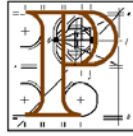


An Bord Pleanála



Inspector's Report

Appeal Reference No: PL06F.246318

Development: Construction of a replacement garage consisting of ground floor car storage and first floor attic storage with conservation rooflights at Carrick, Danesfort Avenue, Old Carrickbrack Road, Howth, Co. Dublin

Planning Application

Planning Authority: Fingal County Council
Planning Authority Reg. Ref.: F15A/0595
Applicant: Robert Rendell and Rhonda Moran
Planning Authority Decision: Refuse

Planning Appeal

Appellant(s): Robert Rendell and Rhonda Moran
Type of Appeal: 1st Party
Observers: 1. Stella Dunphy
Date of Site Inspection: 30.05.2016

Inspector: Fiona Fair

1.0 SITE LOCATION AND DESCRIPTION

The appeal site, which has a stated area of 0.9331 ha, is located on elevated ground to the southern side of the Howth Head approx. 4 kilometres (by road) to the south west of Howth village, in north east County Dublin. The application site, known locally as Carrick, is accessed via Danesfort Avenue, a narrow winding laneway that serves a number of large detached dwellings and connects to the Old Carrickbrack Road, located approx. 250m to the south.

The site is elevated and rises steeply from the south (Danesfort Avenue) to the north. Two access pathways wind their way from the southern and eastern boundaries traversing the site giving access to a large dormer detached dwelling (of some 562 sq. m) which at the time of my site visit was under refurbishment and extension. The dwelling is located centrally on the appeal site on elevated ground and has extensive views of the sea to the south, east and west.

A public right of way runs along the western boundary of the site, from which views are protected.

The location of the proposed garage is to the east of the southern access off Danesfort Avenue, the lowest part of the site. From information contained on the file, incl. maps and photographs it is noted that a single storey structure / garage was historically located at the location of the proposed garage. This structure has been demolished. At the time of my site visit, it was evident that the foundations for the garage, the subject of the current appeal, has been poured with a concrete slab floor evident. The area was being used for storage of building materials which appeared to be for use in connection with the development taking place at the main dwelling.

The site is heavily landscaped with mature trees and hedgerows. The southern boundary with Danesfort Avenue is formed by a mature hedge and there are a number of mature trees within the site and in the vicinity of the proposed garage.

2.0 PROPOSED DEVELOPMENT

Planning Permission is sought for:

Construction of a replacement garage consisting of ground floor car storage and first floor attic storage, with conservation rooflights.

The site area is stated as 0.9331 ha

The GFA of existing buildings is stated as 600 sq. m (Inc. the house as granted under Reg. Ref. F15A/0182 - which is stated as 562 sq. m)

The GFA of the proposed works is stated as 73 sq. m

3.0 PLANNING HISTORY

Reg. Ref. F15A/0448 Permission Refused, for the demolition of existing garage and the construction of a new two storey dormer garage, new boundary treatment onto Danesfort Avenue consisting of new entrance pillars, gates, walls and railings.

Reason for Refusal summarised as follows:

1. Scale, height, design and remote location relative to the main dwelling...
2. Located within a protected group of mature trees as designated in the Howth SAAO would undermine their amenity value and be contrary to Objective 2.6 and Policy 2.6.1 set out in Schedule 2 of the Howth SAAO
3. Proposal would necessitate the removal of an existing mature hedgerow and earth bank which is contrary to Objective 2.7 and Policy 2.7.1 of the Howth SAAO

Reg. Ref. F15B/0182 Permission Granted for amendments to previously approved planning permission Reg. Ref. F14A/0522, comprising of increasing the area of the extension to the main house, modifications to internal layouts and minor alterations to all elevations.

