



An
Bord
Pleanála

Inspector's Report

ABP-305912-19

Development	Construction of a two-storey, four bedroom detached dwelling to the north of the existing dwelling on the site and all associated site works
Location	Cannon Rock House, Thormanby Road, Howth, Co. Dublin, D13
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F18A/0622
Applicant(s)	Con and Helen Gilmore
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Con and Helen Gilmore
Observer(s)	Martin and Noleen Cronin
Date of Site Inspection	6 th of March 2020
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1. The subject site has an area of c. 0.12ha and is proximate to Howth Village and also to Howth Head. The site frontage is to Thormanby Road (R105) and to the north west of the junction with the Upper Cliff Road which leads to the Upper Cliff Walk to the east. There is a small cul de sac type development of detached houses (Cannon Rock View) off the Upper Cliff Road adjoining to the north and east. The houses to the east are at a slightly higher level, while to the north are at a lower level. Nos. 6 and 7 Cannon Rock View are on the lower elevation to the north on the opposite side of the cul de sac. The existing house can be seen in the distance through the trees by the first floor windows of these properties.
- 1.2. The corner site comprises a landscaped garden to a substantial Victorian house 'Cannon Rock House' and outhouses to the south which were separately accessed via the Upper Cliff Road. The grounds of the existing house are attractive and contain areas of trees and planting with mature trees particularly along the boundaries and areas of lawn to the west and north. The grounds proposed for the house comprise part of the garden area to the north of the existing house.
- 1.3. Vehicular access to the existing house is provided, via an entrance off Thormanby Road and formally via a now disused gated entrance to the east off Cannon Rock View. A pedestrian entrance is located to the south off Upper Cliff Road. There is a low wall and a dense hedgerow along the site frontage. This narrow road has a footpath on its southern side, there is a vehicular entrance opposite this gate to another property 'The Hut'. This road is used by walkers and provides access to the Cliff Walks.

2.0 Proposed Development

- 2.1. This proposal consists of the following:
 - (i) The construction of a two-storey, four bedroom, detached dwelling to the north of the existing dwelling on the site;
 - (ii) New vehicular entrance off Upper Cliff Road to serve existing house;
 - (iii) Alterations to existing entrance off Thormanby Road;

- (iv) Roof-lights, boundary treatment, SUDS drainage, landscaping and all associated site development works.

3.0 Planning Authority Decision

3.1. Decision

On the 18th of October, 2019, permission was refused by the Council for the proposed development for the following reasons:

1. *The development is located with an area of the County with the zoning objective RS in the Fingal DP 2017-2023 which seeks to 'provide for residential development and protect and improve residential amenity' and which has the vision to 'ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity'. The Planning Authority would consider that the primacy of the original historic house on site should be retained and that any infill/new development within the grounds should be subservient to the original building. In addition the character of the site and the residential amenity of surrounding properties need to be respected. Given the location of the house forward of the building line of the existing house, and the height of the proposed house relative to Cannon Rock House, its bulk, mass and scale and impact on the character of the site, the proposed development is considered unacceptable and contrary to the proper planning and sustainable development of the area and contrary to the zoning objective pertaining to the site.*
2. *The lack of provision of a safe access/egress arrangement for the proposed development onto Upper Cliff Road would lead to a conflict between pedestrian and road user. The proposed development in its current form constitutes a traffic hazard.*

3.2. Planning Authority Reports

3.2.1. Planner's Report

This has regard to the locational context of the site, planning history and policy and to the submissions made. They provide that the proposal is acceptable in principle

relative to the 'RS' Residential zoning subject to appropriate design that will not detract significantly from the visual and residential amenity of the Howth SAAO and the character of the existing house on the site along with the character of the area. They note significant concerns regarding tree removal, height, volume, depth and building line breach etc.

Further Information request

The Council's request included the following:

- They recommended that a revised house design be submitted.
- The full depth of the site be used to allow for tree retention.
- A complete tree survey including an Arboricultural Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement in accordance with current standards.
- Sightline drawings indicating 45m on either side of the new vehicular entrance.
- To demonstrate compliance with soakaway design in accordance with current standards.
- Assessment relative to bats or any other protected species.
- Boundary treatment having regard to the location within the SAAO.
- Details of the northern boundary of the site.
- Cross-sections north-south indicating the existing house, proposed house and Nos. 6 and 7 Cannon Rock View.

Further Information response

Tyler Owens Architects F.I response on behalf of the Applicant included the following:

- A Planning Response to the Additional Information request prepared by Hughes Planning & Development Consultants.
- Drawings showing existing and proposed Site Layout Plan, Contextual Elevations, Floor Plans, Elevations and Vehicular Entrance.

