



An
Bord
Pleanála

Inspector's Report

ABP-305480-19

Development	Demolition of garage, Construction of garage, Alterations to driveway, front boundary wall/fencing, driveway
Location	The End, Baily, Carrickbrack Road, Howth, Co. Dublin.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F19A/0126
Applicant(s)	Monterey Ros Limited
Type of Application	Permission
Planning Authority Decision	Permission
Type of Appeal	Third Party
Appellant(s)	1. Roxanne White 2. RKD Architects Ltd
Observer(s)	None
Date of Site Inspection	30 th of January 2020
Inspector	Angela Brereton

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	6
3.1. Decision	6
3.2. Planning Authority Reports	6
3.3. Other Technical Reports	8
3.4. Prescribed Bodies	9
3.5. Third Party Observations	9
4.0 Planning History.....	10
5.0 Policy Context.....	11
5.1. Fingal Development Plan 2017-2023	11
5.2. Howth SAAO, 1999	12
5.3. Natural Heritage Designations	13
5.4. EIA Screening	13
6.0 The Appeal	13
6.1. Grounds of Appeal	13
6.2. Applicant Response	17
6.3. Planning Authority Response	18
7.0 Assessment.....	19
7.1. Principle of Development and Planning Policy	19
7.3. Validity of the Application	19
7.4. Regard to Historic Background and Conservation issues	20
7.5. Design and Layout	22

7.6. Access and Driveway.....	24
7.7. Impact on Trees and Landscaping.....	27
7.8. Precedent.....	28
7.9. Construction Management.....	29
7.10. Drainage.....	29
7.11. AA Screening.....	30
8.0 Recommendation.....	31
9.0 Reasons and Considerations.....	31
10.0 Conditions.....	31

1.0 Site Location and Description

- 1.1. The application site has an area of c.1.08ha and is located on the southern side of Carrickbrack Road, Howth, Co. Dublin. The junction with Thormanby Road is to the east. There is an existing centrally located dwelling on site which is accessed via a narrow private roadway from Carrickbrack Road. The private access road/ramp is elevated in parts and slopes downward in a serpentine/spiral fashion due to the steep slope of the site and forms part of the access to the dwelling known as 'The End'. This habitable dwelling comprises an unusual single storey type structure with roof garden which was designed by renowned Architect Andrew Devane.
- 1.2. There is an existing small single storey structure in the north-western corner of the site, adjacent to the vehicular entrance and at a lower level than the public road known as 'The Shack'. The interior has been fitted out as living accommodation but does not appear to be currently inhabited. There is a small platform used as a limited parking area in front of this which adjoins the access ramp and access to the road.
- 1.3. The site is steeply sloped from north to south. There is a ground differential of c.36m between the entrance gates and the Howth Cliff Walk which features in the southern portion of the site. There is a steep path in the southern part of the site, from the house to this walk. The subject site features a number of mature trees particularly in the northern portion of the site, and proximate to the access road. Views across the site from the Carrickbrack Road and footpath are limited by the change in levels and the mature tree planting.
- 1.4. There are large detached buildings to the east and west of the site (a dwelling known as 'Journey's End' and a convent/retreat house 'Stella Maris', respectively). The latter is currently for sale. These are set further forward and are built in closer proximity to Carrickbrack Road than the subject dwelling which is well set back from the road and screened by mature trees. In view of its setback and lower level, the house is not visible from the road.

2.0 Proposed Development

- 2.1. This is to comprise the following:

- (i) Demolition of the existing c. 28sq.m garage in the north-western corner of the site adjacent to the front boundary with Carrickbrack Road;
- (ii) Construction of a c.48sq.m garage in the same location as the existing garage on site;
- (iii) Alterations to the existing elevated driveway, including an increase in width in parts;
- (iv) Part demolition/alterations to the front boundary wall/fencing, driveway, entry gate and internal walls to accommodate changes to the site entrance and driveway;
- (v) Alterations to the grass verge and footpath adjacent to the site entry;
- (vi) Improvements to the existing storm water and foul water drainage network on site;
- (vii) Landscaping, boundary treatments and all associated works necessary to facilitate development.

It is provided that no works are proposed to the existing dwelling on site as part of this application.