Reg. Ref. F14A/0522 Permission Granted for demolition of the existing garage, construction of a two storey extension to the rear/side of existing dwelling including dormer windows, overhanging canopy with decorative supports, roof terrace, roof lights, new external windows and doors throughout including replacement of existing, removal of 3 no. chimneys, new chimney to the rear, alterations to all elevations incl. removal of mansard roof to rear, some internal modifications.

Reg. Ref. F02A/1256 Permission Refused for the erection of a new dwelling house and biocycle treatment unit and the construction of a new biocycle treatment unit to replace the existing septic tank serving the existing house.

Reg. Ref. F02A/0612 Permission Refused for the erection of a new dwelling house and biocycle treatment unit and the construction of a new biocycle treatment unit to replace the existing septic tank serving the existing house.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

The Planners report reflects the draft decision to refuse planning permission. It is considered that the proposed garage is excessive in scale and height and given its remote location from the main dwelling the garage is considered to be unacceptable in this location and would have an adverse impact on the visual amenity of the surrounding area which is within the Howth SAAO.

Water Services Department: Report indicates no objection subject to condition.

Transportation Department: Report recommends no objection.

Parks and Green Infrastructure Division Report recommends that a landscape plan be submitted to compensate for the loss of vegetation which has occurred on site.

Irish Water: Report indicates no objection subject to condition.

4.2 Objections/Submissions

An objection was received by the planning authority and the issues raised are similar to those raise in the observation made to the Board and summarised below.

4.3 Planning Authority Decision

Fingal County Council refused Planning Permission for one no. reason, as follows:

‘The proposed garage by reason of its scale, height, design and remote location relative to the main dwelling on site is unacceptable and, if permitted, would represent disorderly and piecemeal development that would be seriously injurious to the visual amenities of the sensitive landscape of the SAAO in Howth. It is therefore considered that the proposal would be contrary to the proper planning and development of the area and to the provisions of both the Fingal Development Plan 2011 – 2017 and the Howth SAAO’.

5.0 GROUNDS OF APPEAL

A First party appeal has been lodged by Hughes Planning and Development Consultants on behalf of Robert Rendell and Rhonda Moran. The grounds of appeal are summarised as follows:

- The proposal is consistent with the land use zoning ‘RS’
- Proposal would have a minimal impact on existing residential amenity
- The proposal in terms of its function, form, scale, design and finishing materials, is a suitable design response for the site.
- It does not constitute a visually obtrusive form of development in the context of the sites location within the SAAO
- The proposal is consistent with Policy Objective VP01 of the Development Plan

- Fingal County Council has approved similar forms of development on the same roadway.
- The proposal differs from the previous refusal under Reg. Ref. F15A/0448. Scale of the garage has been reduced and design resembles the garage it proposes to replace.
- The applicant has submitted visual images to support the design and scale of the proposed garage
- The location of the garage is the same location as the demolished garage
- Proposal reflects the historic layout on the site
- Sensitivities associated with the northern portion of the site – elevated and protected views
- Practical approach to locate the garage at a low point in the landscape.
- The existing entrance and boundary screening is to be retained in-situ.
- Planning permission granted on adjoining site ‘Weston’ for replacement double garage to the north of the site, with roof lights, on foot of Reg. Ref. F05B/0458
- During the design phase for extending the existing dwelling, the location of a replacement garage was considered – the location proposed is the most appropriate option.
- The garage has a ridge height of 5.52m and length of 9.03m, which is just 0.73m higher and 1.045m longer than the former garage.
- It is proposed to use the attic space as ancillary domestic storage and therefore conservation roof lights are proposed. While this is a departure from the former garage, there is precedent for such windows in the immediate vicinity.
- Screening and hedgerow along the southern boundary allowed the previous garage to sit unobtrusively within the site.
- The new garage will also benefit from the mature screening, limiting any loss of visual amenity in the area.
- Appeal accompanied with:
 - Aerial photographs showing locational context

