



An
Bord
Pleanála

Inspector's Report ABP 304958-19

Development

Construction of three dwellings.

Location

Site adjacent to Bodeen, Thormanby Road, Howth, Dublin 13.

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F19A/0185

Applicant

Magee Partnership

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellants

Magee Partnership

Observers

Hillwatch and Ciara Ní Laoi.

Date of Site Inspection

20th September 2019.

Inspector

Brendan Coyne

1.0 Site Location and Description

- 1.1. This site is located on the eastern side of Thormanby Road, Howth, on a junction with a public laneway known as Cowbooter Lane,. The site is triangular in shape and has a stated area of 1.57 hectares. It is currently undeveloped and overgrown with vegetation including a mix of mature deciduous trees and hedgerow. A detached 1.5 storey dwelling known as 'Bodeen' is located on lands adjoining the site to the north. An ESB overhead line traverses the site along the eastern boundary. A Dublin Bus stop is located on the public footpath, near the north-western corner of the site. The topography of the site is relatively steep, dropping from 75m OD at the south-eastern corner to 68m OD at the north-western corner and 63m OD at the north-eastern corner of the site. The site has a road frontage of 124.8m along Thormanby Road and 125.2m along Cowbooter Lane. The speed limit in the area is 50 km/hr.

2.0 Proposed Development

- 2.1. Permission sought for the following;
- Construction of 3 no. detached 1.5 storey 3-bedroom dwellings.
 - The proposed dwellings and their respective floor areas are identified as follows;
 - Dwelling No. 1 - most northern site: Floor area - 132 sq.m.
 - Dwelling No. 2 - centrally located site: Floor area - 132 sq.m.
 - Dwelling No. 3 - most southern site: Floor area - 232 sq.m.
 - New shared vehicular access off the Thormanby Road and driveway, serving dwelling No.'s 1 and 2 and a separate new vehicular access off the Thormanby Road serving dwelling No. 3.
 - The provision of a new 1.1m high rail over low rise wall along the western boundary of the site, and a 1.8m high boundary fence along the eastern boundary of the site and along the boundary lines between the proposed dwellings.

3.0 Planning Authority Decision

3.1. Decision

Fingal County Council refused permission for the proposed development. The 2 no. reasons for refusal were as follows;

1. The proposed development of three dwellings in a sensitive location is considered to represent overdevelopment of the overall site in an area which maintains a distinct residential character. The proposed development by way of design, location and site area does not respond to existing development in the area and through the siting and design of the proposed house would not create a sense of visual harmony and would significantly detract from existing residential amenity. In addition, the proposal would set an undesirable precedent for similar development at this location. The proposed development is therefore considered to materially contravene the RS zoning objective for the area, would contravene Objectives PM45 and DMS44 of the Fingal Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.
2. The applicant has failed to demonstrate that adequate sightlines from the proposed development entrance can be provided.

The proposed development would therefore endanger public safety by reason of a traffic hazard and as such is not in accordance with the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

Basis for the Planning Authority decision Includes;

- There are protected views across the site along the Thormanby Road. Any development on the site needs to be carefully sited and designed, so as to protect views across the site and the highly sensitive landscape of the surrounding area.

- The site is located within an established residential area which maintains an attractive and distinctive character, with generous sized plot areas and large detached dwellings. The design of the proposed dwellings does not respond to the character of adjacent dwellings.
- The proposed development would represent overdevelopment of the site and is unsuitable for this location.
- The proposed development would detract significantly from the residential amenity of the area and would set an undesirable precedent for similar development at this location.
- Given the location of the proposal within the Howth SAAO buffer zone, a Visual Impact Assessment should be submitted.

3.2.2. **Other Technical Reports**

3.2.3. ***Parks Division:***

Additional Information requested, providing the following;

- A complete tree and hedgerow survey including an Arboricultural Impact Assessment Tree Constraints Plan, Tree Protection Plan and an Arboricultural Method Statement in accordance with BS 5837:2012 *Trees in relation to Design, Demolition and Construction – Recommendations*.
- A landscape plan that meets the requirements of the Howth SAAO Design Guidelines, including any proposed boundary treatments, materials and planting species.

3.2.4. ***Transportation Planning Section:***

Further Information requested, providing the following;

- A sightline drawing that provides 49m sightlines from a 2.4m setback of the nearside edge of the road in both directions at the entrances to the dwellings. The drawing should indicate all works required to the front boundary to achieve the required sightlines.

