stated in the Chief Executive's Order (please refer to para. 3.2.1, second bullet) and requests that the Commission upholds the decision of the Authority.

6.3. Observations

- 6.3.1. None.

7.0 Assessment

7.1. Overview

- 7.1.1. This is a first-party Section 139 (Planning and Development Act, 2000 [as amended]) appeal against a Condition. The Condition under appeal is Condition No. 3 attached to the Planning Authority's decision to grant permission. The precise wording of Condition No. 3 is set out at Section 3.1 of this Report.
- 7.1.2. Having regard to the nature of the Condition the subject of the Appeal, it is considered that the determination by the Board of the application, as if it had been

⁴ Notwithstanding the Authority's use of the word 'Reason' for the condition, the referenced quote is from the narrative in the Planner's report, as opposed to the formal reason given for the condition in the Chief Executive's Order, which reason was more generic in nature: *'In the interests of clarity and in the interests of the proper planning and sustainable development of the area'.*

made to it in the first instance, would not be warranted. Therefore, in my opinion, the Board may determine the matters raised in the appeal only, in accordance with Section 139 of the Planning and Development Act 2000 (as amended), and I intend to limit my consideration to the matters raised in relation to the terms of that condition.

7.1.3. Having examined the application details, and all other documentation on file including the submission received in relation to the appeal, the reports 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 assessed are as follows:

- the scale of the proposed dormer window relative to the existing dwelling; and
- the potential impacts of the proposed dormer on the amenities of adjacent residential properties.

7.2. Scale of the Proposed Dormer Window Relative to the Existing Dwelling

7.2.1. As referenced in Section 5.2.1 of this Report, the key policy consideration in the assessment of dormer window proposals in the Fingal County Council area is contained in Section 14.10.2.5, 'Roof Alterations Including Attic Conversions and Dormer Extensions' in Chapter 14: 'Development Management Standards' of the Development Plan. In general terms, this policy provides that dormer windows will be evaluated against the impact on the form and character of the existing dwelling and the privacy of adjacent properties.

7.2.2. Specifically with regard to impacts on the form and character of the existing dwelling, the policy affirms that the design, dimensions, and bulk relative to the overall extent of roof as well as the size of the dwelling and rear garden will be overriding considerations, together with the visual impact when viewed from adjoining streets and public areas.

7.2.3. The design of the dormer is a regular box dormer. In terms of dimensions, the dormer measures 4.2m wide x 4.5m deep x 2.1m in height. It would occupy c.48% of

the proposed rear roof slope⁵. The garden of the property measures c.61m² (9m x 6.8m).

- 7.2.4. The subject property is a regular, modest, modern end-of-terrace a-frame pitched roof dwelling with a modest rear projection. The incorporation of a dormer window on the rear roof slope of such a property is commonplace in suburban areas throughout the country. In my opinion, the incorporation of the proposed dormer does not give rise to any overriding concerns in terms of its design, dimensions and bulk relative to the overall extent of the roof, size of dwelling or rear garden. Furthermore, the dormer will not be visible from any adjoining street or public area. I note also that the design does provide for setback from: the eaves (c.0.5m); gable/party boundary (1.2m in each case), and is also set down from the existing ridge level, which detailed stipulations are also included in the aforementioned policy.
- 7.2.5. Section 14.10.2.5 contains additional detailed provisions in relation to materials and glazing. Materials/finishes should match those of the existing dwelling. The submitted plans do not include any details in relation to proposed materials/finishes. However, I note that the Local Authority's decision included a condition requiring that: '*External finishes shall harmonise in colour and texture with the existing dwelling on site*'. Therefore, nothing further arises for the Commission in relation to this aspect of the proposed dormer window.
- 7.2.6. In terms of glazing, the policy requirement is that the level and type of glazing '*should have regard*' to existing window treatments and fenestration. The existing windows in the rear elevation are typical of windows found in suburban dwellings, and are a mixture of both horizontal-emphasis and vertical-emphasis in design. The proposed horizontal emphasis window is compatible with the existing windows, in my opinion.

7.3. Potential Impacts on Adjacent Residential Properties

- 7.3.1. The aforementioned policy in Section 14.10.2.5 provides that regard should also be had to the extent of fenestration proposed at attic level relative to adjoining

⁵ Total proposed rear roof plane = c.42m²; Proposed dormer = c.20m²; 20/42 = 47.61%

residential units and to ensure the preservation of amenities; and that excessive overlooking of adjacent properties should be avoided.

- 7.3.2. The existing first floor rear elevation already contains two bedroom windows, one measuring c1.8m x 1.4m, the other 0.9m x 1.4m. The proposed window in the proposed dormer measures 2.1m x 1.3m and is therefore similar in dimensions to the larger of the two existing windows. Having regard to: the subject property and neighbouring properties both being part of a terrace of dwellings; to the existing first floor windows of the subject property and adjacent properties, and to the similarity in scale of the proposed window relative to the similarly-scaled existing first floor window, I am satisfied that the proposed shall not give rise to excessive overlooking of adjacent properties. I note that the Local Authority concluded similarly, which conclusion was referenced in the Appeal submission.

7.4. Development Contributions

- 7.4.1. Given that the appeal is made only in respect of a specific condition not referring to such matters, this is not a consideration for the Commission.

8.0 AA Screening

- 8.1 I have considered the proposed dormer window at 55 Boroimhe Hazel, Swords, Co. Dublin in light of the requirements of S.177U of the Planning and Development Act 2000 as amended. The subject site is located 2.9km to the south-west of: Malahide Estuary Special Protection Area (Site Code 004025); and Malahide Special Area of Conservation (Site Code 000205). 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 reasons for this conclusion are as follows:

- the nature of the works: small scale dormer extension to an existing dwelling with existing connections to public services;

- the distance of the site from the nearest European site and the absence of any connections between the two.

I conclude that on the basis of objective information, 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.

9.0 Recommendation

- 9.1. Having regard to the nature of the condition the subject of the appeal, the Commission is satisfied that the determination by the Commission of the relevant application as if it had been made to it in the first instance, would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of Section 139 of the Planning and Development Act, 2000 (As Amended) to REMOVE Condition No.3 and the reason therefore.

10.0 Reasons and Considerations

- 10.1. Having regard to the residential land use zoning for the site, to the pattern of development in the area, and the extent of remaining garden area, it is considered that the proposed dormer extension, by reason of its limited scale, nature and design, and its location with respect to adjoining properties, would not detract from the character of the dwelling and would not seriously injure the amenities of the area or of property in the vicinity by reason of overlooking or loss of privacy. The Planning Authority's Condition 3 requiring the amendment of the proposed rear dormer window is, therefore, not warranted.

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.



Paul Christy

Planning Inspector

10th September 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-322288-25		
Proposed Development Summary	1) Change of use of existing attic to home office/storage use; 2) To replace the existing hipped roof with side gable with opaque window to the side; 3) Flat roofed dormer to the rear roof; 4) Rooflight to the front roof and all associated and ancillary site works. (Nb. Only Item 3 is under consideration in this Appeal.)		
Development Address	55 Boroimhe Hazel, Swords, Co. Dublin		
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	✓		
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
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	n/a		
Yes	n/a		

Inspector:  Paul Christy

Date: 10th September 2025