- Surface Water Report and Soakage Trench Design by Eamonn McMahon Consulting
- Bat Assessment by Brian Kell B. BC. (Hons) in Zool.
- Arboricultural Report, Tree Survey Plan, Tree Protection Plan, Proposed Layout & Tree Removals by Charles McCorkell Arboricultural Consultancy.

Planner's response

The Planner had regard to the F.I submitted and to the details and revised drawings submitted and provided an assessment. They concluded that there are a number of outstanding issues that remain with respect to the proposed development. Their concerns relate to the siting of the proposed development forward of the building line of the existing house, the scale and height of the house relative to the existing historic house on site and surrounding neighbouring property, negative impact on the character of the site and the lack of provision in a safe access/egress arrangement. They recommend that the proposed development be refused.

3.3. **Other Technical Reports**

Transportation and Planning Section

They recommended that F.I be submitted - a sightline drawing be provided detailing amendments to the existing boundary and the proposed replacement boundary treatment required to provide sightlines to the junction of Thormanby Road to the west and 45m to the east. In response to the F.I they had concerns that the sightline drawing submitted is incorrect. However, they recommended conditions including relative to the achievement of sightlines and a revised location for the vehicular access.

Water Services Department

They have no objections subject to conditions.

Conservation Officer

It is their opinion that the primacy of the original historic house should be retained and that any infill/new development within the grounds should be subservient to the

original building. They also have concerns regarding the proposed entry gates and external finishes.

Parks Division

They note that the dwelling is within the Howth SAAO and that any new driveway entrance or boundary treatment shall consider the Howth SAAO Guidelines. They have concerns about the impact of the proposed new entrance and suggest an alternative location. They requested Arboricultural details, a Tree Bond, Bat Survey and details on boundary treatment.

3.4. Prescribed Bodies

Irish Water

They have no objections subject to conditions.

3.5. Third Party Observations

Submissions were made by local residents, including the subsequent Observers. These have been noted in the Planner's Report and in the context of the Observation and of the Assessment below.

4.0 Planning History

The Planner's Report provides a list of applications, including relative to extensions and alterations to the existing Cannon Rock House and to the north and south in the vicinity. It is noted that the planning register has found no historical planning applications which are considered relevant in the context of the current proposal.

5.0 Policy Context

5.1. Fingal Development Plan 2017-2023

Land use Zoning

The site is within Balydoyle/Howth area, Sheet 10 refers and is zoned 'RS'- Residential where the Objective is: *To provide for residential development and*

protect and improve residential amenity. The vision for this zone is: To ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity. Residential use is permitted in principle in this area.

Placemaking

Chapter 3 of the Development Plan relates to Placemaking and the following Objectives are noted:

- **PM39:** Ensure consolidated development in Fingal by facilitating residential development in existing urban and village locations.
- **PM41:** Encourage increased densities at appropriate locations whilst ensuring that the quality of place, residential accommodation and amenities for either existing or future residents are not compromised.
- **PM44:** Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.
- **PM45:** Promote the use of contemporary and innovative design solutions subject to the design respecting the character and architectural heritage of the area.
- **PM64:** Protect, preserve and ensure the effective management of trees and groups of trees.

Development Management Standards

Chapter 12 of the Development Plan sets out development management standards, and the following Objectives are noted:

- **DMS28:** 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. In residential developments over 3 storeys, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs.
- **DMS39** New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.

- **DMS44:** Protect areas with a unique, identified residential character which provides a sense of place to an area through design, character, density and/or height and ensure any new development in such areas respects this distinctive character.
- **DMS77-** Protect, preserve and ensure the effective management of trees and groups of trees.
- **DMS78 -** Ensure during the course of development, trees and hedgerows that are conditioned for retention are fully protected in accordance with 'BS5837 (2012) Trees in relation to the Design, Demolition and Construction – Recommendations' or as may be updated.
- **DMS87-** This seeks to ensure minimum open space provision i.e for a house with 4 or more bedrooms - 75sq.m of private open space located behind the front building line of the house.

Landscape Character

The appeal site lies within a Coastal Landscape Character Type and on the prominent headland of Howth, which is also the subject of a Special Amenity Area Order (1999).

The Coastal Landscape Character Type is considered to be highly sensitive to development (Table LC01) and the plan sets out principles to guide development in such areas and landscape character assessment policy objectives NH33-NH39 (see attachments). Essentially the objectives seek to preserve the uniqueness of landscape character type and ensure that development reflects and reinforces this character.

