



An
Coimisiún
Pleanála

Inspector's Report

PL-500888-DF-26

Development

Conversion of attic

Location

140A Gaybrook Lawns, Malahide, Co
Dublin, K36AP59

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F25A/1154E

Applicant(s)

Antoinette Millar

Type of Application

Permission

Planning Authority Decision

Grant Permission + Conditions

Type of Appeal

First Party

Appellant(s)

Antoinette Millar

Observer(s)

None

Dates of Site Inspection

19th May and 23rd June 2026

Inspector

Shane McGlynn

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1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.052 ha, comprises a 2-storey semi-detached dwelling at 140A Gaybrook Lawns, Malahide, Co Dublin, K36AP59. The site is a corner site located at the junction of Gaybrook Lawns and Swords Road (R106).
- 1.2. Gaybrook Lawns is a housing estate within a predominantly residential part of Malahide. The estate and site are located c. 150m west of Malahide Castle & Gardens public park. The estate is accessed from the Swords Road, a single carriageway east-west road characterised by mature tree cover on both sides including street trees.
- 1.3. The subject property comprises a modern semi-detached dwelling with gabled roof. The site is accessed from Gaybrook Lawns to the front. The dwelling is served by a substantial rear and side garden, which extends c. 13-14m to the rear of the dwelling and c. 6.5-7m to the north side of the dwelling.

2.0 Proposed Development

- 2.1. The proposed development comprises: attic conversion with box dormer to rear roof for playroom/ storage use, also 2 no. velux windows to front roof and all associated site works.
- 2.2. The proposed dormer structure has a width of 4m and a maximum height of c. 2m above the roof slope. The dormer does not obtrude above the roof or extend to the roof eaves. The converted including the dormer achieves a maximum floor to ceiling height of c. 2m.

3.0 Planning Authority Decision

3.1. Decision

Fingal County Council decided to GRANT permission for the proposed development subject to 8no. conditions, including the following notable condition:

Condition 3 The development shall be carried out as follows:

- (a) The overall width of the dormer structure shall be no more than 3m.
- (b) The dormer structure shall be set down 300mm from the main ridge of the dwelling.
- (c) The dimensions of the proposed window on the dormer shall be no more than 2m.

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

3.2. Planning Authority Reports

The planning officer's report is consistent with the decision of the Planning Authority and can be summarised as follows:

- The principle of development is acceptable in accordance with the site's 'RS' zoning objective of the County Development Plan.
- Proposed use of converted attic for non-habitable storage including playroom is acceptable.
- Overall scale of dormer is excessive and would dominate roof profile, reduction in width from 4m to 3m recommended.
- Dormer structure should be set down 0.3m from ridge of dwelling in accordance with requirements of Section 14.10.2.5 of County Development Plan.
- Proposed rooflights would not be out of keeping with design of house or character of area.
- No significant increase in overlooking arising from dormer having regard to rear garden depth and separation distances.
- Impacts on residential amenity would be minimal and acceptable.
- Proposed development is acceptable subject to conditions.
- There is no requirement for AA or EIA.

3.2.1. Other Technical Reports

- Water Services Department: No objections subject to standard conditions.

3.3. Prescribed Bodies

- Dublin Airport Authority: Recommends consultation with Irish Aviation Authority and AirNav Ireland.

3.4. Third Party Observations

None.

4.0 Planning History

- 4.1. The Planner's Report notes that there is no previous planning history at the subject site.

5.0 Policy Context

5.1. Development Plan

Section 14.10.2.5 Roof Alterations including Attic Conversions and Dormer Extensions

“Roof alterations/expansions to main roof profiles, for example, changing the hip-end roof of a semi-detached house to a gable/‘A’ frame end or ‘half-hip’, will be assessed against a number of criteria including:

- *Consideration and regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures.*
- *Existing roof variations on the streetscape.*
- *Distance/contrast/visibility of proposed roof end.*
- *Harmony with the rest of the structure, adjacent structures and prominence.*

Dormer extensions to roofs will be evaluated against the impact of the structure on the form, and character of the existing dwelling house and the privacy of adjacent properties. The

design, dimensions, and bulk of the dormer relative to the overall extent of roof as well as the size of the dwelling and rear garden will be the overriding considerations, together with the visual impact of the structure when viewed from adjoining streets and public areas.

