



An  
Coimisiún  
Pleanála

# Inspector's Report

## PL-500511-DF-25

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<b>Development</b>	Conversion of attic with all associated site works
<b>Location</b>	47 Strand Road, Baldoyle, Dublin 13.
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F25A/0699
<b>Applicant(s)</b>	Una & Brian McElligott
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Una & Brian McElligott
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	15 <sup>th</sup> March 2026
<b>Inspector</b>	Jennifer McQuaid

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## 1.0 Site Location and Description

1.1. The subject site (0.0524ha) is a two storey, semi-detached dwelling located along Strand Road (R106), Baldoyle, Co. Dublin. The dwelling has been previously extended to the side and rear. The adjacent dwellings are two storey design and typically uniform. The site has views towards Baldoyle Bay.

## 2.0 Proposed Development

2.1. The proposed development consists of:

- Conversion of the existing attic storage to a bedroom, en-suite, office/store
- New dormer roof to front and back
- Alterations to hip roof to form a straight gable to the site,
- Alterations to the bay window at the first floor to the front
- Internal modifications
- All associated site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

Refused for the following reason:

The proposed development by virtue of the design and scale of the proposed dormer windows would fail to be in keeping with the character of the existing house and adjoining structures, would be injurious to the visual amenities of the area, materially contravene Policy SPQHP41, Objective SPQHO45 and section 14.10.2.5 of the Fingal County Development Plan 2023-2029 and set an inappropriate precedent for other similar development. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

3.2.1. Planning Reports

- The site is zoned “RS”. Residential development is permitted in principle subject to compliance with relevant development plan policies and objectives.
- No change to the overall ridge height, the roof profile is would be a departure from the established hipped roof character. It is noted there are variances in roof designs for properties located to the northwest along Strand Road and as such it is considered the proposal can be accommodated within the streetscape.
- The dormer window would be set down from the ridge and set above the eaves. The width has been measured as approximately 7m which would be significant in the context of the front elevation as it is considered to dominate the front roof slope. Nothing similar within the area.
- The rear dormer window is 5.6m in width and would be excessive when taking in conjunction with the front dormer adding to the bulk of the roof space.
- Further information requested in relation to the proposed dormer structures on the front and rear elevations which shall be reduced to a maximum width of 3.5m. In addition, the proposed front dormer shall be set down from the existing ridge height by a minimum of 0.3m. Any revised proposal should comply with Section 14.10.2.5 Roof Alterations including Attic Conversions and Dormer Extensions of the Fingal Development Plan 2023-2029.
- The site is located within a flood risk zone A and B, however due to the nature of the proposal which is minor and relates to an attic conversion is unlikely to raise significant flooding issues.

#### Planner Further Information Report

- The applicant submitted a report outlining references to different applications with similar works completed in particular planning application reference F95B/0018. However, regard must be had to the fact that the referenced application file F95B/0018 was subject to a previous development plan not the current CDP. The development as proposed is considered unacceptable having regard to the character of the area and would not be compliant with Section 14.10.2.5 of the CDP.

#### 3.2.2. Other Technical Reports

- Transportation: No objection subject to conditions.
- Water Services: Further information required in relation to a flood risk assessment.

### 3.3. Prescribed Bodies

- None

### 3.4. Third Party Observations

- None.

## 4.0 Planning History

**PA Reg. Ref: F09B/0322:** Permission granted for the conversion of the existing garage to provide for a WC and utility room, new bay windows above the existing garage, new ground floor extension to the rear, a first floor bathroom extension and associated site works.

## 5.0 Policy Context

### 5.1. Development Plan

#### Fingal Development Plan 2023-2029 (CDP)

The subject site is zoned “RS”, the objective is to “provide for residential development and protect and improve residential amenity”.

The site is located in Dublin Airport Noise Zone D.

Chapter 3 Sustainable Placemaking and Quality Homes, Section 3.5.13.1 refers to Residential Extensions

Policy SPQHP41 – Residential Extensions

Support the extension of existing dwellings with extensions of appropriate scale and 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 Management Standards, Section 14.10.2 refers to Residential Extensions.