Objective NH36 is concerned that new development would not impinge in any significant way on highly sensitive areas or detract from the scenic value of the area.

Identified views and prospects are afforded protection under objective NH40 of the Plan. Special Amenity Areas, including the Howth Special Amenity Area, are afforded protection under policy objectives NH44 in accordance with the relevant Order.

Objective RF51 - *Ensure that the development of any coastal site through the extension or replacement of existing buildings or development of any new buildings*

is of an appropriate size, scale and architectural quality and that it does not detract from the visual amenity of the area or impact negatively on the natural or built heritage.

Natura 2000 sites are afforded protection under policy objective NH15 of the Fingal County Development Plan.

Howth Development Plan Objectives

Objectives Howth 1- 6 refer and of note are:

Objective Howth 4 – *Protect and manage the Special Amenity Area, having regard to the associated management plan and objectives for the buffer zone.*

5.2. Howth SAAO, 1999

The appeal site falls within a defined '*Residential area within the Special Amenity Area*'. As shown on Map A of the Order it is within the SAAO Buffer Zone Policies of the plan.

Further, the following features are identified for protection in the vicinity of the site (Map B of the Order):

- Footpaths to the south and east of the site,
- Mature trees in gardens, in the vicinity,
- A proposed natural heritage area to the south and east of cliff walk.
- Heathland and maritime grassland, south east of cliff walk.

Schedule 1 of the Order sets out a number of objectives for the enhancement of the Special Amenity Area. Objective 1.1 includes to manage the area in order to conserve its natural and cultural assets and protect the amenity of local residents.

Schedule 2 of the Order sets out objectives for the preservation of the character or special features of the area, these include, to preserve views from public footpaths and roads (Objective 2.1), to preserve woodland (Objective 2.5) and to preserve the wooded character of existing residential areas (Objective 2.6).

Schedule 3 of the Order sets out objectives in respect of development in residential areas, as defined in Map A. These include to protect residential amenity, to protect and enhance the attractive and distinctive landscape character of the areas and to

ensure that development does not reduce the landscape and environmental quality of adjacent natural, semi-natural and open areas.

5.3. Natural Heritage Designations

5.3.1. Natura 2000 sites which lie in the vicinity of the appeal site are shown in the attachments and include:

- Howth Head SAC (site code 000202),
- Howth Head Coast SPA (site code 004113),
- Rockabill to Dalkey Island SAC (site code 003000)

5.4. EIA Screening

Having regard to the nature and scale of the proposed development and the nature of the receiving environment there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

Hughes Planning & Development Consultants have submitted a First Party Appeal on behalf of the Applicants. They have regard to the locational context, planning history and policy and the Grounds of Appeal include the following:

- The proposal provides a high standard of residential with an increase in density that ensures the increased efficiency of serviced land within urban Dublin in accordance with national policy.
- It will not have a detrimental impact on the setting of Cannon Rock House which is not a Protected Structure or situated within a Conservation Area or ACA.

- The proposed access arrangements are appropriate in the context of the low-speed environment within which the site is located.
- A revised design has been prepared and they consider that the impact of the development is reduced and will not contribute to overshadowing or overlooking.
- They consider that the proposed dwelling will have a limited effect on visual amenity and to lessen the impact they propose to retain existing boundary trees.
- They note there is no distinct building line in the area and they do not consider that the proposed development would be detrimental to the amenities of adjoining property.
- They note that as shown on the revised plans the existing vehicular entrance which serves Cannon Rock House will be utilised to provide access to both this existing dwelling and the proposed infill house- Appendix B refers.
- They state their preference for the proposal as shown on the original design submitted and ask the Board to judge this revision only in the event it is deemed absolutely necessary.
- They refer to the revised drawings submitted with the Appeal and provide that this further reduces the scale and massing of the proposed infill dwelling, is sufficient to ensure the primacy of the original house is retained and that there is no detrimental impact on the character and amenities of the area.
- They refer to access arrangements and consider that the location of the proposed vehicular entrance, taking account of the revisions is acceptable and refer to sightline drawings submitted.
- The proposal will provide an efficient use of this serviced land and will increase density. They contend that it is in accordance with Objectives in Project Ireland 2020 National Planning Framework and of the Policies and Objective in the Fingal DP 2017-2023 and the sustainable planning development of the area.