Dormer extensions shall be set back from the eaves, gables and/or party boundaries and shall be set down from the existing ridge level so as not to dominate the roof space.”

“Excessive overlooking of adjacent properties should be avoided.”

5.2. Other Relevant Guidance

Planning Design Standards for Apartments Guidelines for Planning Authorities, 2025:

Section 3.5 notes that the suggested minimum floor to ceiling height, consistent with good room design, the use of standard materials and good building practice is generally 2.4m.

Development Management Guidelines for Planning Authorities, 2007: Section 7.3 provides guiding criteria for deciding whether to impose a condition. It should be considered whether the condition is:

- Necessary;
- Relevant to planning;
- Relevant to the development to be permitted;
- Enforceable;
- Precise;
- Reasonable.

OPR Practice Note PN03: Planning Conditions (2022): The Planning Condition Appraisal Checklist (Appendix A) sets out criteria for determining whether a condition is reasonable, including the following:

- *Given the nature and scale of the development is the condition reasonable?*
- *Will the condition significantly alter the proposed development in such a way as to deny interested parties the opportunity to comment on aspects that may*

have a significant impact on them and that should be assessed as part of the planning application?

- *Would the matter that the condition is addressing be better addressed by requiring the applicant to submit further information or revised plans?*

5.3. Natural Heritage Designations

The appeal sites is not located within or adjoining any designated site.

The nearest European Sites in close proximity to the appeal site are as follows:

- c. 780m from Malahide Estuary SPA (site code: 004025)
- c. 780m from Malahide Estuary SAC (site code: 000205)
- c. 3.3km from North-West Irish Sea SPA (site code: 004236)
- c. 3.8km from Baldoyle Bay SPA (site code: 004016)
- c. 3.8km from Baldoyle Bay SAC (site code: 000199)

There are no Natural Heritage Areas in close proximity to the appeal site.

6.0 EIA Screening

- 6.1. The proposed development does not come within the definition of a 'Project' for the purposes of EIA. The development is not a class specified in Part 1, Schedule 5 or 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. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. I refer the Commission to the EIA pre-screening form contained in Appendix 1 of this report.

7.0 The Appeal

7.1. Grounds of Appeal

A First Party Appeal was received from the applicant, Antoinette Millar. This appeal relates to Condition no. 3(a) alone.

The following is a summary of the grounds of appeal:

- Head height is vital to allow movement in attic space.

- A family relative of the appellant was granted a 4m wide dormer by Fingal County Council.
- All other Planning Authorities allow for dormers wider than 3m.
- Significant separation distance from dormer to neighbouring property is maintained.
- No impediment to surrounding dwellings arises.
- Negative impact on cost benefit of attic conversion.

7.2. **Planning Authority Response**

The response from the Planning Authority notes the content of the first-party appeal. The Planning Authority request that the Commission support the Planning Authority's decision in this instance.

The Planning Authority highlight the following:

- The converted attic will be a non-habitable room and therefore no impact to occupants' residential amenity arises.
- Excessive scale and design of dormer does not comply with Section 14.10.2.5 of County Development Plan.

8.0 **Assessment**

The First Party Appeal relates to condition 3 of the Planning Authority's decision only. The precise wording of condition 3 is set out at Section 3.1 of my report above. I wish to highlight to the Commission at the outset that I intend to limit consideration to the matters raised in relation to the terms of conditions 3(a) and 3(b), in accordance with Section 139 of the Planning and Development Act 2000 (as amended). Having regard to the submitted application material and the assessment of the Planning Authority, I am satisfied that the proposed development is otherwise in accordance with the proper planning and sustainable development of the area.