Chapter 14 Development Management Standards, Section 14.10.2.5 refers to 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. National and Regional Policies

- Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2023)
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023)
- National Planning Framework (NPF) 2040
- Regional Spatial and Economic Strategy for the Southern Region (RSES) 2018.

## 5.3. Natural Heritage Designations

The subject site is not located within a natura 2000 site. The following are located within close proximity:

- Baldoyle Bay SPA (site code: 004016) & pNHA (site code: 000199) is located approximately 40 metres east of the subject site.
- Baldoyle Bay SAC (site code: 000199) is located approximately 40m to the north of the subject site.
- North Bull Island SPA (site code: 004006) is located approximately 570 metres to the south of the subject site.
- North Dublin Bay pNHA & SAC (site code: 000206) is located approximately 570m south & east of the subject site.
- North-West Irish Sea cSPA (site code: 004236) is located approximately 1km to the east of the subject site.
- Howth Head pNHA & SAC (site code: 000202) is located approximately 2.2km south and east of the subject site.
- Ireland's Eye SPA (site code: 004117) & pNHA (site code: 000203) & SAC (site code: 002193) is located approximately 3.5km east of the subject site.
- Sluice River Marsh pNHA (site code: 001763) is located approximately 3.4km north of the subject site.
- Rockabill to Dalkey Island SAC (site code: 003000) is located approximately 3.8km east of the subject site.

- Howth Head Coast SPA (site code: 004113) is located approximately 4.4km southeast of the subject site.
- Malahide Estuary pNHA & SAC (site code: 000205) is located approximately 4.5km north of the subject site.

#### **5.4. EIA Screening**

- 5.4.1. 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 (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 A of report.

### **6.0 The Appeal**

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

The grounds of appeal have been received from the applicant. The following concerns were raised:

- The Planning Authority requested further information to amend the design, however, Fingal County Council (FCC) have previously approved planning for similar developments in the area. Precedence set under planning reference F95B/0018 in Malahide. Photographs submitted. The dormer window is 13m in length and takes up the vast majority of the roof space. Therefore, FCC have set a precedent for this type of development and therefore, the proposed development would not be contrary to proper planning and sustainable development of the area.
- The refusal reason noted the proposal would fail to integrate with the character of the area. Housing typologies on Strand Road vary and include, bungalows, dormer bungalows, two storey and three storey dwellings which are set out stepping up and down in height along the length of Strand Road. Therefore, the proposed dormer window would not interrupt the existing

streetscape and would instead fit in with the existing changeable streetscape. Images are submitted indicating the varying dwellings and roof profiles.

- The refusal also includes “materially contravene Policy SPQHP41, Objective SPQHO45 and section 14.10.2.5 of the Fingal County Development Plan 2023-2029”. The proposed changes to the existing roof are designed to reduce the dormer size and show a large border of roof tiles around reducing the visual scale of the front dormer. The dormer roof proposed is 17.78m from the public road and the overall building sits at a reduced level in the site reducing the scale and visual impact by distance and level reduction to those viewing from the public realm. The existing changeable nature of building design over the streetscape would render the proposed developments impact as negligible and therefore not materially contravening Policy SPQHP41, Objective SPQHO45 and Section 14.10.2.5 of the CDP.
- The refusal reason further states “the proposed development would therefore be contrary to the proper planning and sustainable development of the area”. It is set out that the proposal;
  - (a) By virtue of the existing local character demonstrated above being shown to be mix of scales, types and design that it provides no consistent local context. Given the proposed design and its proximity to the public realm at distance would not be injurious to the visual amenities of the area.
  - (b) The proposed development would be in compliance with both the spirit of and the design desires of Policy SPQHP41, Objectives SPQHO45 and Section 14.10.2.5 of the CDP.
  - (c) Would not set an inappropriate precedent for other similar development in the local area as FCC through there approval of F95B/0018 have set precedent for other similar development in the local area.

Therefore, the proposal is not contrary to the proper planning and sustainable development of the area and should receive the benefit of a grant of planning permission to carry out the works as submitted.

