



An
Bord
Pleanála

Inspector's Report ABP 304845-19

Development	Extension and refurbishment of existing dwelling and associated site works.
Location	Glenlion Pines, Thormanby Road, Howth, Co Dublin, D13 WY16.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F18A/0768
Applicant(s)	Mary Taylor
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Mary Taylor
Observers	Roxanne White John and Leonara Ward
Date of Site Inspection	10 th September, 2019
Inspector	Brendan Coyne

1.0 Site Location and Description

1.1. The site (0.172 Ha) is located to the south of the Thormanby Road, on the southern side of the Howth Head Peninsula. The site comprises two parcels of lands, subdivided by a private access road serving a number of other dwellings. The northern parcel of the site contains a 2.5 storey 5-bedroom split-level dwelling, with an outhouse building and timber shed located to its eastern side. The ground level of the site is c. 75 metres above O.S. Datum along its northern boundary, dropping in a southerly direction to c. 66 metres above O.S. Datum along the southern boundary of the site. The dwelling is orientated on a north-west / south-east axis. The roof profile of the dwelling is pitched, presenting a gable elevation to the south-east, and its elevations comprise rendered finishing.

Both the northern and southern parcels of the site contain a number of mature deciduous and coniferous trees. The southern parcel is mostly levelled and grassed, with a section under hard-standing. A public pathway adjoins the eastern boundary of the site, which is defined with a block wall, c. 2m high. The site provides clear panoramic views of the Dublin metropolitan area in a south-westerly direction.

2.0 Proposed Development

2.1.1. The proposed development comprises the following;

- Construction of a 2 storey L-shaped extension to the eastern side of the dwelling.
- Excavation of land to enable the development of the proposed extension.
- Lowering of the ground level of the lower ground floor of the dwelling and the construction of a single storey extension to the south-east of the dwelling at lower ground floor level, with a roof terrace over.
- Provision of a dormer window extension to both the north-eastern and south-western roof slopes of the dwelling.
- Elevation changes to the main dwelling including the provision of new and enlarged window opes and new fenestration treatment.
- Re-configuration of internal rooms of the main dwelling at all three levels.
- Re-grading of the driveway to provide access to the proposed new garage.

- Demolition of existing out-houses.

The floor area of the existing dwelling is 171 sq.m.

The floor area of the proposed works is 285 sq.m.

The proposal would create a 6-bedroom dwelling, with a total floor area of 456 sq.m.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Fingal County Council refused permission for the proposed development. The 3 no. reasons for refusal are summarised as follows;

1. The proposed extension, by reason of its design and location on a prominent site of restricted size and configuration, would be unduly obtrusive and have a negative impact on public pathways, from which views are protected under the Fingal County Development Plan 2017 – 2023 and the Howth Special Amenity Area Order (SAAO).
2. The scale of the proposed extension would negatively impinge upon the character of the Howth SAAO and as such, would contravene Objective NH44 of the Fingal County Development Plan.
3. The proposed development is excessive in size relative to the site area and as such, would create an undesirable precedent for similar types of extensions.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

3.2.2. Initial Report (28th February 2019)

- Concern that the proposed extension would have a significant visual impact on the surrounding area, particularly as viewed from public areas and surrounding properties.

- Concern that the proposal would impact on protected trees to the north and east of the dwelling, which in turn would affect the character of the area.
- The section and elevation drawings submitted are insufficiently detailed and a tree survey was not submitted.
- Concern regarding the impact of the proposal on the dwelling to the north of the site.
- Further information was requested, requiring the following;
 - An arboricultural impact assessment, tree constraints plan, tree protection plan and arboricultural method statement
 - Site stability assessment
 - Landscape plan
 - Section and contiguous elevation drawings of the site
 - Construction management plan
 - Details of site ownership

3.2.3. Second Report (10th June 2019)

- The applicant has not amended the design or scale of the proposed extension, from what was originally proposed.
- The scale of the proposed development on the subject site cannot be compared with the size of neighbouring property to either side, as the subject site is substantially smaller than adjoining sites.
- The proposed development, by virtue of its scale and massing, would adversely impact the visual amenity of the surrounding area, particularly as viewed from public pathways which are protected under the Fingal County Development Plan. The proposal would contravene Objective 2.1 and Policy 2.1.1 of the Howth Special Amenity Area Order.

3.2.4. Other Technical Reports

Parks and Green Infrastructure Division: No objection subject to Conditions.

Transportation Section: No objection subject to Conditions.

4.0 Planning History

F17A/0434 Permission granted in 2017 for the removal of the existing septic tank wastewater treatment system and the provision of an Oakstown BAF wastewater treatment system and sand polishing filter.

