



An
Bord
Pleanála

Inspector's Report PL.06F.249417.

Development	Demolition of house and construction of new house.
Location	Whitewater, Baily Green Road, Howth, Co. Dublin.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	F17A/0459.
Applicant(s)	Martin & Valerie McCourt.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party
Appellant(s)	Martin & Valerie McCourt.
Observer(s)	1. Michael Rickard. 2. Hillwatch.
Date of Site Inspection	18 th January 2018.
Inspector	Karen Kenny.

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History.....	6
5.0 Policy Context.....	7
5.1. Development Plan.....	7
5.2. Howth SAAO, 1999	9
5.3. Natural Heritage Designations	11
6.0 The Appeal	11
6.1. Grounds of Appeal	11
6.2. Planning Authority Response.....	13
6.3. Observations	14
7.0 Assessment.....	15
8.0 Recommendation.....	20
9.0 Reasons and Considerations.....	20

1.0 Site Location and Description

- 1.1.1. The site is located on the eastern side of the Howth peninsula. It is situated on a prominent headland and is c. 30 metres south of the Howth Summit carpark and viewing area. Access to the site is from Bailey Green Road and a narrow laneway that links the Summit carpark with 'the cliff walk'. The headland slopes steeply down towards the sea at this location. There are views from the site towards the coast and Bailey Lighthouse.
- 1.1.2. The site has a stated area of 0.141 hectares and comprises the remains of a dwelling surrounded by garden areas. The site cuts into the of natural topography of the hill and slopes down to the front (south). There is tree planting on site and along the site boundaries. Lands surrounding the site are characterised by heathland and maritime vegetation.

2.0 Proposed Development

- 2.1. The development comprises the demolition of an existing dwelling on site, the provision of a replacement detached two storey house and garage, new connection to foul mains, amendments to existing vehicular entrance and all associated site works.
- 2.2. The dwelling to be demolished had a stated floor area of 219 square metres. Photographs submitted with the application indicate that the dwelling was single storey in character with hipped roof over, a single dormer window in the front (eastern) elevation and two high chimneys on either side of the roof. The stated apex height is 6.98 metres (138.2 m OD), while the stated eaves height is 2.77 metres (133.99 m OD) above a finished level of 131.22 OD Malin.
- 2.3. The proposed dwelling has a stated floor area of 510 square metres set over ground and basement levels. The structure is designed as an 'L' shaped block, with a contemporary design, extensive glazing on the southern elevation and a flat 'green' roof over. The structure would read as single storey from the north, west and east, while the southern elevation is two storey. It is proposed to excavate into the site and to reduce the finished floor level to 130.3 metres OD from an existing finished

level of 131.22 metres OD. A parapet level of 137.2 metres OD (6.9 metres) is proposed.

2.4. The application is accompanied by the following Reports:

- Landscape & Visual Impact Assessment
- Design Statement & Site Analysis
- Existing Dwelling Photographic Survey

3.0 Planning Authority Decision

3.1. Decision

Refuse Permission for 5 no. reasons. The reasons can be summarised as follows:

1. The dwelling by virtue of its excessive massing, scale, depth and width would result in a visually intrusive building and would impact unacceptably on the high amenity coastal landscape. The development would contravene materially the 'High Amenity' zoning in addition to Objectives NH36, NH51 and NH52 of the Development Plan.
2. The dwelling is significantly in excess of the permitted increase in floor area (20%) allowed under Policy 3.4.1 of the Howth SAAO Order. The development would undermine the character and amenity of the Howth SAAO, materially contravene Policy 3.4.1 of the Order and Objective NH44 of the Development Plan.
3. Development by virtue of its mass and scale, combined with excessive width, height and depth would result in serious injury to the visual amenities of this high amenity landscape of outstanding scenic value and be out of character with the Howth SAAO. The development would interfere with Preserved Views in the area from pathways to the west, north, south and east preserved under Schedule 2 of the Howth SAAO and under Objective HA40 of the Development Plan.
4. The proposed development requires significant cut/fill works and reconfiguration of the existing profile and landform contrary to Policy 3.4.1 of the Howth SAAO and Objective NH44 of the Development Plan.