- A swept path analysis that illustrates vehicle access and egress for all parking spaces and egress off-site in a forward gear should be provided.

3.2.5. **Water Services Section:**

Surface Water Report: Further Information requested, addressing the following;

- A stream known as the Coolcour Brook passes through or in very close proximity to the subject site. Flooding of the Brook has occurred in recent years affecting a number of houses downstream of the subject lands. The Brook was not assessed as part of the FEMFRAMS study and the flood extents associated with the Brook have not been established.

The Applicant is requested establish the exact line and level of the Coolcour Brook as it passes through or in very close proximity to this site. The Applicant shall carry out a site-specific flood risk assessment for the Brook, clearly delineating the flood extents for the 1% and 0.1% AEP and include for the HEFS climate change scenario. The Applicant must also consider the potential for de-culverting the Brook and clearly outline the minimum separation distances between the foundations and the Brook.

4.0 **Planning History**

F14A/0235 On the 29/07/2014 Fingal County Council refused permission to Nicola Gorman for the construction of a split level 2 storey detached dwelling (170 sq. m), 2 no. vehicle entrances in place of existing, in curtilage parking and associated site works. The reasons for refusal were as follows;

1. The proposed development scheme does not include satisfactory technical and legal information in relation to the proposed foul sewer drainage arrangement for the site. As such the proposed development would be prejudicial to public health and contrary to the proper planning and development of the area.
2. The applicant has failed to satisfactorily demonstrate that adequate safe vehicular access to the proposed development can be achieved. It is

considered that the vehicular movements at the access / location would create unacceptable conflict with pedestrians and would endanger public safety by reason of traffic hazard.

5.0 Policy and Context

Fingal County Development Plan 2017-2023

Zoning: The site is zoned objective 'RS' which seeks 'to provide for residential development and protect and improve residential amenity'. Residential use is 'permitted in principle' under this zoning objective.

Lands adjacent the site, to the east of Cowbooter Lane, are zoned 'HA – High Amenity' with the objective to 'Protect and enhance high amenity areas'

SAAO The site is located within the Howth 1999 Howth Special Amenity Area Order (SAAO) Buffer Zone – as detailed on Sheet 10 of the Development Plan.

Specific Obj. **Preserve Views** - There is a Specific Objective to 'Preserve Views' across the site from the Thormanby Road - as detailed on Sheet 10 of the Development Plan.

Objective PM44 **Infill, Corner and Backland Sites** – Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.

Objective PM45 **Infill, Corner and Backland Sites** – Promote the use of contemporary and innovative design solutions subject to the design respecting the character and architectural heritage of the area.

Chapter 12 **Development Management Standards:**

Objective DMS44 Residential Areas of Character - Protect areas with a unique, identified residential character which provides a sense of place to an area through design, character, density and/or height and ensure any new development in such areas respects this distinctive character.

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

Objective NH40 Views and Prospects - Protect views and prospects that contribute to the character of the landscape, particularly those identified in the Development Plan, from inappropriate development.

Table 12.8 Car Parking Standards

Howth Special Amenity Area Order 1999

Howth Special Amenity Area Order Design Guidelines

5.1. Natural Heritage Designations

The site is located 0.2km to the north-west of the Howth Head SAC and proposed NHA (Site Code 000202).

6.0 Environmental Impact Assessment - Preliminary Examination

Notwithstanding the proximity of the proposed development to the Coolcour Brook, which may provide connectivity to the Howth Head SAC, given the limited nature and scale of the proposed development and its location within a fully serviced urban environment, it is considered that 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.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. A first party appeal was received from Gráinne Mallon Architect Planning Consultant representing the applicant Magee Partnership, 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.

7.1.2. *Re. Reason for Refusal No.1*

- The case put forward by the Planning Authority that the proposed development is located in an area of distinct residential character is incorrect by reason that there is a mix of residential dwellings, apartments and a nursing home in the vicinity of the site, of various size, design and height.
- The Planning Authority has not given an explanation of how the proposed development would be a departure from the established character of the area.
- The applicant contests that the proposed development would not detract from the residential amenity of the area.
- The proposal would not set an undesirable precedent for similar development at this location. This is the only remaining infill zoned site at this location and therefore would not be a precedent for further development as alleged.
- There is no specific objective on Sheet 10 of the Development Plan relating to views of high amenity lands across the site from Thormanby Road. There are no views worth retaining over this overgrown and vacant site and therefore would not materially contravene the Development Plan.
- The applicant has engaged the services of Jane McCorkill Landscape Consultant to survey the site with a view to retaining, where possible existing boundary vegetation or replanting with native species hedging. The applicant has submitted a landscape plan and tree survey with the appeal, to accord with the requirements of the Howth SAAO Design Guidelines
- The landscape design aims to create a high-quality landscape to mitigate the impact of the proposed dwellings. The proposed planting shall provide

appropriate naturalised screening to individual properties from the adjacent roadway and surrounding landscape. All existing trees are to be retained and rejuvenated with the proposed tree planting strategy.

