



An
Bord
Pleanála

Inspector's Report ABP – 303638 – 19

Development	Demolition of existing bungalow & construction of a 2-storey detached dwelling house together with all associated site works & services.
Location	'Glentora', Balkill Road, Howth, Co. Dublin.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	F18A/0634.
Applicant	Orla Horan.
Type of Application	Planning Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party.
Appellant	Orla Horan.
Observers	Hillwatch Voluntary Group.
Date of Site Inspection	28 th day of May, 2019.
Inspector	Patricia-Marie Young.

Contents

1.0 Site Location and Description.....	3
2.0 Proposed Development.....	4
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.....	6
5.1. Development Plan.....	6
6.0 The Appeal.....	8
6.1. Grounds of Appeal.....	8
6.2. Planning Authority Response	9
6.3. Observations	9
6.4. Further Responses	10
7.0 Assessment.....	11
8.0 Recommendation.....	16
9.0 Reasons and Considerations	16

1.0 Site Location and Description

- 1.1. The appeal site is located on the western side of Balkill Road, c300m to the north of its junction with Thormanby Road, c1.4km to the south west of Harbour Road and the centre of Howth village, in north County Dublin.
- 1.2. The rectangular shaped site has a stated 0.1194ha area with c15.5m road frontage onto the western side of Balkill Road. The principal building on this site is setback c17.5m from the roadside front and could be described as an attractive single storey period dwelling house of stone and brick construction with a slate roof over and an asymmetrically arranged principal façade. This building is known as 'Glentora' and due to its elevated ground levels above neighbouring land to the north and north west it benefits from panoramic views overlooking the Irish Sea. This period building dates to the early 1900s and it shares similar architectural aesthetic to other similar in date period dwellings that front onto Balkill Road.
- 1.3. To the rear of this property there is a single storey flat roof extension. In addition to this there is a small detached garage structure that is in close proximity to the southernmost corner of the roadside boundary. The northern and western elevations of this structure appears to consist of retaining walls with the eaves height of its roof structure sitting at the same ground level as the main front garden area. Separating this structure from the southern boundary of the site is a decorative metal pedestrian gate. To the north of this structure there is an attractive period retaining wall of mainly stone construction. Above which there is a clipped evergreen hedge.
- 1.4. On both sides of this property there are narrow long passages that provide connection to the more elevated rear garden area. These passageways provide a level of lateral separation and there are robust boundaries demarcating the shared boundaries. This provides some level of privacy as the subject property and the adjoining properties on either side contain windows in their side elevations. The adjoining detached period residential properties known as 'Edarbank' and 'Wentworth' are of a similar date of construction; architectural design concept and share similar building materials.
- 1.5. To the rear there is a restricted in depth and width area which provides a flat area of outdoor residential amenity for the occupants. This area is accessed directly from the later rear extension. The remainder of the rear garden area slopes significantly for c21m to where it reached the rear boundary of the site. At a number of points there

are steps which make for easier access. In addition, along the southern boundary there is a raised timber decked area which appears to provide a dedicated amenity space for the occupants of Glentora from where there is panoramic views over the Irish Sea and Howth Harbour.

- 1.6. The site is situated within an extensive residential area that is characterised by mature low-density housing. It also forms part of a larger parcel of land that is designated as the 'Howth Special Amenity Area Zone'.

2.0 Proposed Development

- 2.1. Planning permission is sought for:

- Demolition of the existing dwelling house referred to as 'Glentora'. This dwelling is indicated to be a 3-bedroom 190.5m² building.
- Construction of a 2-storey 4-bedroom split level contemporary in architectural style and appearance dwelling house with a stated 248.8m² floor area.
- Construction of an office/storage building in the south-western part of the rear garden. This structure has a stated 33m² floor area.
- Provision a 3.6m wide vehicular entrance and associated hard standing.
- All associated site works and services.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority **refused** planning permission for the following stated reasons:

"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 demolition of an existing period vernacular house which positively contributes to the unique local character and replacement with a modern structure would be incongruous with surrounding development, would be visually detrimental to the existing residential character and the streetscape and would materially contravene Objectives CH33, CH37 DMS46 and DMS160 of the Fingal

Development Plan 2017 – 2023 which seeks to protect and uphold such character and to retain vernacular structures. 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 involving demolition of vernacular structures in the immediate vicinity, which collectively add to the unique and distinctive character of the area of this section of Balkill Road 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.”

3.2. Planning Authority Reports

3.2.1. Planning Reports:

The Planning Officers report is the basis of the Planning Authority's decision.