5.0 Policy and Context

5.1. Fingal County Development Plan 2017 -2023

Zoning 'RS – Residential'

Zoning Objective 'Provide for residential development and protect and improve residential amenity'.

SAAO The site is covered by the 1999 Howth Special Amenity Area Order (SAAO).

Specific Objective Protect and preserve trees, woodlands and hedgerows on the site (Map based, Sheet No. 10).

Specific Objective To Preserve Views from the pathway adjoining the site to the east, adjacent pathways to the south and south-west and from Thormanby Road to the north of the site (Map based, Sheet No. 10).

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

Objective RF51 Ensure that the development of any coastal site through the extension or replacement of existing buildings or development of

any new buildings is of an appropriate size, scale and architectural quality and that it does not detract from the visual amenity of the area or impact negatively on the natural or built heritage.

Objective NH33 Ensure the preservation of the uniqueness of a landscape character type by having regard to the character, value and sensitivity of a landscape when determining a planning application.

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 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.

Relevant objectives and policies in the Howth SAAO

Objective 2.1 To preserve views from public footpaths and roads

Policy 2.1.1 The Council will preserve views from the network of footpaths and roads shown on Map B. Applications for planning permission must take into account the visual impact of the proposals on views from these paths and roads. Applications must state whether there would be an impact and describe and illustrate the impact. Where there would be an impact, an application for planning permission must be accompanied by a cross-sectional drawing at a suitable scale, showing the proposed development and the affected path or road. The Council will not permit development which it considers would have a significant negative effect on a view from a footpath or road.

Objective 2.2 To preserve the distinctive profile of the peninsula viewed from the roads on the shore lines of Dublin Bay and the Baldoyle Estuary.

Objective 2.6 To preserve the wooded character of existing residential areas.

Policy 2.6.2 The roots of existing trees in fair or good condition shall be protected. Where a development involves excavation, if the excavation is beneath the canopy of an existing tree it shall be done by manual means without the use of mechanical equipment in order to minimise damage to root systems.

Natural Heritage Designations

The southern boundary of the site adjoins the Howth Head Special Area of Conservation (SAC), Site Code: 00202. The site is located 0.1km to the north of the Rockabil to Dalkey Island SAC (Site Code: 003000).

6.0 The Appeal

6.1. Grounds of Appeal

An appeal was received from Hughes Planning and Development Consultants, representing the first party appellant Mary Taylor, against the decision made by the Planning Authority to refuse permission for the proposed development. The following is a summary of the grounds of appeal.

- The proposed extension would not have an overbearing impact on the landscape.
- The proposed development has utilised the topography of the site to create a sleek design which works with the landscape.
- The proposed extension has been designed with the SAO in mind and the result is a sensitive, high quality designed modern dwelling that is suited to the applicant's needs.

- The proposed development will maintain the distinct features of the existing dwelling.
- The proposed first floor balcony represents an efficient use of space, is a key design feature, allowing a seamless transition into the contemporary architectural style of the proposed extension and would enable the residents enjoy views of Dublin Bay.
- The cantilevered design of the southern rear elevation of the proposed extension breaks up its massing, as viewed from Dublin Bay.
- Not all trees on the site are to be removed, thus the site will remain screened and its effect on preserved views from nearby paths will be minimal.
- The site is surrounded by much larger dwellings which are of a lower quality design and much larger scale to the proposed extension. These neighbouring dwellings are more visible on the peninsula as they are not surrounded by mature trees.
- The proposed development would not set an undesirable precedent by reason that a number of dwellings along Thormanby Road have been enlarged or extended, and a number of new build contemporary homes have been constructed.

6.2. Planning Authority Response

- The Planning Authority remains of the opinion that the proposed development, by reason of its design and location on this prominent site of restricted size and configuration, would be unduly obtrusive and give rise to a significant negative impact on public pathways from which views are protected under the Fingal County Development Plan and the Howth SAAO.
- The proposed development, if permitted, would contravene Objective 2.1 and Policy 2.1.1 of the Howth SAAO which both seek to preserve views from public footpaths and Objective NH44 of the Fingal County Development Plan.
- It is requested that An Bord Pleanála uphold the decision of the Planning Authority and refuse permission for the proposed development.

- In the event that the appeal is successful, provision should be made in the determination of applying a financial contribution in accordance with the Council's Section 48 Development Contribution Scheme.