- Photographs of the former garage taken from surrounding area prior to its demolition.
- Comparison drawings of the demolished garage as opposed to the garage proposed on foot of the current application and the garage refused on foot of Reg. Ref. F15A/0448
- A drawing illustrating the current proposal, replacement garage, no change to existing boundary treatment as opposed to that proposed on foot of Reg. Ref. F15A/0448.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority response:

Response is summarised as follows:

- Remains of the view the proposed garage is excessive in terms of scale and height and combined with the remote location from the main dwelling and the fenestration arrangement proposed it would be visually incongruous.
- Unacceptable impact upon the visual amenity of the area which is within the SAAO

6.2 Observation on grounds of appeal:

An Observation was received from Stella Dunphy, it is summarised as follows:

- The scale and aspect of the structure is unacceptable, akin to a house.
- The site is extremely sensitive
- Negative impact upon the Howth SAAO
- Negative impact upon the public right of way adjoining the appeal site boundary.

7.0 POLICY CONTEXT

The Fingal County Development Plan 2011 – 2017 (CDP) shows the appeal site as being subject to two zoning objectives. The northern portion of the site is zoned HA, *‘Protect and enhance high amenity areas.’* The southern part of the site is zoned RS,

i.e. *“Provide for residential development and protect and improve residential amenity.”*

Part of the site (eastern portion) is located within the Howth Head SAC. This area falls outside of the red line boundary but is within the blue line ownership of the applicant.

The appeal site is located within the Howth Special Area Amenity Order (SAAO) and is designated as *‘Residential area within the Special Amenity Area’* as defined by Map A of the SAAO. There is a density restriction of 1 unit per ha on the subject site.

It is noted from Map A that a public path runs along the western boundary of the application site. This path is designated as a public right of way by the Howth SAAO at Carrickbrack. Map B indicated that views are protected from this public right of way. Map B of the SAAO also identifies the site as having *‘groups of mature trees in gardens’*.

Objective HA01 of the said Fingal County Development Plan seeks to: *‘protect High Amenity areas from inappropriate development and reinforce their character, distinctiveness and sense of place’*; and, Objective HA02 of the said plan seeks to: *“ensure that development reflects and reinforces the distinctiveness and sense of place of High Amenity Areas, including the retention of important features or characteristics, taking into account the various elements which contribute to its distinctiveness such as geology and landform, habitats, scenic quality, settlement pattern, historic heritage, local vernacular heritage, land-use and tranquillity”*.

It is a stated objective of the Fingal Development Plan to protect views and prospects identified on the Development Plan Green Infrastructure Maps and Development Plan Zoning Maps.

Objective VP01 & Objective VP02

In addition, Chapter 5 of the said plan states: *“the scenery and landscape of the County are of enormous amenity value to residents and tourists and constitute a valuable economic asset. The protection of this asset is therefore of primary importance in developing the potential of the County. Given the high rates of economic and population growth, the challenge the County faces is to manage the landscape so that any change is positive in its effects, such that the landscapes we value are protected. There is a need, therefore, to protect and conserve views and prospects adjoining public roads throughout the County for future generations. In assessing views and prospects it is not proposed that this should give rise to the prohibition of development along these routes, but development, where permitted, should not hinder or obstruct these views and prospects should be designed and located to minimise their impact”.*

8.0 ASSESSMENT

I have read through the file documentation, the relevant provisions of the County Development Plan and have carried out a site inspection. In my judgement the principle factors for consideration in this appeal relate to:

8.1 Principle of the Proposed Development

8.2 Impact Upon Visual Amenity of the Area and in Particular the Sensitive Landscape Designation of the Howth Special Amenity Area Order (SAAO)

8.3 Appropriate Assessment (AA)

8.1 Principle of the Proposed Development

The northern portion of the appeal site is zoned ‘HA’ *‘Protect and enhance high amenity areas.’* The southern part of the site is zoned ‘RS’, i.e. *“Provide for*

residential development and protect and improve residential amenity” in the Fingal County Development Plan 2011 – 2017.