6.2. Planning Authority Response

Their response includes the following:

- The application was assessed against the policies and objectives of the Fingal Development Plan 2017-2023 and existing government policy and guidelines including the development plan zoning objectives as well as the impact on adjoining neighbours and the character of the area.
- The existing house and grounds have a particular character which adds to Thormanby Road. The house itself is a Victorian Villa type house and any infill in the grounds should be subordinate in character.
- The applicant was requested by way of an A.I request to address concerns of the PA in relation to the proposed infill. They consider that the response from the applicant was deficient and unsatisfactory.
- There are safety issues with respect to egress from the site and these constitute a traffic hazard.
- They have regard to the changes submitted with the appeal but consider that the revised proposed will still dominate the existing house on site. They submit that cognisance needs to be taken of the existing house and use of the existing entrances.
- The PA remains of the opinion that the proposed development will detract from the adjoining residential amenity and respectively suggests that the decision to refuse the development be upheld.
- In the event that the appeal is successful they ask that provision be made for applying a development contribution in accordance with Section 48 Development Contributions Scheme. Also, that provision be made for a Tree Bond.

6.3. Observations

An Observation has been submitted by O'Neill Town Planning on behalf of Martin and Noleen Cronin of 6 Cannon Rock View, Howth. This includes the following:

- They consider the proposal will be detrimental to the amenities of their property and that the information submitted is inadequate.
- They consider that the application is invalid as it is contrary to the Planning and Development Regulations 2001 – as amended, by virtue of deficiencies in the drawings submitted and the lack of information submitted.
- They are concerned about the siting of this large two storey house, which was marginally revised at F.I stage close to the boundary between the two properties. They consider that it will have a detrimental impact on the existing historic property on site.
- They contend that neither the amendments made nor the Applicant's agents have made an arguable case to counter the decision of the Planning Authority to refuse permission.
- They note the Transportation Section's concerns regarding the access and consider that the changes made by the Applicants in the Appeal documentation would not overcome the concerns of the Planning Authority.
- In view of the site location within the Buffer zone of the SAAO and on the boundary of the SAAO a full visual impact assessment should have been carried out to show how the proposed development would fit into its surroundings, both natural and built.
- They consider that the proposal will be overbearing for their property and cause overshadowing. Because of the difference in heights and ground levels between the two properties, the impacts are multiplied.
- The building will tower 10m above the purported existing ground level and will be visually obtrusive. Low rise development is the norm in this area.
- They refer to the Development Plan Policy and Standards relative to development within the residential zoning and consider that the proposed development would not be in compliance with these.
- They submit that the proposed house would be incompatible with the character and pattern of development in the area. The subject site should

have been extended to the natural boundary of the site which is proximate to the Cannon Rock View Road to the east.

- The narrowness of the private open space to the rear of the proposed house allied to the obtrusiveness of the private open space attached to the parent house appears contrary to proper planning.
- The site is located in a highly sensitive landscape area and they consider that the proposed development would fail to comply with the Landscape Character Assessment Objectives.
- The proposed development would compromise views and prospects and as such the visual assessment is important. A lower scale dormer bungalow would be preferable.
- The proposal is contrary to the residential zoning objective and to the policies and objectives in the Fingal DP 2017-2023. They ask the Board to support the reasons of the Planning Authority and to refuse permission.

7.0 Assessment

7.1. Policy Considerations

- 7.1.1. The subject site is zoned objective 'RS' Residential in the Fingal County Development Plan 2017-2023 where the objective is to: *Provide for residential development and protect and improve residential amenity*. The 'Vision' for the zoning objective is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity. Therefore, while the principle of development is acceptable, this is provided it would not detract from the residential amenities and character of the area.
- 7.1.2. Regard is had to the 'National Planning Framework Plan 2040' which seeks to increase housing supply and to encourage compact urban growth, supported by jobs, houses, services and amenities rather than continued sprawl and unplanned, uneconomic growth. This supports consolidation, the regeneration of brownfield sites and infill development. Chapter 4 refers to *Making Stronger Urban Places* and includes National Policy Objective 4 which seeks to: *Ensure the creation of*

attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

- 7.1.3. There is concern that the proposed infill development due to its locational context, design and layout including bulk, height and scale, would have a detrimental impact on the setting of the historic period building on site and the residential amenities and character of the area. Regard is also had to the sensitive nature of the site, within the Buffer Zone of the Howth Special Amenity Area Order and with frontage to the Upper Cliff Road leading to the Cliff Walks on Howth Head.
- 7.1.4. The First Party consider that the proposed infill development, represents an efficient use of land in contributing an additional house to the national housing stock, and leading to a compact form of sustainable residential development that will not impact adversely on the residential amenities of adjoining properties and the character of the area. They note that the existing Cannon Rock House is not subject to any conservation/heritage/protected structure status and provide that the proposed development as shown on the revised plans comprises a modest residential infill development that avoids any loss of amenity or integrity to both this structure and adjoining properties and protects the visual amenity of the immediate area.
- 7.1.5. As noted above the proposed development comprises residential development on residentially zoned lands and so would be acceptable in principle, subject to compliance with planning policy and guidelines. Regard is had of the planning issues raised by the parties, including the Council's reasons for refusal and as included in the documentation submitted and the revisions made and considered in this Assessment below.
- 7.1.6. There have been some concerns expressed by the Observer about procedural issues. They consider that the information including relevant to the drawings submitted is deficient and that the application should have been declared invalid by the Council. Such procedural and validity issues are a matter for the Council rather than within the remit of the Board and this application is being considered *de novo*.

7.2. **Design and Layout**

- 7.2.1. The appeal site comprises a parcel of land associated with the existing Cannon Rock House. This proposal is to provide a new infill dwelling within the

grounds/landscaped garden area of the existing period dwelling Cannon Rock House. As originally proposed there was to be a separate new vehicular entrance to the existing house provided via the existing pedestrian entrance to the Upper Cliff Road. As per the revised drawings submitted with the appeal the proposed two storey four bedroom dwelling is to be accessed along with the existing house via an existing upgraded vehicular entrance off Thormanby Road.

7.2.2. As shown on the plans originally submitted the floor area of the proposed 4 bedroom detached house was to be 349sq.m i.e. 194sq.m – ground floor and 155sq.m first floor on this site of 0.12ha. The proposed pitched roof dwelling was shown c.9m to ridge height. The Contextual Elevations showed the ridge height to be similar to that of Cannon Rock House when seen from the surrounding roads. Having regard to the Council's concerns revised plans were submitted showing the ridge height of the proposed dwelling reduced by 900mm to c.8m in height. As outlined the floor plans are shown reduced by c.20sq.m. Also, to reduce the impact on the building line relative to the existing house and to Thormanby Road the footprint of the house is shown further set back on the site. However as shown it will still be set further forward of the building line of the existing house. Also, in view of the set back the rear garden area will be reduced to c.7.3m in width.

7.2.3. In response to the Council's reason no.1 for refusal, revised plans were submitted as an optional layout for consideration by the Board. The First Party consider that the illustrated revisions, architectural drawings which are contained within Appendix B of their Appeal directly respond to the refusal reasons issued by the Planning Authority. This shows the proposed dwelling set in a similar location but the overall footprint reduced by a further c.15sq.m. from that shown on the plans submitted at A.I stage. The ridge height remains unaltered at c.8m. If the Board decides to permit, I would consider the reduced floor area plans submitted with the appeal to be preferable. However, the issue remains that the proposed dwelling will appear overly dominant in its surrounds and not appear subservient to and will detract from the character and setting of Cannon Rock House.

7.3. Trees and Landscaping

- 7.4. The site is characterised by trees and planting which add to its setting and provide screening from the road frontages. These are mainly located proximate to the site boundaries and assist in screening the site from the Cannon Rock View cul de sac dwellings to the north and east. There are trees and shrubs on either side of the driveway to the period dwelling. As shown on the revised plans these will be also be impacted by the proposals relative to the configuration of the driveway.
- 7.4.1. The Parks Division noted the locational context of the site and provided that any proposed new entrance or driveway shall consider the Howth SAAO Guidelines. They requested a complete tree survey including an Arboricultural Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement in accordance with current standards. In addition, a Tree Bond of €10,000 in order to ensure that the trees (incl. adjacent street trees) are protected and maintained in good condition throughout the course of development. They requested that the tree report shall include recommendations on replacement trees (species and girth size) and the location of the proposed soakaway. They also requested details of Boundary treatment to be provided including the proposed 1.8m high internal boundary wall. These details were part of the Council's F.I request.
- 7.4.2. The Applicant's response notes that the proposed set back as shown on the revised plans will allow for the retention of more of the mature trees. An Arboricultural Report, Tree Survey, Arboricultural Impact Assessment and Method Statement has been submitted. This includes photographs of views of the site. A Tree Survey was carried out and analysis of the proposal in respect of trees. This includes that the loss of trees has been confined to those that are of a lower quality and located internally within the site. They provide that no moderate quality trees or trees located immediately adjacent to the boundary are required to be removed. Therefore, they consider that the proposal will have a minimal visual impact on the surrounding area.
- 7.4.3. It is noted that future pruning works will be required to maintain a suitable separation between the canopies of trees T682 (Yew B1/B2), T685 (Yew B1/B2), T691(Scots Pine B1/B2) and the proposed dwelling and details are given of such. It is noted that the above trees are all described to be in good condition and that as shown on the Proposed Layout & Tree Removals drawing submitted at F.I stage, three of the most

noteworthy trees on the site will be somewhat impacted by the proposed development. Regard is had to the proposed surface water drainage is shown on the Tree Protection Plan at Appendix B. The soakaway is located in the periphery of a number of trees. Details are also given of tree protection measures during construction work. They provide that the impact will be minimal.

