



An  
Bord  
Pleanála

## Inspector's Report PL06F.248818.

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<b>Development</b>	Marie Higgins.
<b>Location</b>	56 Main Street, Howth, Co. Dublin.
<b>Planning Authority</b>	Fingal County Council.
<b>Planning Authority Reg. Ref.</b>	F17A/0217.
<b>Applicant(s)</b>	Marie Higgins.
<b>Type of Application</b>	Retention.
<b>Planning Authority Decision</b>	Refuse.
<b>Type of Appeal</b>	First Party
<b>Observer(s)</b>	Mary Sheehan & Eamon Reid.
<b>Date of Site Inspection</b>	19 <sup>th</sup> September 2017.
<b>Inspector</b>	Karen Kenny.

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## 1.0 Site Location and Description

- 1.1. The site is located in the historic core of Howth Village. The site fronts onto Howth Main Street to the south of the Church of the Assumption and backs onto St. Mary's Place a narrow residential cul-de-sac. There is a mixture of commercial and residential development in this area.
- 1.2. The site has a stated area of 0.0121 hectares and contains a two storey end of terrace dwelling, a small front garden and a small rear yard. The rear yard is bounded by walls to the north and south and a low wooden fence to the rear.
- 1.3. There is a small infill apartment scheme to the north of the site on the corner of Main Street and St. Mary's Road and a mid-terrace dwelling to the south. There is a terrace of historic dwellings fronting onto the opposite side of St. Mary's Place to the rear of the site. Structures in the area generally reflect the 19<sup>th</sup> century character of the area. Plots sizes are relatively small and narrow.

## 2.0 Proposed Development

- 2.1. Permission is sought to retain a cabin in the rear yard of No. 56 Main Street.
  - The cabin has a wooden exterior and is rectangular in shape (c. 6.3 metres by c. 3.8 metres) with a stated floor area of 23 square metres. The structure has a low pitched roof over with a ridge height of c 3.2 metres.
  - Internally the cabin comprises a bedroom, living area and shower room.
  - Other works to be retained include the demolition of a section of the original boundary wall to the rear of the property and its replacement with a low wooden fence and access gate.

## 3.0 Planning Authority Decision

### 3.1. Decision

Refuse Permission for 4 no. reasons. The reasons for refusal can be summarised as follows:

- The development would be contrary to the criteria for family flats set out in the Development Plan.
- The development would have a deleterious material effect on the special character of the ACA.
- The development represents an overdevelopment of the site and would result in a substandard form of accommodation for the occupants of the existing house and family flat.
- The development would set an undesirable precedent for similar sub-standard accommodation in the Howth Historic Core ACA.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The Planner's Report reflects the reasons for refusal outlined above but also includes the following assessment:

- Family flat is for the owner of the dwelling, who can no longer use stairs in the main dwelling.
- The structure is a separate, detached structure. The development is not linked directly to the existing dwelling.
- The design does not comply with the design criteria for extensions in that the structure occupies a significant part of the rear garden.
- The site is in the Howth Historic Core ACA. Sheds and part of the stone wall of the property has been removed to facilitate the development. The cabin is very visible as it backs onto St. Mary's Place and includes a large gap in the rear boundary wall that contains a low timber fence and gate.
- Given the significant adverse impacts on the character of the area and the wider precedent that could occur for similar sub-standard residential structures in the ACA the Planning Authority is of the view that the existing large cabin is not an acceptable temporary solution.
- There is no private open space for occupants of the site and the structure is considered to represent an overdevelopment of the site. The cabin would

detract from existing residential amenity, result in overdevelopment and be substandard development.

- No objection in relation to drainage.
- While it is noted that temporary permission is sought, it is not considered that the cabin offers a suitable form of habitable accommodation due to its negative effect on the existing house, surrounding houses and the inhabitants.

The Planning Officer's Report recommended that permission be refused.

### 3.2.2. **Other Technical Reports**

Water Services: No objection.

Irish Water: No objection.

Parks and Green Infrastructure: No objection.

Conservation: Not acceptable.

### 3.3. **Prescribed Bodies**

None.

### 3.4. **Third Party Observations**

Three submissions were received and considered by the Planning Authority. The issues raised include the following:

- Old stone wall demolished and should be replaced.
- Excessive scale of development that is out of character with terraced houses on the lane.
- Development could set an undesirable precedent.
- Drainage connections not inspected or authorised.
- Remaining boundary wall unstable.

## 4.0 **Planning History**

None.

## 5.0 Policy Context

### 5.1. National Context – Architectural Heritage Protection Guidelines for Planning Authorities (DAHG) 2011

The guidelines state that when it is proposed to erect a new building in an ACA, the design of the structure will be of paramount importance. Generally, it is preferable to minimise the visual impact of the proposed structure on its setting.

