



An
Bord
Pleanála

Inspector's Report 06F.247722

Development	Demolition of two storey dormer house and garage and construction of part single storey, part two storey house over basement and all associated works
Location	Long Acre, Thormanby Road, Howth, Co. Dublin
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	F16A/0419
Applicant(s)	Ronan and Marion Rooney
Type of Application	Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant(s)	<ol style="list-style-type: none">1. Brian Gillespie and Pascal Letellier.2. Mirja and Jochen Wenski.3. Rick de Neve.
Observer(s)	Conor and Carmel O'Hara.
Date of Site Inspection	22 nd February 2017
Inspector	Deirdre MacGabhann

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1.0 Site Location and Description

- 1.1. The appeal site is situated on Howth Head, Howth, County Dublin. It lies in a residential area to the south east of the headland and south of Howth summit, on Thormanby Road.
- 1.2. The c.0.8ha appeal site lies to the south east of the public road and comprises an existing, detached dormer/two storey dwelling, separate single storey domestic garage and part of the adjoining agricultural field to the south east of the property. The main front elevation of the dwelling faces south west and the property is currently unoccupied. Alongside Thormanby Road, the appeal site is bounded by a low stone wall and hedge, with mature trees behind. Access to the residential property is from Thormanby Road, at the southern end of its boundary with Thormanby Road. Access to the adjoining agricultural field is also from Thormanby Road, at the northern end of the property's boundary with the public road.
- 1.3. The appeal site falls from north west to south east. A private roadway (and footpath) runs along the southern boundary of the site and provides access to Bailey Lighthouse to the south east of the site. Cliff Walk, a public footpath, runs along the south eastern boundary of the overall landholding.
- 1.4. To the north, north west and south of the appeal site is residential development. Properties are typically detached properties in large sites. The appellants' properties lie to the north east and north west of the appeal site (Whitewater, Four Winds and St. Benedict's – see Board maps on file).

2.0 Proposed Development

- 2.1. The proposed development comprises
 - The demolition of the existing buildings on the site (325sqm) and the decommissioning of the existing septic tank and discharge trench, and
 - The construction of a part single storey, part two storey, over basement dwelling (1,201.44sqm), to include:
 - At basement level (423sqm) a domestic swimming pool, home gym and related accommodation.

- At ground floor (437.24sqm), living accommodation, guest bedroom and bathroom and adjoining garden pavilion (48.6sqm).
- At first floor (234sqm), bedroom accommodation (3 no.) and associated bathrooms, with the master bedroom having two balconies, one facing south west and one facing northeast.
- Private amenity space to include a courtyard and walled garden to the north west of the property and a south east and south west facing terrace.
- Detached domestic garage (58sqm).
- New proprietary wastewater treatment system.
- Alterations to the existing vehicular entrance, to provide a pedestrian only gateway, and upgrading of the existing vehicular access at the northern end of the site.
- Boundary treatment and landscaping.

2.2. The proposed development is broadly L-shaped with two storey accommodation in the approximate location of the existing property and a predominantly single storey wing and garden pavilion extending north east across the site into the adjoining agricultural field. The proposed parapet height is marginally below the ridge height of the existing dwelling on the site (see Drawing D-1057-LA-12 Relationship of New Proposal to Existing Dwelling).

2.3. The application for the proposed development is accompanied by the following documents:

- A Planning Report.
- Architects Design Statement and Pre-Planning Submission Response.
- Architectural Visual Assessment.
- Natura Impact Assessment, Screening Statement.
- Landscape and Visual Impact Assessment.
- Landscape Report.
- Civil and Structural Engineering Report.

- Outline Architectural Assessment of Long Acre.
 - Visual Structural Survey at Long Acre.
 - A condition survey of the property (Glen Wood Preservation).
- 2.4. Two models of the proposed development are on display in the Board's offices.
- 2.5. In response to the appeals made the applicant has submitted a revised plan showing a lantern roof over the pool garden (drawing no. D-1057-LA-07-Revision A).

3.0 **Planning Authority Decision**

Decision

On the 17th November 2016 the planning authority decided to grant permission for the development subject to 13 conditions. Most conditions are standard, however, condition no. 5 states that the proposed vehicular access shall not be permitted and the existing vehicular access shall be utilised.

Planning Reports

- 3.1. The planning officer's report (17th November 2016) refers to the relevant policies of the Fingal County Development Plan 2011-2017 in respect of the appeal site, describes the location and nature of the development, summarises objections/submissions made and departmental reports in respect of it. The report considers that:
- The development is consistent with the zoning objective in respect of the site.
 - Whilst recognising the protection afforded to views from roads/footpaths adjoining the site, and the significantly larger size of the proposed dwelling than the existing one, given the topography of the site and the siting of the dwelling, there will be no significant adverse impact on the landscape or visual amenity of the surrounding area.
 - Given the extent of the plot and relationship with adjoining dwellings, no significant impacts on adjoining residential amenity will arise.
 - The existing entrance to the site should be utilised to ensure that there is no impact on existing trees on site and avoid the creation of an elongated

driveway. (The possibility of widening the existing footpath along the site boundary, as recommended by Transportation Planning, below, is therefore considered to be unwarranted in this instance).