6.3. Observations

Observations were received from John and Leonora Ward, Deepwater, Thormanby Road (adjoining site to the north-east), and Roxanne White, Couleen, Baily Co. Dublin regarding the proposed development. The issues raised are summarised as follows;

- The drawings submitted are inadequate and do not adequately detail the following; public pathways adjoining the site, site boundaries, trees to be retained/removed, site sections, building dimensions, distances from neighbouring property and their septic tanks / waste water treatment systems.
- The floor area of the proposed development represents a tripling in size of the floor area of the existing dwelling.
- The scale and massing of the proposal is out of character with the site and the surrounding area.
- The private road serving the dwelling is inadequate for the scale of the proposal.
- The scale of rock excavation and site engineering required is not described in the proposal.
- The proposal will result in damage to and/or loss of existing mature trees on the site which are listed for protection in the Howth SAAO and County Development Plan. Many of the proposed species to be replanted are not native or included in the list of Howth SAAO 'required species'.
- The proposed development would result in light pollution, impacting on protected views from public pathways close by.
- The proposal is located less than 10 metres from an existing percolation area, which would be in contravention of the EPA Guidelines.

6.4. Further Responses

None

7.0 Assessment

The main issues for consideration are the 3 no. reasons for refusal as cited by the Planning Authority. These are addressed under the headings below.

7.1. Reason for Refusal No. 1: Impact on Protected Views

- 7.1.1. The Planning Authority refused permission for the proposed development on the grounds that its design and location on a prominent site of restricted size and configuration, would be unduly obtrusive and would adversely impact on protected views from public pathways, which are protected under the Fingal County Development Plan and the Howth Special Amenity Area Order.
- 7.1.2. As set out in Section 5.1 above, there is Development Plan map based Specific Objective 'To Preserve Views' from the public pathway adjoining the site to the east, adjacent public pathways to the south and south-west and from the Thormanby Road to the north of the site.
- 7.1.3. It was noted during site inspection, that the subject dwelling is not visible from the Thormanby Road to the north of the site by reason of existing residential development, mature trees, dense vegetation and the position of the dwelling, further down the slope of the hillside.
- 7.1.4. A public footpath adjoins the eastern boundary of the site, which continues to the south and south-west along the cliff edge of Howth Head. It was found during site inspection that a block wall c. 2m high along the eastern boundary of the site restricts views across the site from the public footpath at this location. The dwelling is not visible from the public footpath to the south of the site, by reason of the gradient of the hillside and the dense mature trees, hedgerow and vegetation on the hillside to the front (south) of the dwelling. Only the first floor of the dwelling is partially visible through mature trees and vegetation from the pathway to the south-west of the site.

- 7.1.5. The existing dwelling is rectangular in layout and is orientated on a north-west / south east axis. The layout of the proposed side extension is 'L' shaped, extending to the eastern side of the dwelling with a cantilevered southern wing return at ground floor level, supported with plinths, for a depth of 8.8m.
- 7.1.6. The width of the existing dwelling as viewed from the south is 13.2m. The proposed 2 storey extension would extend 10.2m to the eastern side of the dwelling, increasing the entire width of the dwelling to 23.4m. The width of the site, where the dwelling is located is 44 metres.
- 7.1.7. The depth of the existing dwelling as viewed from the side (east and west) is 14.7m. The proposed extension would increase the depth of the dwelling to 20.5m, an increase of 5.8m. Proposed works would extend forward the front building line of the dwelling at lower ground floor level by 2.4m to the south-east, with the provision of a roof terrace over, continuing to the front of the proposed side extension at ground floor level.
- 7.1.8. Floor Plans show that proposed works would involve a lowering in the ground level of the lower ground floor of the dwelling by 0.68m (from a FFL of +69.76 to a FFL of +69.08), to align with and continue the lower ground floor level of the proposed side extension. Drawings submitted do not clearly detail the extent of cut and fill required for the proposed extension.
- 7.1.9. The proposed development would provide a flat roofed dormer window extension to both sides of the existing pitched roof slope of the dwelling. The dormer window extension on the south-western roof slope would extend a depth of 3m from the roof ridge point of the dwelling and would have a width of 4m. The dormer window on the north-eastern roof slope would extend a depth of 6.7m from the roof ridge point and would have a width of 8m, incorporating 2 no. window opes. Elevation finishes of the dormer extension would comprise copper cladding. It is proposed to replace the existing roof tiles with copper cladding. The roof ridge height of the dwelling would remain unchanged at 78m above O.S. Datum.
- 7.1.10. The proposal would increase the floor area of the dwelling from 171 sq.m. to 456 sq.m., an increase of 166%.
- 7.1.11. Having reviewed the drawings submitted and further to site inspection, I consider that the design, scale and extent of the proposed development would not be dominant or

visually obtrusive in its setting and would not interfere with preserved views from adjoining / adjacent public footpaths. By reason of the 2m high block wall along the eastern boundary of the site, the proposed development would not be visible from the public footpath adjoining the eastern boundary of the site and thereby would not interfere with preserved views at this location. Given the position of the dwelling and proposed extension which is set into the hillside, its distance from the public footpaths to the south and south-west of the site, the gradient of the hillside and the dense mature trees and vegetation to the south and south-west of the site, it is considered that the proposed development would not be highly visible and would not interfere with preserved views from public footpaths to the south and south-west of the site.

