



An
Bord
Pleanála

Board Order
ABP-316113-23

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F22A/0046

Appeal by WSHI Unlimited Company and Michael J. Wright Group care of O'Neill Town Planning of Oakdene, Howth Road, Howth, County Dublin against the decision made on the 23rd day of February, 2023 by Fingal County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Refurbish, redevelop, conserve, and change the use of part of the existing Howth Castle buildings, Stable Block and Attendant lands. The development proposed involves the demolition of some farm buildings, the refurbishment and construction of new buildings, and a change of use of part of the lower and upper ground floors of the castle and adjoining stable block and stable yard from primarily residential use to hospitality and tourist retail use. All of the reimagined and new areas will be under the control of a single management company which will be set up to manage the existing castle, stable areas and surrounding attendant lands.

The breakdown of the overall development is as follows:-

1. The Castle: Maintenance, refurbishment and minor conservation works as well as continuation of existing maintenance program for castle; change of use of upper ground floor of main castle building to tea rooms and reception area; conversion of rooms at lower ground floor to rest rooms, kitchens and storage areas. Provision of outdoor lift from ground to upper ground floor terrace. (There are no works or changes to all other floors of the castle other than a fire upgrade.)
2. The Castle Stable Area: Change of use of ground floor of stables to artisan retail and café use and the construction of new rest rooms; erection of central covered pavilion for restaurant use with new kitchen area; renovation of original entrance through existing clock tower. Development also involves repairs to existing roofs and walls.
3. The Castle Grounds (Part): Demolition of some farm buildings and retention and refurbishment of existing historical farm buildings; Reconfiguration of new entrance/ exit at 19th century gates to castle grounds; the creation of new access road to proposed new car and coach parking area and overflow car park; the creation of an assortment of recreational areas including a plant nursery, playground, picnic areas; erect temporary marquee and ancillary facilities for wedding events; pedestrianisation of areas around the Castle. Reopening and extension of existing historical cul de sac road past Saint Marys Church and creation of new access road to golf buildings which bypasses the front of the castle and links back to existing road; open pedestrian entrance from The Howth Road.

4. Other: The overall development also involves localised landscaping, the creation of new connections to the foul sewer and provision of attenuation as per SUDs, and all site works associated with the proposed development, all on a site of 6.89 hectare at Howth Castle, Howth Road, Howth, County Dublin (Protected Structures and within an Architectural Conservation Area.

Decision

Having regard to the nature of conditions 2, 3, 9, 10 and 18 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 ATTACH conditions numbers 2, 10 and 18 and the reasons therefor, REMOVE condition number 9(i) and 9(ii) and the reason therefor, AMEND condition number 3 so that it shall be as follows for the reasons set out.

3. The parking provision shall not exceed 188 spaces. Prior to the commencement of development, the applicant shall submit a revised layout plan indicating the inclusion of a revised overflow car park for the additional spaces and the provision of not more than 188 car parking spaces. Details of the electric vehicle charging points and how it is intended to manage the car parking area shall also be provided for the written agreement of the planning authority prior to the commencement of development.

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

Reasons and Considerations

ATTACH Condition Number 2 as follows for the reasons and considerations hereunder:

Having regard to the High Amenity zoning objective for the site, its location within the Howth Castle Architectural Conservation Area and the Buffer Zone for the Howth Special Area of Conservation Area, it is considered that the works required to construct the road would result in excessive interventions in the historic landscape, including the loss of mature trees and would impact on features of heritage value to the overall character and setting of the Howth Castle Demesne. It would be contrary to the policies and objectives of the Fingal County Development Plan 2023-2029 and in particular with, Objective GINHO67, Policy HCAP and Objective HCAO31, and would, therefore, be contrary to the proper planning and sustainable development of the area.

AMEND Condition Number 3 for the reasons and considerations hereunder:

Having regard to the location of the site in close proximity to Howth DART Station and to public bus stops, the policies and objectives of the Fingal Development Plan 2023-2029, which promote demand management for private car use and a modal shift to public transport, and the provisions of Section 14.17.7 and Table 14.19 which set out the car parking standards for the area, it is considered that the quantum of parking applied for is not required but that the quantum set out by the planning authority's transportation engineer is appropriate for the anticipated increased activities and is in accordance with planning policy and with the land uses proposed and is appropriate for the site and proposed development. The amended condition number 3 would, therefore, be in accordance with the proper planning and sustainable development of the area.

REMOVE Condition Number 9(i) and 9(ii) for the reasons and considerations hereunder:

Having regard to the existing and planned cycle routes and the topography of the site along its northern extent, which involves a steep level change between the site and the public road, it has not been demonstrated that an additional cycle route is necessary and can be safely accommodated at this location without significant interventions in the landscape which could result in the removal of mature trees. This would be contrary to the Special Objective for the site to 'Protect and Preserve Trees, Woodlands and Hedgerows' within the site and would, therefore, be contrary to the proper planning and sustainable development of the area.

ATTACH Condition Number 10 for the reasons and considerations hereunder:

The proposed temporary marquee would be located within the root protection area for a cluster of mature trees. Having regard to the Special Objective for the Demesne lands to 'Protect and Preserve Trees Woodlands and Hedgerows throughout the site', it is considered that the location of the marquee should be moved to an area outside the root protection zone for the nearby trees.

ATTACH Condition Number 18 for the reasons and considerations hereunder:

The Board considers that, based on the reasons and considerations below that the terms of the Fingal Development Contribution Scheme 2021-2025 have been applied correctly in Condition Number 18 and that the condition should be attached to the permission.

A commercial levy can be applied to the areas proposed for a change of use, which are stated as 1,578 square metres in the Schedule of Accommodation submitted with the application and under further information. The Board considers that the exemption for Protected Structures under Section 11(t) does not apply as the works proposed are primarily commercial in nature and that the entirety of the works do not represent renovations to restore/refurbish the protected structure. The Board also considers that the change of use from residential to commercial represents a substantial intensification of use of the building and that a commercial levy can be applied under the provisions of Section 11(v).

A commercial levy can be applied to the Pavilion area, within the courtyard which has a floor area of 322 square metres, and a reduction of 50% can be applied in accordance with Section 11(t) of the Fingal Development Contribution Scheme 2021-2025.



Mick Long

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this 16th day of September 2024