



An
Coimisiún
Pleanála

Commission Order
PL-500864-DF-26

Planning and Development Act 2000, as amended

Planning Authority: Fingal County Council

Planning Register Reference Number: F25A/1114E

Appeal by Winterbrook (Somerville) Homes Limited against the decision made on the 3rd day of February 2026 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: The development will consist of: (1) Construction of 27 number own-door dwellings, comprising a mixture of 10 number apartments (four number two-beds and six number one-beds) not exceeding two storeys in height and 17 number houses (nine number three-beds and eight number four-beds) ranging from two to two-and-a-half storeys in height. (2) Provision of a new vehicular entrance via Thormanby Road, internal access road, 32 number vehicular parking spaces (inclusive of accessible/visitor spaces) and five number motorcycle parking spaces. (3) Provision of a new site boundary arrangement and refurbishment of the existing detached two-storey five-bedroom dwelling (Somerville House), which is to be retained within the overall site. (4) Reuse of the existing vehicular entrance from Thormanby Road as a pedestrian access route to provide

permeability and improved public access to the Howth, Special Amenity Area Order (SAAO) area and Howth Cliff walks. (5) All ancillary site and infrastructural works, inclusive of landscaped public open space (997 square metres), tree removal/planting, general landscaping, boundary treatments, provision of new pedestrian/ public access to cliff walk via eastern site boundary, bicycle parking stores, bin stores, ESB substation, foul/surface water drainage, Sustainable Drainage Systems (SuDS) and attenuation areas necessary to facilitate the proposed development, all at Somerville House, Thormanby Road, 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.

Reasons and Considerations

Having regard to the location of the site on lands zoned under the Fingal County Development Plan 2023-2029 for RS Residential, the infill nature of the site and the height, scale, layout and form of proposed development including proposals for the retention and refurbishment of Somerville House and tree retention and mitigation measures, it is considered that the proposed development would not seriously injure residential or visual amenities in the area or of property, would not seriously injure built or natural heritage and would not seriously injure the scenic and landscape character and distinctiveness of the adjoining land zoned 'High Amenity' in the development plan and would not compromise the protection of the Howth Special Amenity Area. Furthermore, the proposed development would have an acceptable

impact in terms of traffic safety and convenience, would not result in flood risk and would not be likely to have a significant effect on a European Natura 2000 site and would not risk the deterioration of any water body. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) There shall be no pedestrian connection between the proposed development and the adjoining Howth Special Amenity Area land to the rear. The proposed gateway and pedestrian terrace access at the eastern part of the site shall be omitted and replaced with landscaped planting.

Details and drawings shall be submitted for the written agreement of the planning authority prior to commencement of development.

Reason: In the interests of orderly development.

3. All mitigation measures in relation to ecological heritage as set out in the submitted Ecological Impact Assessment (NMEcology, December 2025) shall be implemented in full.

Reason: For the protection of ecology.

4. The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance and/or construction works.

The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the

completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation, either in situ or by record, of places, caves, sites, features or other objects of archaeological interest.

5. Prior to the commencement of felling/works, trees and buildings with bat roosting potential shall be surveyed by a suitably qualified Ecologist who is appropriately qualified and experienced in undertaking bat surveys and in line with best practice at the appropriate time of year to confirm the absence of roosting bats. In the event that a previously undetected bat roost is identified and is likely to be disturbed, the applicant shall acquire a derogation under Regulation 54 of the European Communities (Bird and Natural Habitats) Regulations 2011 prior to the commencement of the relevant works. Prior to the removal of trees and/or works to building, the bat survey results, methodologies for felling/works and any derogations shall be submitted for the written agreement of the planning authority.

Reason: For the protection of bats.

6. All trees and hedgerows within and on the boundaries of the site shall be retained and maintained, with the exception of those shown for removal in the submitted documents including the document submitted on the 1st day of December 2025 'Arboricultural Report: Tree Survey, Arboricultural Impact Assessment & Arboricultural Method Statement in relation to development proposal at Somerville, Thormanby Road, Howth' prepared by Charles McCorkell, and with the exception of the following:

- (a) Trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.

- (b) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum radius of two metres from the trunk of the tree or centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

- (c) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: In the interest of visual amenity and to protect trees and planting during the construction period.

7. Prior to the commencement of development, the applicant/developer shall submit for the written agreement of the planning authority a specification and method statement, covering all works to be carried out in relation to the retention and refurbishment of existing built structures on the site, to ensure the development is carried out in accordance with good conservation practice.

