



**Planning and Development Act 2000, as amended**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F25A/0676E**

**Appeal** by Alison Stephens against the decision made on the 15<sup>th</sup> day of September 2025 by Fingal County Council to refuse permission.

**Proposed Development:** (i) Retention planning permission for elevated platform at upper garden level, and stairway connecting lower garden to upper garden, and (ii) planning permission sought for the construction of a home office on the elevated platform, including all ancillary site works, at Little Dell, Shielmartin Road, Sutton, Dublin.

### **Decision**

**Grant permission for retention of elevated platform at upper garden level and the stairway connecting the lower garden to the upper garden for the reasons and considerations marked (1) under and subject to the conditions set out below, and 2. Refuse permission for proposed home office for the reasons and considerations marked (2) under.**

## **Reasons and Considerations (1)**

The Commission is satisfied, based on the information provided, that the proposal to retain of an elevated platform at the upper garden, a stairway connecting to the lower garden and ancillary site works is not excessively prominent, nor will it have a significant negative impact on a view from the footpath or road network that is protected in the Fingal County Development Plan 2023-2029 and the Howth Special Amenity Area Order (SAAO). Objective 2.1 and policy 2.1.1 of the Howth SAAO and the duty to protect the special amenity value of Howth SAAO, as set out in policies GINHP27 and CSP23, is met. The duty to enhance, in policy GINHP27, can also be met subject to a comprehensive scheme of landscaping of suitable native species being implemented. The development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The development shall be retained in its entirety in accordance with the plans, particulars and specifications lodged with the application save as may be required by the other conditions attached hereto. 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:** To ensure the development shall be in accordance with the permission and that effective control is maintained.

2. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority within three months of the decision. This scheme shall include the following:
  - (a) A plan to scale of not less than [1:500] showing –
    - (i) Existing trees, hedgerows [shrubs] [rock outcroppings] [stone walls], specifying which are proposed for retention as features of the site landscaping.
    - (ii) The measures to be put in place for the protection of these landscape features during the construction period.
    - (iii) The species, variety, number, size and locations of all proposed trees and shrubs [which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder] [which shall not include prunus species].
    - (iv) Details of screen planting [which shall not include cupressocyparis x leylandii].
    - (v) Details of roadside/street planting [which shall not include prunus species].
    - (vi) Hard landscaping works, specifying surfacing materials, furniture and finished levels.
  - (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.

- (c) A timescale for implementation, including details of any phasing, but this should be no later than the first planting season after the scheme is agreed by the planning authority.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

3. The development shall comply with the following requirements:

- (a) No surface water/rainwater shall discharge to the foul water system under any circumstances.
- (b) The surface water drainage shall be in compliance with the 'Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 FCC, April 2006.

**Reason:** In the interest of Public Health.

## Reasons and Considerations (2)

Whilst the home office may provide useful ancillary accommodation to the occupants of this dwelling the siting, layout, design and materials of the structure are not complementary to the main house and it does not protect and enhance the visual amenity value of the Howth Special Amenity Area which is contrary to Section 14.10.4, policy CSP23 and policy GINHP27 of the Fingal County Development Plan 2023-2029. The size and design of the structure will also cumulatively have a significant negative effect on the view from road adjacent to the site contrary to objective 2.1 and policy 2.1.1 of the Howth Special Amenity Area Order 1999 which would, therefore, be contrary to the proper planning and sustainable development of the area.



*[Handwritten signature of Declan Moore]*  
Declan Moore

Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.

Dated this 26<sup>th</sup> day of JANUARY 2026