



An  
Coimisiún  
Pleanála

## Inspector's Report

**PL-501747-DF-26**

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|                                     |                                                        |
|-------------------------------------|--------------------------------------------------------|
| <b>Development</b>                  | Attic conversion to dwelling                           |
| <b>Location</b>                     | 17 Glen Ellan Gardens, Swords, Co.<br>Dublin, K67 EK24 |
| <b>Planning Authority</b>           | Fingal County Council                                  |
| <b>Planning Authority Reg. Ref.</b> | F26A/0442E                                             |
| <b>Applicant(s)</b>                 | Lisa Carr                                              |
| <b>Type of Application</b>          | Permission                                             |
| <b>Planning Authority Decision</b>  | Grant Permission                                       |
| <b>Type of Appeal</b>               | First Party against conditions                         |
| <b>Appellant(s)</b>                 | Lisa Carr                                              |
| <b>Observer(s)</b>                  | None                                                   |
| <b>Date of Site Inspection</b>      | 14 <sup>th</sup> September 2026                        |
| <b>Inspector</b>                    | Barry Diamond                                          |

## Contents

|      |                                     |    |
|------|-------------------------------------|----|
| 1.0  | Site Location and Description ..... | 3  |
| 2.0  | Proposed Development .....          | 3  |
| 3.0  | Planning Authority Decision.....    | 3  |
| 4.0  | Planning History .....              | 4  |
| 5.0  | Policy Context.....                 | 5  |
| 6.0  | EIA Screening.....                  | 6  |
| 7.0  | The Appeal .....                    | 7  |
| 8.0  | Assessment.....                     | 7  |
| 9.0  | AA Screening.....                   | 10 |
| 10.0 | Water Framework Directive .....     | 10 |
| 11.0 | Recommendation .....                | 11 |
| 12.0 | Reasons and Considerations .....    | 11 |

## Appendix 1 –EIA Screening

## **1.0 Site Location and Description**

- 1.1. The application site is circa 0.029ha and comprises an existing two storey semi-detached dwelling with a rear single storey annex. The dwelling is finished in brick to the front and a pebble dashed render finish to the rear, it has a hipped roof with a contoured concrete roof tile. The existing dwelling fronts onto the public road and there is a rear garden area which is enclosed by 1.8 metre high fencing to the northern and southern boundaries and a block wall 1.8 metres high to the eastern boundary.
- 1.2. The application dwelling adjoins No. 18 Glen Ellan Gardens which is located to the south of the site and is of a similar design, height and finishes. No. 16 Glen Ellan Gardens is located to the north and has a similar design, height and finish. The site backs onto the rear gardens of Nos.51 & 52 Glen Ellan Grove which are also two storey semi-detached dwellings. The site is set within a residential area comprising two storey semi-detached houses.

## **2.0 Proposed Development**

- 2.1. The application seeks permission for an attic conversion with a hip to gable roof and dormer to the rear roof to accommodate stairs to allow access to the attic conversion as non-habitable storage space with roof windows to the front all and all associated ancillary works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On the 10<sup>th</sup> July 2026 the Planning Authority issued a decision to grant planning permission subject to conditions.

#### **3.1.1. Conditions**

6. The rear dormer shall have a maximum width of 3m and shall be set down 300mm below the roof ridgeline.

Reason: In the interest of visual amenity.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The decision of the planner reflects the decision to grant planning permission. It includes the following points:

- The proposed attic conversion is acceptable within the 'RS' zoning objective;
- Although there were no similar extension observed in the area, the proposed design would incorporate existing design features and is considered acceptable;
- The presence of upper floor windows to the side and rear elevations is not considered to be harmful to residential amenity due to adequate separation distances;
- The proposal does not include any alterations to the existing access and is acceptable in terms of water services; and
- The proposal does not lead to any significant concerns in relation to Appropriate Assessment and Environmental Impact Assessment.

#### **3.2.2. Other Technical Reports**

- None

### **3.3. Prescribed Bodies**

- None

### **3.4. Third Party Observations**

There were no third party representations received by the Planning Authority during the processing of the planning application.

## **4.0 Planning History**

### **Site**

- None

## **Setting – Raised as precedent**

**F21B/0244** - Permission was granted in September 2021 for alterations of the existing hipped roof to extend the existing ridge line, and create a gable wall to the side elevation, and construction of a roof dormer to the rear slope and all associated site development works at 13 Glen Ellen Gardens, Swords, Co Dublin, K67 HT26.

**F25A/1179E** - Permission was granted in March 2026 for an attic conversion with hip to gable roof and dormer to rear roof to accommodate stairs to allow access to attic conversion as non-habitable storage space with gable window to side all with associated ancillary works at 47 Glen Ellan Grove, Swords, Co. Dublin, K67 W863

## **5.0 Policy Context**

### **5.1. Development Plan**

The Fingal Development Plan 2023-2029 as varied is the operational plan for the area. The appeal site is zoned 'RS,' Residential with the associated land use objective 'to provide for residential development and to protect and /or improve residential amenity.'