- Raises no issues in respect of water and drainage issues or appropriate assessment.

3.2. The report recommends granting permission for the development subject to conditions.

Other Technical Reports

- Water Services (10th October 2016) – No objection subject to conditions.
- Parks Planning (8th November 2016) – Question which trees are to be removed to allow for driveway construction and impact of proposed drainage and water services on existing trees (due to proximity) in the context of it being difficult to establish trees in the coastal environment. Require a tree survey including aboricultural impact assessment.
- Transportation Planning (14th November 2016) – Existing vehicular entrance would have been adequate for the proposed development, with minor boundary works to improve sightlines, and would avoid the elongated driveway. Footpaths along Thormanby Road are generally below standard and should be improved alongside the site. Require further information in this regard (applicant to investigate provision of 1.8m footpath).
- Irish Water (12th October 2016) – No objection subject to conditions.

Third Party Observations

3.3. Third party observations were made by the following:

- Rick G. de Neve.
- Mirja and Jochen Wenski.
- Brian Gillespie and Pascal Letellier.

3.4. Issues raised can be summarised as follows:

- Inappropriate scale and form of development.

- Impact on Howth SAAO (including impact on protected views).
- Conflict with policies of the County Development Plan (landscape and protected views).
- Impact on residential amenity of adjoining residential property (Whitewater).
- Omission of skylights in south west elevation (shown in floor plans).

4.0 Planning History

4.1. There is no planning history for the appeal site. However, reference is made by the applicant to the following planning permissions granted for dwellings on land in the vicinity of the site:

- PA Ref. F10A/0265 – Planning permission granted for the demolition of an existing dormer dwelling (250sqm) on land to the north of the appeal site (Whitewater) and construction of a flat roofed contemporary residential dwelling (400sqm).
- PA Ref. F15A/0045 – Planning permission granted for the demolition of an existing two storey over basement dwelling (258sqm) on land to the south of the appeal site (Onslow) and construction of a larger two storey over basement residential property (571sqm).
- F98A/0179 – Planning permission granted for the demolition of a 418sqm single storey dwelling on land to the south of appeal site and the above property (Danes Hollow) and the construction of a 596sqm two storey dwelling with a basement swimming pool etc.
- F07B/0841 – Planning permission granted for 2 no. single storey extensions (to the side and rear) to the above property (Danes Hollow).

(See Boards maps on file for location of properties).

5.0 Policy Context

Development Plan

- 5.1. The appeal site falls within the administrative area of the Fingal County Development Plan 2011 to 2017. It lies within a Highly Sensitive Landscape, Coastal Character Type and within the Howth SAAO.
- 5.2. The western part of the appeal site is zoned RS to '*provide for residential development and protect and improve residential amenity*' and the south eastern, narrower, part (and the larger landholding) is zoned HA to '*preserve and provide for open space and recreational amenities*'. Thormanby Road, the private lane to the south west of the site and the cliff path to the south east of it are all identified in the County Development Plan, with the objective to preserve views from these routes.
- 5.3. Landscape policies of the plan seek to:
- Preserve and protect the uniqueness and distinctiveness of landscape character type (Objectives LC01 and LCO2).
 - Resist development which would interfere with or impinge on the character of highly sensitive areas or detract from a designated view or the scenic value of the area (Objectives LC03 and LC04).
- 5.4. Policy objective VP01 and VP02 seek to protect views and prospects, particularly those identified in the Plan, which contribute to the character of the landscape and to resist development which would interfere with a protected view or prospect.
- 5.5. Policy objective SA01, in respect of special amenity areas, seeks to protect and enhance the character, heritage and amenities of the Howth Special Amenity Area in accordance with the relevant Order.

Howth SAAO

- 5.6. The appeal site lies within an identified residential area in the Howth SAAO (1999) and again Thormanby Road, the private lane to the south west of the site and the footpath to the south east of it are identified as footpaths and roads from which views will be protected (Maps A and B of the Order). Map A stipulates a density of 1 dwelling per hectare for the area in which the site is located.

- 5.7. Schedule 1 of the order sets out a number of objectives for the enhancement of the area. Objective 1.1 seeks to manage the area in order to achieve a number of objectives including to conserve its natural and cultural assets and protect the amenity of local residents.
- 5.8. Schedule 2 sets out objectives for the preservation of the character or special features of the area. Objective 2.1 seeks '*to preserve views from public roads and footpaths*' (shown on Map B) and Policy 2.1.1. seeks to protect these.
- 5.9. Schedule 3 of the Order sets out objectives for the prevention and limitation development, including:
- To protect residential amenity (Objective 3.1),
 - To protect and enhance the attractive and distinctive landscape character of the area (Objective 3.2), and
 - To ensure that development does not reduce the landscape and environmental quality of adjacent natural, semi-natural and open areas (Objective 3.3).

