

An
Bord
Pleanála

Board Direction
BD-019150-25
ABP-321200-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 10/03/2025.

The Board decided to make a split decision, to

- (1) grant permission, for the following reasons and considerations and subject to the following conditions for alterations to the existing single storey dwelling Dromintee and all ancillary works, inclusive of SuDS drainage, landscaping and boundary treatments in accordance with the said plans and particulars.

and

- (2) refuse permission for construction of part single, part two-storey house.

generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations (1)

Having regard to the nature, scale, location and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, this element of the proposed development would comply with the zoning objectives for the site, as set out in the Howth Special Amenity Area Order (SAAO) 1999 and Fingal County Development Plan 2023-2029, would not seriously injure the visual or residential amenity of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. This element of the proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The roof height of the proposed alterations to the existing dwelling shall be reduced by 250mm at the ridgeline and by 450 mm at the proposed dormers. Revised plans and particulars, detailing these reductions in roof height shall be submitted to and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. The site development and building works required to implement the development shall be carried out only between the hours of 0700 to 1900 Monday to Fridays, between 0800 to 1400 hours on Saturdays and not at all on Sundays and Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of adjoining property in the vicinity.

4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development

Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

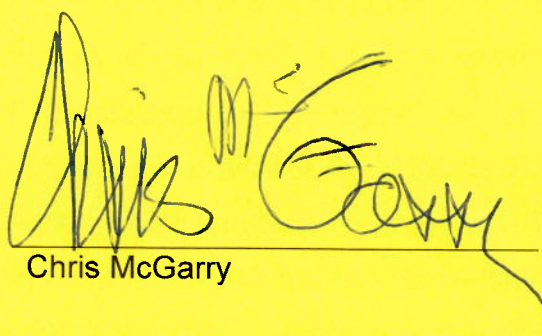
Reasons and Considerations (2)

1. Having regard to the location of the site set in the designated Howth Special Amenity Area Order (SAAO) 1999, where there is a site specific policy 3.1.1 to restrict the number of units to five per hectare for new residential development and the land use zoning sheet 10 as delineated in the Fingal County Development Plan 2023-2029 which provides for residential development at a density of five units per hectare, it is considered that the proposed development would be in excess of the density restriction for this site and if permitted would materially contravene policy 3.1.1 of the Howth Special Amenity Area Order and the land use zoning map. This element of the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed house by virtue of its design and excessive scale and massing would not be in keeping with other buildings in the

vicinity and would not be subordinate to the surrounding environment, and would be excessive in scale and out of keeping with the surrounding environment. As a result, the proposed development would contravene Policy 3.1.2 of the Howth Special Amenity Area Order and Objectives, DMSO31 and DMSO32 of the Fingal County Development Plan 2023-2029. This element of the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Note: the Board noted the recommendation of the inspector to refuse permission for the proposed development for one reason only (SAAO based density). While the Board fully shared the recommendation of the inspector in this regard, the Board also considered the totality of the documentation on file and concluded, contrary to the assessment of the inspector, that the proposed dwelling would be of excessive scale at this specific location having regard to the provisions of the SAAO and other relevant provisions of the Fingal County Development Plan 2023-2029. On this point the Board agreed with the assessment of the planning authority and determined that a second reason for refusal as set out above would be warranted in the current case.

Board Member:



Chris McGarry

Date: 10/03/2025