## 6.2. Applicant Response

- As above

## 6.3. Planning Authority Response

The Planning Authority have made the following comments:

- The application was assessed against the policies and objectives of the Fingal Development Plan 2023-2029 (CDP). The development was assessed having regard to the development plan zoning objectives as well as the impact on visual and residential amenities and the character of the area.
- The Planning Authority considers the refusal is appropriate as it does not comply with Policy SPQH41, Objective SPQHO45 and section 14.10.2.5 of the CDP.
- The applicant has submitted reference to other similar applications in the area, it should be noted that these were not subject to the current CDP and each application shall be considered on its own merits and the particular site context. The proposal is considered unacceptable having regard to the character of the area and would not be compliance with Section 14.10.2.5 of the CDP. Therefore, the report and its contents are not considered to be acceptable.
- The development is not consistent with the proper planning sustainable development of the area and does not comply with Policy SPQH41, Objective SPQHO45 and Section 14.10.2.5 of the CDP.

## 6.4. Observations

- None

## 6.5. Further Responses

- None

## 7.0 **Assessment**

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

- Design
- Material Contravention
- Appropriate Assessment
- Water Framework Directive

### 7.2. **Design**

7.3. The applicant proposes to convert the attic space of an existing two storey semi-detached dwelling to create a third floor which will consist of bedroom, ensuite and storage. A large dormer window is proposed to the front elevation and a smaller dormer window is proposed to the rear and includes the conversion of the existing hip roof to gable extending the ridge line on the eastern site to incorporate the existing flat roof bay window. There is no change to the overall ridge height

7.4. The grounds of appeal have been received from the applicant, and the appeal outlines that there are varying roof profiles and designs along Strand Road including a similar type development that was granted permission under planning reference F95B/0018 in Malahide. The appellant further outlines that the proposal does not materially contravene Policy SPQHP41, Objective SPQHO45 or section 14.10.2.5 of the CDP. The proposed development is designed to reduce the dormer size and show a large border of roof tiles around reducing the visual scale of the front dormer. The dormer roof proposed is 17.78m from the public road and the overall building sits at a reduced level in the site reducing the scale and visual impact by distance and level reduction to those viewing from the public realm. It is felt the design demonstrates a low impact on the surrounding dwellings and character of the area. In addition, the proposal is not contrary to the proper planning and sustainable development of the area as the local character of the area is a mix of scales, types

and design and therefore would not set an inappropriate precedent for other similar development in the local area.

- 7.5. The Planning Authority considers the refusal is appropriate as it does not comply with Policy SPQH41, Objective SPQHO45 and section 14.10.2.5 of the CDP.
- 7.6. I have carried out a site visit and reviewed the planning drawings submitted with the planning application. I note the subject dwelling is a semi-detached two storey dwelling and is similar in design to adjacent 14 semi-detached dwellings (7 pairs) in the same row along Strand Road apart from a side extension and the addition of velux windows. All semi-detached pairs have hipped roofs. I note the existing dwelling have been recently extended to the side elevation with a flat roof two storey extension.
- 7.7. Chapter 14 Development Management Standards, Section 14.10.2.5 of the CDP refers to Roof Alterations including Attic Conversions and Dormer Extensions. This section outlines that 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 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 and harmony with the rest of the structure, adjacent structures and prominence. The design proposed includes the change of the existing roof profile from hipped roof to gable end roof, this is a departure from the established hipped roof of the existing similar semi-detached dwellings. However, I do note that further dwellings along Strand Road consist of varying roof profiles and therefore, a change in the roof profile could be considered acceptable.
- 7.8. In regard to the front dormer window, it is marginally set down from the ridge roof line and approximately 0.7 metres above the eaves. The dormer window has a width of approximately 7 metres compared to the full roof width of approximately 9.5 metres. I have concerns the dormer window will dominate the roof and front elevation of the subject dwelling and be at variance with the adjoining properties. Policy SPQHP41 – Residential Extensions of the CDP supports the extension of existing dwellings of appropriate scale, however, I do not consider the scale is appropriate to the existing dwelling, the proposed roof profile and dormer window will dominate the front

elevation and take from the original character the existing dwelling. In addition, 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. In this regard, I consider the proposed overall design will negatively impact the adjoining properties as the proposal is out of scale and character with the adjoining properties and contravenes Policy SPQHP41 and objective SPQHO45 of the CDP.

