



An  
Bord  
Pleanála

## inspector's Report ABP-303603-19

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<b>Development</b>	Demolition of garden room, and construction of single storey detached dwelling
<b>Location</b>	Sebring, 8 Claremont Road, Howth, Co. Dublin, D13 X856.
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F18A/0629
<b>Applicant(s)</b>	John and Fionnuala Tierney.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse.
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	John and Fionnuala Tierney.
<b>Observer(s)</b>	Christian Morris.
<b>Date of Site Inspection</b>	21 <sup>st</sup> March 2019.
<b>Inspector</b>	Karen Kenny

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## **1.0 Site Location and Description**

- 1.1.1. The appeal site is located off Claremont Road in Howth, approximately 1.5 km to the west of Howth Village. Claremont Road is accessed from Howth Road and is positioned between the DART line to the south and Burrow Beach to the north.
- 1.1.2. This area is characterised by residential properties of varying types and sizes. The plots are generally long and narrow and front onto Claremont Road and back onto Burrow Beach, although there are some variations. Dwellings in the area date from the late 1800's up to the present day.
- 1.1.3. The appeal site is part of a larger residential property containing a bungalow. The site, with a stated area of 0.423 hectares, comprises part of the front garden. The site is relatively flat with grass cover and contains a single storey garden room / shed. It is bounded by an old stone wall (c. 1.5 m high) to front and there are mature trees and hedgerows on the southern and eastern boundaries. The western and northern boundaries are not defined.

## **2.0 Proposed Development**

- 2.1. Permission is sought for the demolition of an existing garden room and for the construction of a single storey two-bedroom detached dwelling with a stated floor area of 83 square metres.
- 2.2. It is proposed to access the dwelling via the vehicular access serving the existing dwelling and to provide 2 no. on-curtilage car parking spaces within the site.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Refuse permission for 3 no. reasons. The reasons for refusal can be summarised as follows:

1. The development would be out of character with the pattern of development in the area, would contravene Objectives DMS39 and CMS40 of the Development Plan, would detract from the visual amenities of the area and

impact on the amenities enjoyed by neighbouring properties and on this basis materially contravene the RS zoning objective.

2. The proposed development would set an undesirable precedent for similar development.
3. The private amenity space to the front of the dwelling, would be compromised and ineffective for its intended use, and would contravene the intent of Objective DMS87 of the Development Plan.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planner's Report can be summarised as follows:

- Previous application for similar development refused for two reasons, which related (inter alia) to the development being out of character; contrary to objectives for infill development; a material contravention of the zoning objective due to impacts on residential character and amenity; and due to the precedent that the development would set.
- While substantive differences with the subject application were noted, including a smaller floor area, reduced width and depth, increased setback from front boundary and retention of treeline facing Claremont Road, it was concluded that the previous reasons for refusal were not overcome.
- Furthermore, the report considered the position of private open space to the front of the property to be unacceptable for its intended purpose.

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

Transportation Section: Requests additional information.

Parks Division: No objection.

### **3.3. Prescribed Bodies**

Irish Water: Requests additional information.

### 3.4. Third Party Observations

6 no. submissions and observations were received in total and considered by the Planning Authority. The issues raised can be summarised as follows:

- Visual impact.
- Building line.
- Pressure on services.
- Substandard and piecemeal development.
- Modest infill proposal.
- Will address housing shortfall and allow applicants to downsize.
- Mitigates impacts on Claremont Road.
- Precedent.

## 4.0 Planning History

4.1.1. The Planning Officer's Report details extensive planning history in the vicinity of the appeal site.

4.1.2. The following planning history relates directly to the appeal site and is considered to be relevant:

**PA Ref. F18A/0174:** Permission refused by the Planning Authority for single storey dwelling on the appeal site. The reasons for refusal are similar to reasons no. 1 and no. 2 of the subject decision.

## 5.0 Policy and Context

### 5.1. Development Plan

5.1.1. The Fingal Development Plan 2017-2023 is the relevant statutory plan. The following provisions of the Development Plan are considered to be relevant:

- The site is zoned RS Residential with an objective to "provide for residential development and protect and improve residential amenity".