3.2.2. Other Technical Reports

- **Water Services:** No objection.
- **Transportation:** Further information requested. This report advises that the applicant demonstrate to their satisfaction the necessary sightlines for the proposed new entrance alongside details of roadside boundary works.
- **Parks:** Further information requested. This report considered the intervention proposed to the roadside would result in a negative visual impact on the streetscape scene and it recommended that the existing roadside boundary be retained.

This report also raised concerns in relation to the layout and location of the detached garden building to the rear as it considered that it could have significant negative impact on existing mature trees on site. Moreover, further concerns were raised that the submission documents indicate that there have been incidents where mature trees on site have been removed or felled in adverse weather. It was therefore recommended that the condition of these trees be assessed by way of the preparation of a 'Tree Protection Plan' prepared by an arboriculture consultant.

3.3. Prescribed Bodies

3.3.1. **Irish Water:** No objections.

3.4. Third Party Observations

3.4.1. The Planning Authority received one submission objecting to the proposed development. I consider that the issues raised correlate with those set out in their observation received by the Board (See: Section 6.4 below).

4.0 Planning History

4.1. Site

- **P.A. Reg. Ref. No. 92B/0649:** Planning permission was **refused** for the extension existing dwelling. The reasons cited included firstly: it was considered that the design and proximity to adjoining residential properties were both inappropriate; and, if permitted, it would materially contravene the Development Plan zoning objective for this area; and secondly, it was considered that the proposed development would seriously injure the amenities as well as depreciate the value of property in its vicinity.

5.0 Policy & Context

5.1. Development Plan

- 5.1.1. The policies and provisions of the Fingal Development Plan, 2017-2023, apply. The site lies within an area zoned 'RS' which has an aim to: "*provide for residential development and protect and improve residential amenity*".
- 5.1.2. Chapter 3 of the Development Plan deals residential development.
- 5.1.3. In relation to vernacular buildings the Development Plan states that "*scattered throughout the countryside and within the towns and villages of Fingal is an extensive stock of modest historic buildings and structures some of which have been designed by an architect or engineer while others are vernacular structures built to no formal plans using traditional building types and materials. While these older buildings may not meet the criteria of sufficient special interest to be designated Protected*

Structures, their form, scale, materials and orientation contribute positively to the rural landscape as well as to the historic villages and towns of Fingal, establishing the distinctive character of a particular area. The retention and reuse of these buildings and structures exemplifies sustainable development and so the Council will encourage the appropriate re-use of vernacular buildings rather than their replacement or dereliction”.

5.2. Natural Heritage Designations

- The appeal site is located c0.1km to the east of the Special Area of Conservation: Howth Head (Site Code: 000202). The listed features of interest for this SAC are the “Vegetated Sea Cliffs of the Atlantic & Baltic Coasts” and the “European Dry Heaths”.
- The appeal site is located c0.9km to the west of Special Protection Area: Howth Head Coast (Site Code: 004113). The listed features of interest for this SPA are Kittiwake (*Rissa tridactyla*) (Note: Bird Code: A188).
- The appeal site is located c3.9km to the south east of Special Protection Area: Baldoyle Bay (Site Code: 004016). The listed features of interest for this SPA are: the Light-bellied Brent Goose (*Branta bernicla hrota*) (Note: Bird Code: A046); Shelduck (*Tadorna tadorna*) (Note Bird Code: A048); Ringed Plover (*Charadrius hiaticula*) (Note: Bird Code: A137); Golden Plover (*Pluvialis apricaria*) (Note: Bird Code A140); Grey Plover (*Pluvialis squatarola*) (Bird Code: A 141); Bar-tailed Godwit (*Limosa lapponica*) (Bird Code: A157); and, Wetland and Waterbirds (Bird Code: A999).

5.3. Environmental Impact Assessment/Screening

- 5.3.1. Having regard to the nature and scale of the residential development sought under this application, the residential zoning of the site and its setting, the serviced land and nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. I consider that 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