- 7.4.4. Having regard to boundary treatment, they recommend that a low impact boundary such as a hedgerow or post and panelled fence be used to minimise any impact on the retained trees and that a boundary wall be avoided. Also, that an Arboricultural Method Statement has been submitted. It is noted that there is space available on site for new tree and hedgerow planting. It is recommended that given the location, trees and hedgerows should be selected from the Suitable Species list detailed within the Howth SAAO Design Guidelines. The Arboricultural Report provides that the proposal has been assessed in accordance with current standards and that provided the recommendations and methods of works as outlined in the report are followed the proposed development can be successfully carried out without having a significant impact on the character of the surrounding landscape.
- 7.4.5. However, having viewed the site, I would have concerns that the proposed development will have an adverse impact on the integrity of the existing landscaped grounds and setting of Cannon Rock House and on the character of the area. If, the Board decide to permit, I would recommend the inclusion of an appropriate landscaping condition, that includes regard to tree protection measures, a tree bond as requested, additional planting and boundary treatment.

7.5. Ecological issues

- 7.5.1. The Parks Division, noted mature trees on site and provided, that these should be assessed for their potential to support roosting bats or any other protected species to ensure compliance with the EU Habitats Directives and this was included as part of the Council's F.I request. In response A Bat Assessment of the Proposed House Construction within the grounds of Cannon Rock House has been submitted. This provides an evaluation for potential impacts on the Bat Fauna. This provides an assessment of the potential for bat roosting and for bat feeding and commuting within the site. It notes that a bat survey was carried out in May. While there is some

roost potential, there was no evidence of bats. There was some feeding, but it was noted that the bat activity within the site was overall low possibility reduced by the lower temperatures and the absence of roosts. They note that there is virtually no mature vegetation removal, and none shown to be of significance to feeding or commuting bats.

- 7.5.2. However, regard was had to the impact of increased light levels in the area due to the proposed development. They provide that the minimal reduction in cover and increase in lighting will have a long term to permanent negligible negative impact on the bat population of the region. As proposed mitigation they recommend that lighting be controlled and that lights are not continually lit at night. If the Board decide to permit it is recommended that a condition relative to lighting be included.

7.6. Access

- 7.6.1. As originally submitted the Site Layout Plan showed the proposed dwelling is to use the existing entrance off Thormanby Road, with the existing dwelling to use a new vehicular entrance in a similar location to the current pedestrian entrance off the Upper Cliff Road. Therefore, this proposal would involve the creation of a new vehicular entrance close to the junction of both roads. The roadside boundaries are currently defined by a low wall and dense hedgerow. The Council's Transportation Section noted that the existing hedgerow needed to be cut back and requested that a sightline drawing be submitted to provide details of the amendments to the existing boundary and the proposed replacement boundary treatment required to provide sightlines to the junction of Thormanby Road to the west and 45m to the east. Regard is had to DMURS (2019) which notes that within cities, towns and villages in Ireland a default speed limit of 50km/h is applied. The proposed development is within the 50km/hr speed limit. Section 4.4.4 of DMURS refers to forward visibility – sight distances. Table 4.2 provides for a design speed of 50km/h 45m is required.
- 7.6.2. In response revised plans were submitted as part of the F.I to illustrate the proposed entrance from the Upper Cliff Road. This includes changes to the hardstanding area for the proposed dwelling. They also submit that they will trim back the roadside hedge. The Transportation Planning Section provide that the sightline drawing is incorrect. They note that the sightlines have not been measured from a 2m setback

from the nearside edge of the road. Also, they are concerned that the proposed location would require significant cutting back of existing boundary planting including trees along the Upper Cliff Road and furthermore constitutes a traffic hazard. They consider that the existing separate disused gated access onto Cannon Rock View would be a more appropriate alternative. In the event of a permission they recommend that this be conditioned and the existing grass verge at the access off Cannon Rock View should be replaced with a footpath having a minimum width of 1.8m.

