



An
Bord
Pleanála

Inspector's Report ABP-300532-17

Development	Retention of piers/gates, partial demolition of existing house structures, alterations to house, construction of extensions, conversion of garage to residential accommodation and all associated site works.
Location	The Presbytery, 1 Thormanby Road, Howth, Co. Dublin.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F17A/0598
Applicant(s)	Star Street Limited
Type of Application	Retention and permission.
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Star Street Limited.
Observer(s)	None.
Date of Site Inspection	2 nd May 2018
Inspector	Niall Haverty

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.234 ha, is located in Howth Village, at the junction of Thormanby Road and Nashville Road. The site is roughly triangular in shape, bounded by Nashville Road to the north, Thormanby Road to the south and No. 2 Nashville Road to the east. There is a large detached two storey period house centrally located within the appeal site, which appears to be variously known as the Presbytery or Mount St Mary's. The front elevation of the house faces north west, with a projecting two storey gable fronted element, single storey bay window and single storey porch. There are further single storey projections to the other elevations, including a garage to the north east.
- 1.2. The finishes to the existing period house comprise unpainted grey render, with slate roof and decorative timber detailing at eaves level. The entrance to the site is from Thormanby Road, with stone pillars and decorative iron gates. A second pair of stone pillars and a timber gate has also been constructed at a set back from the road.
- 1.3. Due to level changes along Thormanby Road, the site is significantly elevated above Nashville Road with a stone wall and earthen embankment up to the house. As a result of its elevated setting, the house is highly visible from both public roads and it has expansive views northwards over the Village.

2.0 Proposed Development

- 2.1. The development for which permission and retention permission is sought is described as follows in the statutory notices:
 - Retention of: piers/gates associated with proposed new recessed vehicular entrance; paved BBQ terrace; part-built garden structure; and demolition of existing sheds and courtyard walls to rear.
 - Partial demolition of existing house structures.
 - Alterations to existing front bay window to include provision of new 1st floor bay window extension with pitched roof over.

- Alterations to existing house to include internal alterations, new fenestration and external wall finishes.
- Construction of a part one, part two storey extension to the rear and side of existing house.
- Conversion of existing side garage to ancillary residential accommodation.
- Replacement of existing side bay window with a two storey bay window with pitched roof over.
- Construction of a single storey 2-bedroom garden structure with a flat roof.
- Alterations to the existing entrance to include widening of vehicular access gates and provision of new recessed piers and gates.
- All associated site works.

2.2. The existing house has a stated gross floor space of 317 sq m. The proposed development would entail the demolition of 45.2 sq m and the provision of an additional 186 sq m of gross floor space.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission and retention permission and the following summarised conditions are noted:

- C3(a): First floor canted bay onto the existing ground floor canted bay on the north elevation to be omitted.
- C3(b): Stone cladding on north elevation to be omitted. Applicant to agree details with Conservation Officer.
- C3(c): New bay window on west elevation to be omitted.
- C3(d): On the east elevation the proposed two storey extension shall be recessed c. 500mm behind the eastern elevation of the main dwelling. Roof of extension to be recessed also.

- C3(e): Windows on east elevation at first floor level to be amended to 2 No. single vertical windows with obscure glass.
- C3(f): Solid wooden gates serving the pillars proposed for retention shall be removed and replaced with the original cast iron gates or similar which may be amended to increase their width.
- C4: Garden structure shall not be used for human habitation, and in particular shall not be used for sleeping accommodation.
- C5: Garden structure shall not be used for the carrying on of any trade.
- C7: Applicant to submit complete tree survey, including Arboricultural Impact Assessment, Tree Constraints Plan, Tree Protection Plan, Arboricultural Method Statement and landscaping plan.