- The Landscape Masterplan has included an area to the south of the site as an area of dense ground cover, which would provide a dense area of biodiversity for local bird life and also provide screening for the private garden of proposed dwelling no. 3. The applicant considers that this will provide appropriate treatment for the corner area between Thormanby Road and Cowbooter Lane.

7.1.3. *Re. Reason for Refusal No. 2*

- Prior to submission of the application, the applicant held pre-planning consultation with Fingal County Council Transport Department where it was agreed to allow level access to the parking areas to the front of dwelling No.'s 1 and 2, where vehicles can turn and drive out of the site, rather than reversing.
- The Applicant has submitted a report prepared by MTWW Consulting Engineers detailing sightlines of 49 metres in each direction, from a 2.4m setback, at the entrance to dwellings No. 1 and 2.

7.2. Planning Authority Response

- The Planning Authority remains of the opinion that, based on the information submitted, the proposal would be overdevelopment of the site, would not be in keeping with the character and established pattern of development in the area, and is considered a traffic hazard.
- The design of the proposed dwellings does not respond to the character of adjacent dwellings, would detract significantly from existing residential amenity and would set an undesirable precedent for similar development at this location.

7.3. Observations

7.3.1. Two third party observations were received from the following parties;

- Jacqueline Feeley of 'Hillwatch', c/o 'Seabarn', Strand Road, Sutton.

- Ciara Ní Laoi of 2a Kilrock Road, Howth

7.3.2. Issues raised are summarised as follows;

- The proposed boundary treatment along Cowbooter Lane the lane is unsuitable for this semi-rural location.
- The height of the proposed dwellings are considerably higher than neighbouring dwelling 'Bodeen'.
- The proposed dwellings, by reason of their height and proximity to the lane, will involve the removal of vegetation and completely dominate, overshadow and remove the whole rural feel of this area.
- The proposed dwellings will obscure views and prospects towards the sea and the Special Amenity Area, which are marked for protection in the Development Plan.
- No amenity space is provided within the site and as such would constitute over-development of the site.

8.0 **Assessment**

8.1.1. The main issues for consideration are the 2 no. reasons for refusal as cited by the Planning Authority. Surface Water Drainage and Appropriate Assessment also need to be considered. These are addressed under the headings below.

8.2. **Reason for Refusal No. 1**

8.2.1. As detailed in Section 3.1 above, the Planning Authority refused permission for the proposed development on the grounds that;

- The proposed 3 no. dwellings, located in a sensitive location, would represent overdevelopment of the site, in an area which maintains a distinct residential area.
- The proposed development by way of its design, location and site area does not respond to existing development in the area and through the siting and

design of the proposed houses would not create a sense of visual harmony and would significantly detract from existing residential amenity.

- The proposal would set an undesirable precedent for similar development at this location.
- The proposed development would materially contravene the 'RS' zoning objective for the area, would contravene Objectives PM45 and DMS44 of the Fingal Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.

8.2.2. The site is zoned objective 'RS - residential' which seeks 'to provide for residential development and protect and improve residential amenity'. Under such zoned lands, the use class 'Residential' is 'Permitted in Principle', as detailed in Chapter 11 of the Development Plan. As such, the proposed development which comprises the construction of 3 no. dwellings is acceptable in principle, subject to accordance with relevant policies and objectives in the Fingal County Development Plan 2017-2023. Such development would not materially contravene the 'RS' zoning objective for the area, as given in the reason for refusal by the Planning Authority.

The site of the proposed development comprises an undeveloped, over-grown and un-utilised corner site, on a junction between Thormanby Road and Cowbooter Lane. It is considered that the development of this site would accord with Objective PM44 of the Development Plan which refers to corner sites and seeks to encourage and promote the development of underutilised corner sites in existing residential areas subject to the character of the area and environment being protected. Furthermore, such development would accord with the objectives of Section 4.5 of the National Planning Framework, which seeks to make better use of under-utilised / infill land within urban area.