- 7.6.3. It is noted that the Parks Division provides that the proposed new entrance for the existing dwelling does not meet Howth SAAO Design Guidelines (Policy 3.1.2 refers) either in height of the proposed render finish. They recommend a revised entrance at the existing Canon Rock View and Upper Cliff Walk. They have concerns about the impact of the proposed new entrance on the character of this road and consider a revised entrance at the existing gate at the junction of Canon Rock View and the Upper Cliff Road corner to have less of an impact on visual amenity.
- 7.7. The First Party Appeal submission considers that the proposed access arrangement via the Upper Cliff Road is appropriate both in the context of the low speed environment within which the site is located and for the benefit of retaining existing visual amenity at this location. They note that the existing dwelling known as 'The Hut' has a vehicular entrance on the opposite side of the road and this is similar to that proposed. Having regard to achieving the sightlines this would involve the permanent removal of most of the boundary hedging along the southern boundary and a reduction in the boundary wall to 0.9m. These alterations would have a significant impact on the visual amenity of the site. The First Party provide that given the manner in which 'The Hut' is currently accessed by insufficient sightlines such alterations are not considered reasonable. They consider that in view of the locational context, that speed limits would be reduced. However, they have submitted a revised design in Appendix B which shows use of a joint access from Thormanby Road. It is stated that the applicants, in submitting this new design, wish to state their preference for the original design submitted under Reg.Ref. F18A/0622 (for two separate entrances i.e. to separately serve each dwelling), and would ask the Board to judge this revision only in the event it is deemed, absolutely necessary.

7.8. On site, I noted that the junction of the Upper Cliff Road with Thormanby Road is very narrow and visibility is poor. The latter is a busy trafficked road, that also serves public transport. There are bus stops in close proximity. The area is elevated and the site is located on the side of a hill. In accordance with DMURS I would consider that in view of the speed limits in the area the aforementioned sight distance of 45m would be required. I would consider that the proposed vehicular entrance from the Upper Cliff Road would not be desirable a location as adequate sightlines cannot be achieved without the removal of a large area of boundary hedging which visually adds to the character of the area. The revised plans show the use of the existing vehicular entrance off Thormanby Road to serve the existing and proposed dwellings maybe preferable, rather than the creation of a new separate entrance for the existing property via the narrower Upper Cliff Road. However, it has not been demonstrated that adequate sightlines are achievable to facilitate an additional dwelling from this entrance. I also note that the Council's Transportation Section consider it preferable to have a separate alternative entrance at the former entrance to the adjoining cul de sac to the east, Cannon Rock View, which is not part of the current proposal. Having regard to all these separate scenarios I consider that there is an element of confusion and do not consider that it has been demonstrated that 45m sight distances are available in accordance with standards from the existing or proposed entrance. I note this is an area well used by walkers and visitors to Howth to access the Cliff walk paths and would therefore be concerned that it has not been demonstrated that the proposed development would not constitute a safety hazard for both pedestrians and traffic.

7.9. Drainage

7.9.1. It is proposed to connect to existing services i.e public mains and public sewer and that surface water disposal is to a soakpit. As part of the Council's F.I request the applicant was requested to demonstrate compliance of any soakaway design with current standards. In response a Soakaway Report was submitted. This contains details of the soakaway test results, including photographs of trial holes and soakaway trench design. The location of the soakaways is specified in the site layout plan specified in the report. It is provided that the proposal accords with the minimum separation distances for surface water soakaways as set out in the

Environmental Protection (EPA) Code of Practice: Waste water treatment and disposal systems serving single houses.

- 7.9.2. It is noted that the Council's Water Services Department and Irish Water do not object to the proposed development subject to conditions. If the Board decide to permit it is recommended that relevant drainage conditions be included.

7.10. Impact on the Character and Amenities of the Area

- 7.10.1. It is noted that the existing dwelling currently comprises an attractive period building. While not a Protected Structure this is a substantial period house (c.1920's) in its own landscaped grounds which contributes to its setting. While not listed in the Fingal County Council Record of Protected Structures and not located within an ACA, it nevertheless contributes to the architectural character of the area. Of note is Objective Howth 1 – *Ensure that development respects the special historic and architectural character of the area.*
- 7.10.2. This is a corner site at the junction of Thormanby Road and Upper Cliff Road. The appeal site is proximate to the Upper Cliff Road and is situated within close proximity to the Howth Summit and associated recreational walkways. It is noted that the site is within the Buffer zone of the Special Amenity Area and on the boundary of the SAAO. There is concern that a Visual Impact Assessment was not submitted to show how the proposed development would integrate into its surroundings, both natural and built. While currently well screened by planting and hedgerows, if these were removed it would be more visible on this elevated site to walkers in the context of the route to the Upper and Lower Cliff Walks.
- 7.10.3. The Howth SAAO, provides a number of relevant policies including Policy 3.1.2 which provides Design Guidelines which apply to new development and advises that new buildings should generally be in keeping with the character of other buildings in the vicinity. While favourable consideration may be given to contemporary design, this is provided that the design is of high quality and that, in visual terms, it subordinates the building to the surrounding natural environment. Policy 3.4.2. provides: *New buildings should be as inconspicuous as possible.*
- 7.10.4. The concerns of the Council and Observer relative to the impact of the proposed dwelling on the existing period dwelling are noted. This includes that the new house