While the appeal only gives mention to condition 3(a), I note that condition 3(a) and condition 3(b) both relate to the bulk and scale of the dormer and require modifications to it. Furthermore, I note that the issue of adequate head height clearance within the attic is raised in the grounds of appeal, which I consider relates

specifically to condition 3(b). I therefore consider that both conditions 3(a) and 3(b) require to be considered in my assessment of the subject appeal.

For clarity, I wish to set out to the Commission that condition 3(c), which requires a reduction in the width of the dormer window, does not affect the bulk and dimensions of the dormer structure and it is therefore not relevant to my assessment of the issues raised in the grounds of appeal. I note the statement in the Planning Authority's response to the appeal that no impact to the occupants' residential amenities arise as a result of the conditions imposed. Specifically in relation to sunlight / daylight impact, I note that the converted attic would be served by a 2m wide dormer window and 3no. rooflights following implementation of condition 3. I consider that the resulting fenestration arrangement would maintain adequate light access to the converted attic and I am satisfied with condition 3(c) on this basis.

The Planning Authority Planning Officer's Report justifies the attachment of conditions 3(a) and 3(b) on the basis that the scale and design of the dormer do not comply with Section 14.10.2.5 (Roof Alterations including Attic Conversions and Dormer Extensions) of the County Development Plan. The report states that the overall scale of dormer is excessive and would dominate roof profile. The reasoning as to why the dormer is excessive and would dominate the roof profile is not expanded on by the Planning Authority.

In accordance with the guidance of Section 14.10.2.5, I note that an assessment of a dormer must have regard to a number of factors which relate to the dormer's impact on the visual amenity, character and residential amenity of the area. I have accordingly assessed the design and scale of the dormer against the various relevant factors set out in Section 14.10.2.5 before concluding on the basis of a balanced assessment.

Having examined the application details, and all other documentation on file including the contents of the first-party appeal and response of the Planning Authority, the reports of the local authority, 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:

- Visual Impact;

- Reasonableness of Condition;
- Other matters.

At the outset of my assessment, I wish to highlight to the Commission the substantial size of the corner site on which the subject dwelling is located and the distance between the dwelling and neighbouring properties. The rear and side garden serving the dwelling extends c. 13-14m to the rear of the dwelling and c. 6.5-7m to the north side of the dwelling, based on measurements taken from the submitted plans. I consider this to be a substantial rear garden relative to the size of dwelling and other rear gardens within the estate and it is typical of corner sites of this nature. I consider that the scale of the dormer would not be excessive relative to the extent of the rear garden alone.

Given the length of the garden, I note that a substantial minimum separation distance of approximately 30m is maintained between the proposed dormer window and the opposing first floor windows of the adjacent dwelling to the rear of the site at No. 1 Lawson Spinney. This is referred to in the grounds of appeal. Having regard to this separation distance and the orientation of the dormer in relation to other adjacent or nearby dwellings, I consider that the proposal would not give rise to significant overlooking or loss of privacy. I therefore consider that the relevant criteria under Section 14.10.2.5 for the purposes of my assessment relate primarily to the visual impact of the dormer.

8.1. **Visual Impact**

In relation to visual impact, Section 14.10.2.5 states that the design, dimensions and bulk of the dormer are to be assessed relative to both the existing dwelling and its rear garden. Regard is to be had to the visual impact of the dormer when viewed from adjoining streets and public areas. I have assessed these relevant elements in turn below.

Views from Adjoining Streets and Public Areas

Due the site location and orientation of the dwelling, the proposed dormer would be visible from the Swords Road to the north of the site. Visibility of the roof from this road is however partially obscured by the site's northern property boundary and the line of street trees at the back of the footpath and adjacent to the appeal site. The

dwelling and dormer are set back from the Swords Road by the substantial side garden within the site. Additionally, the dormer is orientated at an obtuse angle relative to the Swords Road due to the orientation of the dwelling. Having regard to these mitigating factors, I consider that visibility into the site from Swords Road is significantly obscured and that the dormer would not be highly visible from any public areas.