The whole of the appeal site is located within the Howth Special Area Amenity Order (SAAO) and is designated as ‘*Residential area within the Special Amenity Area*’ as defined by Map A of the SAAO.

The proposed location of the garage is to the southern part of the appeal site which is zoned ‘RS’. I consider it of significance that the proposal comprises the construction of a domestic garage to replace an old garage in reasonably the same location. Although the old garage has recently been removed the applicant has submitted unambiguous and supportive photographic evidence of the former garage from numerous adjoining aspects. The new garage has been designed to accommodate two cars at ground level with domestic storage space ancillary to the host dwelling above (total GFA stated as 73 sq. m with 45.36 sq. m at ground floor).

Residential use and by association a domestic garage is permitted in principle in this zone. Therefore, I am of the opinion that the principle of the proposed development, replacement garage, is acceptable.

8.2 Impact Upon Visual Amenity of the Area and in Particular the Sensitive Landscape Designation of the Howth Special Amenity Area Order (SAAO)

The appeal site, of some 0.9331 ha, is located on an inclining section of Howth Head, within the Howth SAAO. It is designated as a: ‘*Residential Area within the Special Amenity Area*’, as defined by Map A of the SAAO. It is noted from Map A, that there is a public footpath along the western boundary of the site. This path is designated as a public right of way by the Howth SAAO. Views are protected from this public footpath / public right of way. The SAAO (Map B) also identifies the site as having ‘*groups of mature trees in gardens*’ and it is an objective of the SAAO specifically ‘*to preserve the wooded character of existing residential areas*’.

Schedule 3 of the SAAO relates to areas defined by Map A as Residential Areas and lists the following objectives for the prevention and limitation of development:

Objective 3.1 *'To protect residential amenity.'*

Objective 3.2 *'To protect and enhance the attractive and distinctive landscape character of these areas.'*

Objective 3.3 *'To ensure that development does not reduce the landscape and environmental quality of adjacent natural, semi-natural and open areas.'*

The proposal comprises the construction of a domestic garage to replace an old garage, in the same location, to the south east corner of the site. The location is approx. 750m south of the host dwelling and directly to the east of the southern access onto Danesfort Avenue.

I consider it of significance that the proposed location of the garage, to the southern boundary, is a low point in the landscape and the lowest part of the site, thus avoiding any further intrusion on the higher parts of the site. I am therefore of the opinion, in disagreement with the planning authority, that the siting of the garage as proposed, somewhat removed from the host dwelling, is justified in this instance, in terms of topography and its replacement nature.

From observations made during my site visit and cognisance being had to the considerable mature screening within the appeal site and along the boundaries of the appeal site I am in agreement with the first party that the location of the garage to the southern boundary is acceptable. Regard is had to the sensitivities associated with the northern portion of the site, being its elevated position within the context of the 'HA' zoning, preserved views and extent of the site within the Howth Head SAC I consider, therefore, the siting as proposed is the most desirable and appropriate location. Regard is also had that it is now proposed to retain in-situ the existing entrance and boundary treatment along the southern boundary of the site.

While I consider that the location as proposed is acceptable, I have some concern, in conjunction with the planning authority, with respect to the scale and the height of the replacement garage being higher and larger than the garage being replaced. The garage has a proposed ridge height of 5.52m, a width of 6.430m and a length of 9.03m. It is 0.73m higher, 1.330m wider and 1.045m longer than the former garage.

While the scale and design of the proposed garage has been favourably amended from that originally proposed and refused on foot of Reg. Ref. F15A/0448, it is my opinion, given the visual amenity concerns and potential impact upon protected views in the surrounding sensitive landscape, that the height and scale should not exceed the height and scale of the former garage (2.97m eaves height, a pitch roof height of 4.79m, with a length of 7.985m and a width of 5.2m).