8.2.3. The character of the surrounding area to the north, west, south and south-west is residential. Lands adjoining the site to the north comprises a split level 1.5 storey residential dwelling known as 'Bodeen', and further to the north of 'Bodeen' is 'Brymore House', a split level 3 storey nursing home. Dwellings on the western side of Thormanby Road comprise detached 2 storey dwellings of various layout, form and design. These dwellings are located on elevated lands, rising above the Thormanby Road. Land on the eastern side of Cowbooter Lane are undeveloped

and zoned 'HA – High Amenity' with the objective to 'protect and enhance high amenity areas'. Lands adjacent, to the south-east of the site within Cannon Rock View, accessed off the Upper Cliff Road, comprise detached 2 storey dwellings. Having regard to the pattern of development in the surrounding area, to the north, west and south-east, it is my view that the proposed development would not be out of character with the existing established residential character of the area.

- 8.2.4. As detailed on Sheet 10 of the Development Plan, there is a Specific Objective to 'Preserve Views' across the site from the Thormanby Road. It was noted during site inspection that there are distant views of the sea, over and to either side of the site, on approach downhill along Thormanby Road. It was also noted however, that there are no clear views across the site from the western boundary of the site along Thormanby Road, by reason of the existing dense hedgerow and trees along the western boundary and within the site itself. The Landscape Report, as submitted on appeal, details that the existing trees along the boundaries of the site (both along the Thormanby Road and Cowbooter Lane) are to be retained and rejuvenated and indigenous hedgerows are to be planted along these boundaries, in order to screen the proposed dwellings and provide habitat for wildlife. Given that there are no discernible views across the site from immediately adjoining lands, and having regard to the proposed boundary treatment of the site (i.e. maintenance of existing trees and proposed new indigenous hedgerow), it is my view that the proposed development would not interfere with any existing protected views and therefore would not be contrary to Objective NH40 of the Development Plan (which refers to the protection of views). It is my view that the height of the proposed development would not significantly interfere with views across the site from further to the south, on approach downhill along the Thormanby Road.
- 8.2.5. The proposed development would provide 3 dwelling units on a site of 1.57 hectares. This would be the equivalent of 2.5 dwellings per hectare. Given the context and restricted nature of the site, i.e. its topography and its proximity to lands to the east zoned 'HA – High Amenity' with the objective to 'protect and enhance high amenity areas', it is considered that the density of the proposed development is acceptable in this instance. Such development would not comprise over-development of the site.
- 8.2.6. The layout of the proposed dwellings present their front elevations to the Thormanby Road. The dwellings present as single storey to the Thormanby Road and two storey

to Cowbooter Lane. A setback of 8.1m would be maintained between the front elevation of proposed dwellings No.'s 1 and 2 from the back of the public footpath along Thormanby Road and a setback of 3.1m would be maintained for proposed dwelling No. 3. The front building line of proposed dwellings No. 1 and 2 approximate with the front building line of neighbouring dwelling 'Bodeen' to the north. The front building line of proposed dwelling No. 3 would extend 5 metres forward of the front building line of proposed dwelling No.'s 1 and 2. Given a) that there is no defined building line / streetscape along Thormanby Road, b) the retention of existing trees and proposed boundary treatment along the western boundary of the site and c) the single storey front elevation treatment of the proposed dwellings, it is considered that the front building line of the proposed development is acceptable in this instance.

- 8.2.7. The roof profile of the proposed dwellings is hipped, with ridge points provided to proposed dwellings No. 1 and 2 and a ridgeline provided to proposed dwelling No. 3. The roof edges of all three dwellings are characterised with raised / capped parapets. Proposed dwellings No. 1 and 2 have a roof ridge height of 5.6m and a parapet height of 3.9m, above ground level as viewed from the front along Thormanby Road. From the rear, proposed dwellings No. 1 and 2 would have a ridge height of 8.6m above finished floor level and a parapet height of 7m. Proposed dwelling No. 3 would have a roof ridge height of 6.3m and a roof parapet height of 4.3m, as viewed from the front along Thormanby Road. From the rear, proposed dwelling No. 3 would have a roof ridge height of 9.3m and a parapet height of 7.4m above finished floor level. Having regard to the Contextual Drawing of Thormanby Road submitted, it is noted that the roof ridge and roof parapet height of proposed dwelling No. 1 would rise 3.1m and 1.5m respectively above the roof ridge height of neighbouring dwelling 'Bodeen'. The roof ridge height and parapet height of proposed dwelling No. 3 would rise 3.7m and 1.7m respectively above the parapet height of proposed dwelling No. 2.
- 8.2.8. Given the gradient and downward slope of Thormanby Road, the hipped roof profile and 30° roof slopes of the proposed dwellings, it is considered that the stepping in the roof ridge line of the proposed dwellings is acceptable in this instance.
- 8.2.9. A separation distance of 4.5m – 5.8m would be maintained between the side elevation of proposed dwelling No.1 and the neighbouring dwelling 'Bodeen'. A separation distance of 2.5m would be maintained between the side elevations of

