



An  
Bord  
Pleanála

## Inspector's Report PL06F.247333

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<b>Development</b>	Rear extension and rebuild the boundary wall.
<b>Location</b>	38 Main Street, Howth, County Dublin.
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F16B/0188
<b>Applicant(s)</b>	Maureen & John Phelan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Winifred Hanway
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	8 <sup>th</sup> December 2016
<b>Inspector</b>	Hugh Mannion

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## 1.0 Site Location and Description

- 1.1. The site is located at 38 Main Street, Howth, County Dublin and has a stated area of 0.023ha. The existing house faces onto Main Street and has its southern elevation along Seaview Terrace. The original single storey slated cottage has a single storey rear extension and a small yard. There is a solid wooden gated vehicular access onto the northern side of the house. The site is located about 600m south of the Harbour Road which is the seafront road in Howth village.
- 1.2. The area is predominantly residential with a mix of older cottage style houses and some more recently constructed housing. Seaview Terrace comprises single storey terrace houses along the other side of the street and the west of the site. Immediately behind the application site and on land which probably comprised the original cottage plot are two relatively recently constructed houses. Opposite the site on the eastern side of Main Street is a terrace of two-storey town houses which probably date from the 1980s.

## 2.0 Proposed Development

- 2.1. The proposed development comprises a bedroom extension at the side at ground floor, a bathroom extension to the rear at ground floor, a first floor rear extension with bedroom/en suite, study and staircase, and a rebuilt boundary finished in Howth stone along Seaview Terrace at at 38 Main Street, Howth, County Dublin.

## 3.0 Planning Authority Decision

### 3.1. Decision

Grant permission subject to 10 conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The planner's report recommends a grant of permission.

- Architects Department Conservation office recommended omitting the first floor landing/study area.

### 3.2.2. Other Technical Reports

There are no other reports on file.

### 3.3. Prescribed Bodies

There are no submissions from prescribed bodies.

### 3.4. Third Party Observations

There is a submission to the planning authority from the appellant in this case making similar points as in the grounds of appeal.

## 4.0 Planning History

Two previous applications for demolition of the existing house on site and erection of apartments/houses were refused. (PL06F.098476 and 06F.098365).

## 5.0 Policy Context

### 5.1. Development Plan

The application site is zoned RS 'to provide for residential development and protect and improve residential amenity' in the Fingal County Development Plan 2011 to 2017.

The site is located within an ACA for St Nessian's Terrace/St Peter's Terrace/Seaview Terrace and The Haggard.

### 5.2. Natural Heritage Designations

The application site is not within a natural heritage designated area.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The ground of appeal maybe summarises as follows;

- The public notice is deficient and the application is invalid.
- The proposed development is visually prominent and overbearing in its street scape context. The height and bulk of the proposal is unacceptable. The proposed ridge of the extension projects above the existing roof ridge.
- The existing house is single storey as is the adjoining and nearby houses. The street pattern, character, buildings lines and height contribute to the character of the ACA.
- The ACA seeks to preserve views over Howth Harbour, Irelands Eye and north County Dublin. Views from Seaview Terrace will be blocked by the proposed extension.
- The planning authority's architectural conservation advice was that the extension should be reduced in scale.
- The south facing first floor window will overlook the appellant's house at a distance of 11m thereby negatively impacting on the residential amenity of 1 Seaview Terrace.

### 6.2. Applicant's Response

6.3. The applicant responded to the appeal making the following points;

- The additional accommodation is required for a young family.
- The public notice was adequate.
- The proposal adopts the vernacular design tradition of Howth and does not offend against the ACA.
- There are two distinct elements to the application site; the original cottage and new extension which breaks up the building and reduces its visual impact.
- The palette of materials reflects that of the area.

- The house and extension will be in a natural hollow when compared to surrounding houses.
- The adjoining house at 39 Seaview Terrace is a full two storeys onto the street. Opposite the application site on Main Street is a terrace of two storey houses.

#### 6.4. **Planning Authority Response**

6.5. The planning authority commented that the public notice was adequate and that the proposed development would not seriously injure the visual amenity of the area.

#### 6.6. **Observations**

6.7. There are no observations on file.

#### 6.8. **Further Responses**

6.9. There are no further observations.

#### 7.0 **Assessment**

7.1. The proposed development is located within an area zoned ‘to provide for residential development and protect and improve residential amenity’ in the Fingal County Development Plan 2011 to 2017. I consider that the proposed development complies with this zoning objective.

7.2. The application site is located in St Nessan’s Terrace/St Peter’s Terrace/Seaview Terrace and The Haggard. This ACA is outlined on sheet 10 attached to the Development Plan. Objective AH17 set out in the County Development Plan seeks to “ensure that any new development or alteration of a building within or adjoining an ACA positively enhances the character of the area and is appropriate in terms of the proposed design, including: scale, mass, height, proportions, density, layout, materials, plot ratio, and building lines”.