While it is submitted by the first party that the proposal is of modest form and design I am of the opinion, in agreement, with the planning authority, that the fenestration proposed would be visually insensitive. I am of the opinion, however, that this matter can be dealt with reasonably by way of condition. Should the Board agree with my recommendation to grant planning permission subject to condition I recommend that, in conjunction with the height, width and depth of the garage being reduced, that the velux roof lights on the southern elevation facing Danesfort Avenue, should be omitted. The upper floor of the garage is proposed as ancillary storage space and hence does not require southern light. Also I am of the opinion that the number of velux roof lights to the northern roof slope should be reduced from 3 to 2. I recommend should the Board agree a condition be attached which requires that the revised design should be submitted to the planning authority and approved in writing prior to the commencement of any development.

Proposed materials comprising wet dash render finish, tiled roof with timber windows incorporating decorative glazing bars are considered acceptable in principle, subject to specific details being agreed with the planning authority.

The applicant proposes to retain the mature hedgerow along the southern boundary of the site. It is not proposed to remove any trees or vegetation. While I note the planning authority concern that a tree / vegetation may have been lost on the site, from my site visit and observations on the ground I am of the opinion that the new garage would benefit from existing mature screening, limiting any loss of visual amenity in the area. I note that the Parks and Green Infrastructure Division of the Council have requested that should planning permission be forthcoming conditions be applied requiring trees and hedgerows be retained and protected during construction and that replacement planting be provided to compensate for the loss of vegetation which has occurred on the site. I agree that such conditions are material and relevant. I also agree that a landscape plan be submitted to compensate for any loss of vegetation which has occurred on site.

8.3 Appropriate Assessment (AA)

Part of the garden to the east of the dwelling (eastern portion) is located within the Howth Head SAC. This area falls outside of the red line boundary but it is within the blue line ownership of the applicant. The Howth Head SAC boundary is located approx. 70 m distant from the proposed replacement garage at its closest point. No infrastructural services are proposed to serve the garage.

Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 RECOMMENDATION

I have read the submissions on file, visited the site, considered the provisions of the Development Plan and taken into account all other relevant matters. I recommend that planning permission be Granted subject to the conditions set out below.

10.0 REASONS AND CONSIDERATIONS

Having regard to the nature of the proposal for a replacement garage, the topography of the site, land-use zoning of the site and the existing pattern of development in the vicinity, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not negatively impact upon protected views, or the character of Howth Special Amenity Area Order (SAAO) and would be acceptable in terms of visual amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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) The eaves height of the garage structure shall not exceed 3m and the pitch roof height shall not exceed 4.8m

(b) The length of the garage shall not exceed 8m and the width shall not exceed 5.2m

(c) The three number conservation velux roof lights proposed on the southern elevation along Danesfort Avenue shall be omitted.

(d) Two no. roof lights, only, shall be permitted on the northern elevation

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity.

3. The proposed garage, consisting of ground floor car storage and first floor attic storage, for ancillary use associated with the host dwelling house on the site, shall be used solely for that purpose.

Reason: In order to comply with the objectives of the current Development Plan for the area.

4. (a) The roof of the proposed garage shall be blue-black or slate-grey in colour throughout using slates or flat-profile tiles only.

(b) The render stone finish to be used on the external walls shall be of a uniform colour, a sample of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. 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 prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –
 - (i) 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
 - (ii) Details of screen planting which shall not include cupressocyparis x leylandii
 - (iii) Details of roadside/street planting which shall not include prunus species
 - (iv) Hard landscaping works, specifying surfacing materials and finished levels.

- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment

- (c) A timescale for implementation

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, 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.

6. a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs, within the south eastern portion of the site, 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 a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of 0.5

metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees and hedgerow which are to be retained have been protected by this fencing. No work is 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: To protect trees and planting during the construction period in the interest of visual amenity.

7. That all necessary measures be taken by the contractor, including the provision of wheel wash facilities, to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

8. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

Fiona Fair
Planning Inspector
01.06.2016