6.1.1. The grounds of appeal can be summarised as follows -

- The existing dwelling has degraded significantly in recent years.
- The replacement dwelling seeks to provide an accessible home that would meet the changing needs of the applicants whilst taking advantage of the panoramic views available.
- Objective CH33 of the Development Plan does not require the retention of vernacular buildings approach for situations where the extant building fabric is both diluted by non-original alterations and damaged by years of water as well as moisture ingress.
- The existing dwelling house is not of good quality, it is much altered, it has lost significant original built features internally including its original internal configuration and it is not afforded any specific protection.
- Balkill Road does not form part of an ACA and this building is not a Protected Structure.
- Numerous dwellings have been constructed on either side of Balkill Road throughout the 20th Century and there is planning precedent for two dwellings of the same period as the existing dwelling house being permitted by way of a grant of permission to be demolished and replaced by more significant built structures of modern designs (Note: P.A. Reg. Ref. No. F08A/0199 (Aberfoyle) and P.A. Reg. Ref. No. F07A/0418 (Holly Cottage)).
- The remaining 6 vernacular dwellings have been subject to significant alterations.
- Balkill Road is characterised by a mix of housing types.
- The new entrance seeks to retain as much as is feasible of the existing stone wall and also in terms of parking remove potential for parking on the public road.
- In time the soft landscaping proposed would obscure the proposed dwelling house in its streetscape scene.

- No trees will be removed or impacted by the proposed development.
- There is a precedent established for this type of development.
- Reference is made in error by the Planning Authority in their decision notification to DMS46. This is not a relevant consideration for this type of development.

6.2. Planning Authority Response

6.2.1. The Planning Authority's response can be summarised as follows -

- This application was assessed against relevant planning policy provisions.
- The figure cited for the renovation of the existing dwelling was not contained in the documentation submitted to the Planning Authority nor has any documentation been provided to support this figure by the appellants in their appeal submission to the Board.
- Objective CH37 in part facilitates the protection of buildings that are not afforded specific protection nor form part of an ACA through the normal development management process where it is considered that they contribute to the character of an area.
- The current Development Plan has more robust policies to protect vernacular buildings than were in place at the time P.A. Reg. Ref. No. F07A/0418 and F08A/0199 were assessed.
- The Planning Officers assessment of the appearance of the replacement dwelling as a 3-storey dwelling house is considered to be accurate.
- Reference was made to DMS46 of the Development Plan in the decision notification in error instead of DMS44.
- It is requested that their decision is upheld; however, should permission be granted a Section 48 contribution condition should be imposed.

6.3. Observations

6.3.1. The observer's submission can be summarised as follows –

- The proposed new build would destroy an example of local vernacular built heritage and replace it with a visually intrusive inappropriate structure which would in turn impact negatively on the areas unique amenity value and character.
- Development within the Buffer Zone of the SAAO should be sensitive to natural and built heritage of the area as well as the public visual amenity. In this context the proposed development, particularly its frontage to Balkill Road, would be out of character and incongruous.
- The architects claim that the 'new Glentora' incorporates the two primary elements of the original house, i.e. the built fabric and the built form, is not accepted. The original cottage is a single storey structure whereas the replacement building is a 3-storey highly modern structure which would tower over the roadway.
- The precedents cited by the application documents in relation to precedent for similar developments are over decade old. As such they pre-date the current Development Plan.
- Modernisation and refurbishment of the existing dwelling on site should be possible while maintaining the historical and vernacular integrity of this property.
- The Planning Authority's decision should be upheld.

6.4. Further Responses

6.4.1. The Applicants further response can be summarised as follows –

- A comprehensive schedule of existing issues with the fabric of the existing building has been set out and an estimated cost of the remedial works required prepared by a Chartered Quantity Surveyor is attached.
- The cost of remedial works is only part of the rationale for the demolition.
- There is no clear reason why the applicants must remain in a house which will be more challenging to maintain as they grow older.
- Vernacular categorisation was never afforded to Aberfoyle and Holly Cottage when permissions for similar developments were sought and granted. It is further argued at the time these decisions were made that there were measures in place for the protection of vernacular buildings.

- It is not accepted that the replacement building is a 3-storey building.
- Hedgerow screening is one of the measures used to alleviate adverse visual impacts and it is not considered that the proposed dwelling would be highly visible within its setting.

7.0 Assessment

7.1. Overview

- 7.1.1. I have read the appeal file, all associated reports and plans and conducted an inspection of the appeal site and its setting. The development sought under this application which essentially consists of the proposed demolition of an existing detached dwelling house, the construction of a 2-storey detached dwelling in its place and the construction of an additional office/storage building in the rear garden area together with all associated ancillary site works and services comes forward on land zoned under the current Fingal Development Plan for residential development (Note: 'RS' – Residential). As such I consider that the general principal of the development sought is acceptable, subject to safeguards.
- 7.1.2. Furthermore, the development exceeds minimum quantitative and qualitative standards for residential dwellings detailed in the said Development Plan and I consider the proposed development to be generally acceptable in terms of its servicing, access arrangements as well as parking provisions, subject to safeguards. Despite this I concur with the Planning Authority that the way the car parking provision is proposed would result in the loss of an attractive period boundary which would diminish the visual amenities of its streetscape scene.
- 7.1.3. Based on these considerations it is my view that the substantive issues for consideration in this appeal case relate to the reasons for refusal. Notwithstanding, the matter of appropriate assessment also needs to be assessed in my assessment below.