proposed dwellings no. 1 and 2 and a separation distance of 4.5m would be maintained between the side elevations of proposed dwellings no. 2 and 3. Given the layout and parapet height of the proposed dwellings and separation distances provided, overlooking, overshadowing, and overbearing impact would not occur. As such it is considered that the proposed development would not adversely impact on the residential amenity of neighbouring dwelling 'Bodeen' or each other.

8.2.10. The floor areas of proposed dwellings No. 1 and 2 are 132 sq.m. and proposed dwelling No. 3 is 232sq.m. All three dwellings provide 3 no. bedrooms. This complies with the requirements of Table 12.1 of the Development Plan which requires 90 sq.m. for a 3 bed / 6 person 2 storey dwelling. Adequate private amenity space would be provided to the rear of the proposed dwellings.

8.2.11. The layout plan submitted details the provision of 1.8m high NK Ibex ECO fencing to the eastern boundary of the site along Cowbooter Lane and along the northern boundary of the site, between the site and neighbouring dwelling 'Bodeen' and along the common boundary lines between the proposed dwellings. The proposal would provide 1.1m high NK Blackstaff Railing over a low wall along the western boundary of the site. Brochure details have been submitted. Given the context of the site, the proposed boundary treatment is considered acceptable.

8.2.12. The elevation drawings submitted detail that the materials and finishes of the proposed dwellings would comprise the following;

- Selected brick finish to upper floor / front elevation and render finish to lower ground floor elevations
- Granite capping to parapets
- Aluclad windows and doors
- Zinc roof finish.
- The front roof slope of dwelling no. 3 would incorporate a velux roof light, serving the internal landing space.

8.2.13. Having reviewed the drawings submitted, it is considered that the materials, finishes and elevation treatment of the proposed dwellings are acceptable and would not detract from the character or visual amenity of the surrounding area,

8.2.14. In conclusion and having regard to the above, it is my view that the development of 3 no. dwellings at this location would be consistent with the 'RS - residential' zoning of the site, would be consistent with the established residential character of the area and would be in accordance with Objective PM44 of the Development Plan which seeks to encourage and promote the development of underutilised corner sites in existing residential areas. Given that there are no discernible views across the site, it is considered that the proposed development would not interfere with any existing protected views. Having regard to the density, layout, scale, form and design of the proposed 3 no. dwellings, it is considered that the proposed development would not adversely impact on the amenity of the lands to the east of the site which are zoned 'HA – High Amenity'. Given the unique context of the site, it is considered that the issue of precedent does not arise. It is my view therefore, that the proposed development would be in accordance with the requirement of Objectives PM45 and DMS44 of the Development Plan. The proposed development would not impact on the residential amenity of neighbouring property and would not detract from the visual amenity of the surrounding streetscape along Thormanby Road.

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

8.3. Reason for Refusal No. 2

8.3.1. The Planning Authority refused permission for the proposed development on the grounds that the applicant has failed to demonstrate that adequate sightlines can be provided at the entrance to the proposed development. The Planning Authority therefore considered that the proposed development would endanger public safety by reason of a traffic hazard.

8.3.2. In the grounds of appeal, the applicant submitted a report prepared by MTWW Consulting Engineers which shows sightlines of 49 metres in each direction from a 2.4m setback at the shared entrance to dwelling No. 1 and 2. The Drawing submitted does not detail the provision of sightlines at the entrance to proposed dwelling No.3. It is considered however that similar sightlines can also be provided at the entrance to the front of dwelling No. 1. As such, the sightlines that can be provided at the entrances to the site comply with the requirements of Sections 4.4.4, 4.4.5 and Table

4.2 of the Design Manual for Urban Roads and Bridges (DMURS) which requires a setback 'X' distance of 2.4 metres and a 'Y' sightline distance distances of 45 metres at entrances in 50km/h urban zones.