Harmony with Adjacent Structures

Section 14.10.2.5 of the County Development Plan sets out that dormers are to be assessed against the form and character of the subject dwelling and the privacy of adjacent properties.

In terms of the proposal's harmony with the character of the area and with other adjacent structures, I note that no dwellings in the immediate vicinity of the rear of the site (i.e the eastern row of dwellings at Gaybrook Lawns or the dwellings at the Lawson Spinney estate) include existing dormer structures on their rear roof profiles. Neither do I note any extant permission for dormer structures in the immediate vicinity from review of the Planning Authority and An Coimisiún Pleanála's respective online planning application databases. I consider on this basis that the proposed rear dormer represents a departure from the character of the area. I have taken this into account in my wholistic assessment of the dormer's design and scale in accordance with the guidance of Section 14.10.2.5 the County Development Plan.

Dimensions and Bulk Relative to Extent of Roof and Size of Dwelling

The subject property comprises a modern semi-detached dwelling with gabled roof. The dormer structure as proposed at application stage has a width of 4m and a maximum height of c. 2m above the roof slope. The dormer is centrally positioned within the roof slope. The existing roof has an overall width of c. 7m. The height difference between the eaves and ridge line is c. 2.5m. On the basis of these dimensions, the dormer structure would occupy the majority of the visible area of the rear roof slope, accounting for more than 50% of both the width and height of the rear roof.

I note that Condition 3(a) of the Planning Authority's decision would somewhat reduce the bulk of the dormer structure, in particular by reducing its overall width to less than half that of the rear roof slope. However, having inspected the site and

having regard to the dormer as presented in the application drawings, I do not consider it to be a very bulky structure and I consider that its reduction in width from c. 4m to 3m would not significantly alter how it appears when centrally located within the c. 7m wide rear roof slope.

Condition 3(b), which sets the dormer down 300mm from the ridge line, would marginally reduce the maximum height of the dormer from c. 2m to c. 1.7m with the resultant overall height still accounting for more than half of the roof height as measured from eaves to ridgeline. I consider that this would not amount to a significant reduction in the bulk or dimensions of the dormer.

On the basis of the above, I consider that the proposed dormer structure by reason of its bulk and dimensions would be relatively dominant within the rear roof slope as it would occupy the majority of the roof slope, however would still retain substantial portions of the original roof to either side of the dormer. Having regard to dimensions of the dormer and roof, the size of the dwelling and having inspected the site, I consider that the modifications required under conditions 3(a) and 3(b) would not significantly reduce the bulk and scale of the dormer relative to the existing rear roof profile and dwelling.

Summary

While the dormer structure would be somewhat dominant within the rear roof profile of the dwelling, I consider that the bulk and dimensions of the dormer would not be excessive relative to the rear garden of the dwelling and I consider that the dormer would not be clearly visible from the adjoining public roads or any public areas. I consider that conditions 3(a) and 3(b) of the Planning Authority's decision would not significantly reduce the bulk of the dormer.

8.2. Reasonableness of Condition

In the grounds of appeal the appellant states that head height is vital to allow more movement within their attic space and that the 4m wide dormer as applied for allows for a better build attic. The Planning Authority's response to the first-party appeal notes that the proposed converted attic will be a non-habitable room and states therefore that no impact to the occupants' residential amenity arises as a result of the required modifications to the dormer under condition 3.

I note from the section drawings submitted with the application that the proposed dormer allows for a maximum floor to ceiling height of c. 2m within the converted attic. The setting down of the dormer from the ridgeline of the dwelling as required under condition 3(b) would reduce the maximum head height clearance in the attic to c. 1.7m. I note this would be significantly below the recommended minimum floor to ceiling height of 2.4m recommended under the Apartment Guidelines (2025).

