



An
Bord
Pleanála

Inspector's Report

ABP-305322-19

Development	Construction of house with pedestrian and vehicular entrance on to Church Street
Location	Site adjacent to, The Anchorage, Church Street, Howth, Co Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F18A/0749
Applicant(s)	Robbie Gill & Susan Whelan
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Robbie Gill & Susan Whelan
Observer(s)	Jacqueline Feeley
Date of Site Inspection	13 th December 2019
Inspector	Niall Haverty

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.037ha, is located in an elevated position on the northern side of Church Street in Howth, Co. Dublin. The site is currently an overgrown grassed area, which appears to have previously comprised part of the side garden of an existing detached dormer dwelling known as The Anchorage, located to the east. A small cottage-style dwelling (No. 41) is located immediately to the west of the site, and the ground to the north falls away steeply from the northern boundary to the rear of an apartment development which fronts onto Harbour Road. Ground level at the appeal site is above the roof level of the apartments to the north and the site offers expansive views over Howth Harbour. The southern boundary of the site along Church Street comprises a wall and hedge, with the northern boundary also defined by a low wall.
- 1.2. Church Street is a narrow street, which only has a footpath on its southern side in the vicinity of the appeal site. Existing dwellings on Church Street comprise a mix of single storey and two storey dwellings. Those on the southern side are mostly two storey terraced dwellings, while those on the northern side are mostly single storey or dormer style.
- 1.3. The ruins of St Mary's Abbey and an associated graveyard are located c. 40m to the east of the appeal site, on the opposite side of the dwelling known as The Anchorage. The Abbey is a Protected Structure (Ref. 568, described as 'remains of medieval church (in ruins) including belfry and graveyard') and there are a number of recorded monuments within the Abbey site (Ref. DU00749 – DU00754 inclusive).

2.0 Proposed Development

- 2.1. The proposed development is described in the statutory notices as consisting of a new two storey single family house with pedestrian and vehicular entrance on to Church Street including associated landscaping, services and ancillary works. The notices also state that the development will consist of amendments to the design of the permitted dwelling house under Reg. Ref. F14A/0282, with amendments comprising changes to the front façade, the design of living space to the rear and the provision of a car parking turntable.

- 2.2. The proposed house has a stated floor area of 228 sq m with 3 No. bedrooms, one of which is at ground floor level. It comprises a main two storey element fronting onto Church Street, with a single storey projection to the rear. The two storey element has a pitched roof, the height of which steps down to the west, adjacent to the neighbouring cottage-style dwelling (No. 41), with 2 No. dormer windows to the front (south) elevation and 3 No. larger dormer windows to the rear (north) elevation. The single storey element to the rear features a flat roof with 3 No. rooflights. A two-car garage is incorporated into the ground floor of the proposed house, with roller shutter doors to front and rear, and a vehicle turntable to the rear. Finishes generally comprise rendered masonry, a slate roof and standing seam zinc finish to the dormer windows. The rear projection features panels of natural stone cladding and extensive glazing, with the rear garden walls are also finished in natural stone.
- 2.3. On foot of a request for further information, a footpath is proposed along the site frontage on Church Street where there is currently none.

3.0 Planning Authority Decision

3.1 Decision

- 3.1.1. Fingal County Council decided to grant permission. Condition No. 2, which is the subject of this first party appeal, states that:

“Prior to the commencement of development the applicant shall submit for the written agreement of the Planning Authority drawings indicating the following amendments:

- (a) Reduce the width of the two larger dormer features so that they are no more than 2m in width retaining a height of 2.1m.
- (b) The dormer located closest to the north-western corner of the dwelling shall be set in 2.3m from the side elevation of the dwelling and the dormer located closest to the north-eastern corner of the dwelling shall be set in 2.6m from the side elevation.
- (c) Reduce the width of the central dormer feature so that it is no more than 2m in width, retaining the height of 2.1m.

Reason: In the interest of the visual and residential amenity of the area.”