7.2. Refusal Reason No. 1

- 7.2.1. The first reason for refusal relates to the impact of the proposed development on the character and visual amenities of the area. It also sets out that the proposed development would, if permitted, materially contravene Objectives CH33; CH37;

DMS46; and, DMS160 of the current Fingal Development Plan. This reason for refusal reads as follows:

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 demolition of an existing period vernacular house which positively contributes to the unique local character and replacement with a modern structure would be incongruous with surrounding development, would be visually detrimental to the existing residential character and the streetscape and would materially contravene Objectives CH33, CH37 DMS46 and DMS160 of the Fingal Development Plan 2017 – 2023 which seeks to protect and uphold such character and to retain vernacular structures. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

7.2.2. The said Development Plan through its planning policy provisions robustly seek the retention and reuse of the historic building stock within its administrative area, in particular, those vernacular buildings that they consider contribute in a positive manner to the intrinsic character, the sense of place and identity of an area.

7.2.3. It recognises that many of these buildings often do not benefit from protection by way of specific designations as Protected Structures or as part of groups of period buildings whose visual contribution as set pieces are afforded protection as Architectural Conservation Areas. But the Development Plan sets out that despite their lack of such built heritage protection, this does not take away from their importance to establishing and positively contributing to the distinctive character and sense of place of their immediate landscape setting. As such the overarching vision set out in the Development Plan for these buildings is one where their retention, reuse and refurbishment is advocated with this in turn exemplifying a sustainable development approach to the treatment of existing building stock within the plan area.

7.2.4. I am cognisant that the Development Plan contains several policies and objectives that support this approach. It includes but is not limited to the following:

Objective CH33 – this objective promotes the sympathetic maintenance, adaptation and re-use of the historic building stock and encourage the retention of the original fabric whether protected or not;

Objective CH37 – this objective advocates 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; and,

Objective DMS160 – this objective indicates that proposals for extensions to historic or vernacular buildings should not erode the setting and design qualities of the original structure which make it attractive and development should be in proportion or subservient to the existing building.

7.2.5. As correctly pointed out by the appellant in their grounds of appeal submission to the Board the local planning policy provisions of relevance to the type of development sought does not include Objective DMS46. This objective relates to locational factors for residential care homes, retirement homes, nursing homes, retirement villages and sheltered accommodation within the plan area. As such I concur with the appellant in this case that it is not a relevant consideration in this assessment of the development sought under this application.

7.2.6. The Planning Authority in their submission to the Board indicate that reference should have been made in their notification of decision to Objective DMS44 instead of Objective DMS46. I consider Objective DMS44 is of relevance to the development sought under this application as it seeks to protect areas with a unique, identified residential character which provides a sense of place to an area through their design, character, density and/or height and ensure any new development in such areas respects this distinctive character. Arguably Glentora for which demolition is sought is a period building that adds positively to the visual amenity and intrinsic character of its streetscape setting by not only its period charm that is highly legible from the public domain but also by way of it reinforcing a particular phase of detached residential building that occurred along the Balkill Road in the early 1900s as part of a surviving group of 6 similar period and of similar architectural aesthetic properties. Together these buildings in my view harmoniously relate to other buildings of the same architectural style and period along Balkill Road and within this area.

- 7.2.7. I therefore consider the Development Plan approach to vernacular buildings is reasonable and that it is an approach that is consistent with the national approach which could be broadly described as the state being the custodian of the built heritage in its various guises and various roles.
- 7.2.8. While I acknowledge during the 20th Century there have been other more modern and varied architectural residential insertions to the streetscape scene of Balkill Road I consider that these additions do not contribute to a distinctive sense of character and place in the same way Glentora does as there is little coherence between the design concepts through to built-forms of these later insertions.
- 7.2.9. Moreover, I consider that these later insertions are buildings that could be found in any urbanscape setting and are of an architectural form well repeated in suburban areas on fringes of cities like Dublin. They do not in my view share any locational vernacular distinctiveness, nor can they be considered to be establishing or reinforcing a distinctive sense of character, identity and place. Arguably they have fragmented, diluted and diminished the architectural coherence and harmony that would have existed between the buildings inserted along either side of the Balkill Road in the early 20th Century and within the surrounding setting of the coastal settlement of Howth.
- 7.2.10. Similarly, I consider that the proposed replacement dwelling would be a visually discordant feature in the context of its streetscape setting and its design concept would be visually incongruous in this context.
- 7.2.11. On the matter of materially contravening Objectives *CH33, CH37, DMS46 and DMS160 of the Fingal Development Plan 2017 – 2023, which the Planning Authority indicates seeks to protect and uphold such character and to retain vernacular structures*. I again reiterate that reference to Objective DMS46 was made in error instead of Objective DMS44. I therefore do not propose to examine whether this objective materially contravenes the Development Plan. I do propose to examine whether the proposed development, if permitted, would materially contravene the other said Development Plan objectives.
- 7.2.12. I first of all advise the Board should they be minded to grant permission for the proposed development sought under this application, to have regard to Section 37(2) of the Planning and Development Act, 2000, as amended. This Section of the said Act sets out that if the Planning Authority decided to refuse planning permission on the