3.2. Planning Authority Reports

3.2.1. The Planning Officer's report can be summarised as follows:

- Proposed works and works seeking retention are consistent with the zoning objective.
- Planning Officer agrees with the assessment of the Conservation Officer. While the property is not a protected structure, it is considered to be a heritage structure and it contributes to the character of the area and the ACA which it forms part of.
- Works should be subservient and ensure the legibility of the main dwelling is retained. The amendments proposed by the Conservation Officer would ensure that the original house is retained as the primary structure on the site.
- Design of 2 bedroom garden structure is low impact but its use and location would have the potential to impact negatively on the amenities of properties in the vicinity. Use as guest accommodation would comprise piecemeal and haphazard development and set an undesirable precedent. Condition should be attached restricting it to a use incidental to the main dwelling house and not for human habitation.

- It is not considered that the proposed development would give rise to undue impact to the residential amenities of the property to the east in terms of overshadowing or overlooking.
- Sufficient private open space would be retained.
- Information required by Parks Planning Section can be addressed by condition.
- Site layout plan indicates a number of patios and terraces in addition to the BBQ area that is seeking retention permission. These have not been included in the development description and are not assessed as part of this application. Additional planning application or section 5 declaration required for those.
- Eircode address matches address stated by applicant.
- The applicant proposes substantial amendments to the existing heritage property. Elements of the works are not considered to be acceptable, are unnecessary and would not comply with Objectives DMS157 and DMS158 and are recommended to be omitted.
- The proposed development subject to conditions would not detract from the existing visual and residential amenities of the area or the ACA and is considered acceptable.

3.3. Other Technical Reports

3.3.1. Conservation Office:

- Special character of the ACA is primarily associated with the distinctive late 19th century terraced, semi-detached and detached houses that have a similar architectural style with barge-board detailing at eaves level.
- The Presbytery is a detached house in the distinctive house style from which the ACA derives its special character.
- The proportions of the principal elevations should not be altered, the original extent of the house should remain legible and extensions should be at a subservient scale and delineated by a recessed building line.

- The addition of a first floor canted bay onto the existing ground floor canted bay on the north elevation is not acceptable and should be omitted. It competes with and detracts from the feature of the decorative barge board.
- The design of the new entrance is too sharp a contrast and should be revised, with the stone cladding omitted.
- New bay window and alterations to roof on west elevation to be omitted.
- Single storey extension to rear and side is acceptable but alterations need to be made as it results in an excessively long east elevation. The building line of the extension along the east elevation needs to be recessed and reduced in scale so that it reads as a subservient element to the original house.
- Retention of new gate piers and timber gates is not acceptable as it compromises the original piers and gates. Original piers and gates contribute to character and must be retained.
- Single storey structure within garden reads as a new dwelling and so the retention of this is queried.

3.3.2. Transportation Planning Section:

- The Planning Officer's report states that the Transportation Planning Section had no objection.

3.3.3. Water Services Section:

- No objection, subject to conditions.

3.3.4. Parks Planning Section:

- Site clearance and construction works commenced, which included the removal of trees in proximity to the Thormanby Road boundary.
- The impact of works on the remaining trees must be immediately assessed. A complete tree survey including Arboricultural Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement must be prepared.
- A landscaping plan, including boundary treatments must be submitted.

3.4. Prescribed Bodies

3.4.1. Irish Water: No objection.

3.5. Third Party Observations

3.5.1. Two third party observations were made. The issues raised can be summarised as follows:

- Part of the main building is forward of the building line on Thormanby Road and there seem to be separate buildings with two bedrooms in each.
- This is an important road regarding views and prospects towards the harbour and sea. Precedents forward of the building line are to be avoided.
- The address is incorrect. No. 1 Thormanby Road is on the other side of the road. The correct address should be No. 1 Nashville Road.
- Site is at a higher level than adjacent houses, and elevations will have a greater adverse impact than if the structures were at a similar level.
- The building in the back garden is of concern, particularly from an acoustic perspective.
- Visual impact of proposed extension.
- Overlooking from large windows on elevated site.
- Windows are not in keeping with the existing windows and are in conflict with the ACA.
- Hard to understand why such large windows are required to serve bathrooms. Plans do not assign individual uses to rooms, and obscure glass should be used in all bathrooms.
- Lack of clarity regarding single storey extension to rear. Details indicate possibility that it could be used as a first floor balcony which would overlook adjacent properties.