3.2. Planning Authority Reports

3.2.1. The Planning Officer’s reports can be summarised as follows:

- Residential development is permitted in principle in TC zoned areas.
- Proposed increase in floor area will not give rise to any negative impact upon the visual and residential amenities of the area and is acceptable.
- Conservation Officer has concerns over the amendments along the front elevation and the dormer windows to the rear and the visual impact upon the wider view from the harbour.
- The Planning Officer considers that the proposed amendments to the front elevations are an improvement on the previously permitted development and would not give rise to undue negative impacts on the streetscape of Church Street. The Planning Officer shares the concerns of the Conservation Officer regarding the rear dormer windows, noting Objective DMS41.
- The three dormer windows are dominant on the roof profile. The dormer window closest to the north-western corner of the dwelling will give rise to overlooking of the rear private amenity space associated with the neighbouring property No. 41 Church Street.
- Proposed development does not require an EIAR.
- Proposed development would not give rise to any significant adverse direct, indirect, secondary or in-combination impacts on the integrity of any nearby Natura 2000 sites.
- Photomontages submitted by the applicant in response to the request for further information do not overcome the concerns of the Planning Authority.
- The dormer features on a neighbouring property referred to by the applicants are window opes, not dormers projecting from the rear elevation.
- The applicants were selective in their positioning along the harbour to undertake the photomontages. A more realistic viewing point would be to the

north of St Mary's Abbey, along the promenade, where the impact of the proposed dwelling would be more striking.

- While Objective DMS41 makes reference to dormer extensions, it is a tool used by the Planning Authority to assess both new builds and existing dwellings.
- The applicant has misinterpreted the request. They were requested to reduce the width of the rear dormer features, not their height. The aim was to reduce the dominant impact of the features upon the surrounding area and overcome overlooking. The rear elevation has a northern orientation and as such the amount of light received will be limited.
- The applicant should be requested to reduce the width of the dormer features in any grant of permission.
- Amended drawing showing the provision of a footpath along the front of the site is acceptable to the Transportation Planning Section.
- Proposed development is acceptable and will not detract from adjoining residential amenity or adversely affect the character of the area, subject to conditions.

3.3. Other Technical Reports

3.3.1. **Transportation Planning:** No objection, subject to conditions.

3.3.2. **Water Services:** No objection, subject to conditions.

3.3.3. **Conservation Officer:** Verbal report referenced in Planning Officer's report (see above).

3.4. Prescribed Bodies

3.4.1. **Irish Water:** No objection, subject to conditions.

3.5. Third Party Observations

3.5.1. None.

4.0 Planning History

4.1. Appeal Site (Incl. 'The Anchorage' Site)

- 4.1.1. **PL06F.244711 (Reg. Ref. F14A/0282):** Permission granted in 2015, following a number of third party appeals, for the construction of a new two storey single family house with pedestrian and vehicular entrance onto Church Street.
- 4.1.2. **PL06F.240017 (Reg. Ref. F11A/0365):** Permission granted for demolition of existing garage, utility room and porch, single storey extension to western side of house, off-street parking and associated site works.
- 4.1.3. **PL06F.235648 (Reg. Ref. F09A/0124):** Permission refused for 2 No. split level two/three storey detached dwelling houses, 2 No. single storey garages and new site access arrangements to the western side garden of the existing dwelling house on the grounds that the design, scale and siting of the development would be unduly visually obtrusive and it would detract from the setting of adjacent protected structures and the general character of the ACA.

4.2. Surrounding Area

- 4.2.1. **Reg. Ref. F18A/0462:** Permission granted in 2018 for the construction of a two storey over street level house with single storey rear projection to rear at 43 Church Street.
- 4.2.2. **Reg. Ref. F15A/0555:** Permission granted in 2016 for works to existing house at 46 Church Street, including construction of new ground and first floor extensions to the rear and renovations to the front façade.
- 4.2.3. **Reg. Ref. F07A/1546:** Permission granted in 2008 for the construction of a two storey over street level house at 43 Church Street. (Subsequently extended under Reg. Ref. F07A/1546/E1).
- 4.2.4. **Reg. Ref. F04A/0761:** Permission granted in 2004 for a single storey apartment dwelling with accommodation in roof space and dormer style windows to the front and rear at 43 Church Street.
- 4.2.5. **Reg. Ref. F03B/0359:** Permission refused in 2003 for the raising of the ridgeline and construction of a first floor extension to the rear at 44 Church Street.

