



An
Bord
Pleanála

Board Order
PL 06F.249417

Planning and Development Acts 2000 to 2017

Planning Authority: Fingal County Council

Planning Register Reference Number: F17A/0459

Appeal by Martin and Valerie McCourt care of Fergus Flanagan Architects Limited of Crescent Quay, Wexford against the decision made on the 25th day of September, 2017 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: (1) The demolition of the existing habitable dwelling on site, (2) the provision of a replacement detached two storey house and garage, (3) new connection to local authority foul mains and (4) amendments to existing vehicular entrance and all associated site works at Whitewater, Bailey Green Road, Howth, County Dublin.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. The site of the proposed development is located within a 'High Amenity' area as set out in the Fingal County Development Plan 2017-2023, where it is an objective to '*protect and enhance high amenity areas*'. The site is also within the designated area of the Howth Special Amenity Area Order (SAAO) and is subject to an objective to '*preserve the beauty and distinctive character of the natural, semi-natural and other open areas within the special amenity area*' (Objective 3.4). These objectives are considered to be reasonable.
Furthermore, the site is within a Coastal Landscape Character area that is categorised by the Development Plan as having exceptional landscape value and to be highly sensitive to development. Having regard to the prominent positioning of the proposed development, together with its excessive massing, scale, depth and width, it is considered that the proposed development would form a discordant and obtrusive feature on this highly sensitive and scenic coastal landscape, would seriously injure the visual amenities of the area, and would fail to be adequately absorbed and integrated into the landscape. The proposed development would, therefore, contravene materially the High Amenity zoning objective for the area as set out in the Development Plan and would be contrary to the proper planning and sustainable development of the area.

2. Policy 3.4.1 of the Howth Special Amenity Area Order (SAAO) states that replacement dwellings shall be no greater than 20% larger than the existing dwelling. The proposed dwelling is approximately 150% larger than the existing dwelling and is significantly in excess of the permitted increase in floor area allowed under the policy (which policy is considered to relate to floor area rather than to building footprint and is reasonable in the context of the SAAO). The proposed development, by reason of this excessive size, would represent significant overdevelopment of lands within this sensitive high amenity landscape and would undermine the character and amenity of the Howth Special Amenity Area Order, would materially contravene policy 3.4.1 of the Howth Special Amenity Area Order, and objective NH44 of the Fingal County Development Plan 2017 – 2023 and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed development by reason of its mass and scale and excessive width, height and depth would seriously injure the visual amenities of this high amenity landscape of outstanding scenic value and would be out of character within the Howth Special Amenity Area Order. The proposed development would interfere with the preserved views in the area, from the pathways to the west, north, south and east of the site preserved both under Schedule 2 of the Howth Special Amenity Area Order and under Objective NH40 of the Fingal County Development Plan 2017-2023. The proposed development would, therefore, contravene materially the development objectives for this area indicated both in the Development Plan and in the Howth Special Amenity Area Order and would be contrary to the proper planning and sustainable development of the area.