- Objective PM44 encourages the development of underutilised sites in existing residential areas subject to the protection of amenities, privacy and character.
- Objective PM45 promotes contemporary and innovative design in such areas.
- Objectives NH59 and NH60 seek to control development in coastal areas, protect the special character of the coast, accommodate new development within existing developed areas and ensure that development is designed and landscaped to the highest standards.
- Objective DMS39: New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.
- Objective DMS40: New corner site development shall have regard to:
  - Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
  - Impact on the amenities of neighbouring residents.
  - The existing building line and respond to the roof profile of adjoining dwellings.
  - The character of adjacent dwellings and create a sense of harmony.
  - The provision of dual frontage development in order to avoid blank facades and maximise surveillance of the public domain.
  - Side/gable and rear access/maintenance space.
  - Level of visual harmony, including external finishes and colours.

## 5.2. Natural Heritage Designations

- 5.2.1. The designated area of the Baldoyle Bay SAC (Site Code: 000199) is located c. 45 metres to the north of the site, while the designated area of the Baldoyle Bay SPA (Site Code: 004016) is c. 160 metres to the west of the site.

## 5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development of housing on zoned and serviced land and nature of the receiving environment, there is no real

likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

A first party appeal has been received in respect of the decision of the Planning Authority to refuse permission. The grounds of appeal can be summarised as follows:

- Development has been designed to conform with infill and corner site development policy of the Development Plan.
- The previously proposal sought to alter the front boundary through the removal of hedgerows / trees. The subject proposal has been altered to reduce its building footprint and scale and to use the existing driveway off Claremont Road. This allows for the maximum retention of mature trees and minimises visual and streetscape impacts.
- The proposed development does not propose any alterations to the physical character of the site as viewed from Claremont Road.
- The visibility of the dwelling would be limit to 45 metres when travelling eastward on Claremont Road and the dwelling would not be visible when travelling west.
- The proposed dwelling respects the height and massing of the existing residential unit and is subordinate.
- The proposed development will provide a strong relationship with existing properties based on similar scale and appropriate sub-ordinance.
- The proposed development has been designed to ensure minimal impact on the residential amenity of neighbouring residents and maintains setbacks in excess of 15 m, 19 m and 23 m from neighbouring dwellings. The location to the front of these properties poses no threat to private amenity.

- The proposed infill house will not impact upon the accessibility of the existing dwelling.
- In terms of Objective PM44 the site of 423 sq.m is roughly 50% of the front garden area of the existing property and is currently occupied by a garden room. The proposed development within this space represents a direct planning gain due to the further development of this underutilised site within a well-developed and serviced residential suburb.
- In terms of Objective PM45, the development has been specifically designed to limit impacts on existing visual amenity whilst ensuring a strong degree of integration with immediately adjoining properties.
- The proposal does not represent an undue departure from the character of the area given the existing two-tier building line that exists within the immediate street section. While there is no definitive building line along the road, development is generally provided at a distance in excess of 25 metres from Claremont Road. There are 6 no. properties within c. 400 metres of the application site that are set forward of this building line indicating a secondary building line along the road (no. 9A Claremont Road, Goodwin and 1-4 Claremont Mews (Fig. 20 refers)).
- The current proposal seeks to address the previous reasons for refusal by seeking to minimise disruption of existing visual amenity along Claremont Road to ensure the protection of existing residential amenity.
- The location of the amenity space to the front of the building is insignificant given the quality of and extent (200sq.m) of the space. The screening of this space via existing mature trees provides significant separation from Claremont Road. The site-specific nature of the proposed private amenity space is sufficient to overcome the reason for refusal.
- The proposal ensures the increased efficiency of serviced land in line with the NPF.
- Letters of support have been received from local residents on Strand Road, Burrow Road and Claremont Road.



- There are numerous precedents for similar development within Howth. Reference to PA Ref. F14A/0023 at 18B Claremont Road and F18A/0162 Boreen House and Thormanby Road, Howth.