The following sections /policies / objectives are pertinent:

SPQHP41 seeks to support the extension of existing dwellings with extensions of appropriate scale and subject to the protection of residential and visual amenities.

SPQHO45 seeks to support dwelling extensions of appropriate scale and subject to the protection of residential and visual amenities.

Objective DMSO23 – Separation Distance: A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy.

Section 14.10.2 Residential Extensions: supports applications to amend existing dwelling units to reconfigure and extend as the needs of the household change, subject to specific safeguards. In particular, the design and layout of residential extensions must have regard to and protect the amenities of adjoining properties.

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. The quality of materials/finishes to dormer extensions shall be given careful consideration and should match those of the existing roof. The level and type of glazing within a dormer extension should have regard to existing window treatments and fenestration of the dwelling. Regard should also be had to the extent of fenestration proposed at attic level relative to adjoining residential units and to ensure the preservation of amenities. Excessive overlooking of adjacent properties should be avoided.

## **5.2. Natural Heritage Designations**

The appeal site is not located on or within proximity to any designated Natura 2000 sites, with the nearest designated sites being the Malahide Estuary SPA (004025) located c. 1.87km to the east of the site and Malahide Estuary SPA (004025) which is located 2.07km to the east of the site.

## **6.0 EIA Screening**

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. 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 my report.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

The grounds of appeal against the imposition of Condition No.6 for the appellant are summarised below:

- The case officer outlined that the proposed rear dormer was not considered to be subordinate and condition 6 was imposed in the interests of amenity;
- The proposed rear dormer will not affect the streetscape;
- There is a precedence for similar developments that contradicts Condition 6 at 47 Glen Ellan Grove (Ref: F25A/1179E) and 13 Glen Ellan Gardens (F21B/0244); and
- The development would be exempt under the new Planning And Development Act 2000 (No. 7 Regulations 2026).

### **7.2. Planning Authority Response**

The application was assessed against the policies and objectives of the Fingal Development Plan 2023-2029 and existing government policy and guidelines. The development was assessed having regard to the development plan zoning objective as well as the impact to the visual and residential amenity of the area. It is considered the condition is required to reduce the visual impact of the proposed dormer extension on the appearance of the surrounding area. The requirements set out under Condition 6 are also considered reasonable given the attic as approved relates to non-habitable floorspace. The conditions of the grant of planning permission are requested to be upheld.

### **7.3. Observations**

None

## **8.0 Assessment**

- 8.1. This is a first party appeal against a condition of a grant of permission. Section 139 of the Planning and Development Act 2000 (as amended) allows the Coimisiún (so

long as it is satisfied that the application does not require an assessment as if it had been made to it in the first instance) to give the relevant Planning Authority direction regarding the attachment, amendment or removal of the condition. I am satisfied that the development (attic conversion) is otherwise in accordance with the Development Plan and the proper planning and sustainable development of the area, and I am satisfied that the appeal only relates to Condition 06 and does not raise any further issues. I am satisfied that the appeal may be dealt with under Section 139 of the Act, and I am going to limit my consideration to the appropriateness of the condition in question.

## **8.2. Condition No.6**

Condition 06 states:

- 8.2.1 The rear dormer shall have a maximum width of 3m and shall be set down 300mm below the roof ridgeline. Reason: In the interest of visual amenity.
- 8.2.2 I was not able to ascertain a rationale within the Planning Authority's report as to why the condition was imposed although I note that the reason for applying the condition was in the interests of visual amenity. Section 14.10.2.5 of the FDP requires dormer extensions to 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. I note that the proposed dormer is set back from the eaves and party boundaries, however, it is positioned along the ridge line.
- 8.2.3 The appellant indicated that under the Planning and Development (Exempted Development (Act of 2000)) (No. 7) Regulations 2026 (S.I. 344 of 2026) the development would be exempted development. The Regulations were enacted on the 27<sup>th</sup> July 2026 and establishes that dormers with an internal volume either singularly or in combination with other dormer roof extensions shall not exceed 30 cubic metres provided that it is no higher than the roof ridge and there shall be at least 20 centimetres eaves setback. In my opinion, the cubic dimensions of the proposed roof extension as a whole would be in excess of 30 cubic metres and therefore would not be exempted development.
- 8.2.4 The two precedents raised by the appellant at 47 Glen Ellan Grove (Ref: F25A/1179E) and 13 Glen Ellan Gardens (F21B/0244) were broadly similar proposals on similar house types within the area. I am of the view that both cases are relevant precedent examples whereby attic dormers were approved which

exceeded three metres in width, however, both proposals differ from the appeal proposal in that the dormers are set marginally (100mm) below the ridge line. In both cases there was no condition requiring the dormers to be reduced to three metres in width.

