



An
Coimisiún
Pleanála

Inspector's Report

PL-500542-DF-25

Development	Attic conversion with dormer window to rear, velux windows to front and all associated site works.
Location	53 The Avenue, Saint Marnock's Bay, Portmarnock, Co. Dublin D13 C6YT
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F25A/0954E
Applicant(s)	Criostóir De Stín
Type of Application	Permission
Planning Authority Decision	Grant Permission with conditions
Type of Appeal	First Party
Appellant(s)	Criostóir De Stín
Observer(s)	None.
Date of Site Inspection	11/02/2026.
Inspector	Deirdre Scully.

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
4.0 Planning History	6
5.0 Policy Context	7
6.0 EIA Screening	9
7.0 The Appeal.....	9
8.0 Assessment.....	11
9.0 AA Screening	12
10.0 Water Framework Directive	13
11.0 Recommendation.....	14
12.0 REASONS AND CONSIDERATIONS	14

Appendix 1 –EIA Screening

1.0 Site Location and Description

- 1.1. The appeal site is located at no. 53 The Avenue, St. Marnock's Bay, Portmarnock, Co. Dublin K34 VW96 and the site has a stated area of 0.025 hectares. The site accommodates a two-storey semi-detached dwelling, located within a modern housing scheme with a mix of housing types at two and three storeys.

2.0 Proposed Development

- 2.1. The proposed development, as described within the public notices, comprises of an attic conversion with dormer window to rear, velux windows to front and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

Fingal County Council issued a notification of decision to GRANT permission for the proposed development on the 5th of December 2025 with seven conditions, one of which being an amending condition. This condition (no. 4) stated:

"The developer shall submit a revised dormer design prior to the commencement of development for the written agreement of the Planning Authority in include the following:

(a) The proposed rear dormer shall be reduced in length to 5.5m maximum and shall be centred on the rear roof.

(b) The proposed rear dormer shall be set down from the roof main ridge line.

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

3.2. Planning Authority Reports

3.2.1. Planning Reports

One planning report is filed for this application, dated as typed on the 2nd of December 2025 and contained within the Chief Executives Order dated the 5th of December 2025. The following provides a summary of key points made in the Planners Report:

- The report refers to planning history of site -SHD/002/17- permission granted for the housing development within which the site is located (150 units); and two domestic scale permissions granted in the area
 - o F24A/0621E- 8 The Crescent, attic conversion with velux windows, and
 - o F24A/0764E- 10 The Crescent, attic conversion with roof windows to front and rear.
- The report considered the design of the extension under four points (i) compliance with the Fingal County Development Plan; (ii) visual and residential amenity; (iii) screening for Appropriate Assessment and (iv) screening for Environmental Impact Assessment.
- The proposed development is located within an area zoned “RS- Provide for residential development and protect and improve residential amenity” in the Fingal Development Plan 2023-2029 and the works are considered to be an acceptable form of development within this zoning and are in compliance with the policies and objectives of the Development Plan.
- The site is located within an area designated as Coastal and the area is located within Noise Zone B as defined by Fingal Development Plan 2023-2029.
- Objectives and policies referred to relevant to the consideration of the application are listed (Policy SPQHP41, Objective SPQHO45) and development management standards text regarding residential extensions in general and dormer window development specifically contained in Section 14.10.2 of the Fingal Development Plan. (See paragraph 5.1 of this Report for text).
- In the assessment of the visual and residential amenities the Planners Report states that the dormer extension proposed is substantially large and would

excessively dominate the rear roofscape and would adversely affect the amenities of property in the vicinity. The planner recommends that the length of the dormer is reduced in scale to 5.5m in length and repositioned off the ridge line to reduce the impact. The proposed rooflights are considered to be minor in scale and not out of keeping with the house and area.

- The planners report outlined the following in respect of Appropriate Assessment: The applicant is seeking permission for the development on lands at 53 The Avenue, St Marnocks, Portmarnock, Co. Dublin, D13 C6YT. The subject site is located c.382m to the southwest of the Special Area of Conservation Baldoyle Bay SAC (000199). The subject site is located c.382m to the southwest of the Special Protection Area for Baldoyle Bay SPA (004016). The Proposed Project site is not connected with any European (Natura 2000) site and there is no realistic pathway between the Proposed Project site and any other European sites. Having regard to the nature, scale and location of the Proposed Project, in comparison with the existing baseline, it is considered that there is no likelihood of significant effects on any European sites during the construction or operation of the Proposed Project, and it is further considered that there are no other plans or projects that will act in combination with the Proposed Project, individually or in combination with another plan or project, will not have a significant effect on any European sites. This assessment was reached without considering or taking into account mitigation measures or measures intended to avoid or reduce any impact on European sites.
- With regard to Environmental Impact Assessment Screening, the Planners Report states that: The development seeking permission would not by virtue of size and scale represent a development for the purpose of Part 10 under Section 5 or fulfil criteria under Schedule 7 of the Planning and Development Regulations 2001 (as amended) requiring EIA.