5. Lack of information in relation to suitability for retention of existing hedgerows and boundaries would be contrary to Objective 2.7 of SAAO and Objective RF63 of the Development Plan.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's Report can be summarised as follows:

- Site is zoned 'High Amenity'. Compliance with Rural Settlement Strategy not required, given the nature of the development (replacement dwelling).
- Views from the north, south and west of the site are protected in Howth SAAO Map. Lands to south, east and west identified as heathland and maritime grassland in Map B of the Howth SAAO.
- Development located in the Coastal Character Type Landscape which is categorised as having an exceptional landscape value.
- Proposed dwelling would be visible from carpark, public path to the south-west and when walking along the path abutting the western boundary of the site. The contextual elevation shows that the dwelling would be sited above any screening vegetation to the laneway.
- The overall visual impact of the width of the proposed dwelling in addition to its visibility from scenic viewpoints and paths is considered to be unacceptable.
- Concern in relation to the design and materials used. SAAO Policy 3.4.2 refers to new buildings with a symmetrical A-Frame cross section roof and materials that blend into the local landscape.
- Position of dwelling may necessitate the periodic removal of vegetation and gorse to reduce risk of fire. Vegetation cannot be relied upon for screening.
- Howth SAAO states that replacement dwellings should be no greater than 20% larger than the existing dwelling. The proposed dwelling is significantly in excess of the 20% increase.

- The width and depth of the proposed dwelling is considered excessive on a constrained site in a scenic area, contrary to Objective RF51 of the Development Plan. Development requires significant cuts, regrading and engineering works, which is considered insensitive and unjustified in a high amenity zone and contrary to Policy 3.4.2 of the SAAO.
- Development would appear to involve the removal of existing vegetation and boundary treatments contrary to objectives of the Development Plan and SAAO.
- Improved sightlines would be required at the entrance. Road surface would require upgrade.
- No appropriate assessment issues arise.

3.2.2. Other Technical Reports

Transportation Section:	No objection, subject to conditions in relation to sightlines from the proposed entrance.
Water Services:	No objection.
Parks:	Additional information sought in relation to impact on existing planting.

3.3. Prescribed Bodies

Irish Water:	No objection.
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3.4. Third Party Observations

- 3.4.1. Two third party submissions were received and considered by the Planning Authority. The issues raised are similar to the issues raised in observations received, as set out in Section 6 below.

4.0 Planning History

- 4.1.1. There is no recent planning history pertaining to the appeal site.
- 4.1.2. Details of the planning history in the vicinity of the site is summarised below:

Reg. Ref. F03B/0555: Application for extension (42 square metres) to dwelling adjoining the Summit carpark, to the north of the appeal site. Permission granted.

Reg. Ref. F00B/0670: Application for extension to dwelling adjoining the Summit carpark, to the north of the appeal site. Permission refused. The reason for refusal related to the impact on views and on the sensitive high quality landscape.

Reg. Ref. F00A/0639: Application for revisions to previously approved alterations and extension to dwelling adjoining the Summit carpark to the north of the appeal site. Permission granted.

Reg. Ref. F99B/0538: Application for new single storey double garage and alterations to existing driveway to dwelling adjoining the Summit carpark to the north of the appeal site. Permission granted.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Fingal Development Plan 2017-2023 is the relevant statutory plan. Site is zoned 'High Amenity' with an objective to "protect and enhance high amenity areas". The site is also within the designated area of the Howth, Special Amenity Area Order (1999). The following provisions of the Development Plan are considered to be relevant:

- The site lies within a Coastal Landscape Character Type on the prominent headland of Howth. The Coastal Landscape Character Type is categorised as highly sensitive to development (Table LC01). The plan sets out policy objectives NH33-NH39 (see attachments), which seek to preserve the uniqueness of landscape character type and ensure that development reflects and reinforces this character.
- Objective NH40: Protect views and prospects that contribute to the character of the landscape, particularly those identified in the Development Plan, from inappropriate development.
- Objective 4 Howth: Protect and manage the Special Amenity Area, having regard to the associated management plan and objectives for the buffer zone.

