



Planning and Development Acts 2000 to 2019

Planning Authority: Fingal County Council

Planning Register Reference Number: F18A/0749

Appeal by Robbie Gill and Susan Whelan care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin against the decision made on the 7th day of August, 2019 by Fingal County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: New two-storey single family house with pedestrian and vehicular entrance onto Church Street including associated landscaping, services and ancillary works. The development will consist of amendments to the design of the permitted dwelling house on this site under planning register reference F14A/0282. The amendments comprise changes to the front façade, the design of living space to the rear and the provision of a car parking turntable, all on site adjacent to The Anchorage, Church Street, Howth, County Dublin.

Decision

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it 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 2 and the reason therefor.

Reasons and Considerations

Having regard to the 'TC' zoning objective for the site, as set out in the Fingal Development Plan 2017-2023 and the location of the site within the Howth Historic Core Architectural Conservation Area, the historic pattern of development in the vicinity of the site, the prevalence of existing dormer structures on neighbouring properties along Church Street and the general alignment of the proposed house with adjacent properties which limits any significant level of undue overlooking beyond that which is to be expected in a built-up village centre setting, it is considered that the intent of condition number 2 imposed by the planning authority was not warranted to the extent of the reduction in the dormer window size required by condition number 2, and that its imposition would be detrimental to the design quality of the proposed dwelling and the established character and visual amenities of the area. It is, therefore, considered that condition number 2 should be removed in the interest of the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation, the Board considered that the required and proposed reduction in the size of the dormer features would be excessive and detrimental to both the design quality of the proposed house and the visual amenities of the area, and considered that the dormer structures would not form an overly dominant part of the roof or significantly breach the perceived ridge height, when seen from the lower level harbour area.

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.

Dave Walsh
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2020.