- 8.2.5 The proposed dormer is set back off the eaves and the shared boundary and I do not consider that the overall width of the dormer (3.6 metre) would have any adverse impact on the visual amenity of the area especially in the context of the precedent examples. I note that the precedent examples provided by the appellant were set below the ridge line of the dwelling by 150mm and 200mm which is not consistent with the subject proposal.
- 8.2.6 Whilst there are good design reasons for setting the dormer down off the ridge line, in my view there is little benefit in this case from setting the dormer off the ridge line from a visual amenity point of view. A reduction in height by 300mm would not be consistent with the nearby precedent examples and I am of the opinion that the proposed dormer would not dominate the roofscape when viewed from the nearby properties and there would be no negative impact on the streetscape or visual amenity of the area from retaining the height of the dormer as proposed.
- 8.2.7 Section 14.10.2.5 of the FDP requires that a dormer is set off the ridge line of the dwelling, however, I am minded that the test within Section 14.10.2.5 is the visual impact of the structure when viewed from adjoining streets and public areas. I am of the opinion that due to the limited gaps between buildings in the area that there are very limited viewpoints from any of the adjoining public roads and I do not consider that the dormer being set along ridge line would have any adverse impact on the visual amenity of the area.
- 8.2.8 I consider that the precedent examples provided by the appellant are relevant regarding the width of the dormer, the dormer would not dominate the roofscape and I am of the opinion that there are limited viewpoints of the dormer to adversely affect the visual amenity of the streetscape. I consider that the condition to restrict the dimensions of the dormer is not necessary and that the condition should be deleted.

## 9.0 AA Screening

- 9.1 I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located at attic conversion to dwelling no relevant designated sites are close by.
- 9.2 The proposed development comprises an attic conversion to a dwelling. 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.
- 9.3 The reason for this conclusion is as follows:
- Small scale and nature of the development; and
  - Distance from nearest European site and lack of connections; and
  - The screening decision of the Planning Authority.
- 9.4 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

- 10.1 The subject site is located at 17 Glen Ellan Gardens, Swords, Co. Dublin, K67 EK24 which is 188 metres north of the nearest water body.
- 10.2 The proposed development comprises an attic conversion to dwelling. No water deterioration concerns were raised in the planning appeal.
- 10.3 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. The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development ; and
- Distance from nearest water bodies and/or lack of hydrological connections.

10.4 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 which is the subject of the appeal, it is considered that the determination of the relevant application as if it had been made to the Coimisiún in the first instance would not be warranted and it is recommended that based on the reasons and considerations set out below, that the Planning Authority are directed under subsection (1) of section 139 of the Planning and Development Act, 2000, as amended, to remove condition 06.

## 12.0 Reasons and Considerations

Having regard to the design of the proposed development and the precedent examples in terms of width, it is considered that the removal of condition number 6, as indicated above, would be in accordance with the provisions of the Fingal Development Plan 2023-2029 as varied and would not result in a development which would dominate the roofscape in accordance with Section 14.10.2.5, would be acceptable in terms of the visual amenities of the area, would not set an unacceptable precedent in the area and would, therefore, be in accordance with 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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Barry Diamond  
Planning Inspector

22<sup>nd</sup> September 2026

## Appendix 1 - Form 1 EIA Pre-Screening

|                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Case Reference</b>                                                                                                                                                                                                                                                                                                                                                                       | PL-501747-DF-26                                                                                                                            |
| <b>Proposed Development Summary</b>                                                                                                                                                                                                                                                                                                                                                         | Attic conversion to dwelling                                                                                                               |
| <b>Development Address</b>                                                                                                                                                                                                                                                                                                                                                                  | 17 Glen Ellan Gardens, Swords, Co. Dublin, K67 EK24                                                                                        |
|                                                                                                                                                                                                                                                                                                                                                                                             | <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><br><br>(For the purposes of the Directive, "Project" means:<br>- The execution of construction works or of other installations or schemes,<br><br>- 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.<br><br><input type="checkbox"/> No, No further action required. |
| <b>2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>                                                                                                                                                                                                                                      |                                                                                                                                            |
| <input type="checkbox"/> Yes, it is a Class specified in <b>Part 1</b> .<br><br><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                                                                                                                                                                                                                                                                                                |                                                                                                                                            |
| <b>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?</b>                                                                                                               |                                                                                                                                            |
| <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                                                                                                                                                                                                                           |                                                                                                                                            |

|                                                                                                                                                                                                                                                             |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <p>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><br/> <b>OR</b><br/> <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p> |  |

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

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

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