- RF58: Ensure that new dwellings in the rural area are sensitively sited, demonstrate consistency with the immediate Landscape Character Type, and make best use of the natural landscape for a sustainable, carbon efficient and sensitive design. A full analysis/feasibility study of the proposed site and of the impact of the proposed house on the surrounding landscape will be required in support of applications for planning permission.
- RF59: Ensure that the design of new dwellings have regard to the Development Management Standards Chapter with specific reference to the following:
 - (a) Encourage new dwelling house design that is sensitively sited, demonstrates consistency with the immediate Landscape Character Type, respects the character, pattern and tradition of existing places, materials and built forms.
 - (b) Protect existing trees, hedgerows, townland boundaries and watercourses which are of amenity, historic or biodiversity value and ensure that proper provision is made for their protection and management in future development proposals.
 - (c) Promote sustainable approaches to dwelling house design and encourage proposals to be energy and carbon efficient in their design and layout.
 - (d) Require appropriate landscaping and screen planting of proposed developments by using predominantly indigenous/local species and groupings.
- RF60: Ensure that any planning application for a house within an area which has a Greenbelt or High Amenity zoning objective is accompanied by a comprehensive Visual Impact Statement.
- RF62: Ensure that the design of entrances and front boundary treatment is sensitive to the rural setting. In this regard, block walls and ornamental features will be discouraged and native hedging will be utilised where appropriate.
- RF63: Ensure the retention of hedgerows and other distinctive boundary treatments in rural areas. Where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, provision of the same type of

boundary/provision of agreed species of similar length will be required within the site.

- NH44: Protect and enhance the character, heritage and amenities of the Howth and the Liffey Valley Special Amenity Areas in accordance with the relevant Orders.
- NH51: Protect High Amenity areas from inappropriate development and reinforce their character, distinctiveness and sense of place.
- NH52: 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.
- Objective NH36: Ensure that new development does not impinge in any significant way on the character, integrity and distinctiveness of highly sensitive areas and does not detract from the scenic value of the area. New development in highly sensitive areas shall not be permitted if it:
 - Causes unacceptable visual harm
 - Introduces incongruous landscape elements
 - Causes the disturbance or loss of (i) landscape elements that contribute to local distinctiveness, (ii) historic elements that contribute significantly to landscape character and quality such as field or road patterns, (iii) vegetation which is a characteristic of that landscape type and (iv) the visual condition of landscape elements.
- Sheet 10 details protected views from pathways to the south, east and west of the site and from the Summit viewing point to the north.

5.2. Howth SAAO, 1999

- 5.2.1. The appeal site lies within the designated area of the Howth Special Amenity Area Order (1999). The order was adopted by Fingal County Council and confirmed by the Minister for the Environment after being laid before both Houses of the

Oireachtas. Section 34 of the Planning and Development Act 2000 (as amended) states that Planning Authorities are required to have regard to the provisions of any special amenity area order when making a decision in relation to an application under Section 34 of the Act.

5.2.2. The appeal site is within an area defined as ‘*Other areas within the Special Amenity Area*’ (Map A of Order refers). The following features are identified for protection in the vicinity of the site (Map B of Order refers):

- Footpaths and roads to the north, south, east and west of the site from which views will be protected,
- A proposed natural heritage area surrounding the site.
- Heathland and maritime grassland, surrounding the site.

5.2.3. Schedule 1 of the Order sets out a number of objectives for the enhancement of the Special Amenity Area. Objective 1.1 seeks to manage the area in order to conserve its natural and cultural assets and protect the amenity of local residents.

5.2.4. Schedule 2 of the Order sets out objectives for the preservation of the character or special features of the area, these include, to preserve views from public footpaths and roads (Objective 2.1), to preserve woodland (Objective 2.5) to preserve the wooded character of existing residential areas (Objective 2.6) and to conserve existing hedgerows (2.7).

5.2.5. Schedule 3 of the Order sets out objectives in respect of development in ‘Residential Areas within the Special Amenity Area’ and in respect of ‘Other Areas within the Special Amenity Area’ detailed on Map A. In ‘Other Areas’ it is an objective to preserve the beauty and distinctive character of the natural, semi-natural and other open areas within the special amenity area. Residential development is permissible in ‘Other Areas’ where it is either the replacement of an existing occupied dwelling, the subdivision of an existing dwelling, or the conversion of an existing building which is in good condition to a residential unit. Policy 3.4.1 states that replacement dwellings shall not be more than 20% larger than the dwelling which is being replaced.