- 7.3. The Statement of Character published by the planning authority for the ACA makes the point that houses within the ACA are modest terraced cottages and it is the uniformity of design that gives the area its distinctive character. There is some variety however. Some houses have a window on either side of the door while some have a door with the two windows on one side. The Statement of Character summarises the character as arising from low rise, small scale terraced houses.
- 7.4. In the present case the application site is on the edge of the ACA and faces onto Main Street and opposite a fairly modern terrace of two storey houses. The house the subject of the application may predate the houses further back on the south side of Seaview Terrace but in any case is dissimilar in that it has a window on either side of the door while the Seaview Terrace houses have a door/window/window arrangement. Additionally, the Seaview Terrace houses have brick detailing around the openings (plastered over in many cases) while this detailing is absent from the application house. Additionally, it may be noted that of the two houses on Seaview Terrace which occupy what may have been the backland plot of the application site are both individual in their design and differ from other houses on the road. I conclude therefore that the existing house in so far as it does not accord with some of the characteristics of the adjoining houses has some flexibility for innovation.
- 7.5. The application site is essentially at the bottom of the hill at the junction of Main Street and Seaview Terrace. The Statement of Character makes specific reference to the changes of gradient within the ACA and on Seaview Terrace. The adjoining house (Bluewater) to the west is elevated about 2m above the finished floor level of the proposed extension and the roof ridge height of the new extension will be about 1.75m below the lower part of the roof of the adjoining house "Bluewater". The new boundary wall (finished in Howth stone) will vary from about 1.4m high at the western end of the site to about 2m high where it joins the gable wall of the existing house facing onto Main street thereby following the contours of Seaview Terrace. The existing house already has a single storey extension; the proposed extension will be 29cms higher than the existing roof ridge height of the existing house at 38 Main Street.
- 7.6. Having regard to these factors I conclude that the proposed extension will not comprise an overly dominant feature when viewed from Seaview Terrace or Main

Street. Furthermore, and notwithstanding the Conservation Officer's report, I agree with the planning authority's planning advice that there is no good planning reason to reduce the floor area of the proposed extension.

7.7. The Statement of Character references the palette of materials in the ACA. The statement makes the point that;

“over the decades a number of changes have occurred to individual properties, which include: the removal of the render, to either leave the rubble stonework exposed or to re-plaster/re-clad the exterior walls; the addition of small front porches; the replacement of the original windows and doors; the installation of roof lights; and the construction of rear extensions, some of which are visible from the road due to the variations in contour levels in the area”.

In this context I am satisfied that the amended Howth stone finished boundary wall along the Seaview Terrace elevation, white plaster render and grey metal roof of the proposed extension will not detract the visual integrity of the ACA.

7.8. The ACA (see Fig. 16 Annotated Map attached to the Statement of Character, copy in file pouch) illustrates two views north from within the vicinity of the site. The first view is shown as being from the rear of the houses on Seaview Terrace towards the north; I conclude that this view does not exist in reality because of its origin in a private rear garden. The view north from the public street on Seaview Terrace is very largely obscured by the other two existing houses and associated boundary treatment on the north side of Seaview Terrace. I conclude that the proposed development will not be unreasonably prominent in this view. The second viewpoint is located south of the application site at the junction of Balglass Road and Main Street. Given the elevation of this viewpoint above the application site I consider that the new extension will not be visually prominent and will merge into the existing and varied roofscape between Balglass Road and Howth Harbour.

7.9. The appellant makes a further point that the proposed first floor window of the new extension will look onto the appellant's front windows at 1 Seaview Terrace from a distance of 11m. The window serves a landing/study area. Private open space is generally understood to comprise open space which is not ordinarily open to views



from the public realm. Front gardens, therefore, are not regarded as private open space. While I do not consider that the proposed window will unreasonably impact on the amenity of 1 Seaview Terrace I recommend that it be required to be fitted with obscure glass which will act to minimise any sense of overlooking.

## **8.0 Recommendation**

8.1. Having regard to the foregoing I recommend a grant of permission in accordance with the reasons and considerations set out below.

## **9.0 Reasons and Considerations**

The site of the proposed development is located within an area zoned for residential development and the protection of residential amenity in the Fingal County Development Plan 2011 to 2017 and in the architectural conservation area for St Nessian's Terrace/St Peter's Terrace/Seaview Terrace and The Haggard. Having regard to the existing residential use of the site, to the modest scale of the proposed development, the palette of materials proposed and subject to compliance with the conditions set out below it is considered that the proposed development would not seriously injure the visual amenity of the area or the residential amenity of property in the vicinity and would, otherwise, accord with the objectives of the Architectural Conservation Area, with the landuse zoning for the site set out in the County Development Plan and with the proper planning and sustainable development of the area.

## **10.0 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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

**Reason:** In the interest of the amenities of the area.

3. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** To restrict the use of the extension in the interest of residential amenity.

4. The first floor south facing window serving the landing/study area shall be fitted with obscure glazing.

**Reason:** To in the interests of residential amenity.

5. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 property in the vicinity.

6. 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. 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 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 the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

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Hugh Mannion  
Planning Inspector

15<sup>th</sup> December 2016