2.2. The application form provides that the area of the existing site is 1.08ha. The gross floor space of the existing building to be demolished is 28sq.m and to be constructed is 48sq.m. A Site Layout Plan, Floor plans, Sections and Elevations have been submitted.

2.3. Documentation submitted with the application includes the following:

- Planning Report – Hughes Planning & Development Consultants
- A letter in support - RMA Architects
- Infrastructure Report - O'Connor/Sutton/Cronin
- Tree Survey Report - Independent Tree Surveys
- Detailed Drawings – Cheath Rothe

3.0 Planning Authority Decision

3.1. Decision

On the 29th of August, 2019 Fingal County Council granted permission for the proposed development subject to 9no. conditions. These generally concern design and layout, restriction on usage of garage, safety barriers on the ramp, landscaping and tree protection, construction management, drainage and use of SuDS.

3.2. Planning Authority Reports

3.2.1. Planner's Report

The Planner had regard to the locational context of the site, planning history and policy, to the submissions made and the departmental reports. Their Analysis included the following:

- They note the Conservation Officers concerns regarding the visual impact of the widening of the suspended driveway and seek justification regarding the need for the widening.
- They have regard to the comments of the Transportation Section and they query the need for a significant platform to the south of the proposed garage, which only appears to be provided as part of a construction platform for as yet unapplied for works on the site.
- They are concerned about effects on the trees from the proposed works and that this would result in a negative impact on this sensitive landscape.
- In view of the proximity of the site to Howth Head SAC, for which a qualifying interest is vegetated sea cliff, no details of construction have been provided. They recommend an AA Screening document be submitted.
- They conclude that they have concerns regarding the necessity for certain elements which would have a significant impact on the protected tree stands on the site and as a consequence would not fully comply with the SAO and policies within the Development Plan regarding the protection of landscape character. They recommended that further information should be submitted.

Further Information request

In summary this includes regard to:

- Relocation of garage, protection of trees and reduction of the dimensions of the upper platform associated with the garage which appears overly large.
- Justification for the proposed works to the suspended driveway.
- A written rationale for the demolition of the garage, photographic record of the existing structure, detailed drawings and elevations of the proposed development.
- An Architectural Heritage Impact Assessment of the garage structure (in accordance with Appendix B of the Architectural Heritage Protection Guidelines for Planning Authorities (DOAHG, 2011)).
- A rationale for the proposed surface and foul water systems.
- Due to site constraints they request that a Construction Management Plan should be submitted.
- Ecologist Report to inform AA Screening Report having regard to the proximity of Howth Head SAC.

Further Information response

This includes the following:

- A Tree Survey submitted by Independent Tree Surveys has regard to tree retention categories. They provide details of the trees and that note that those that are to be removed are generally of lower quality and value.
- They note concerns about the ramp to the main dwelling and the need to facilitate off road parking close to the entrance to the site. The platform will facilitate this purpose while negating the need for on street parking.
- They provide a justification for the need for the proposed widening of the ramp (Fig. 3.0 refers). This also has regard to the Autotrack analysis by O'Connor Sutton Cronin & Associates. They have included a number of figures relative to the F.I drawings, showing proposed revisions.

- Details relative to the design and heights of the platforms are given. They note the temporary arrangements for the middle and lower platforms to facilitate the proposed works including relevant to the extension proposed to the existing dwelling (ABP-305744-19 relates).
- They refer to the Conservation Report by Sheehan & Barry Architects and provide a justification for the demolition of the existing and construction of a larger garage on site.
- They note that the foul and surface water drainage issue will be dealt with as part of the concurrent application for the residential extension on the subject site.
- A Construction Management Plan has been prepared by McClintock Consulting and is provided under separate cover. It is noted that this report was complied with regard to Independent Tree Surveys and OCSC.
- An AA Screening Report has been prepared by EHP Services and is proposed under separate cover.

3.3. Other Technical Reports

Conservation Officer

A description is provided of the structures on the site and note is made of the design by the Architect Andrew Devane. This notes that the original plan was more modest in form, but the house had been altered over the years with various extensions and alterations. Regard is had to the contribution of the existing garage 'The Shack' and the elevated driveway. In relation to the current proposed demolition, a number of items are requested for the public record. They recommended an Architectural Heritage Impact Assessment of this structure. Also, concerns that that the proposed widening of the driveway will impact physically and visually on the site and further details are required.

