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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F20A/0046**

**Appeal** by Hillwatch care of Ciara Ni Laoi of “Seabeam”, Strand Road, Sutton, County Dublin against the decision made on the 14<sup>th</sup> day of July, 2020 by Fingal County Council to grant subject to conditions a permission to Robert and Jean Dix care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The proposed development will comprise: (i) demolition of existing two-storey dwelling, (ii) construction of two-storey dwelling comprising kitchen, scullery, living room, television room, dining room, w.c. and cloak room at ground floor level, and five number ensuite bedrooms and walk-in robes, family room/study, gym, wine store, utility room, plant room and shed at lower ground floor level and (iii) drainage, landscaping, boundary treatments and all associated works necessary to facilitate the development. All at Glenlion House, Thormanby Road, Baily, Howth, County Dublin.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions 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**

Having regard to the scale and design of the proposed development for a replacement house of contemporary design on a large site, within the Howth Head Special Amenity Area, the materials and finishes proposed, the distances of the proposed development from the site boundaries, the landscaping and tree protection proposals, and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the landscape character of the area or protected views from public roads and footpaths and would be in accordance with the policies and objectives of the Fingal County Development Plan 2017 - 2023 and the Howth Special Amenity Area Order 1999. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development, the Inspector's report, and submissions on file. In completing the screening exercise, the Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Howth Head Special Area of Conservation (Site Code: 000202) is the European Site for which there is a likelihood of significant effects. The Board was satisfied that all other European Sites could be screened out of any further assessment because the remaining sites identified have no pathway for significant effects.

## **Appropriate Assessment**

The Board considered the revised Natura impact statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for the European Site, namely the Howth Head Special Area of Conservation (Site Code: 000202) in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment, the Board considered, in particular:

- (i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (ii) the mitigation measures which are included as part of the current proposal, and
- (iii) the conservation objectives for the European Site, and

in completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of this European Site in view of the site's conservation objectives.

## Reasons and Considerations

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## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 18<sup>th</sup> day of June, 2020, 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. Details of the materials, colours and textures of all the external finishes to the proposed dwelling 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 landscaping scheme as submitted to the planning authority on the 4<sup>th</sup> day of February, 2020 shall be carried out within the first planting season following substantial completion of external construction works. All trees identified for retention in the Arboricultural Report submitted to the planning authority on the 18<sup>th</sup> day of June, 2020 shall be protected from damage for the duration of the construction works.

**Reason:** In the interests of residential and visual amenity.

4. During the construction stage of the proposed development, the mitigation measures as contained in the revised Appropriate Assessment Screening and revised Natura impact statement, the Proposed Construction Site Setup Details drawing, the revised Construction Management Plan and the Invasive Species Survey and Management Plan submitted to the planning authority on the 18<sup>th</sup> day of June, 2020 shall be implemented in full.

**Reason:** In the interests of the protection of the receiving environment and the proper planning and sustainable development of the area.

5. Prior to commencement of development, and in consideration of the environmental sensitivities of the site, a Consultant Arborist and a Consultant Ecologist shall be appointed to oversee and monitor the construction works and to ensure that the tree protection measures outlined in the Tree Protection Plan are implemented in full.

**Reason:** In the interest of the proper planning and sustainable development of the area.

6. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

7. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

8. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, 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 amenities of property in the vicinity.

10. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse,
  - (b) location of areas for construction site offices and staff facilities,
  - (c) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
  - (d) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
  - (e) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,



- (f) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil,
- (g) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains, and
- (h) a record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interests of amenities, public health and safety.

11. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

12. 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 the 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.

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**Michelle Fagan**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2020.**