5.0 Policy Context

5.1. Fingal Development Plan 2017-2023

- 5.1.1. The land use zoning objective applicable to the appeal site is 'TC', the purpose of which is "to protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities".
- 5.1.2. The appeal site is also located within the Howth Historic Core Architectural Conservation Area and within the area covered by the Howth Urban Centre Strategy 2008. I note, however, that it is not within the Howth Special Amenity Area Order zone.
- 5.1.3. With regard to St Mary's Abbey, to the east of the site, I note that it is zoned 'HA' ("to protect and enhance high amenity areas") and that the perimeter of the Abbey site is surrounded by an objective to 'preserve views'. The Abbey is a Protected Structure and features a number of recorded monuments and there is also an objective to 'protect & preserve trees, woodlands and hedgerows' on the site.
- 5.1.4. There is also a local objective 112 to the west of the site, which states "preserve the public view from Howth Terrace to Howth Harbour".
- 5.1.5. The Development Strategy set out for Howth in Section 4.2 of the Development Plan is as follows:

"Develop the village in a manner that will protect its character, and strengthen and promote the provision and range of facilities, especially the retention and promotion of retail convenience shopping and community services to support the existing population and tourists. Future development will be strictly related to the indicated use zones including the infilling of existing developed areas rather than further extension of these areas. Development will be encouraged which utilises the recreational and educational potential of the area and other nearby natural environments of high quality. The strategy for Howth Peninsula is to ensure the conservation and preservation of this sensitive and scenic area, in particular through the implementation of the Howth Special Amenity Area Order, being cognisant of the potential increasing pressures that could arise as a result of the implementation of the Fingal Tourism Strategy."

- 5.1.6. I note that Objective HOWTH 1 seeks to “ensure that development respects the special historic and architectural character of the area”.
- 5.1.7. The following Placemaking Objectives relevant to infill and backland development are noted:
- **Objective PM44:** 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:** Promote the use of contemporary and innovative design solutions subject to the design respecting the character and architectural heritage of the area.
- 5.1.8. Section 12.4 sets out design criteria for residential development. The following Objectives are noted:
- **Objective DMS39:** New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.
 - **Objective DMS41:** Dormer extensions to roofs will only be considered where there is no negative impact on the existing character and form, and the privacy of adjacent properties. Dormer extensions shall not form a dominant part of a roof. Consideration may be given to dormer extensions proposed up to the ridge level of a house and shall not be higher than the existing ridge height of the house.
- 5.1.9. Section 12.11 relates to archaeological and architectural heritage. Table 12.11 sets out guidance for development within ACAs. In relation to new builds it states:
- Development proposals for new build need to follow a sensitive design approach that respects the established character of the ACA in terms of the scale, massing, bulk, plot sizes, proportions and materials of the adjoining buildings to the development site. Direction can be taken from traditional forms and dimensions that are then expressed in a contemporary manner or with contemporary elements rather than an exact copy of a historic building style. Where a totally contemporary design approach is taken the detailing,

materials and overall design must be carefully handled and of a high quality to ensure the proposal does not compromise the integrity and character of the area.

- Retaining the legibility of the historic urban grain of a streetscape or townscape is important and so where a development seeks to amalgamate a number of different building plots the design treatment should consider articulating the original plot divisions in the volume of the new building. Where it is proposed to connect existing buildings internally frontages should maintain an active function and alterations to the historic fabric should be kept to a minimum.

5.1.10. The following Objectives are noted:

- **Objective DMS157:** Ensure that any new development or alteration of a building within or adjoining an ACA positively enhances the character of the area and is appropriate in terms of the proposed design, including: scale, mass, height, proportions, density, layout, materials, plot ratio, and building lines.
- **Objective DMS158:** All planning applications for works in an Architectural Conservation Area shall have regard to the information outlined in Table 12.11.

5.2. Natural Heritage Designations

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

5.3. EIA Screening

5.3.1. Having regard to the minor nature and scale of the development proposed, its location on a serviced infill site in an urban area outside of any protected site, the

nature of the receiving environment, the limited ecological value of the lands in question, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal was submitted on behalf of Robbie Gill and Susan Whelan by Hughes Planning and Development Consultants. It can be summarised as follows:

- Condition No. 2 is the subject of the appeal and the Board is asked to exercise its discretion under section 139(1) of the PDA to remove the Condition.
- Condition No. 2 is unwarranted, as the proposed development is consistent with the criteria set out for a new dwelling in an Architectural Conservation Area as set out in Section 10.3 of the Development Plan.
- The dwelling has been designed to step down in direct response to the landscape of the area and the rear dormers do not have an adverse impact on views from the harbour nor of St Mary's Abbey which is a protected view.
- Photomontages, which were previously submitted to FCC as part of the RFI response are included with the appeal. These better illustrate the proposed development in the context of the adjoining houses and streetscape.
- Proposed development has been designed to provide its occupants with a high standard of residential amenity in the context of an established residential setting, while safeguarding the residential amenity of adjoining residents.
- Proposed wall dormers are appropriate and do not cause a detrimental impact on the character of Church Street or residential amenity of surrounding properties.

- Previous proposal on the appeal site and its impact on views was considered acceptable by FCC and ABP (Reg. Ref. F14A/0282).
- Extensive planning precedent for contemporary structures, areas of extensive glazing and dormer structures in Church Street and surrounding area.
- Proposed development follows the same building line, massing and overall footprint as the dwelling previously approved by FCC and ABP, but with some amendments to the design.
- Proposed dwelling will fully utilise the undulating landscape of the hillside in order to create a high quality family home for the applicant which is bespoke in design and respects the character and appearance of Church Street.
- A comparison of the rear elevation as proposed and with Condition No. 2 applied illustrates that the reduction in the dormer leads to an unbalanced design.
- Proposed development has been designed to have minimal visual impact on the streetscape within the context of the ACA.
- Proposed development will not have an adverse impact on daylight, sunlight or result in overshadowing.
- Photomontages submitted to the Planning Authority in response to the RFI show how little effect the dormer features proposed on the rear elevation will have when viewed from Howth village and harbour area.
- Similar contemporary style developments/dormer/roof extensions are present on the hillside of Howth village and are evidence that the proposed development is of appropriate height, width and design in comparison to other larger developments granted by FCC on Church Street and Harbour Road.
- The proposed dwelling sits lower than the dwelling at the Anchorage which reads as a three storey dwelling and therefore the views of St Mary's Abbey are already blocked when viewed from the western half of Church Street.
- Photomontages from the vicinity of the harbour playground and public park demonstrate that the proposed development does not impact on the visual

amenity of the hillside and fits in with existing dwellings along Church Street due to its similar ridge height.

- There are a number of dwellings which have had similar dormer extensions added. These dormers span the whole width of the room and are the full ridge height and finished in dark material which makes them stick out within the landscape. The dormers proposed in this application are mainly comprised of glass and will have minimal impact when compared to the existing dormers.
- Objective DMS41 applies to dormer extensions and is not relevant. The proposed dormers do not dominate the roof and they begin halfway down the wall which is 1.5 storeys in height.
- If removed, it would not allow for sufficient headspace in the upper floor rooms. Dormers at this location were previously found acceptable under Reg. Ref. F14A/0282.
- The amendments required by condition 2 are onerous and would lead to a poorly designed dwelling without adequate lighting. They would also have a greater impact on the character of Church Street and views from the harbour.
- Drawings of the amended design resulting from condition No. 2 show how small the dormer windows would be, and as a result very little natural internal light would penetrate into the proposed upper floor rooms. The roof form would look heavy and the rear elevation look plain and uninteresting. Energy usage would increase.
- With regard to overlooking, no observation was received from neighbouring properties. A letter of support from the owners of The Anchorage, the house to the east of the appeal site, is included.
- Overlooking into adjacent properties would not be detrimental to residential amenity.
- Proposed development is compliant with zoning objective, policies and objectives of the Development Plan and will make efficient use of land. It will provide a high level of residential amenity while preserving adjacent residential amenities.

6.1.2. The appeal included a number of appendices, including photomontages and a letter of support from the owners of The Anchorage, as noted above.

6.2. **Planning Authority Response**

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

- The Planning Authority remains of the opinion that the proposed dormer features would give rise to negative impact on the amenity of the neighbouring properties in terms of overlooking and also be visually obtrusive.
- The Board is asked to uphold the decision to grant permission and retain condition No. 2.
- The Board is requested to include condition No. 12 (development contribution).

