



An
Bord
Pleanála

Board Order ABP-321200-24

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F24A/0743E

Appeal by Clare McKenna care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 7th day of October, 2024 by Fingal County Council to refuse permission for development comprising (i) alterations to the existing single-storey dwelling 'Dromintee' comprising: (a) partial demolition of ground floor level (61 square metres) with associated internal revisions; and, (b) conversion and extension of the existing attic floor level to provide habitable accommodation, with associated increase in roof height, removal of chimney, new rooflight to front, amendments to elevations and construction of four number dormer windows on the southern elevation at roof level. The works to 'Dromintee' will cumulatively result in the existing five-bedroom dwelling becoming a four-bedroom dwelling; (ii) construction of a part single, part two-storey four-bedroom detached dwelling, with roof lights, situated to the side/east of 'Dromintee' to be accessed via a new vehicular/pedestrian entrance off Baily Green Road and served by private amenity space and on-curtilage car parking (two number spaces); and, (iii) all ancillary works, inclusive of SuDS drainage, landscaping and boundary treatments necessary to facilitate the development at Dromintee, Baily Green Road, Howth, County Dublin.

Decision

GRANT permission for the alterations to the existing single storey dwelling Dromintee and all ancillary works, inclusive of SuDS drainage, landscaping and boundary treatments, based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for the construction of a part single, part two-storey house based on the reasons and considerations marked (2) under.

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, the proposed development (alterations to the existing dwelling and ancillary works) would be in accordance with the zoning objectives for the site, as set out in the Howth Special Amenity Area Order (SAAO) 1999 and the 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. 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 proposed 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 250 millimetres at the ridgeline and by 450 millimetres 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. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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, as set out 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 (construction of a house) 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. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that, by reason of its design and excessive scale and massing, the proposed development (construction of a house) would not be in keeping with other buildings in the vicinity, would not be subordinate to the surrounding environment, and would be excessive in scale and out of keeping with the surrounding environment. 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. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.


Chris McGarry

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

Dated this  day of  2025.