Natural Heritage Designations

- 5.10. Howth head has a number of natural heritage designations (illustrated on the attachments), with the closest to the appeal site as follows:
- Howth Head SAC (site code 000202), c.100m to the south/south east of the appeal site.
 - Rockabill to Dalkey Island SAC (site code 003000), c.150m to the south of the appeal site.
 - Howth Head Coast SPA (site code 004113), c.250m to the east/south east of the appeal site.

6.0 The Appeal

Grounds of Appeal

6.1. There are three third party appeals in respect of the proposed development made by Brian Gillespie and Pascal Letellier, Mirja and Jochen Wenski and Rick de Neve. Similar issues are raised in the appeals and I summarise these below:

- Inappropriate scale and form of development - The proposed development is out of scale with what is normally acceptable in the area and comprises overdevelopment of an open site. The proposed dwelling, which is nearly four times the size of the existing one, will be one of the largest in the area and will face south east with the north east wing will extend over the entire width of the field. Other large houses (Fairways, Tarifa, Onslow and Danes Hollow) are set back from the road and do not have an adverse impact on the amenity of the area. Inappropriate precedent that would be set by the scale and design of the development.
- Conflict with Fingal County Development Plan - The development conflicts with guidelines for development in Highly Sensitive Landscapes (Coastal Character Type), landscape character assessment objectives and objectives in respect of protected views and vistas. The location of the treatment plant and percolation area in the HA zoned land is in contravention of the zoning objective of the Plan and a material contravention of the Plan.
- Impact on residential amenity of the area – The proposed development fails to integrate with existing dwellings surrounding the site and would conflict therefore with Objective RD10 of the Fingal County Development Plan and the Residential Density Guidelines which seek to protect the character of the area/residential amenity.
- Conflict with development plan objectives for transitional zones – The proposed location of the house, which dominates the HA zoned lands, is contrary to the provisions of policy objective Z04 of the Fingal County Development Plan.

- Inconsistency with established building line – Development has ignored the front and rear building line of adjoining houses and by going forward of it will significantly affect the residential amenities presently enjoyed by adjoining properties (including Whitewater) and de-value their property.
- Impact on Howth Special Amenity Area and conflict with SAAO:
 - Development exceeds permitted density (one house per ha) in SAAO. Residential zoned part of the site is no more than 0.5ha.
 - The Board is bound by the provisions of the Special Amenity Area Order, which has precedence over the Fingal County Development Plan (Section 37(2)(b) of the Planning and Development Act 2000). As the applicants do not have the necessary hectare to develop a house on the site (including access, private open space, percolation area etc.) the development is inconsistent with the SAAO.
 - Map B of the SAAO correctly identifies the lands on which most of the proposed development is to be built as agricultural and as such as an important land use and visual element of the special amenity order.
 - The building will not be subordinate to the landscape (Views 4 and 7, Landscape and Visual Impact Assessment).
 - Impact on protected views of the sea and Baily lighthouse from the public road and bus stop. At present the view from Thormanby Road is of an open landscape with a promontory and lighthouse forming the focal point. The new dominant view is of a substantial modern building with a lighthouse as a totally subsidiary element in this view.
 - Visual impact assessment fails to show proposed trees which will further reduce any views of the lighthouse complex or sea (seven Ilex Aquifolium, holly).
 - Impact on views from cliff walk. Impacts caused by single storey and two storey portion which extend out of the core of the house (View 4 and 7 in Landscape and Visual Impact Assessment).
 - Development is contrary to Howth SAAO Design Guidelines (including Objective 1.1, 2.1 and Policy 2.1.1 and Objective 3.2 and 3.3).

- Impact on residential amenity currently enjoyed by residents in the area (Whitewater).
 - Impact on amenity of Whitewater property due to size, scale and orientation of proposed development.
 - Some windows in proposed development, including master bedroom, face Whitewater's living area, and will impact on the amenity of the property and its value.
 - Impact of proposed Pinus Nigra trees on boundary between proposed development and Whitewater which would seriously overshadow the property and negatively impact on public and private views.
 - Impacts arising from proposed chimneys in proximity to adjoining property.
 - Appellant proposes conditions if Board decided to grant – Movement of building northwards to respect the established building line, omission of trees on the site that would cause overshadowing of Whitewater, maintenance of all boundary hedgerows at 1.2m, omission of chimneys, inclusion of conditions in respect of demolition, construction and working time.

Applicant Response

- 6.2. The applicant makes the following comments in response to the appeals lodged.
- Addition of skylight - In order to reduce any perceived loss of amenity to Whitewater, the drawings have been amended to show a glass lantern roof to the void above the basement swimming pool (drawing no. D-1057-LA-07-Rev A).
 - Building line – There is no established building line and this is accepted by the appellants (page 3 of Architectural Report prepared for Whitewater application, and planning officers report on the development under PA ref. F10A/0265).
 - Visual Impact/protected views – The two storey and single storey elements of the proposed development are sited to minimise their impact and will

eliminate an existing negative visual impact (of the existing property). The proposed development has been designed to take advantage of the sloping site and to assimilate the building into its context. The interplay between the rectangular and curved forms of the proposed development, when combined with a variance in parapet heights, serves to assimilate the building into its setting (the parapet height of the single storey main building element is 616mm above the Whitewater ground floor level).