6.3. **Observations**

6.3.1. One observation was received from Jacqueline Feeley of Hillwatch and can be summarised as follows:

- Hillwatch supports Fingal County Council's decision to impose conditions.
- The required alterations to the dormer windows overlooking the harbour are justified.
- The change requested will result in a building that will appear less dominant when viewed from a lower level and will therefore fit better into its surroundings, while not inhibiting the applicants' view of the harbour.

6.4. **Further Responses**

6.4.1. None.

7.0 Assessment

7.1. Nature of Appeal

- 7.1.1. Having regard to: the nature of the condition under appeal, which relates solely to the size of dormer windows on the rear elevation; the third party observation on the appeal which also solely relates to said dormer windows and does not express an objection to the principle of the proposed development; the fact that the applicants have not proposed any modifications to the design in their appeal; and the extant permission on the appeal site for a house of relatively similar size and scale (ABP Ref. PL06F.244711); I am satisfied that the determination by the Board of the application as if it had been made to it in the first instance would not be warranted. I consider, therefore, that the appeal should be dealt with in accordance with Section 139 of the Planning and Development Act 2000, as amended.

7.2. Condition 2: Dormer Features

- 7.2.1. Condition 2, which the appellants are requesting that the Board remove, requires the 3 No. dormer windows on the rear elevation to be reduced in width to 2 metres and moved further from the side elevations. Both the Planning Authority and the third party observer request that this condition be retained.
- 7.2.2. As noted above, the appeal site is located in a visually sensitive elevated area within the Howth Historic Core ACA, and in relatively close proximity to St Mary's Abbey which is a Protected Structure and features a number of recorded monuments and protected views. The built environment in the vicinity of the appeal site is diverse, ranging from traditional cottage style dwellings to larger period houses to houses and apartment complexes of strongly contemporary design. I note that a number of dwellings on Church Street, to the west of the appeal site, feature dormer extensions overlooking the harbour. I also note Objective HOWTH 1 which seeks to "ensure that development respects the special historic and architectural character of the area" and the guidance set out in Table 12.11 for development within ACAs.
- 7.2.3. While the proposed house is contemporary in design, I note that all of the windows to the front elevation (i.e. addressing Church Street) have a vertical emphasis, with this elevation exhibiting a high solid-to-void ratio and traditional palette of materials. To

the rear, notwithstanding the north-facing orientation, the proposed house features more extensive glazing to take advantage of the views over Howth Harbour, with the 3 No. dormer windows having a strongly horizontal emphasis and the façade of the single storey projection being primarily glazed.

- 7.2.4. While the architectural treatment of the front elevation is suitably restrained, as befitting its location within the ACA and the historic streetscape of Church Street, the rear elevation would have the potential to accommodate a more contemporary design response in my opinion, given the diverse architectural character of the area. However, due to the site's orientation and elevated location on the steep hillside, the rear elevation will be visible from the lower harbour area and care is therefore required to ensure that the proposal does not have a significant negative impact on the wider character and visual amenities of the ACA and the historic pattern of development in Howth. For this reason, I consider that the underlying intention of the Planning Authority's condition No. 2 is reasonable and appropriate. However, in my opinion the required reduction in the size of the dormer features is excessive and is detrimental to both the design quality of the proposed house and the visual amenities of the area. This can be seen in the rear elevation drawing included within the appeal (refer to Figure 15.0), where the effect of the reduction is shown. The two storey element of the proposed house is particularly wide and shallow (c. 19.3m wide x c. 6.5m deep) and as a result the required reduction in dormer size would result in an excessive solid-to-void ratio, with significant expanses of featureless wall and disproportionately small windows, which would be detrimental to the visual amenities of the area, given the elevated and highly visible position of the proposed development.
- 7.2.5. I consider that a more appropriate design response would be to reduce the width of the east and west rear dormers, such that they are the same width as the central dormer. Such a reduction would still provide glazed portions of c. 3.1m in width in each of the three dormer structures to avail of harbour views, while also increasing the solid-to-void ratio which would lessen the visual impact of the development proposal on the skyline when viewed from the harbour area, and render it more compatible with the historic and architectural character of the ACA setting.
- 7.2.6. In deciding to impose condition No. 2, the Planning Authority considered that Objective DMS41 was applicable to the proposed development. This Objective,

which is set out in a section titled 'extensions to dwellings', states that "dormer extensions to roofs will only be considered where there is no negative impact on the existing character and form, and the privacy of adjacent properties. Dormer extensions shall not form a dominant part of a roof. Consideration may be given to dormer extensions proposed up to the ridge level of a house and shall not be higher than the existing ridge height of the house". The Planning Officer considered that the proposed dormers would be dominant on the roof profile.