3.2.2. Other Technical Reports

None.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

Four third party submissions were received by Fingal County Council during the public display period. All raised concerns regarding (i) loss of privacy and overlooking; (ii) loss of natural light; (iii) visual dominance and inappropriate scale of the dormer window and (iv) precedent for overdevelopment in the future.

4.0 Planning History

Subject Site:

Grant for construction of the dwelling:

SHD/002/17: 150 units of which 52 are apartments/duplex and 98 houses with height ranging from 2 to 3 storeys.

Domestic Applications within St. Marnocks Estate:

F24A/0621W- 8 The Crescent, St. Marnocks Bay. Permission GRANTED for attic conversion with velux to front and rear

F24A/0764E- 10 The Crescent, St. Marnocks Bay. Permission GRANTED for attic conversion and roof windows to front and rear.

F23B/0076- no. 50 The Avenue, St. Marnocks Bay. Permission GRANTED for attic conversion with dormer and roof lights, dormer window was obscured by condition

F23A/0288- no. 16 The Lawn, St. Marnocks Bay. Removal of hipped roof and replace with gabled roof; conversion of attic to storage room to include dormer to rear, and velux to front and rear and landing window in gable.

F23A/0287- no. 15 The Lawn, St. Marnocks Bay. Removal of hipped roof and replace with gabled roof; conversion of attic to storage room to include dormer to rear, and velux to front and rear and landing window in gable.

F23A/0292- no. 11 The Lawn, St. Marnocks Bay. Removal of hipped roof and replace with gabled roof; conversion of attic to storage room to include dormer to rear, and velux to front and rear and landing window in gable.

F23A/0235- no. 9 The Lawn, St. Marnocks Bay. Removal of hipped roof and replace with gabled roof; conversion of attic to storage room to include dormer to rear, and velux to front and rear and landing window in gable.

5.0 Policy Context

5.1. Development Plan

Fingal Development Plan 2023-2029

Zoning

5.1.1 The site is zoned for Objective RS – Residential purposes within the Fingal Development Plan with the objective to “provide for residential development and protect and improve residential amenity”. The vision for this zoning objective seeks to “ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity”. Residential development is listed as a use that is “permitted in principle” under this zoning objective.

5.1.2 The area is located within Noise Zone B as defined by Table 14.16 in the Fingal County Development Plan 2023-2029 which states for D categorised locations: “*manage noise sensitive development in area where aircraft noise may give rise to annoyance and sleep disturbance..*” and also “Objective DMSO105- “*strictly control inappropriate development and require noise insulation where appropriate in accordance with Table 14.16 above within Noise Zone B and Noise Zone C..*””)

5.1.3 The site is located within an area designated as Coastal within the landscape character areas of the County in the Fingal Development Plan 2023-2029

Policies and Objectives

5.1.4 The following provisions of the Fingal Development Plan 2023-2029 are of relevance:

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.*

Objective SPQHO43: Contemporary and Innovative Design Solutions: *Promote the use of contemporary and innovative design solutions subject to design respecting the character and architectural heritage of the area.*

Section 3.5.13.1 of the Plan relates to Residential Extensions and outlines that: *“The need for people to extend and renovate their dwellings is recognised and acknowledged. Extensions will be considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area”.*

Development Management Standards

Development Management Standards are set out within Chapter 14 of the Development Plan. Section 14.10.2.5 of the Development Plan relates to dormer extensions. Of relevance to this application from that section is:

“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."

5.2. Natural Heritage Designations

The site is not located in or adjacent to any site designated for Natural heritage. The nearest designated sites to the appeal site are approximately 0.37km to the east- the Baldoyle Bay SAC (000199), Baldoyle Bay SPA (004016) and Baldoyle Bay proposed NHA (000199).

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. 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

A first party appeal has been submitted by the owner of the subject property in relation to Condition no.4. The following provides a summary of the grounds of appeal

- The Commission is requested to amend section (a) of condition No. 4 that seeks the positioning of the reduced width dormer (max. 5.5m) to be centred on the rear roof elevation.

- The appellant accepts the decision by Fingal Council to reduce the width of the dormer but raises concerns regarding positioning in a central location as this impacts significantly on the internal layout. As a shallow and wide house-form, the stair position is centrally located within the house. The requirement by condition to position the dormer over the stairs leaves no viable useable space within the attic conversion, taking to account the shallow nature of the roof profile.
- The appellant makes the case that the dormer would not have any significant impact on the adjoining properties to the rear, and notes that several houses to the rear have already received permission for attic conversions, but due to the nature of the roof, did not require to install dormers to achieve a viable space.
- The appellant sets out a number of existing granted and complete examples within the estate that have result in changes to the roof profile of the original house form. (F23A/0288, F23A/287, F23A/0292, F23A/0235, see paragraph 4 of this report for description and location of each).
- The appellant raises also the grant of an existing dormer at No. 10 The Crescent (F23B/0076) which was not referenced in the report and is relevant. This house has the granted dormer window positioned off centre within the roof profile.