- Impact on residential amenity of Whitewater – Planning permission granted for the Whitewater property under PA ref. F10A/0265 required the retention of the, then, existing 3.5-4m boundary hedge with Long Acre. This hedge has been reduced to a level below the finished ground floor level of the house at Whitewater. If the hedge had been retained, there would be no loss of privacy/outlook as a consequence of the proposed development (and vice versa). The distance between the proposed master bedroom window and the boundary of Whitewater is 44m and 50m from the living room window of the property. Both distances are greater than the minimum standard of 22m between directly opposing rear first floor windows as referred to in policy objective OS35 of the County Development Plan. The proposed chimney in the garden pavilion is for the balanced flue gas fire. The chimney is 14.950m from the wall of the living room at Whitewater and complies with the separation distances the building regulations (Table 5, diagram 16, Part J). Detailed construction information has not been provided, which is normal planning practice.
- Proposed boundary landscaping – If the boundary hedge referred to above had been retained, the appellant’s view of the proposed boundary tree planting within the appeal site would be screened. Both the Howth SAAO and the Fingal County Development Plan support the provision, retention and protection of boundary hedgerows. The proposed boundary planting would cause significantly less overshadowing than the hedge which was supposed to be retained. Applicant should not be penalised for absence of hedge.
- Howth SAAO:

- The majority of the appeal site is categorised as Residential Land (SAAO Map A) and reflected by the RS zoning of the Fingal County Development Plan. Under RS zoning the use of land for agricultural buildings is not permitted. The only part of the appeal site which is not zoned residential is the land on which the existing septic tank is located, which is to be upgraded as part of the proposal.
- The appellant's contention that part of the site is 'agricultural' in nature appears to rely on a map contained on page 4 of the Howth SAOA. The purpose of the map was to differentiate between various land uses at the time (1999).
- Historic mapping indicates that the site formed part of a larger agricultural field which now contains the appeal site, Whitewater and five no. other residential properties.
- Density – The applicant seeks to replace an existing dwelling, therefore the density cap does not apply (the applicant refers to examples in the vicinity of the site where permission has been granted for replacement dwellings on sites of less than 1ha but where the density cap of 1 dwelling per hectare applies, including Whitewater under PA ref. F10A/0265). The overall landholding extends to 1.3ha and the application site to 0.76ha. It is the applicant's intention to maintain the remaining lands (in the High Amenity Zone) in its current natural form.
- Preserved views – There is no policy in the Howth SAOA or Fingal County Development Plan that requires hedgerows to be maintained at a low level (Policy 3.1.2 of the SAOA states that walls shall not be higher than existing or 1.2m where there are no existing walls). Policy objective 2.7 and policy 2.7.1 of the Plan encourage the retention of hedgerows. Hedgerows along the boundaries of the appeal site are not identified in Map B of the SAOA for protection. Policies of the County Development Plan also seek to protect and retain hedgerows (Objective TO53, TO 54 and BD27 and principles for development in highly sensitive landscape character types). Actual views from Thormanby Road are less than indicated by the appellants. A

photograph survey of existing views from Thormanby Road between its junction with Carrickbrack Road (290m west of the appeal site) and the property at Fairways (80m north of the appeal site) carried out by the applicant (see submission) demonstrates that views out to sea from this stretch of Thormanby Road are extremely curtailed by existing dwellings, boundary walls and hedges. Pursuant to the exempted development provisions set out in Section 4 of the Howth SAAO, and given that the existing and proposed house do not front Thormanby Road, there are no restrictions on the landowner from either replacing the gateway on the northern end of Thormanby Road with a 2m high solid timber fence or closing the gate altogether with a wall and hedgerow. However, the applicant would not contemplate this and is committed to retaining existing public views of the coast.

- Scale of development – The proposed development is not as large as suggested by the appellants (existing dwelling 325sqm, proposed 1,201sqm). The ground floor and first floor levels comprise a total of 671sqm with the remaining areas being confined to basement level (423sqm), garage (58sqm) and garden pavilion (48sqm). The proposed development has an application site coverage of 7.1% which is less than that of the Whitewater property and Onslow property to the north and south of the appeal site.
- Site Access – Request that condition no. 5 be omitted. Fingal County Council Roads Engineers do not object to the proposed layout, provided that adequate site lines can be achieved. The principle behind the longer access route is based on a desire to achieve an improved gradient. Satisfactory sightlines can be achieved at the proposed northern entrance. If the Board were minded to merit the new entrance, the applicant would welcome a condition requiring a tree survey as recommended by the planning authority.

Planning Authority Response

- 6.3. Having regard to the appeals made, the planning authority remain of the view that the proposal will not have a significant adverse impact on protected views or aspects

or the landscape character of the area or give rise to adverse impacts on adjoining residential property.