- 7.2.7. I would concur with the appellants that Objective DMS41 explicitly relates to dormer extensions rather than new builds. The dormers proposed in this instance are not of the type that would arise from a dormer extension to an existing dwelling, which would typically relate to the conversion of the roof space. In this instance, the majority of the dormer window structures are located below wall plate level, as a result of the 'one and a half storey' design proposed and as a result, I do not consider that the dormer structures would form a dominant part of the roof, or that they would breach the actual ridge height, or significantly breach the perceived ridge height when seen from the lower level harbour area.
- 7.2.8. In this regard, I consider that the proposed dormer features, subject to a reduction in size as noted above, would be more compatible with the established character and visual amenities of the area than the existing dormer extensions of neighbouring properties along Church Street. The use of natural slate and zinc cladding to the roof and dormers, respectively, will also provide a muted colour scheme that will be less intrusive than the dark cladding of the existing dormer extensions to neighbouring properties.
- 7.2.9. With regard to the potential impact on the character and setting of St Mary's Abbey, I consider that the presence of the more sizable existing house known as 'the Anchorage' between the appeal site and the Abbey serves to separate the two sites and mitigate the visual impact of the proposed development when viewed from the harbour area. St Mary's Abbey is also located at a substantially lower level than the adjoining Anchorage site and the appeal site and as a result, there will be limited intervisibility between the proposed development and St Mary's Abbey. I therefore do not consider that there will be any significant impact on the protected views from St Mary's Abbey or on the historic or architectural character and setting of the Abbey complex.

7.2.10. With regard to the potential for overlooking of adjacent properties, I note that the proposed house is two storeys in height, and that the first floor rear dormers serve bedrooms and a circulation area. The proposed house is generally aligned with the adjacent houses, and as such I do not consider that any significant level of undue overlooking is likely to occur, beyond that which is to be expected in a built-up village centre setting. Notwithstanding this, the extent of the glazing proposed at first floor level, and its proximity to the side boundaries of the site, would have the potential to be overly dominant and contribute towards a sense of loss of privacy. I consider that this impact would be adequately mitigated by reducing the size of the east and west dormers as outlined above, and by increasing the set-in distance from the side elevations to 2 metres.

7.2.11. In conclusion, while the development of infill sites is generally to be supported, as per Objective PM44, this is only acceptable when due consideration is given to the protection of residential amenity and, in this case, the protection of the character of the ACA and protected views. I consider that the amendments to the dormer windows as outlined above would strike an appropriate balance between providing an infill house which takes advantage of its elevated position to provide expansive views over the harbour, while protecting the established residential amenities of adjacent dwellings and the visual amenities of the area.

7.3. Appropriate Assessment

7.3.1. Having regard to the nature and relatively small scale of the proposed development, the location of the site within a serviced urban area, and the separation distance from the nearest European sites, I consider that no Appropriate Assessment issues arise, and that the proposed development would not be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

8.0 Recommendation

8.1. Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the Planning Authority under

subsection (1) of section 139 of the Planning and Development Act, 2000, as amended, to AMEND Condition 2 as follows:

2. The proposed development shall be amended as follows:

(a) The width of the two larger dormer features on the rear elevation shall be reduced so that they are the same width as the central dormer feature and they shall be set in a minimum of 2 metres from the side elevations of the dwelling.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

9.0 Reasons and Considerations

9.1. Having regard to: the 'TC' zoning objective for the site under the Fingal Development Plan 2017-2023, which seeks to protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities; the location of the site within the Howth Historic Core Architectural Conservation Area; the historic pattern of development in the vicinity of the site; the elevated position of the site and its proximity to existing dwellings; and the distinctive character of the area; it is considered that the intent of condition number 2 imposed by the planning authority was warranted in the interests of visual and residential amenity and protection of architectural heritage. However, it is further considered that the extent of the reduction in dormer window size required by condition number 2 is excessive and would be detrimental to the design quality of the proposed dwelling and the visual amenities of the area. It is therefore considered that condition number 2 should be amended accordingly.

Niall Haverty
Senior Planning Inspector
18th December 2019