grounds that a proposed development materially contravenes the Development Plan, the Board may only grant permission in certain circumstances.

7.2.13. However, I hold a different view to the Planning Authority on the matter in that I consider that the development, if permitted, would not materially contravene the said Development Plan objectives as they seek to resist loss of vernacular buildings where such buildings are considered to positively contribute to the identity and intrinsic character of a particular area. They are not prescriptive in nature in relation to the appeal site. While the proposal would be contrary to the spirit of Objectives CH33, CH37 and DMS160 I do not consider that the proposed development, if permitted, would materially contravene the Development Plan.

7.2.14. Based on the above considerations I consider that the demolition and replacement of the existing dwelling house would be contrary to Objectives CH33, CH37 and DMS160. I also consider that it would be contrary to Objective DMS44. In that it would result in the loss of a vernacular building that contributes positively to the identity, the unique sense of place and character of the area, in particular Balkill Road.

7.3. Reason No. 2

7.3.1. The second reason for refusal essentially relates to undesirable precedent for other similar developments and in turn the diminishment that would result to the visual amenities of the area. This reason for refusal reads:

“The proposed development would set an undesirable precedent for other similar developments involving demolition of vernacular structures in the immediate vicinity, which collectively add to the unique and distinctive character of the area of this section of Balkill Road 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.”

7.3.2. On this matter I consider that the examples cited by the appellant in their grounds of appeal where similar developments were permitted in my view only highlights the concerns where vernacular buildings have been lost and replaced with buildings that fail to add too or reinforce the distinctive character and identity of an area.

7.3.3. I also share the views of the Planning Authority that the current Development Plan contains more robust provisions to safeguard structures of vernacular merit than the

previous Development Plan under which the examples cited by the appellant were considered. To permit the demolition of 'Glentora' in my view would add to the further erosion of the distinctive character of this area in a manner that would be detrimental to its visual amenities.

- 7.3.4. I also concur with the Planning Authority in this case that to permit the proposed development would set a further undesirable precedent for other similar developments involving the demolition of vernacular structures of merit and that this would be contrary to the proper planning and sustainable development of the area where the local planning policy provisions seek to promote the retention, reuse and refurbishment of these buildings but also allow for sympathetic extensions subject to safeguards.

7.4. **Appropriate Assessment**

- 7.4.1. Having regard to the minor nature and scope of the development proposed and its location in a serviced urban area in addition to the separation distance between the proposed development and the European sites, 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 planning permission be **refused** for the reasons and considerations set out below.

9.0 **Reasons and Considerations**

1. The site is located within an established residential area and is zoned 'RS' – Residential in the Fingal Development Plan, 2017 to 2013, with an objective to provide for residential development and protect and improve residential amenity. Furthermore, Objectives CH33, CH37, DMS44 and DMS160 of the Development Plan seek to protect the retention, reuse and refurbishment of vernacular buildings alongside safeguard their contribution to the identity as well as character of areas.

The proposed development, by reason of its proposal to demolish 'Glentora', an attractive period dwelling dating to the early 1900s, would be at odds with the said Development Plan objectives. It would also materially adversely diminish the intrinsic character and distinctiveness of its immediate streetscape scene which includes a set piece of 6 similar in architectural style, building to space relationship through to palette of material properties alongside other similar properties that survive along Balkill Road itself. It is therefore considered that the proposed development would contravene the 'RS' zoning objective for the area alongside CH33, CH37, DMS44 and DMS160 of the Development Plan and would set an undesirable precedent for other similar developments that include the demolition of vernacular structures of merit to the visual amenities of their setting. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Patricia-Marie Young
Planning Inspector

5th June 2019.