Observations

- 6.4. On file is an observation from Conor and Carmel O'Hara, 'Ramore', Old Thormanby Road. In it the observers, who reside to the north of Whitewater (see Board maps on file), consider that the proposed development due to its scale and form (parallel to the public road) would seriously injure the visual amenities of the area including Howth SAAO, would detract from protected views, constitute overdevelopment of the site and is at odds with guidelines in respect of development in the highly sensitive coastal character landscape type in which it is situated. They state that the applicant's view Nos. 4, 5 and 6 underestimate the impact of the development.

Further Responses

- 6.5. Mirja and Jochen Wenski comment on the other two appeals made by third parties. The appellant's generally support the other appeals lodged and do not make any new arguments in their submission.
- 6.6. The applicant's response to the appeal was circulated to all parties. Responses were received from Mirja and Jochen Wenski, Brian Gillespie and Pascal Letellier and the planning authority. No new issues were raised. However, Mirja and Jochen Wenski draw attention to the applicant's request to include the proposed new access to the site in any decision by the Board. The appellants argue that this is a breach of normal planning procedures as no appeal against condition no. 5 was submitted.

7.0 Assessment

- 7.1. Having regard to the information on file, policies of the Fingal County Development Plan 2011-2017 and my inspection of the appeal site, it is my view that the key issues for this appeal relate to the following matters:
- Principle of development.
 - Scale, form and density of development.
 - Consistency with established building lines.

- Visual impact.
- Impact on protected views.
- Impact on residential amenity.
- Access.
- Other matters (skylights).

Principle of Development

- 7.2. The proposed development comes forward on an overall landholding which comprises the existing residential property of 'Long Acre' and the adjoining agricultural field. The overall holding stretches from Thormanby Road to cliff walk, a public footpath, to the south east of the site. The existing Long Acre property and agricultural field to the north east of it is zoned to '*provide for residential development and protect and improve residential amenity*'. The south eastern part of the overall landholding, and the south eastern part of the appeal site are zoned HA to '*preserve and provide for open space and recreational amenities*'. The RS and HA zonings are consistent with Map A of the SAAO which identifies the north western part of the appeal site as a residential area within the Special Amenity Area and the south eastern part of it as 'other areas' within the Special Amenity Area (which are stated to coincide with the high amenity zonings of the 1993 County Development Plan).
- 7.3. The proposed development is a replacement dwelling. The principle of a residential use on Long Acre site has therefore already been established. The proposed development is also consistent with the zoning objective for the land to the north of the existing property, falling within the RS zoning. The proposed development is therefore acceptable, in principle, on the appeal site.
- 7.4. The appellants refer to the location of the proposed wastewater treatment system and associated percolation area in lands designated HA. I note that the proposed treatment system replaces an existing substandard septic tank and drain, which is already located in the HA zoned lands (Drawing no. D-1057-LA-02 and Civil and Structural Engineering Report).
- 7.5. The objective of the HA zoning in the current Fingal County Development Plan is '*preserve and provide for open space and recreational amenities*'.

- 7.6. Schedule 3 of the Howth SAAO sets out objectives for the prevention and limitation development, including to protect and enhance the attractive and distinctive landscape character of the area (Objective 3.2), and to ensure that development does not reduce the landscape and environmental quality of adjacent natural, semi-natural and open areas (Objective 3.3).
- 7.7. The proposed septic tank and associated percolation area is situated on an open and undeveloped part of the appeal site. Construction of the proposed percolation area would slightly raise the profile of the site in the area of the percolation area. However, given the difference in ground levels between the site and adjoining footpaths (see photographs), I do not consider that the proposed wastewater treatment system would be highly visible or detract from the open, undeveloped landscape character of the area or the adjacent natural, semi-natural and open areas.
- 7.8. Having regard to the established use of this part of the site for wastewater treatment and the absence of visual conflict with amenity policies, I consider that the location of the proposed effluent treatment system in the lands zoned HA is acceptable.

Scale, Form and Density of Development

- 7.9. The existing residential dwelling on the appeal site has a gross floor area of 325sqm, is a mix of dormer and two storey accommodation and is orientated approximately east-west on the south western corner of the appeal site. The proposed dwelling has a floor area of 1,201.44sqm and is L-shaped, with one of the two wings having the same orientation as the original property and the other running north east of it. The proposed dwelling is part two storey and part single storey (over basement), with the two storey component confined to the east-west wing and the southern part of the north east wing.
- 7.10. The proposed development is significantly larger in scale than the existing dwelling on site. However, I note that it comes forward within a local context of typically large detached properties and its scale is therefore, of itself, not inappropriate. However, the proposed development differs significantly in its form from the existing property on the site by extending the built form parallel to the public road. This form raises issues regarding impact of the development on visual amenity and protected views which are discussed further below.

7.11. The appellants refer to the density of the proposed development, which they argue exceeds the standard set out in the Howth SAAO of one dwelling per hectare. In this instance, the proposed development is a replacement dwelling and therefore, whilst site coverage may increase, there is no change in the number of residential units, or therefore density.