4.0 Planning History

4.1 Appeal Site

4.1.1. I am not aware of any recent relevant planning history on the appeal site.

4.2 Surrounding Area

4.2.1. I am not aware of any recent relevant planning history in the surrounding area.

5.0 Policy Context

5.1 Fingal Development Plan 2017-2023

5.1.1. The appeal site and surrounding area are zoned 'RS', to provide for residential development and protect and improve residential amenity. The appeal site is also located within the Nashville Road and Park Architectural Conservation Area and is immediately to the east of the Howth Historic Core Architectural Conservation Area.

5.1.2. Chapter 3 relates to Placemaking and states that the need for people to extend and renovate their dwellings is recognised and acknowledged and that extensions will be considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area.

5.1.3. The following Objectives are noted:

- **HOWTH 1:** Ensure that development respects the special historic and architectural character of the area.
- **PM46:** Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.
- **CH32:** Avoid the removal of structures and distinctive elements (such as boundary treatments, street furniture, paving and landscaping) that positively contribute to the character of an Architectural Conservation Area.
- **CH37:** Seek the retention, appreciation and appropriate revitalisation of the historic building stock and vernacular heritage of Fingal in both the towns and

rural areas of the County by deterring the replacement of good quality older buildings with modern structures and by protecting (through the use of Architectural Conservation Areas and the Record of Public Structures and in the normal course of Development Management) these buildings where they contribute to the character of an area or town and/or where they are rare examples of a structure type.

- **CH38:** Require that the size, scale, design, form, layout and materials of extensions to vernacular dwellings or conversions of historic outbuildings take direction from the historic building stock of Fingal and are in keeping and sympathetic with the existing structure.
- **DMS157:** Ensure that any new development or alteration of a building within or adjoining an ACA positively enhances the character of the area and is appropriate in terms of the proposed design, including: scale, mass, height, proportions, density, layout, materials, plot ratio, and building lines.
- **DMS158:** All planning applications for works in an Architectural Conservation Area shall have regard to the information outlined in Table 12.11.

5.1.4. Table 12.11 sets out guidance for proposed development within ACAs.

5.1.5. The appeal site is also located with the Howth Special Amenity Area Buffer Zone.

- **HOWTH 4:** Protect and manage the Special Amenity Area, having regard to the associated management plan and objectives for the buffer zone.

5.2. Natural Heritage Designations

5.2.1. The appeal site is not located within or immediately adjacent to any sites with a natural heritage designation. There are, however, a considerable number of designated sites in the vicinity of Howth, including Howth Head SAC, Howth Head Coast SPA, Rockabill to Dalkey Island SAC, North Bull Island SPA, North Dublin Bay SAC, Baldoyle Bay SAC, Baldoyle Bay pNHA, North Dublin Bay pNHA and Howth Head pNHA.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal against conditions was lodged on behalf of the applicant, Star Street Limited, by Hughes Planning & Development Consultants. The issues raised in the appeal can be summarised as follows:

- Conditions 3 and 7 are the subject of the appeal. The purpose of the appeal is to respond to subsections (a), (c), (e) and (f) of Condition 3 and Condition 7 in its entirety.
- Development Plan recognises the need for people to extend their houses and provides guidance on design.
- Nashville Road and Park ACA Character Statement states that extensions should generally be to the rear of the property, and subsidiary in size and design.
- Works which have been omitted by the Planning Authority follow both the general requirements of the Development Plan and the ACA requirements, and enhance the visual quality of the building.
- Design and scale of proposed bay windows complement the character of the existing building. Side extensions, whilst modest in design, allow for a greater standard of accommodation and allow the house to benefit from its positioning within the SAAO.
- The pitched roof above the two storey bay window on the western elevation has been designed to make it subordinate to the existing roof.
- Proposed works are consistent with Objectives DMS41, DMS42, DMS160 and PM46 and guidance for development in ACAs set out in the Development Plan.
- Proposed development is consistent with Architectural Heritage Protection Guidelines for Planning Authorities. Proposed extensions are subordinate in scale and secondary in prominence to the existing house.