Reason: In the interest of the protection of architectural heritage.

8. The development shall not be carried out on a phased basis. Works to Somerville House shall be carried out in tandem with works to proposed housing and apartment development.

Reason: In the interests of orderly development.

9. The landscaping scheme shown on Landscape Design Plan drawing 25-627-PD-01 submitted on the 1st day of December 2025 shall be carried out within the first planting season following substantial completion of external construction works.

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.

10. Prior to commencement of development the developer shall submit, for the written agreement of the planning authority, details and drawings of all proposed boundary treatments throughout the development including to the adjoining lands and to the curtilages of proposed sites. This shall include the height, materials and finishes. A colour coded map shall be included delineating all boundary types within the development.

Reason: In the interests of visual and residential amenity.

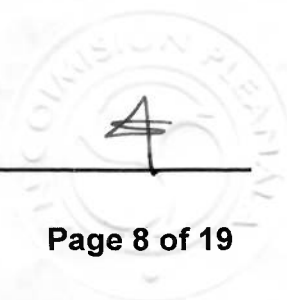
11. Prior to commencement of development, final details of all play facilities shall be agreed in writing with the planning authority.

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

12. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

13. Prior to commencement of development a Stage 2 Road Safety Audit, including a Final Audit report, for the development, prepared in accordance with the Transport Infrastructure Ireland Road Safety Audit Standards Publication shall be submitted. Where the audit identifies the need for design changes, revised design details shall be submitted to and agreed in writing with the planning authority. The developer shall carry out all necessary works in accordance with the agreed revised designs.



Within one month of completion of the development hereby granted, the developer shall carry out a Stage 3 Road Safety Audit and submit to the planning authority for agreement in writing.

Reason: In the interest of traffic safety.

14. Prior to commencement of development, the developer shall submit final drawings and details for:
- (a) The internal road network serving the development including roads, turning areas, junctions, parking areas, pedestrian facilities and kerbs.
 - (b) The design of the proposed junction with Thornbury Road and the internal access road including measures for the tie in with the existing pedestrian facilities on Thormanby Road.

The design shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS). Details of all locations and materials to be used shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of amenity and of traffic and pedestrian safety.

15. (a) 122 number safe and secure bicycle parking spaces shall be provided within the site in dedicated facilities of permanent construction. Provision should be made for a mix of bicycle types including cargo bicycles and individual lockers. Details of the layout

and marking demarcation of these spaces and the cycle storage facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (c) Details of the operation and maintenance of the cycle storage facilities shall be submitted to and agreed in writing with the planning authority prior to commencement of development.
- (c) Electric charging points to be provided at an accessible location for charging cycles/scooters/mobility scooters. Details to be submitted to and agreed in writing with the planning authority.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

16. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann to provide for service connections to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

17. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the Council for such works and services. Prior to the commencement of development, the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

18. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Any existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

19. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials within each house plot and/or for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

20. (a) Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of tree planting for the development. Such lighting shall be provided prior to the making available for occupation of any residential unit.
- (b) Artificial lighting shall be designed in accordance with the 2023 BCT Lighting Guidance (GN08/23 Bats and Artificial Lighting at Night). A lighting plan shall be submitted to and agreed with the planning authority for approval, prior to commencement of development.

Reason: In the interest of amenity and public safety and for the protection of bats.

21. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation unless otherwise agreed with the planning authority and shall be maintained as public open space by the developer.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.



22. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday 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 residential amenities of property in the vicinity.

23. (a) Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.
- (b) If construction lighting is required during the bat activity period (April to September), lighting shall be directed away from all woodland/trees/hedgerow habitat that is to be retained.

Reason: In the interest of environmental protection, residential amenities, public health and safety and environmental protection.

24. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

25. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking in Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

26. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the planning authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

27. Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

28. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

29. (a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

30. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority

and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

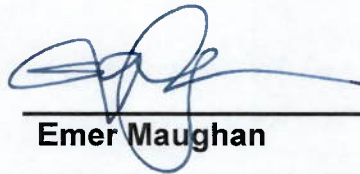
Reason: To ensure the satisfactory completion of the development.

31. 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 Coimisiún 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.

32. The developer shall pay to the planning authority a financial contribution as a contribution per unit as contribution in lieu of the public open space requirement in respect of public open space benefitting the development in the area of the planning authority which is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the adopted 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 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 Coimisiún 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 contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.



Emer Maughan

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



Dated this 23rd day of June 2026