### 5.2. Development Plan

The Fingal County Development Plan 2017-2023 is the relevant statutory plan. A number of Development Plan objectives are considered to be relevant:

- The appeal site is zoned TC with an objective to “Protect and enhance the special physical and social character of town and district centres and provide and / or improve urban facilities’. It is a Strategic Policy of the Development Plan to consolidate development and protect the unique identity of a number of settlements including Howth.
- The Development Plan states that Howth is a distinctive settlement located within a unique natural and built environment, with an important maritime heritage focused on the historic harbour. The development strategy seeks to protect its character and strengthen and promote provision of a range of facilities. Objective Howth 1 is to ‘ensure that development respects the special historic and architectural character of the area’.
- The appeal site is located in the Howth Historic Core ACA. Objective DMS157 seeks to ensure that any new development 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. Objective DMS158 requires all planning applications in ACAs to have regard to the information in Table 12.11.
- Objective DMS24 is to ‘require that new residential units comply with or exceed the minimum space standards as set out in Tables 12.1, 12.2 and 12.3 of the Development Plan.

- Objective DMS43 is to 'Ensure family flats: Are for a member of the family with a demonstrated need; are linked directly to the existing dwelling via an internal access door and do not have a separate front door; when no longer required for the identified family member, are incorporated as part of the main unit on site; do not exceed 60 square metres in floor area; and comply with the design criteria for extensions.
- Chapter 12 Development Management Standards: Sets out standards for residential development including design criteria and quantitative standards relating to dwelling size, separation standards, public and private open space provision, car parking, etc.

### 5.3. Natural Heritage Designations

None.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A first party appeal has been received. The principal grounds of appeal that are relevant to the current appeal are summarised as follows:

- Local Authority did not give sufficient consideration to the specific needs (medical / care needs) of the applicant.
- Cabin will have no long term impact having regard to the fact that the cabin is strictly intended to be temporary in its current location.
- The structure will not be in situ for more than 18 months as the family will have the necessary finances to carry out a permanent structural modification to the dwelling and dispense with the need for the cabin.
- The refusal with reference to Table 12.11 of the Development Plan is tenuous and should be overturned.
- Prior to the cabin being constructed there were two concrete sheds in situ that were unsightly and in disrepair.

- The cabin is off the main thoroughfare of Main Street and is only viewable from Mary's Lane which has minimum traffic, footfall and pedestrian use.
- The height and elevation does not exceed any dwelling or extension in the immediate vicinity and the structure is taking up the same space as previously done by the sheds that were attached to the dwelling.
- Reason for refusal no. 3 is irrational and is not borne out when one considers that the cabin is new and made to measure.
- Development would not set an undesirable precedent as it is temporary in nature.

## 6.2. Planning Authority Response

- Planning Authority remains of the opinion that the development by virtue of its design and siting would be contrary to Objective DMS43 of the Development Plan, would have a deleterious material effect on the special character of the ACA, would constitute overdevelopment of a substandard nature and would set an undesirable precedent for similar, sub-standard accommodation in the ACA.

## 6.3. Observations

One observation has been received. The principal issues raised are summarised as follows:

- Development contravenes policies of the Development Plan in particular ACA policy CH32 and Family Flat policy DMS43.
- Cabin is separate to the main dwelling and could be used as an independent dwelling.
- The development would be contrary to the zoning objective and undermine the residential amenity of the area through intensification of development.
- The terraced properties in St. Mary's Place (late nineteenth century) have a unique architectural style and are protected by the ACA. The cabin is out of



sympathy with the buildings and ambience of the area. Disagree with comments in grounds of appeal in relation to visibility from other streets and level of traffic on St. Mary's Place.

- Structure would be visually obtrusive and overbearing and would be out of character at this location.
- The present structure is much larger than the previous shed, filling the whole backyard.
- Development, by virtue of its design, use and location would set an undesirable precedent for similar types of development in the centre of Howth, contrary to the proper planning and sustainable development of the area.

## 7.0 **Assessment**

7.1.1. The assessment below is confined to the planning merits of the case. I consider that the main issues in this case are as follows:

- Principle of Development and Compliance with Policy
- Visual Impact and Impact on Character of the Area
- Development Standards
- Impact on Residential Amenity
- Other Issues
- Appropriate Assessment

### 7.2. **Principle of Development and Compliance with Policy**

7.2.1. Permission is sought to retain a single storey cabin with a stated floor area of 23 square metres to the rear of No. 56 Main Street for use as a granny flat.

7.2.2. The first reason for refusal relates to objective DMS43 of the Fingal County Development Plan 2017-2023. Objective DMS43 of the Development Plan supports the provision of family flats that provide semi-independent living accommodation for an immediate family member who is dependent on the main occupants of a dwelling,

subject to a number of criteria. The criteria include (inter alia) a requirement that the family flat is for a member of the family; that it is linked directly to the existing dwelling via an internal access door with no separate front door; that it can be incorporated back into the main dwelling when no longer required; and that it complies with the design criteria for extensions to dwellings.