- Materials and design harmonise with existing house and will have no adverse impact on its scale or character.
- Proposed development is modest in scale and appearance and will not impact on residential amenity of any adjoining properties.
- Notwithstanding this, revised drawings are submitted for the northern, eastern and southern elevations. The Board is asked to consider both options.
- Revisions include changes to first floor canted bay window on north elevation to allow for full appreciation of the decorative barge board, recessing of the two storey extension behind the main structure on the eastern elevation, and the stepping back of the roof of the two storey extension on the southern elevation. Projecting eaves on the southern elevation have also been replaced with flush eaves to integrate with existing design features. On the eastern elevation it is proposed to retain the existing hipped ridge, replace first floor windows with narrow windows and add a decorative render band detail.
- Separation distances with neighbouring properties to north and west comply with Development Plan requirements. Separation distance with front garden of property to east is 16m and is sufficient to prevent any overlooking. Obscure glass is not necessary given the separation distances and fails to protect an existing view towards Balscadden Bay.
- Elevated position and boundary features serve to limit the visibility of the proposed extensions from the immediate public realm.
- Applicants are in the process of carrying out planting works on the earthen bank that will in future provide extensive screening of the site.
- There are stylistic differences and discrepancies in architectural continuity in the ACA, with houses constructed at different times. Subject house was built in the early 20th century in contrast to the groups of older houses, and has its own distinct character and architectural merit. It should be allowed greater flexibility with regard to development.
- Proposed new boundary feature of solid wooden gates is not dissimilar to existing boundary treatments within the ACA. The ACA Character Statement

does not consider the application site to have an original or characteristic boundary treatment.

- Photographs of varying boundary treatments and gates submitted.
- The wooden gates have been installed to provide a more secure boundary which can contain the applicant's pets.
- Condition 7 is onerous given that there is only one existing tree within the appeal site. It should be replaced with a condition requiring that the site be landscaped in accordance with the landscaping plan submitted.
- Precedent for similar forms of development within ACAs at Waltham Terrace, Blackrock (PL06D.246061), Vico Terrace, Dalkey (PL06D.245062), Evor Lodge, Howth Road (PL06F.244970).

6.1.1. As noted above, the applicant submitted revised design proposals for the northern, southern and eastern elevations with their appeal.

6.2. Planning Authority Response

6.2.1. The Planning Authority's response to the appeal can be summarised as follows:

- The matters raised in the appeal were addressed within the assessment of the application.
- The house is located in a prominent position within the ACA and is visible from surrounding streets. Conservation Officer considers house to be of architectural merit and omitted works would detract from its character.
- The requirements of condition 3 remain valid with specific emphasis on the retention and re-use of the original iron entrance gates.
- Following site visits, the Planning Authority remains of the opinion that the requirements of condition 7 remain valid in terms of accurately determining, securing and ensuring appropriate landscaping to this highly visible property.
- The Board is asked to uphold the decision of the Planning Authority and to include condition 12.