They considered that the revised plans and details in F.I submitted, particularly the reduction in the width of the ramp to be an improvement on that originally submitted.

Parks Division

They recommend that in the event of permission being granted that the applicant be conditioned to implement the submitted Tree Report recommendations and conditions relative to tree protection measures, a tree bond of €50,000 and landscaping to comply with the Howth SAAO Design Guidelines.

Transportation Planning

They consider the proposed alterations will provide an improvement to the access and that the internal access route to the parking appears to be tight but achievable and will not have any impact outside of the site. They have no objections subject to conditions, including relative to the safety barrier.

Water Services

They have no objection subject to conditions relative to the proposed new foul drain and the proposed surface water drainage to include incorporation of SuDs.

3.4. Prescribed Bodies

Irish Water

They have no objections subject to conditions.

3.5. Third Party Observations

A number of Submissions have been received including from the subsequent Third Parties. Their concerns have been noted in the Planner's Report and are summarised as follows:

- Concern about the loss of 'The Shack' relative to the history of the structure and architecture on site.
- Lack of information on file relative to the need for or justification for the proposed development.
- The details submitted are inadequate, and clarification is needed, including relative to dimensions, external finishes etc.

- Concerns about the proposed alterations of the proposed access, driveway etc and safety implications for users. Photographs are included showing the existing scenario.
- Damage to the ecology, habitat and to the tree roots and canopy will occur. This area should retain its unique woodland and retain its wild hedgerows.
- Queries as to the need for part demolitions of the front boundary wall/fencing, and safety implications of the alterations to the entrance and driveway proposed.

4.0 Planning History

4.1. The following is noted relevant to the subject site:

- Reg.Ref. F97B/0577 – Permission granted in March 1998 for a two roomed extension to the existing dwelling on the subject site.
- Reg.Ref. F18A/0635 – Permission was sought (Nov 2018) for the demolition of the existing single storey dwelling and garage on site (1.08ha) to be replaced with a two storey over basement detached family home with two garage structures, minor widening of the existing entrance onto Carrickbrack Road, setting back of gates to improve safety, connection to on site wastewater treatment, suds drainage, on site landscaping and all associated site development works.

The application was subsequently withdrawn on the 21st of December 2018.

4.2. Also, of note is the concurrent application on the subject site:

- Reg.Ref. F19A/00344 – Permission was refused by the Council for 3no. reasons in summary - relevant to adverse unsympathetic impact on the character of the existing Architect Designed Dwelling, contrary to Fingal DP Objectives CH37 and CH38. The scale and design of the proposed extension would impact adversely on views from the Cliff Path Walk, the special amenity of the landscape area and the Howth SAAO and inadequate information provided with respect to Surface Water Drainage, would be prejudicial to public health. This is currently subject to a concurrent appeal ABP-305744-19 relates.

5.0 Policy Context

5.1. Fingal Development Plan 2017-2023

Land Use Zoning

The site is covered by two separate land use zonings in the Fingal DP. The northern part of the site being the part of the site on which the proposed works are located is zoned 'RS'- Residential where the Objective is: *To provide for residential development and protect and improve residential amenity.* The vision for this zone is: *To ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.* Residential use is permitted in principle on this site.

The southern part of the site, being the part on which the existing dwelling is located is zoned 'HA' – High Amenity, the Objective of which is: *To protect and enhance high amenity areas.* The vision for this zone is: *To protect these highly sensitive and scenic locations from inappropriate development and reinforce their character, distinctiveness and sense of place. In recognition of the amenity potential of these areas opportunities to increase public access will be explored.* Residential uses are permitted in principle in this zone subject to compliance with the Rural Settlement Strategy.

Landscape Character

The appeal site lies within a Coastal Landscape Character Type and on the prominent headland of Howth, which is also the subject of a Special Amenity Area Order (1999). Policies of the plan provide for residential development at a density of 1 dwelling per hectare in the vicinity of the site and to protect and preserve trees, woodlands and hedgerows on the site. Views from the footpath to the south and east of the site are identified as protected views.