5.3. Natural Heritage Designations

The site is on the boundary of the Howth Head proposed NHA. The site adjoins the designated area of the Howth Head SAC and is c. 50 metres west of the designated area of the Howth Head Coast SPA.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal has been received against the decision of Fingal County Council to refuse permission. The grounds of appeal can be summarised as follows:

- Existing building lacks architectural coherence or merit and the house and boundaries are in a poor state of repair.
- The hillside is covered in dense growth and the only passage is via paths along the cliff face and up and down to the Summit Car Park. House designed so that its visual impact from the summit car park, or on walk down to, or along the cliff path, is reduced compared to the current situation.
- The existing building is only visible from the north and west views. From the north the proposal provides for improved visual aspect. The house sits below the summit car park. The upper floor and chimneys of the existing dwelling are visible. By using a flat, vegetised roof and dropping the main floor level by 1 meter, the house becomes virtually invisible from the car park.
- Walkers going down to the cliffs either take the east path, which heads away from the site and from which the site is not visible, or the west path which runs down to the Bailey Lighthouse. The house is not visible from the cliff walk due to the topography. The west path runs along the site boundary.
- The existing house is highly visible from this pathway with an elevation of 22 metres along the path. The design proposal reduces the visual impact by turning the house by 90 degrees. The proposed house has an elevation of 7.2 to 9.9 metres along its western side. Including the garage, the proposed elevation is 20.8 metres.

- The garage is set back to the east corner of the site to reduce the impact on bulk.
- Basement is set into the site with 64% of the basement being below the ground. Due to the natural topography the basement is invisible from outside the site.
- The existing dwelling occupies a footprint of 201.3 square metres. The new dwelling has a footprint of 213.7 metres, only 6% higher. The width and depth are almost identical.
 - While the floor area is bigger, this is due to a basement level which is built into the hillside. Due to topography and the underground nature of the basement, it would not be visible from outside of the property, so there is no scale impact.
 - Based on previous precedent (F07A/1125) the 20% criteria should be applied to the footprint of the dwelling as opposed to floor area.
- Reason no. 3 appears to be a repetition of Reason 1. The building cannot be seen from the south or east views, the views to the north will be improved so that the building will not be seen. To the west the building is less of a mass than the existing one and the proposal will improve this aspect. The house would be an improvement on the existing dilapidated structure which is now an eyesore. While modern in construction, the proposal has an art deco / naval theme.
- Reason no. 4 refers to the impact of groundworks. When completed the gradient of the site will be restored. The site has already been heavily engineered with two retaining walls on site (photos provided). The proposal is to lower the existing floor level by less than 1 meter which is not excessive. The positive impact means the building will not be seen from the viewing platform above. The groundworks required for the basement will be invisible as underground and once completed the site will be landscaped to restore the sloping gradient.
- Reason no. 5 refers to level of detail on boundary treatments. The existing boundary is in a dilapidated state. The proposal would be an improvement

and in keeping with the SAAO. Details submitted with the application include site plan, existing site section, proposed section and laneway contextual elevation which demonstrate the boundary treatment, with details for a traditional earth bank with hedge. The landscape and visual impact assessment submitted addresses methodology, aspects of impact significance, overall physical setting, landscape setting, planning designations, likely impacts of the proposal, full photographic impact on views, images of neighbouring dwellings, the phases of impact, quality of impacts on landscape character and mitigation.

- The building responds to the site views and aspect. The design is sensitive to and protects the views of Dublin Bay from the Summit and the pathways.

6.2. Planning Authority Response

The response of the Planning Authority can be summarised as follows:

- Applicant has not provided new evidence to overcome the reasons for refusal for an oversized house on a visually sensitive site. The Planning Authority does not dispute that the existing house is lacking in architectural merit, however, the proposed house remains excessively large for the site and does not comply with SAAO policy. In refuting reason no. 2 the applicant's agent has incorrectly referred to PA Reg. Ref. F07A/1225. The assessment in that instance was based on floor area. Footprint alone cannot be considered relevant in an instance where a house is located in a visually sensitive environment.
- In the event that ABP give further consideration to visual impact, it is requested that the Board require the erection of flag poles on site, as per policy 2.1.1 of the SAAO.
- Despite the sensitivity of the site the applicant did not engage in pre-planning consultation.