- 7.9. Furthermore, Chapter 14 Development Management Standards, Section 14.10.2.5 of the CDP refers to Roof Alterations including Attic Conversions and Dormer Extensions. This section outlines considerations for dormer extensions to roofs and I have taken into account the considerations, in my opinion the proposed design of the front dormer window is oversized and not sufficiently set down from the existing ridge level and will dominate the roof space and will have a negative visual impact when viewed from the adjacent street (Strand Road). In addition, the level of glazing is excessive and does not complement the existing window treatments and fenestration of the existing dwelling. Therefore, the proposed dormer window extension does not comply with section 14.10.2.5 of the CDP.
- 7.10. In relation to the rear dormer window extension, this is smaller than the front dormer window at 5.5 metres and occupies less than half the roof space, however, the dormer window extends to the edge of the roof and adjoins the roof ridge line and eaves line. It is my opinion that when the rear dormer window is considered with the front dormer window it is excessive and adds to the bulk of the roof space. Therefore, I consider the proposal does not comply with section 14.10.2.5 of the CDP.
- 7.11. I note the appellant has submitted examples of similar type developments in the area and has outlined the various roof types and profiles in the immediate area, however, as outlined by the Planning Authority, each site is assessed on its own merit and in accordance with the current development plan in place at the time of the assessment.
- 7.12. Having regard to the design and layout of the proposed attic conversion and given the character of the adjacent properties, it is my opinion that the proposed

development does not comply with policy SPQHP41, objective SPQHO45 or with Section 14.10.2.5 of the CDP and therefore should be refused permission.

### 7.13. **Material Contravention**

7.14. I note that the planning authority's reason for refusal states that the proposed development materially contravenes policy SPQHP41, objective SPQHO45 or with Section 14.10.2.5 of the CDP of the Fingal Development Plan 2023 - 2029. This policy refers to the general approach to domestic extension and dormer extensions and is not, in my view, sufficiently specific so as to justify the use of the term "materially contravene" in terms of normal planning practice. The Commission should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act.

## 8.0 **AA Screening**

8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The proposed site is not located within a designated site, Baldoyle Bay SPA (site code: 004016) & pNHA & SAC (site code: 000199) are located approximately 40 metres east of the subject site.

The proposed development comprises of permission for an attic conversion and all associated site works. 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 it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- Scale and size of the proposed development to an existing semi-detached dwelling;
- Distance to the nearest European site, Baldoyle Bay SPA (site code: 004016) & pNHA & SAC (site code: 000199) are located approximately 40 metres east of the subject site.

- Connection to public water, public sewer and public drain.

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## 9.0 Water Framework Directive

9.1. The subject site is located in the urban area of Baldoyle, Co. Dublin. Baldoyle Bay is located approximately 40 metres east of the subject site.

The proposed development comprises of permission for conversion of an attic to an existing semi-detached dwelling with connections to public wastewater and water and surface water. No water deterioration concerns were raised in the planning appeal.

I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks 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. The reason for this conclusion is as follows.

- Scale and size of the proposed development within urban zoned land
- Distance to the nearest waterbody at 40 metres east of the subject site.
- Connection to public water and public wastewater.

Taking into account WFD screening report 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.

## 10.0 Recommendation

10.1. I recommend that planning permission be refused for the reasons and considerations as set out below.

## 11.0 Reasons and Considerations

1. Having regard to the design and scale of the proposed dormer windows which are out of character with the existing dwelling and adjoining semi-detached dwellings, it is considered the proposed development would be injurious to the visual amenities of the area, would contravene Policy SPQHP41, Objective SPQHO45 and section 14.10.2.5 of the Fingal County Development Plan 2023-2029 and set an inappropriate precedent for other similar development. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Jennifer McQuaid

Planning Inspector

Date: 16<sup>th</sup> March 2026

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

<b>Case Reference</b>	PL-500511-DF-25
<b>Proposed Development Summary</b>	Conversion of attic with all associated site works.
<b>Development Address</b>	47 Strand Road, Baldoyle, Dublin 13
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (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.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<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?**

<p><input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></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)?**

<p>Yes <input type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b></p>
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No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)
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Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