Consistency with Established Building Lines

7.12. The appellants argue that the proposed development is not consistent with the established building line between Ramore, Whitewater and Long Acre (to the rear of the properties) and that the proposed single storey wing will significantly project over this line.

7.13. From my assessment of the appeal site and surrounding development, and inspection of maps and aerial photography, there is no obvious, consistent building line along Thormanby Road in the vicinity of the site. Further, the proposed development does not extend significantly either further north west, towards the public road, or south east, towards the sea, than the current property. I would not accept the appellants' arguments therefore that the development is inconsistent with the established building line. (I do accept that the form of the proposed dwelling, with its north east wing, extends the built form of development across the site with potential impacts on the amenity of properties in the vicinity. This issue is discussed further below).

Visual Impact

7.14. The appeal site lies within a coastal landscape and within the Howth SAAO. Policies of the current County Development Plan set out principles for development in highly sensitive coastal environments including protecting skylines, horizon and ridgelines, retaining existing boundaries/trees/woodland, preventing inappropriate development on the seaward side of coastal roads and preventing intrusive developments on headlands, promontories and coastal lands. Further, landscape character assessment objectives (LC01 to 08) seek to preserve and protect landscape character type and ensure that new development does not detract from the scenic value of the area. Policy SA1 of the plan also seeks to protect and enhance the character, heritage and amenities of the Howth SAAO in accordance with the relevant order.

7.15. Schedule 3 of the Howth SAAO sets out objectives for the prevention and limitation development, including:

- To protect and enhance the attractive and distinctive landscape character of the area (Objective 3.2), and
- To ensure that development does not reduce the landscape and environmental quality of adjacent natural, semi-natural and open areas (Objective 3.3).

7.16. Policy 3.1.2 of the Order sets out design guidelines to apply to new development. With regard to buildings, the document states, *'New buildings should generally be in keeping with the character of other buildings in the vicinity. However, favourable consideration may be given to buildings of contemporary design, provided that the design is of high quality and that, in visual terms, it subordinates the building to the surrounding natural environment'*.

7.17. The coastal landscape, south and east of the appeal site, is characterised by the promontory of Baily lighthouse, outward views of the sea, the rocky coast, Dublin Bay and the Wicklow mountains. Looking inland the landscape is characterised by the open, natural and semi-natural terrain that rises towards the public roads, and which gives way to detached and often substantial houses sited within the rising topography and framework of mature trees. When viewed from the public footpath that runs to the south east of the site to Baily light house, existing development does not break the skyline and is typically smaller in scale than the surrounding natural environment ('treescape').

7.18. The proposed development is situated on a sloping site and has been designed to sit within the topography such that the parapet height of the proposed dwelling does not exceed the ridge level of the existing property. Models of the development are on display in the Board's offices and photomontages of the proposed development are set out in the Landscape and Visual Impact Assessment (Viewpoint 1 to Viewpoint 7). Having regard to these, plans in respect of the development and my inspection of the appeal site, I would accept that the proposed dwelling would not be obtrusive when viewed from the public road passing the site, as depicted in Viewpoints 1 to 5 by the applicant, or from cliff walk due to a bank along cliff walk to the south east of the appeal site. However, I would have concerns that when viewed from the

footpath to the south of the site that the scale of the development would be substantial and that the proposed dwelling would be very visible from a short section of the footpath. The applicant's Viewpoint 7 somewhat demonstrates this point. It is taken from a location on the public footpath quite near the entrance to Baily lighthouse, however, as one approaches the intersection of this footpath and cliff pass, the impact of the dwelling would be more substantial than that depicted. From my assessment of the other larger properties in the vicinity of the site, these are either less obtrusive, in terms of landscape character, by virtue of local topography, vegetation or smaller in scale/massing.

- 7.19. Notwithstanding the above, I am mindful that residential development in the area, when viewed from the public footpath to the south east of the site is contained and fragmented by mature vegetation (see applicants View 7 and photographs 14 and 15). Within this context, and given the short section of the footpath that will be affected by the proposed development, I consider that it would be appropriate and possible to break up the bulk form of the development by incorporating appropriate planting within the RS zoned lands of the site to reduce the bulky appearance of the north east wing. This matter could be dealt with by condition.
- 7.20. One of the appellants argues that the proposed development conflicts with policy Z04 of the County Development Plan. This policy, in respect of development in transitional zones, requires regard to the impact of the development on adjoining zones. In particular, the plan states that it is important to avoid abrupt transitions in scale and use in the boundary areas of adjoining land use zones. As stated, the proposed development replaces an existing dwelling, comes forward on land zoned for residential development, where there is a pattern of substantial residential development in large sites, and does not extend significantly beyond the building line of the existing development, relative to the HA zoned lands. Whilst I acknowledge that the development will be dominant in views from the footpath to the south east of the site, the bulky appearance of the building could be satisfactorily dealt with by condition (discussed above). I do not consider that the development, therefore, comprises an abrupt transition between zones.