6.3. Observations

Two observations have been received from a local residential and environmental group. The issues raised can be summarised as follows:

- The development is situated on Howth Summit, an iconic beauty spot.
- Area protected under two EU Directives as a SAC and SPA and is protected by a Special Amenity Area Order. Concerns raised in relation to impact on natural and cultural heritage.
- Area is of outstanding natural beauty by reference to UNESCO criteria.
- Cliffs define Dublin Bay and its biosphere. Site is situated on a cliff in the core conservation area. The impact of development would impact unacceptably and result in serious injury to the visual amenities of the high amenity coastal landscape. Ecological footprint of the area does not have the carrying capacity to withstand such development.
- Development on the site must be sympathetic to the unique location.
- Current proposal by its scale and mass, would seriously impact on the views and prospects currently enjoyed by the general public.
- The contention that the new house will be less visually intrusive than the original is unfounded. The structure is larger and higher over a sustained length and will be highly visible from multiple points along the highly popular public pathways.
- The applicants argue that the dwelling 'becomes virtually invisible from the car park'. The dwelling will be far more visually intrusive than the original pitched and chimney roof. The current chimney stacks are visible from the car park, demonstrating how the new ridge line across the whole site will also be visible, in a more direct and intrusive fashion.
- The SAAO specifically protects views from the upper and lower cliff paths and from the carpark, and the site of the proposed development is within a protected headland (referenced in Map B of the Order).
- The development would have a major detrimental impact on the views from the several pathways in the area, negatively effecting this public amenity.

- Incorrect to state that the house cannot be seen from the cliff walk.
- The scale and mass of a continuous horizontal flat roof extending the full width of the site will be far more visually intrusive than the original pyramid roof design of dwelling on site.
- From a southerly aspect the views will be extremely damaging to views and prospects, will dominate the landscape and be highly visible from the cliff path and surrounding areas.
- The visibility of the site is dependent on the topography and height and density of surrounding vegetation. Degree to which surrounding vegetation provides screening is highlighted. Existing vegetation cannot be relied on as the it is managed to protect from invasive species and uncontrolled fires.
- Reinterpretation of 20% restriction as footprint rather than floor area would create a very dangerous precedent. Structure adjacent was referred to as a granny flat, incorrectly.
- Policy 3.4.2 of SAAO states that development should be as inconspicuous as possible.
- Extensive excavation of the mountainside in order to minimise the impact of the height of the development is not acceptable.
- Potential for damage to hedgerows that are relied on to screen development.
- Small site situated within a coastal landscape of great distinction, an open, wild heathland, with spectacular views of Dublin Bay.

7.0 Assessment

7.1.1. I have read and considered the contents of the planning application, grounds of appeal, responses and relevant planning policy. I have also attended the site and environs. I consider the key issues in determining the application and appeal before An Bord Pleanála are as follows:

- Background,
- Compliance with planning policy,

- Landscape and visual amenity,
- Other Issues,
- Appropriate assessment.

7.2. Background

7.2.1. Permission is sought to demolish an existing dwelling with a stated floor area of 219 square metres and to construct a replacement dwelling with a stated floor area of 510 square metres. The existing dwelling is single storey in character, with hipped roof over and attic accommodation. The dwelling has been subject to fire damage and the roof, windows and doors are absent or damaged. Permission is sought to construct a contemporary 'L' shaped flat roofed block set over ground and basement levels. The structure appears single storey from the north, east and west and would appear two storey from the south. The parapet of the proposed dwelling would sit c. 1 metre below the apex of the original hipped roof and would be c. 3.2 metres above the eaves level of the existing dwelling.