## 6.2. **Planning Authority Response**

The response of the Planning Authority states that the applicant has not provided new evidence to overcome the reasons for refusal for a house on a sensitive site in an area of distinctive character which is forward of the building line. The reasons for refusal remain relevant.

## 6.3. **Observations**

An observation has been received from a resident of Seagrove, No. 9 Claremont Road. The issues raised that are relevant to the subject appeal can be summarised as follows:

- There is no good reason for the Board to change, qualify, condemn or overturn the decision of the Planning Authority.
- The substance of the appeal relies on a more verbose repetition of the application details.
- The property to the east Seagrove, No. 9 is a single property. The suggestion that there are two properties seeks to mislead.
- The observer's submission to the Planning Authority is included with the observation.

## 7.0 **Assessment**

- 7.1. I have read the appeal file, all associated reports and plans and visited the appeal site and the surrounding area. The proposed development comes forward on land zoned for residential development and is therefore acceptable in principle. Furthermore, the development exceeds minimum standards for residential dwellings detailed in the Development and I consider it to be acceptable in terms of its servicing and access arrangements. I consider, therefore, that the key issues for consideration in the appeal relate to the reasons for refusal.

## 7.2. Reasons for Refusal No. 1 and 2:

7.2.1. The first and second reasons for refusal relate to the impact of the proposed development on the character and amenities of the area and the precedent that the proposed development would set for future such development. I consider it appropriate to consider both reasons in tandem. The reasons for refusal are as follows:

1. *“Having regard to the pattern of development in the vicinity of the subject site which lies within an area of well-established and high quality residential amenity, it is considered that the proposal for an infill dwelling on this prominent site would be out of character with the pattern of development and would be contrary to Objectives DMS39 and DMS40 in the area, would detract from the visual amenities of the area and impact on the amenities enjoyed by neighbouring properties and having regard to these matters would materially contravene the Development Plan RS zoning objective for the area, which is ‘to provide for residential development and to protect and improve residential amenity’. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area”.*
2. *“The proposed development would set an undesirable precedent for other similar developments, which in itself and cumulatively would contribute to an erosion of the distinctive and attractive character of the area, be harmful to the visual and residential amenities of the area and be contrary to the proper planning and sustainable development of the area”.*

7.2.2. Permission is sought for the construction of a two-bedroom bungalow in the front garden of an existing residential property. The proposed dwelling would maintain a setback of c. 9.9 metres from the roadside boundary and is set entirely forward of the predominant building line along Claremont road. It is proposed to use an existing vehicular access that serves the existing dwelling on the site and to maintain the existing boundary wall and mature tree and hedge planting along the roadside boundary. The Planning Officer’s Report notes that the development would not achieve the setback of similar infill houses in the area which are behind the existing building line. The grounds of appeal in response argue that there is a two-tier building line along Claremont Road and that while dwellings are generally set back

by over 25 metres from the road, there are four examples of dwellings within 400 metres of the site that are set forward of the predominant building line (9A, Goodwood and 1-4 Claremont Mews). The Planning Authority refused permission for a similar proposal on the appeal under PA Ref. F18A/0174. The applicant highlights that the development has amended since the previous refusal to reduce its building footprint and scale and to use the existing driveway off Claremont Road and retain the existing boundary wall and planting. It is argued that the revisions, allow for the maximum retention of mature trees on the southern boundary and minimise the visual and streetscape impacts. It is stated that the changes would limit the visibility of the proposed dwelling to a distance of 45 metres whilst travelling eastward on Claremont Road and that the dwelling would not be visible when travelling west. It is also argued that the proposed dwelling respects the height and massing of the existing residential unit and that it is designed to ensure minimal impact on the amenity of neighbouring properties. The grounds of appeal refer to the NPF and policies that seek to increase the efficiency of serviced land.