While I note that provision of adequate head height clearance is not specifically required under the County Development Plan guidance relevant to attic conversions and dormer structures, I consider that the head height clearance that would be available in the proposed converted attic is already sub-standard. Accordingly, any further restrictions on the maximum floor to ceiling height of the attic would significantly impact useability of and access to the converted attic, including in respect of its proposed use as a storage room and playroom. I note that both the setting down of the dormer from the ridge line and the reduction in the width of the dormer as required under conditions 3(a) and 3(b) respectively would result in further restrictions on the floor to ceiling height.

On the basis of the foregoing, having regard to the criteria for assessing the reasonableness of conditions set out in the Development Management Guidelines (2007) and OPR Practice Note PN03 (2022), I consider that both conditions 3(a) and 3(b) would have impacts disproportionate to the nature and scale of the proposal and would have a significant impact on the development which the applicant has not had an opportunity to comment on during the course of the Planning Authority's assessment of the application. I determine that conditions 3(a) and 3(b) are thereby not reasonable in this case.

8.3. Other Matters

The appellant mentions in the grounds of appeal that the Planning Authority previously granted permission to a family relative of the appellant in a different part of the County for a 4m wide dormer. No planning application reference or other relevant details of this case are provided in the appeal, therefore I have been unable to identify or have regard to the case referred to by the appellant. In any event, my assessment has considered the subject proposal on its own merits having regard to the sensitivity of the receiving environment and the specifics of the development.

The appellant has raised concerns that the requirements of condition 3(a) could negatively affect the proposed development in terms of build cost viability. I consider that financial viability or cost implications are not material planning considerations in this case. My assessment has had regard only to relevant planning guidance set out in the County Development Plan.

9.0 AA Screening

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

The subject site is located:

- c. 780m from Malahide Estuary SPA (site code: 004025)
- c. 780m from Malahide Estuary SAC (site code: 000205)
- c. 3.3km from North-West Irish Sea SPA (site code: 004236)
- c. 3.8km from Baldoyle Bay SPA (site code: 004016)
- c. 3.8km from Baldoyle Bay SAC (site code: 000199)

The proposed development comprises retention of modifications to an extension. 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 [insert as relevant]:

- The simple nature and limited scale of the proposed works.
- The distance from the nearest European site and lack of connections.
- The outcome of the screening report/determination by Fingal County Council.

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.

10.0 Water Framework Directive

I have assessed the proposed 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.

The reason for this conclusion is as follows:

- Nature of the project, site and receiving environment
- Location-distance from nearest water bodies and/or lack of hydrological connections.

On the basis of objective information, I consider that the proposed development will not result in a likely 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, it is considered that the determination by the Commission of the relevant application as if it had been made to the Commission 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 REMOVE condition number 3(a) and condition number 3(b) as follows:

12.0 Reasons and Considerations

Having regard to the to the 'RS – Residential' land use zoning of the site in Fingal County Development Plan, 2023-2029 (as varied), the development management

guidance for roof alterations including attic conversions and dormers in Section 14.10.2.5, the location of the development and the pattern of development in the area, it is considered that the bulk and dimensions of the proposed dormer would not on balance be excessive relative to the roof, dwelling and rear garden at the appeal site, that the dormer would not give rise to visual impacts from public areas or overlooking of neighbouring properties. Therefore, notwithstanding that the dormer represents a departure from the character of roof profiles in the surrounding area, it is considered that the overall design of the dormer has been suitably considered having regard to the assessment criteria set out in Section 14.10.2.5. Accordingly, and having regard also to the resulting significant impacts on useability of and access to the converted attic, it is considered that conditions 3(a) and 3(b) are unreasonable and should be omitted.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Shane McGlynn
Planning Inspector

24th June 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500888-DF-26
Proposed Development Summary	Conversion of attic
Development Address	140A Gaybrook Lawns, Malahide, Co Dublin, K36AP59
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?	
	✓ No. The development is 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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes	
✓ 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?	

☒ 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.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold.	
☐ Yes, the proposed development is of a Class but is sub-threshold.	
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 ☐	N/A
No ☐	N/A

Inspector: _____

Date: _____