Protected Views

- 7.21. Thormanby Road to the west of the appeal site and the footpaths to the south west and south east of the appeal site are identified in the County Development Plan and Howth SAAO as routes which from which views will be preserved (policy VP01 and VP02, County Development Plan and Objective 2.1, Howth SAAO).
- 7.22. Policy 2.1.1. of the Howth SAAO states that applications for planning permission *'must take into account the visual impact of proposals on views from these paths and roads. Applicants must state whether there would be an impact and describe and illustrate this impact.. The Council will not permit development which it considers would have a significant negative effect on a view from a footpath or road'*.
- 7.23. As previously discussed, it is my view that the proposed development in its current form would be visually dominant when viewed from the public footpath to the south of the appeal site. However, as stated, the matter could be addressed by appropriate landscaping and controlled by condition.
- 7.24. From my inspection of the appeal site it is evident that there are limited views from Thormanby Road of the sea and the lighthouse by virtue of the high walls, mature landscaping and gated properties that are situated on the seaward side of the road. However, from the appeal site there are good, open views from the northern gated entrance to the site (and bus stop opposite). These views are not generally available from the public road alongside the site due to the hedge that bounds the appeal site.
- 7.25. The proposed development comes forward on land zoned for residential development, is situated at a lower elevation than the public road (Viewpoint 4, Landscape and Visual Impact Assessment), with the two storey component situated to the south of the site, largely away from the existing view. Notwithstanding this, the dwelling, landscaping and associated driveway would encroach into the open views of the Baily lighthouse promontory and the sea, eroding the view of the lighthouse itself.
- 7.26. In their decision to grant permission for the development, the planning authority require use of the existing access to the site. This matter is discussed below and, for the reasons stated, it is my view that the existing access to the site should be utilised. If the existing access to the site is utilised, I consider that it would be

possible to provide a simplified view across the appeal site in the location of the existing northern access. For example, with the removal of the wing walls, the driveway and associated landscaping and the introduction of a boundary treatment that maximised views of the lighthouse and promontory in the long term. If the Board are minded to grant permission for the development, I consider that this matter could be satisfactorily addressed by condition.

Impact on Residential Amenity

- 7.27. The Whitewater appellants argue that the proposed development will impact on their residential amenity by virtue of the size, scale and orientation of proposed development (including master bedroom), the proposed landscaping which would seriously overshadow the property and the proposed chimneys, which with the prevailing south westerly winds, would result in fumes blowing onto their property.
- 7.28. The Whitewater property is quite elevated relative to the proposed development, with the ground floor terrace of the property c.0.6m below the parapet of the single storey component of the proposed development. Consequently, the built form of the proposed development will not be unduly overbearing on the Whitewater property. Further, only two rooms in the proposed development have windows facing Whitewater. In the ground floor family room there are two small windows in the north eastern elevation of the room, c. 17m from the Whitewater boundary. In the master bedroom two large windows, glazed doors and a balcony face Whitewater, however, these are c.44m from the boundary with Whitewater. Given the elevation of Whitewater relative to the proposed development, the small windows in the family room facing the property and the separation distance between the master bedroom and the Whitewater property, I do not consider that the proposed development would seriously overlook the appellant's property or, therefore, detract from its amenity.
- 7.29. The applicant's Landscape Plan (drawing no. DG116) indicates 15 feathered Pinus Nigra (Austrian pine) trees alongside the boundary with Whitewater. Given the length of the boundary over which they are shown planted it would appear that the 15 no. trees would be planted every 4m. I do note that the trees can grow to 30m and may be inappropriate in such proximity to the shared boundary, becoming in the long term both overbearing and overshadowing. If the Board are minded to grant permission for the development, the matter could be dealt with by condition requiring

their omission and replacement with a hedgerow species more appropriate to the domestic setting of the adjoining property.

- 7.30. The existing property at Long Acre is served by a number of chimneys. However, this number will be increased in the proposed development, with chimneys serving a number of rooms including the garden pavilion. Whilst I accept that the chimneys are generally at a lower elevation than Whitewater, in particular for the proposed garden pavilion, and that there is a risk of emissions being blown across the appellant's property, the detailed design of chimneys and nuisance arising from their use falls outside of the planning system and is controlled under other legislation.

Access

- 7.31. The applicant proposes creating a new access to the site in the current location of the northern access to the site on Thormanby Road. In response to the appeal, the applicant states that the Transportation Planning Department has no objections to the use of the northern access to the site. However, I refer the Board to the Department's report on the application which states that the *'existing entrance would have been adequate for the proposed development with minor boundary works to improve sightlines and avoiding the necessity of an elongated driveway'*. Further, the Planning Officer's report and the planning authority, in their submission to the Board of the 20th February 2017, consider that the existing entrance should be utilised to ensure there is no impact on existing boundary trees on site or the boundary wall.