- 7.2.3. In the first instance, I note based on the submitted information that the cabin is to accommodate the owner of the main dwelling and that other family members occupy the main dwelling and care for the owner. I am satisfied that the occupancy requirements outlined in the Development Plan are met. However, in relation to the other criteria set out, I note that the structure is a separate detached structure. It is not directly linked to the main dwelling and has independent access from the public street to the rear. On the basis of the foregoing, I do not consider that the development complies with the criteria for 'semi-independent living accommodation' for family flats outlined in Objective DMS43 of the Development Plan.

### **7.3. Visual Impact and Impact on Character of the Area**

- 7.3.1. The appeal site is a prominent corner site within the Town Centre and the Howth Historic Core ACA. The rear yard backs onto directly onto St. Mary's Place a narrow residential cul-de-sac with late 19<sup>th</sup> century terraced housing on its eastern side and the rear yards of the houses fronting onto Main Street on its western side. The site is also close to the junction of St. Mary's Place and St. Mary's Road and is visible from this location. Buildings in the area are generally reflective of the historic character of the area.
- 7.3.2. The wooden cabin is rectangular in shape (c. 6.3 metres by c. 3.8 metres) with a pitched roof over of c 3.2 metres in height. The cabin occupies most of the rear yard area of No. 56 and has a setback of less than half a meter off the northern, southern and eastern site boundaries. The cabin extends above the existing boundary walls. I note on the basis of site inspection that a section of the rear boundary wall has been removed and replaced with a low wooden panel and access gate. The second reason for refusal relates to the impact of the development on the character of the area. The design of the cabin is at odds with the 19<sup>th</sup> century character of dwellings fronting St. Mary's Place and the structure is visually prominent due to its overall scale and position relative to the established building lines and proximity to the public

street. I consider that the development has a significant adverse impact on the character of the area and that it is contrary to Objective DMS157 of the Development Plan which seeks to ensure that new development in an ACA positively enhances the character of the area and is appropriate in its design.

#### **7.4. Impact on Residential Amenity**

The third reason for refusal relates to the over development of the site and the standard of accommodation provided by the cabin. Chapter 12 of the Development Plan sets out standards for residential development including standards in relation to dwelling extensions and private open space provision. No. 56 Main Street is a restricted site with a small yard area to the rear. The cabin occupies almost the entire yard area. While the majority of dwellings at this location would not meet the open space standards set out in the current Fingal Development Plan, no useable private amenity space has been retained in this instance, for the occupants of the existing three-bedroom dwelling or for the occupant of the cabin. I consider that the proposed development is seriously substandard by reference to the private open space standards set out in the Development Plan (Objective DMS87 and DMS88 refer) and that it represents an overdevelopment of this restricted site. I also consider that the development is overbearing when viewed from the adjacent residential property to the south due to the scale of the cabin, the level of site coverage and its proximity to the shared boundary.

#### **7.5. Other Issues**

- 7.5.1. Water supply is from the existing public network and wastewater and surface water disposal is to the existing public network. The Reports from Irish Water and the Water Services section of the Local Authority indicate no objection to the development. The details submitted with the application are considered to satisfactorily address the issues of wastewater drainage, surface water drainage and water supply.

#### **7.6. Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of development proposed and to the nature of the receiving environment, in particular the location of the site in a serviced urban area, 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.

## **8.0 Recommendation**

- 8.1.1. Further to the above assessment of matters pertaining to this appeal, including the consideration of the submissions made in connection with the appeal and my site inspection, I recommend that permission be refused for the reasons and considerations outlined below.

## **9.0 Reasons and Considerations**

1. The site is zoned Town and District Centre in the Fingal County Development Plan 2017-2023, with an objective to protect and enhance the special physical and social character of town and district centres and provide and / or improve urban facilities. The site is also located in the Howth Historic Core Architectural Conservation Area and is subject to Objective DMS 157 of the Development Plan, which seeks to ensure that any new development within or adjoining an ACA positively enhances the character of the area. The proposed development, by reason of its incongruous design and building line relative to surrounding buildings, would materially affect the character of the Howth Historic Core Architectural Conservation Area and be contrary to Objective DMS 157 of the Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The Fingal County Development Plan 2017-2013 (Objective DMS43) supports the provision of semi-independent family flats for an immediate family member subject to the accommodation being directly linked to the main dwelling. The family flat for which retention is sought is a separate standalone structure and would contravene the criteria for family flats set out in Objective DMS43 of the Development Plan. Furthermore, development results in an excessive site coverage and would represent a substandard form of residential accommodation by reference to the private open space standards set out in Objective DMS87 and DMS88 of the Fingal County Development Plan. The proposed

development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Karen Kenny

Senior Planning Inspector

25<sup>th</sup> September 2017