7.3. Compliance with Planning Policy

7.3.1. The Fingal Development Plan 2017-2023, is the relevant Development Plan. The site is zoned 'HA – High Amenity' with an objective to '*Protect and enhance high amenity areas*'. Residential development is 'permitted in principle' in this zone subject to compliance with the Rural Settlement Strategy. The site is also located within the designated area of the Howth Special Amenity Area Order (SAAO) 1999. The order sets out objectives and policies for the preservation and enhancement of the character or special features of the area. The site is outside of the residential areas detailed on the SAAO maps and is on lands that are defined as 'Other areas within the Special Amenity Area' (SAAO Map A refers). Residential development is open for consideration in the 'Other Areas' where it is either the replacement of an existing occupied dwelling, the subdivision of an existing dwelling, or the conversion of an existing building which is in good condition to a residential unit. In the case of a replacement dwelling it shall not be more than 20% larger than the dwelling which is being replaced (Policy 3.4.1 refers).

7.3.2. Having regard to the established residential use on site and the provisions of the SAAO in respect of replacement dwellings in 'Other Areas', I consider that the proposal to replace the existing dwelling is acceptable in principle subject to the limitations set out in Section 3 of the SAAO.

7.4. **Landscape and Visual Amenity**

7.4.1. The first and third reasons for refusal relate to the scale, massing and height of the dwelling and its impact on the visual amenities of the high amenity coastal landscape and on the character of the Howth SAAO. The first party has appealed the decision. The grounds of appeal argue that the existing building is only visible from north and west views and that the proposed development would be 'virtually invisible' from the north and that it would improve the visual aspect from the west. It is also argued that the existing dwelling on site is of poor architectural merit and is an eyesore due to its condition.

7.4.2. The appeal site is located on a prominent headland beyond the Howth Summit car park and viewing area. The site is c. 30 metres down slope of the Summit viewing point. It is the only structure on the laneway between the Summit carpark and the 'Cliff Walk'. Surrounding lands are open with gorse and other heathland vegetation and there is a network of pathways in the area. The natural topography of the headland and the steep slope provides some visual screening to the appeal site from the north. However, the site is visible from lower lying lands to the south, and along the laneway to the west. While there is some screen planting on the site, screening in the wider area is limited due to the nature of vegetation on the cliffs.

7.4.3. The zoning vision seeks to "*protect these highly sensitive and scenic locations from inappropriate development and reinforce their character, distinctiveness and sense of place. In recognition of the amenity potential of these areas opportunities to increase public access will be explored*". In terms of landscape character, the site is part of the designated area of the Howth Special Area Amenity Order which seeks to preserve and enhance the character and special features of the area. Views from paths to the north, south, east and west of the site are protected by the SAAO (Map B) and the Development Plan (NH40 / Sheet 10). Outside of the designated residential areas (including the subject site) it is an objective of the SAAO to preserve the beauty and distinctive character of the natural, semi-natural and other

open areas within the special amenity area (SAAO Objective 3.4). The site is also in the Coastal Landscape Character Type (CDP Table LC01), which is considered to have exceptional landscape value and to be highly sensitive to development. The Development Plan seeks to preserve the uniqueness of landscape character types and ensure that development reflects and reinforces this character (Objectives NH33-NH39). The Development Plan also seeks to protect views and prospects that contribute to the character of the landscape, particularly those identified in the Development Plan, from inappropriate development (Objective NH40).

7.4.4. It is clearly evident on the basis of the foregoing, that the site is located in a highly sensitive environment that is afforded significant protection under the Development Plan and under the SAAO.

7.4.5. While the design response has sought to minimise the visual impact of the proposed dwelling through design and use of materials, I have serious concerns in relation to the overall scale, mass and height of the proposed development, given its location within a highly sensitive and exposed coastal landscape. The extensive flat roof would be visible from the public viewing area to the north (Landscape and Visual Impact Assessment p24 refers) and would interfere with protected views from this location. While the application refers to a basement level, the southern elevation is two storey with a parapet height of 6.9 metres over a length of c. 26 meters. I consider that the dwelling when viewed from the south would form a discordant and obtrusive feature on the landscape, contrary to the provisions of the Development Plan and the SAAO, which seek to protect the area from inappropriate development. On the basis of the foregoing, I consider that the proposed development would fail to be adequately absorbed and integrated into the landscape and would be contrary to the proper planning and sustainable development of the area.