6.3. **Observations**

6.3.1. None.

6.4. **Further Responses**

6.4.1. None.

7.0 **Assessment**

7.1. Having regard to the circumstances of this case, including the zoning objective for the site, the site context and to the nature of the conditions under appeal, which relate to the entrance gates, the omission of proposed bay windows, a requirement for opaque glazing to bathroom windows and a requirement to submit a tree survey and associated reports, I am satisfied that the determination by the Board of the application as if it had been made to it in the first instance would not be warranted. While revised elevational drawings have been submitted, these show revisions required by way of condition which are not the subject of the appeal, or in the case of the northern elevation, indicate a revised roof detail to the proposed bay window. I do not consider that any significant or material alterations are proposed which could affect third parties, traffic safety or the environment, and I consider, therefore, that the appeal should be dealt with in accordance with Section 139 of the Planning and Development Act 2000 (as amended).

7.2. **Condition 3: Design of Proposed Development**

7.2.1. The applicant is appealing subsections (a), (c), (e) and (f) of Condition 3 and requests that they be removed. Subsections (a), (c) and (e) require various aspects of the proposed development to be omitted/amended, while subsection (f) relates to the entrance gates and piers. I will consider these issues separately below.

7.2.2. **Condition 3(a) and 3(c): Bay Windows**

7.2.3. Conditions 3(a) and 3(c) require the omission of: the first floor canted bay over the existing ground floor canted bay on the north elevation; and the new bay window on the west elevation and alteration to the roof at that location, respectively.

- 7.2.4. The applicant has submitted revised drawings which include changes to the roof of the proposed first floor bay window on the north elevation. Revised drawings of the eastern and southern elevations were also submitted, showing the changes required by Conditions 3(d) and 3(e). The applicant has not submitted any revision to the proposed bay window on the western elevation.
- 7.2.5. The applicant, in their appeal, attempts to draw a distinction between the appeal site and the remainder of the ACA. I would not accept this argument and note that while the existing house is unique in terms of its design, layout and history, it shares distinctive architectural features with many of the other houses within the ACA, including the unpainted grey render finish, projecting gable-fronted element, decorative bargeboard detailing and red brick chimneys. It is also identified in the Statement of Character as one of a number of 'positive buildings' within the ACA.
- 7.2.6. With regard to Condition 3(a), the north elevation is the principal elevation of the house, and it is prominent within the streetscape due to its elevated position above Nashville Road. There is currently a single storey bay window with a pitched tile roof and exposed rafter ends which replicates the main roof structure. The proposed first floor bay window would mirror the existing bay window in materials, design and window arrangements. A curved zinc roof was originally proposed above this new first floor bay window and the Conservation Officer considered that it competed with and detracted from the decorative barge board details of the gable fronted projection. The revised proposal is for a flat roof parapet clad in zinc or lead above the proposed first floor bay window. While this would slightly reduce the height of the new bay window roof structure below the decorative barge board, I am not satisfied that it would be sufficient to preserve the architectural and historic character of the structure. Due to the elevated nature of the appeal site, views of the house are from a lower level, and the first floor portion of the gable fronted element with its simple well-proportioned window openings and decorative bargeboard is particularly evident within the streetscape. As a result, I consider that the two storey bay window on the principal elevation would interfere with and detract from the bargeboard detailing and the proportions and character of the original house and would fail to be appropriately subordinate to the characterful original house. I therefore recommend that Condition 3(a) be attached.

7.2.7. With regard to condition 3(c), the western elevation of the house is a secondary elevation. While it faces towards Thormanby Road, it is not readily visible from the public road or the wider area due to the mature hedging along the western boundary. I consider that the proposed two storey bay window on the western elevation is in keeping with the existing house in terms of design, and that its reduced ridge level relative to the main roof structure renders it suitably subordinate in scale and prominence to the original building. The design and roof detailing of the bay window are simple and restrained and in keeping with the existing house, and unlike the bay window on the northern elevation, it does not interfere with or otherwise compromise any of the distinctive architectural features of the original house. I therefore consider the proposed bay window extension on the western elevation to be acceptable from a visual and architectural heritage perspective, and I do not consider that it impacts on residential amenity or the character of the ACA. I therefore recommend that Condition 3(c) be removed.