would compromise the character of the area and dominate the existing house on site. Cognisance needs to be taken of the existing house and use of the existing entrances. The impact of the proposed design and layout, scale and height of the proposed 2 storey house taking into account the revisions made on nos. 6 and 7 Cannon Rock View to the north is of concern to the Observers. They are concerned that the ground level of the proposed house will be c.2m higher than the ground level of their house at 6 Cannon Rock View, and the proposal will be overbearing and lead to overshadowing for their property and make it appear overly dominant. They are also concerned about the large stairwell within the property and the overall height of the chimney stack and the impact on their property. They consider that in view of the substantial differences in ground levels a detailed site survey showing existing contours on site and adjoining sites and cross sections should have been required. Also, that given the height, scale and proximity to no. 6 Cannon Rock View a Shadow Analysis should have been undertaken.

7.10.5. The First Party provides that the infill dwelling is situated to ensure overlooking and overshadowing impacts are minimised with regards to other houses in the immediate vicinity of the site within Cannon Rock View, Thormanby Road and Upper Cliff Road. They consider that the scale and massing of the revised infill proposal relative to Cannon Rock House is sufficient to ensure that the proposed dwelling is appropriately subordinate to the existing period property.

7.10.6. Having viewed the site I noted that this house will be seen from the first floor windows of on nos. 6 and 7 Cannon Rock View, which are set at a lower level. It will be set forward of the existing dwelling on site and the building line and will be c.8m in height on this elevated site. The Council's Conservation Officer is concerned relative to the impact on the existing house and notes that any infill/new development within the grounds should be subservient to the existing building. Also, of note is that there are a number of first and ground floor windows on the rear elevation of Cannon Rock House facing the subject site. The proposed development will have an impact on the outlook from this property.

7.10.7. While as noted above it is recommended that a landscaping condition be included to retain existing and augment screening, if the Board decides to permit, I would also, recommend that it be conditioned that the proposed first floor windows in the side elevations be obscure glazed. However, taking all these issues into consideration, I

would consider that the scale and nature of the proposed albeit revised two storey dwelling on this elevated site would appear overly dominant and in being adjacent to, would conflict with rather than be subservient to the character of the period property Cannon Rock House, which contributes to the streetscape and views from the Upper Cliff Road. It would encompass the landscaped gardens of the site and would thus detract from its setting. It would also lead to overlooking to the first floor frontages of nos. 6 and 7 Canon Rock Views. It would therefore, be contrary to Fingal DP objectives: Howth 1 (relative to the special historic and architectural character of the area) and DMS44 which seeks to protect residential areas of character. Also, to the residential zoning objective 'RS' which seeks to protect and improve residential amenity and to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.

7.11. Screening for Appropriate Assessment

7.11.1. Having regard to the scale and nature of the proposed residential development and nature of the receiving environment on this serviced site and/or proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that permission be refused for the reasons and considerations below:

9.0 Reasons and Considerations

1. Having regard to the locational context of the site adjacent to the junction of Thormanby Road with the Upper Cliff Road and Howth Head and the pattern of development and tourist attraction for walkers in the area, it is considered that the proposed development, by reason of its design, scale, bulk, height would appear visually dominant and would not be subservient to and would detract from the setting of the existing period dwelling on site and its landscaped gardens and have a significant negative impact on the architectural integrity of the existing dwelling. As such it would be contrary to

Objective Howth 1 and Objective DMS44 of the Fingal Development Plan 2017-2023. Also, being located in the buffer zone of the Howth Head Special Amenity Area Order where more restrictive policies apply it would be contrary to Policies 3.1.2 and 3.4.2 (new buildings) of the Order and to the proper planning and sustainable development of the area.

2. It is considered that insufficient information has been submitted to ascertain the provision of safe access/egress to facilitate the proposed development and the existing house to ensure that the proposal would not lead to conflict/traffic hazard for road users and pedestrians. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Angela Brereton
Planning Inspector

19th of March 2020