- 8.3.3. Two off-street car parking spaces are provided to the front of dwelling No.'s 1& 2 and to the southern side of dwelling No. 3. This complies with the requirements of Table 12.8 of the Development Plan.
- 8.3.4. The applicant has submitted a swept path analysis demonstrating that there is adequate turning space within the shared entrance serving both dwelling No. 1 and 2 to ensure that vehicles can park in the designated spaces and can exit the site in forward gear.
- 8.3.5. In consideration of the above, it is my view that the sightlines provided at the entrance to the site comply with the requirements of the Design Manual for Urban Roads and Bridges and the swept path analysis demonstrates that vehicles can exit the site in forward gear.
- 8.3.6. I recommend therefore, that the appeal should also succeed in relation to the Planning Authority's second reason for refusal.

8.4. Surface Water Drainage

As detailed in Section 3.2.5 above, the Surface Water Report of the Water Services Department sought Further Information, addressing the following;

- A stream known as the Coolcour Brook passes through or in very close proximity to the subject site. Flooding of the Brook has occurred in recent years affecting a number of houses downstream of the subject lands. The Brook was not assessed as part of the FEMFRAMS study and the flood extents associated with the Brook have not been established.

The Applicant is requested establish the exact line and level of the Coolcour Brook as it passes through or in very close proximity to this site. The Applicant shall carry out a site-specific flood risk assessment for the Brook, clearly delineating the flood extents for the 1% and 0.1% AEP and include for the HEFS climate change scenario. The Applicant must also consider the

potential for de-culverting the Brook and clearly outline the minimum separation distances between the foundations and the Brook.

The Agent representing the applicant addresses this issue in the Grounds of Appeal response, informing that the Coolcour Brook, which flows from the Est Mountain to the sea, was redirected and culverted back in the 1950's when Thormanby Road and Cow Booter lane were re-established. The Agent states that, having lived downstream of the subject lands more than 40 years, the Agent has never experienced flooding, other than where the Kilrock Road joins Balscadden Road. That flooding resulted from the local authority covering over all the road shores on the Kilrock Road.

Having regard to OS Maps of the site, it is noted that the Coolcour Brook flows for a short distance along the eastern side of Cowbooter Lane, adjacent the south-eastern corner of the site, before being culverted underground in a northerly direction. Given a) the location of the proposed development on the western side of the Cowbooter Lane and b) that the Coolcour Brook was not assessed as part of the Fingal-East Meath Flood Risk Assessment and Management (FRAM) Study, and as such is not located in an area where flooding is considered to be potentially significant, I have no evidence to believe that the proposed development would exacerbate flood risk in the locality or interfere with the integrity of this partially culverted stream.

8.5. Appropriate Assessment:

The appeal site is not within or adjoining any Natura 2000 site. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, 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.

9.0 Recommendation

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

10.0 Reasons and Considerations

10.1.1. Having regard to the 'RS - residential' zoning of the site, the established residential character of the area and the undeveloped context of the site, it is considered that the proposed development would be consistent with Objectives PM45 and DMS44 of the Development Plan which seek to encourage and promote the development of underutilised corner sites in existing residential areas and to ensure any new development respects the residential character of such areas. The proposed development would not interfere with any existing protected views and would not detract from the landscape character and visual amenity of adjacent 'HA – High Amenity' zoned lands. The proposed development be consistent with the policies and objectives of the Fingal County Development Plan 2017 - 2023 and the Howth Special Amenity Area Order 1999 and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars received by An Bord Pleanála on the 22nd day of July 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>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.</p> <p>Reason: In the interest of public health.</p>
3.	<p>The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>The landscaping scheme shown on the Landscape Report, as submitted to An Bord Pleanála on the 22nd day of July, 2019 shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>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 [or until the development is taken in charge by the local</p>

	<p>authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of tree protection and in the interest of residential and visual amenity.</p>
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6.	<p>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.</p> <p>Reason: To secure the protection of the trees on the site.</p>
7.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual and residential amenity.</p>
8.	<p>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.</p> <p>Reason: To protect the amenities of the area.</p>
9.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p>

	<p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
10.	<p>Proposals for a house name and/or numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all house names and/or numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
11.	<p>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.</p> <p>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.</p>

Brendan Coyne
Planning Inspector

23rd October 2019