- 7.32. The applicant states that the elongated driveway is required in order to achieve an improved gradient. However, the current access to the site is not overly steep (see photographs) and use of the existing entrance would avoid the creation of a new driveway across the entire site frontage, reduce the impact on trees on site and provide a better opportunity to retain open views across the site from the existing northern access. If the Board are minded to grant permission for the development, I would recommend that the use of the existing access is required.

Other Matters

- 7.33. The appellant (Whitewater) request that if the Board decide to grant permission for the development, they grant it subject to a number of conditions. I have dealt with each of these matters above (building line, boundary treatment and chimneys). On

the outstanding matter of conditions in respect of demolition, construction and working time, these are reasonable requests to safeguard the amenity of adjoining residential properties and should be included in any grant of permission.

Appropriate Assessment

- 7.34. The applicant's Natura Impact Screening Report identifies Natura 2000 sites in the vicinity of the appeal site, including Howth Head SAC (site code 000202), Rockabill to Dalkey Island SAC (site code 003000) and Howth Head Coast SPA (site code 004113), and their conservation interests. Having regard to the proposed construction methodology (employment of best practices with regard to noise, dust and vibration) and management of surface water and foul water (replacement of existing deficient septic tank), the report considers that the development will not give rise to significant adverse effects, either individually or in combination with other plans or projects, on the integrity of the Natura 2000 sites considered.
- 7.35. Having regard to the particular conservation interests of the Natura 2000 sites in the vicinity of the appeal site, the measures proposed to be adhered to as part of the proposed development (section 4.2 of screening report, including preparation of a Works Management Plan) and the Civil and Structural Engineering Report which demonstrates the capacity of the appeal site to treat wastewater, I consider that any source of potential pollutants arising from the demolition of the existing dwelling, construction and occupation of the proposed development will be adequately mitigated such that no impacts on features of conservation interest will arise.
- 7.36. In their submission to the Board, the appellant (Whitewater) raises concerns regarding the impact of emissions from the proposed chimneys on Natura 2000 sites. However, I note the prevalence of domestic chimneys in the vicinity of the appeal site and, having regard to the similar nature of the proposed chimneys and the very modest increase in overall chimney numbers as a consequence of the development, I do not consider that the proposed development would result in any significant impact on the conservation interests of nearby Natura 2000 sites as a result of the operation of the chimneys.
- 7.37. I consider, therefore, that it is reasonable to conclude, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with

other plans or projects would not be likely to have a significant effect on European Site Nos. 000202, 003000 and 004113, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

- 8.1. Having regard to the matters discussed above, I recommend that permission for the development be granted subject to condition.

9.0 Reasons and Considerations

Having regard to the zoning of the site, the design and location of the proposed dwelling, its low elevation within the site and its orientation and distance from nearby property, it is considered, subject to the conditions set out below, that the proposed development would not detract from the amenity of residential property in the vicinity of the site, the landscape character of the area or protected views from public roads and footpaths and would be consistent with the policies and objectives of the Fingal County Development Plan 2011-2017 and the Howth Special Amenity Area Order 1999. The proposed development would, therefore, be consistent 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 as amended by the and by the further plans and particulars received by An Bord Pleanála on the 19th day of January 2017, 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 proposed vehicular entrance shall not be permitted and the existing vehicular access should be used.

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 landscaping scheme shown on drawing no. DG116 Rev 3, as submitted to the planning authority on the 23rd day of September, 2016 shall be revised as follows and submitted to the planning authority for written agreement prior to the commencement of development:

- i. Revised boundary treatment, along Thormanby Road, and internal planting within the site to maximise views of Baily lighthouse and promontory from the public road, in perpetuity.
- ii. Omission of Pinus Nigra along the northern boundary with Whitewater and their replacement with a native hedgerow species.
- iii. Planting within the RS zoning of the site to reduce the massing of the development when viewed from the footpath to the south east.

The landscaping scheme 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, 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.

4. Prior to the commencement of development, the developer shall submit details of the drainage and water layouts, for written agreement with the planning authority, which demonstrate that the rooting systems of existing trees will not be impacted upon.

Reason: To protect existing trees in the coastal environment.

5. Samples of the proposed materials and external finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. 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.

7. All necessary measures shall be taken by the contractor to prevent spillage or deposit of clay, rubble or other debris on adjoining roads during the course of works.

Reason: To protect the amenities of the area.

8. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

9. The developer shall pay a sum of money to the planning authority as a contribution towards the expenditure that is proposed to be incurred by the planning authority in respect of public infrastructure and facilities facilitating the proposed development. The amount of the contribution and the arrangements for payment shall be agreed between the developer and the planning authority or, in default of agreement, shall be determined by An Bord Pleanála.

Payment of this contribution is subject to the provisions of section 26(2) (h) of the Local Government (Planning and Development) Act, 1963 generally, and in particular, the specified period for the purposes of paragraph (h) shall be the period of seven years from the date of this order.

Reason: It is considered reasonable that the developer should contribute towards the expenditure proposed to be incurred by the planning authority in respect of works facilitating the proposed development.

Deirdre MacGabhann
Planning Inspector

14th March 2017