7.2.8. **Condition 3(e): First Floor Bathroom Windows**

7.2.9. Condition 3(e) requires the first floor windows on the east elevation of the proposed extension to be amended to two single vertical windows, fitted with obscure glass. The applicant has submitted revised drawings of the east elevation showing revised window details as per the condition, but contends that obscure glass is not necessary and would fail to protect an existing view towards Balscadden Bay.

7.2.10. While I consider the dimensions and orientation of the revised windows to be acceptable and consistent with the character of the structure, I do not consider it appropriate that they be fitted with clear glass in this built-up edge of village centre location. The windows are to be located within a proposed new extension, and as such there is no existing view to be protected, and there is no right to a view in any event. The bathroom windows face the boundary with the adjacent property to the east at an elevated position and in the interests of protecting residential amenity, I consider it appropriate that they be fitted with opaque glazing. I therefore recommend that Condition 3(e) be attached.

7.2.11. **Condition 3(f): Entrance Gates**

7.2.12. Condition 3(f) requires the removal of the solid wooden gates serving the pillars to be retained and their replacement with the original cast iron gates or similar. The

applicant contends that these gates are required to contain their pets, and that they are not dissimilar to other boundary treatments in the ACA.

- 7.2.13. I note that the Conservation Officer considered that the original piers and gate should be retained, and the new piers removed, while Condition 3(f) requires the original gate (or similar) to be placed on the new piers. In this regard the Planning Officer considered the new piers to be appropriately set back and of high quality material.
- 7.2.14. Table 12.11 of the Development Plan sets out guidance for various forms of development within ACAs. In relation to retention and reuse it states, inter alia:
- Retain original building materials, finishes and features including windows, doors, roof coverings, boundary treatments (such as stone walls, hedges and railing) and other features of interest that contribute to the special character and enliven the streetscape. [Emphasis added].
- 7.2.15. Objective DMS158 requires all planning applications for works in an Architectural Conservation Area to have regard to the information outlined in Table 12.11.
- 7.2.16. The Statement of Character for the ACA states there have been some changes to the boundary treatments in the area, but that where original or unusual features still exist they should be retained. I note, however, that the boundary of the appeal site is not identified as an original or characteristic boundary treatment on the map accompanying the Statement of Character.
- 7.2.17. I have some sympathy for the Conservation Officer's view that the original piers and gate should be retained, since they appear to be original elements of the boundary treatment and contribute to the streetscape and the special character of the area. However, having inspected the site, I consider that the new piers for which retention permission is sought are of high quality in terms of materials and construction, and are appropriately scaled and detailed for their context. Having regard to the location of the entrance on the busy Thormanby Road, I also consider that their set back position is preferable from a traffic safety perspective, as they facilitate improved sightlines and off-road queuing to enter the site. I therefore consider the replacement piers to be acceptable. With regard to the solid wooden gates, however, I consider these to be an inappropriate and visually intrusive insertion into the streetscape. The applicant has submitted photographs of other boundary gates in

the vicinity, but I would note that three of the four feature iron gates, rather than wooden gates, and the one wooden gate shown is a low-level gate. Part of the character of the ACA is derived from the simple iron railings and more decorative iron gates set within solid walls, and I consider it appropriate that this aspect of the character be preserved. The solid wooden gates fail to do this, and I therefore recommend that Condition 3(f) be attached as per the Planning Authority's decision.