- 7.2.3. I consider that the main issue for consideration in this appeal is the visual impact of the development and its impact on the character of the area.
- 7.2.4. The proposed dwelling is of modest scale and height in my view and has a simple architectural language that would sit well within the established setting. However, the development sits entirely forward of the historic and predominant building line along Claremont Road and in this regard would be at variance with the pattern of development in this established residential area.
- 7.2.5. Claremont Road has developed as a residential area since the late 1800's. The original dwellings have been interspersed over time with more recent dwelling styles resulting in a mix of dwelling types along the road. The character of the area is defined, in my view, by the setback of dwellings from the road, the long front gardens, the low walls and roadside and garden planting.
- 7.2.6. The appeal site is screened at present by mature planting that offers a high level of screening relative to other properties along the road. The appeal submission proposes to retain the existing wall and boundary planting. While I note that the planting would provide screening along the southern boundary and soften the visual impact of a development, I consider it inappropriate to rely solely on planting to block

views of a structure that would be otherwise incongruous or at variance with the character of an area.

7.2.7. While the modest scale of the dwelling would assist in integrating the development within the wider area, I have concerns in relation to the extent to which the dwelling breaches the established building line and its proximity to the southern site boundary. Views of the site cannot be screened in full and the dwelling would be visible from Claremont Road.

7.2.8. While I accept that there have been some breaches of the building line along Claremont road, I am of the view that the setback of dwellings from the road is a significant element of the character of this area and that any further development forward of the building line would erode this character and set an undesirable precedent for further such development. Having regard to the extent to which the dwelling sits forward of the established building line, it is considered that the development would represent a visually discordant feature that would impact negatively on the character of the area and set an undesirable precedent for further such development within the front garden areas along Claremont Road. On the basis of the foregoing, I recommend that permission is refused.

### 7.3. Reason for Refusal 3:

7.3.1. The third reason for refusal relates to the provision of private amenity space. The reason for refusal is as follows:

*“The proposed development would provide the main residential private amenity space between the southern elevation of the proposed house and front of the boundary of the site with Claremont Road. As such the privacy of this amenity space would be compromised and the space ineffective for its intended use. This would contravene the intent of Objective DMS87 of the Fingal Development Plan 2017-2023 and would represent an unwelcome precedent for private open space provision of infill houses in the area”.*

7.3.2. The applicant highlights that the proposed 2-bedroom property is served by 200 square metres of amenity space located mainly to the front of the property. It is argued that the location of the space to the front of the building is insignificant given the quality of and extent of the space which is above the minimum requirement

detailed in the Development Plan. Furthermore, the appeal highlights the fact that the screening of this space by existing mature trees provides significant separation from Claremont Road.

- 7.3.3. I would concur with the applicant's argument. The level of private open space provided is in excess of the Development Plan standard of 60sq. metres. While private open space would generally be located to the rear or side of a dwelling, I would concur that due to the site-specific characteristics to include the level of screening and the relatively quiet nature of Claremont Road, refusal is not warranted on the basis of the quality of the private open space provision.

#### **7.4. Appropriate Assessment**

- 7.4.1. The site is located c. 45 metres to the south of the Baldoyle Bay SAC and c. 160 metres to the east of the Baldoyle Bay SPA. Having regard to the minor nature of the development and its location in a serviced urban area in addition to the separation distance between the proposed development and the European sites, 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. I recommend that permission be refused.

#### **9.0 Reasons and Considerations**

1. The site is located within an established residential area and is zoned RS Residential in the Fingal County Development Plan 2017-2023, with an objective to provide for residential development and protect and improve residential amenity. Furthermore, Objectives PM44, DMS39 and DMS40 of the Development Plan in relation to infill development seek to encourage and promote the development of underutilised infill sites in existing residential areas subject to the character of the area and environment being protected. The proposed development, by reason of its building line, which is set entirely forward of the predominant building line along Claremont Road would be at

odds with the pattern of development in the area and would materially affect the character and amenity of the area. The proposed development would contravene the zoning objective for the area and Objectives PM44, DMS39 and DMS40 of the 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

10<sup>th</sup> April 2019.