7.5. Other Issues

Floor Area

7.5.1. The second reason for refusal refers to the floor area of the proposed dwelling relative to the existing and states that the proposed development by virtue of its excessive size, would represent an overdevelopment of the site, would undermine

the character and amenity of the SAAO and materially contravene Policy 3.4.1 of the SAAO and Objective NH44 of the Development Plan. Replacement dwellings are 'open for consideration' in 'Other Areas in the Special Amenity Area' but shall be no greater than 20% larger than the floor area of the existing dwelling (Policy 3.4.1). The Planning Officer's Report notes that the floor area of the proposed dwelling is significantly in excess of the 20% restriction. The grounds of appeal argue that the footprint of the proposed dwelling is only 6% greater than the footprint of the existing dwelling and that there is a precedent for considering footprint over floor area. I would note that the Planning Authority argue that there is no such precedent. It is clear that the proposed development fails to meet the 'floor area' limitations set out in the SAAO and even if it did, I would note that this does not in itself suggest a positive presumption towards a grant of permission, given the fact that other policies clearly require the resultant development to be of a size and scale that is appropriate to the area. I consider that the primary issue in this instance relates to the impact of the development. In this regard, I am of the opinion that the development represents a significant intensification of development on a constrained site within a highly sensitive environment and that it represents an over development of the site.

Engineering Works and Landscaping

7.5.2. The fourth reason for refusal relates to the extent of works proposed to reconfigure the profile of the landform, while the fifth relates to the lack of information in relation to hedgerows. The grounds of appeal argue that sufficient detail has been submitted in relation to engineering works and landscaping. However, with the exception of the section details provided on section drawings 17-005-P-02.5 and 17-005-P-02.6 I consider the level of detail to be limited and inadequate given the sensitive visual context and the sensitive natural environment at this location.

7.6. Appropriate assessment.

7.6.1. The appeal is not accompanied by an Appropriate Assessment Screening Report or by a Natura Impact Statement. The site adjoins the designated area of the Howth Head SAC (000202) and is c. 50 metres west of the designated area of the Howth Head Coast SPA (004113). The Rockabill to Dalkey Islands SAC (003000) and North Bull Island SPA (site code: 4006) are also within a 2 km radius of the site. The

features of interest in the Howth Head SAC are vegetated sea cliffs of the Atlantic and Baltic coasts and European dry heaths. The feature of interest in the Howth Head Coast SPA is Kittiwake (*Rissa tridactyla*).

- 7.6.2. On the basis of the information provided with the application and in the absence of an Appropriate Assessment Screening Report and / or Natura Impact Statement, I am not satisfied that sufficient information exists to reach a conclusion that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on the Howth Head SAC (000202) and the Howth Head Coast SPA (004113) in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting permission.

8.0 Recommendation

- 8.1. I recommend that planning permission should be REFUSED for the reasons set out below.

9.0 Reasons and Considerations

1. The site of the proposed development is located within a 'High Amenity' area as set out in the Fingal Development Plan 2017-2023, where it is an objective to '*protect and enhance high amenity areas*'. The site is also within the designated area of the Howth Special Amenity Area Order (SAAO) and is subject to an objective to '*preserve the beauty and distinctive character of the natural, semi-natural and other open areas within the special amenity area*' (Objective 3.4). These objectives are considered to be reasonable. Furthermore, the site is within a Coastal Landscape Character area that is categorised by the Development Plan as having exceptional landscape value and to be highly sensitive to development. Having regard to the prominent positioning of the proposed development, together with its scale, mass and height, it is considered that the proposed development would form a discordant and obtrusive feature on this highly sensitive and scenic coastal landscape, would seriously injure the visual amenities of the area, interfere with protected views to the north, south, east and west and would fail to be adequately absorbed and integrated into the landscape. The proposed

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

2. On the basis of the information provided with the application and appeal and the absence of an Appropriate Assessment Screening Report or Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans and projects would not be likely to have a significant effect on the Howth Head SAC (000202) and the Howth Head Coast SPA (004113), in view of the site's conservation objectives. In such circumstances the Board is precluded from granting planning permission for the facility in question.

Karen Kenny
Senior Planning Inspector

2nd February 2018