7.3. **Condition 7: Tree Survey and Landscaping**

- 7.3.1. Condition 7 requires the developer to submit a complete tree survey, including Arboricultural Impact Assessment, Tree Constraints Plan, Tree Protection Plan and an Arboricultural Method Statement as well as a landscape plan to include replacement tree planting and boundary treatments. The applicant contends that the condition is onerous due to the lack of trees within the site, and requests that it be replaced with a condition requiring that the site be landscaped in accordance with the landscaping plan submitted.
- 7.3.2. It appears from the documentation on file, including the aerial photography contained within the appeal, that there were previously a number of mature trees within the appeal site that have been felled in recent years. I note that the map associated with the Character Statement for the ACA indicates a number of trees within the appeal site and states that "there are a number of mature trees within the ACA. Although no Tree Preservation Orders exist in this area, there is an objective within the Fingal Development Plan 2005-2011 for the preservation of trees in the Nashville Park area. It is an objective of this document to protect and preserve any mature trees located within the Nashville Road area as well as Nashville Park."
- 7.3.3. The Objective referred to above does not appear to be included in the current Fingal Development Plan 2017-2023.
- 7.3.4. Mature shrubs and hedging are still in place at the appeal site, and more recent planting is also evident including a number of individual trees, which appear to be Scots Pine or similar, as well as a line of trees/shrubs along the northern boundary at the top of the embankment above Nashville Road.
- 7.3.5. The removal of mature trees and planting has rendered the site more open and visible within the surrounding streetscape, and has adversely affected the character

of the ACA in my opinion. However, as there are no mature trees left within the appeal site, I do not consider that a condition requiring a tree survey and associated reports and plans is necessary or warranted in this instance.

- 7.3.6. While the applicant has suggested that condition 7 be replaced with a condition requiring that the site be landscaped in accordance with the landscaping plan submitted, I note that no such detailed landscaping plan was submitted with the application.
- 7.3.7. I consider that replacement tree planting and other landscaping would be appropriate to mitigate the impact of the loss of mature trees and to respect the recognised character of the area. I therefore recommend that Condition 7 be amended to omit the requirement for a tree survey and to instead require the submission of a detailed landscaping plan that incorporates suitable replacement tree planting.

7.4. **Appropriate Assessment**

- 7.4.1. Having regard to the nature and scale of the proposed development, which relates to extensions and other works to an existing house in an established residential area outside of any Natura 2000 sites, I am satisfied that 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. Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the Planning Authority under subsection (1) of section 139 of the Planning and Development Act, 2000, as amended, to REMOVE Condition 3(c), to ATTACH Condition 3(a), 3(e) and 3(f), and to AMEND Condition 7 as follows:

7. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to

commencement of development. This scheme shall include a plan to scale of not less than 1:500 showing:

- (i) Existing trees, hedgerows, shrubs, stone walls, specifying which are proposed for retention as features of the site landscaping
- (ii) The measures to be put in place for the protection of these landscape features during the construction period
- (iii) The species, variety, number, size and locations of all proposed trees and shrubs, which shall include replacement tree planting.
- (iv) Hard landscaping works, specifying surfacing materials and finished levels.
- (v) details of boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme. 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.

9.0 Reasons and Considerations

- 9.1. It is considered that, having regard to: the 'RS' zoning objective for the site under the Fingal Development Plan 2017-2023, which seeks to protect and improve residential amenity; the location of the site within the Nashville Road and Park Architectural Conservation Area; the historic pattern of development in the vicinity of the site, including the access arrangements and boundary treatments of dwellings in the vicinity; and the distinctive character of the area; that the omission of the proposed bay window on the western elevation, as required by condition 3(c) is not warranted and that condition 3(c) should be removed. It is also considered that the omission of the proposed bay window on the northern elevation, the provision of opaque glazing

to the first floor bathrooms in the eastern elevation, and the requirement to retain the existing iron gates at the entrance, as required by conditions 3(a), 3(e) and 3(f), respectively, were warranted in the interests of visual and residential amenity and protection of architectural heritage, and that the inclusion of these conditions was justifiable and reasonable. It was further considered that while the provision of a tree survey and associated studies were not warranted give the current lack of trees with the site, a landscaping plan incorporating replacement tree planting should be submitted to the Planning Authority for agreement in the interests of visual amenity, and that condition 7 should be amended accordingly.

Niall Haverty
Planning Inspector

24th May 2018