7.2. **Planning Authority Response**

The Planning Authority made no further points in response to the appeal but repeat the requirement to reduce the width of the dormer to 5.5m maximum as being necessary to comply with the requirements of 14.10.2.5 and the relevant policies and objectives of the Fingal County Development Plan 2023-2029.

7.3. **Observations**

None.

8.0 Assessment

8.1. Having examined the application details and all other documentation on file in relation to the appeal, the report of the local authority, and having inspected the site, and having regard to the policies and objectives of the Fingal County Development Plan 2023-2029, I consider that the sole substantive issue in this appeal to be considered is:

- Design

As per Section 139 of the PDA, this report will restrict its determination to the condition appealed only and I have limited my consideration of the planning application to the matters raised in relation to the terms of the condition.

This restriction reflects that I consider the development form and use proposed is supported by and in compliance with the Fingal County Development Plan 2023-2029; taking into account the zoning of the lands as 'RS'; the opinion in the planners report, and the decision to grant permission by the Local Authority.

8.4 Design:

As outlined above, the central concern of this 1st party appeal is the condition to position the reduced scale dormer into a central position on the roof. Having examined the site and environs; the planning history of the adjoining sites, and the concerns raised by the 3rd parties in the original application I consider that in the interests of ensuring that the condition is functional and allows the development to be viable, that the requirement to centrally position the dormer should be removed. The planners report does not give any clear reasons for the inclusion of this particular aspect of the condition in the decision to grant permission. It is critical that all conditions applied to a decision are "necessary, .. clear and reasonable" (Section 7.3, Development Management Guidelines, DOEHLG).

The reduced scale dormer can be off set from the central line of the roof profile similar to the proximate property (No.10 The Crescent, F23B/0076) granted permission for a dormer on a house which has the same built format as the subject site. Such an offset will allow the space created in the attic to be usable. Concerns regarding the dormer form impinging on the boundaries with adjoining properties can

be addressed without being absolute in specificity regards positioning; ensuring the requirements of Section 14.10.2.5 to position dormers off the edges of the roof profile. Considering the location of the house, and the lack of clear visibility of the roof from the public realm, it is considered that there is no identifiable reason to retain this aspect of the condition requiring a central position on the roof elevation.

9.0 AA Screening

I have considered the proposed attic conversion and inclusion of a dormer window to the rear and rooflights to the front and rear to the dwelling in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located within a well serviced suburb of the town of Portmarnock and circa 0.37km from the nearest European Sites at Baldoyle Bay SAC (000199) and Baldoyle Bay SPA (004016).

The proposed development comprises of (i) attic conversion and (ii) building a dormer window to the rear and addition of rooflights to front and rear roof elevations (See Section 2.0 for description). 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 reason for this conclusion is as follows

- The limited scale and nature of the works
- The location of the site within an established, serviced residential area
- Lack of connection to nearest European sites.

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. 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

The subject site is located in St Marnocks housing estate, a recently constructed mixed housing development within the built-up suburb of Portmarnock and is approx. 0.37m to the west of the Irish Sea. The proposed development comprises of an attic conversion with dormer window to rear, velux windows to front and all associated site works; (see Section 2 above for description.) No water deterioration concerns were raised in the planning appeal or the planners report.

I have assessed the works proposed to the dwelling 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.

The reason for this conclusion are (i) the nature of the works proposed, which are modest in scale and also (ii) the lack of hydrological connection and distance from the nearest Water bodies.

Conclusion

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

Having regard to the nature of the condition the subject of the appeal, I am satisfied that the determination by the Commission of this 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 to

AMEND condition number 4 (a) as follows:

- (a) The proposed rear dormer shall be reduced in length to 5.5m maximum and positioned set back by a minimum of 0.5m from each side edge of the roof.**

12.0 REASONS AND CONSIDERATIONS

Having regard to the residential land use zoning for the site, and to the pattern of development in the area, it is considered that the conditioned requirement for central positioning of the dormer window, 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 4 (a) requiring the central positioning of the proposed dormer window is, therefore, not warranted.


Deirdre Scully
Planning Inspector

23rd of February 2026

Appendix 1 - Form 1 EIA Pre-Screening

Case Reference	
Proposed Development Summary	Construction of an attic conversion with dormer window to rear, velux windows to front and all associated site works
Development Address	53 The Avenue, Saint Marnock's Bay, Portmarnock, Co. Dublin D13 C6YT
	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'.
	<input type="checkbox"/> No
2. Is the proposed development of a CLASS specified in Part 1, 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.	No, not a class for Part 1
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1.	
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 in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	No, not a class for Part 2
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	

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"/>	

No <input checked="" type="checkbox"/>	No, Schedule 7A information not provided.

Inspector: Derbe Jullly

Date: 23/02/2026