In consideration of the above, I recommend that the appeal should succeed in relation to the Planning Authority's first reason for refusal.

7.2. Reason for Refusal No. 2: Impact on the Howth Special Amenity Area Order

- 7.2.1. The Planning Authority refused permission for the proposed development on the grounds that the scale of the proposed extension would have a negative impact on the character of the Howth SAAO and would contravene Objective NH44 of the Fingal County Development Plan.
- 7.2.2. Howth Head is a Special Amenity Area and the site is covered by the 1999 Howth Special Amenity Area Order (SAAO). Map A of the Special Amenity Area Order identifies the site as being located in a 'residential area within the Special Amenity Area'. The Fingal County Development Plan recognises that the Howth Special Amenity Area is one of the great natural assets of the Greater Dublin Area and seeks to ensure that this area is protected and enhanced. As set out in Chapter 4 of the Development Plan, the development strategy for the Howth Peninsula is to ensure the conservation and preservation of this sensitive and scenic area, through the implementation of the Howth Special Amenity Area Order. Objective 2.2 of the Howth SAAO seeks to preserve the distinctive profile of the Howth peninsula as viewed from the roads on the shore lines of Dublin Bay.
- 7.2.3. As set out under Section 7.1.12 above, I consider that the design, scale and extent of the proposed development would not be dominant or visually obtrusive in its setting and would not be highly visible from the surrounding area. The proposed development

would not be visible from Thormanby Road to the north of the site and the site is heavily screened by mature trees and vegetation surrounding the site. As such, I consider that the proposed development would not interfere with the landscape character and visual amenity of the Howth Special Amenity Area.

7.2.4. I recommend therefore, that the appeal should succeed in relation to the Planning Authority's second reason for refusal.

7.3. Reason for Refusal No. 3: Creation of an Undesirable Precedent

7.3.1. The Planning Authority refused permission for the proposed development on the grounds that the proposal is excessive relative to its site area and would set an undesirable precedent for similar types of extensions.

7.3.2. In the grounds of appeal, the applicant puts forward a case that the proposed development would not set an undesirable precedent by reason of the fact that a number of dwellings along Thormanby Road have been enlarged or extended, and that a number of new build contemporary homes have been constructed in the locality. Details of planning consent for these said precedents are provided.

7.3.3. Having reviewed the drawings submitted, I consider that the proposed development will not create an undesirable precedent for similar types of extensions. The proposal provides a high standard of design that enhances the existing dwelling. The layout and positioning of the proposal is unique to its site context by reason that it would sit into the hillside plateau on which it is located. The proposal would not be highly visible from the surrounding area by reason of the topography and gradient of the hillside, the trees and vegetation which screen the site and the 2m high boundary wall along the eastern boundary of the site. The proposed development would not impact on the residential amenity of neighbouring dwellings by way of overlooking, overshadowing or loss of outlook and accords with Fingal County Council Development Plan standards regarding extensions to dwellings. As detailed above, the proposal would not interfere with preserved views from adjoining / adjacent public footpaths and would not interfere with the landscape character and visual amenity of the Howth Special Amenity Area.

7.3.4. As such, I also recommend that the appeal should succeed in relation to the Planning Authority's third reason for refusal.

7.4. Appropriate Assessment

The proposal will connect to a waste water treatment which has adequate capacity. It is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, 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 Special Area of Conservation (Site Code: 00202) or the Rockabil to Dalkey Island Special Area of Conservation (Site Code: 003000) or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

- 8.1. I recommend that planning permission be granted subject to the conditions set out below.

9.0 Reasons and Considerations

Having regard to the scale and design of the proposed development, the setting of the dwelling which is not highly visible from the surrounding area and the residential zoning of the site, it is considered, subject to the conditions set out below, that the proposed development would not detract from the landscape character of the area or protected views from public roads and footpaths and would be consistent with the policies and objectives of the Fingal County Development Plan 2017 - 2023 and the Howth Special Amenity Area Order 1999. The proposed development would, therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 16th May 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such

details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

3. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To secure the protection of the trees on the site.

4. Site development and building works shall be carried out only between the hours of 7 a.m. to 6 p.m. Monday to Friday, 8 a.m. to 2 p.m. Saturday and not at all on Sundays or Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

5. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Brendan Coyne
Planning Inspector

24th September 2019