The Coastal Landscape Character Type is considered to be highly sensitive to development (Table LC01) and the plan sets out principles to guide development in such areas and landscape character assessment policy objectives NH33-NH39 (see attachments). Objectives seek to preserve the uniqueness of landscape character type and ensure that development reflects and reinforces this character.

Objective NH36 seeks to ensure that new development would not impinge in any significant way on highly sensitive areas or detract from the scenic value of the area.

Identified views and prospects are afforded protection under objective NH40 of the Plan. Special Amenity Areas, including the Howth Special Amenity Area, afforded protection under policy objectives NH44 in accordance with the relevant Order.

Natura 2000 sites are afforded protection under policy objective NH15 of the Fingal County Development Plan.

Howth Development Plan Objectives

Objectives Howth 1- 6 refer and of note are:

Objective Howth 1 – *Ensure that development respects the special historic and architectural character of the area.*

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

5.2. Howth SAAO, 1999

The appeal site falls within a defined ‘*Residential area within the Special Amenity Area*’ (see Map A of Order). The southern part of the site falls within: *Other areas within the Special Amenity Area.*

Further, the following features are identified for protection in the vicinity of the site (Map B of the Order):

- Footpaths to the south and east of the site,
- Mature trees in gardens, to the north and south of the proposed dwelling,
- A proposed natural heritage area to the south and east of cliff walk.
- Heathland and maritime grassland, south east of cliff walk.

Schedule 1 of the Order sets out a number of objectives for the enhancement of the Special Amenity Area. Objective 1.1 includes to manage the area in order to conserve its natural and cultural assets and protect the amenity of local residents.

Schedule 2 of the Order sets out objectives for the preservation of the character or special features of the area, these include, to preserve views from public footpaths

and roads (Objective 2.1), to preserve woodland (Objective 2.5) and to preserve the wooded character of existing residential areas (Objective 2.6).

Schedule 3 of the Order sets out objectives in respect of development in residential areas, as defined in Map A. These include to protect residential amenity, to protect and enhance the attractive and distinctive landscape character of the areas and to ensure that development does not reduce the landscape and environmental quality of adjacent natural, semi-natural and open areas.

5.3. **Natural Heritage Designations**

Note is had of the relevant and proximate Natura 2000 sites in the AA Screening Section below. This includes in Table 1 details of the Proposed Natural Heritage Sites in the area.

5.4. **EIA Screening**

Having regard to the nature and scale of the proposed development and the nature of the receiving environment there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

Two separate Third Party Appeals have been submitted from the following:

- Roxanne White
- RKD Architects Ltd.

Their Grounds of Appeal raise somewhat similar issues and for convenience these are summarised under the headings below:

Issues of Concern

- Invalidity of the application.

- Demolishing a small habitable building that clearly is a part of the residential amenity.
- Creating an overly large garage (building of c. 48sq.m with roof at least 1.5m higher than the existing platform size not specified).
- Creating a new garage with difficult steep access, that is unlikely and probably unsafe to be used by anyone with a disability. Creating an unsafe route for pedestrians from the garage to and from the house.
- This garage should be near the house, on relatively flat surface to ensure safety. The site is over 1ha and so should provide a viable site for such a safe garage that has an accessible route to the house.

Architect Designed Buildings should be retained

- Regard is had to the history of the site and that the subject building was originally known as 'The Shack' used for habitable accommodation/workshop by the Architect Andrew Devine.
- Views of Journey's End and The End can be seen from the Cliff path. 'The Shack' refers to the subject garage while it cannot be seen from the site has views towards Dublin Bay.
- The three adjacent Andrew Devane Buildings including 'The Shack' should be retained.
- A proposed garage which is larger and higher would impact adversely on views and on the Howth SAAO. The 'Shack' including its fitted out interior should be retained as is.
- The dismantling and re-erection of The Shack in another suitable location would be preferable to its demolition.

Design and Layout

- Details have not been provided relative to the existing building height, length and width of existing verses proposed building.
- Detailed information and drawings and requested by the Council have not been provided in the F.I submitted.

- The dimensions of the existing building that is to be demolished and detailed documents requested were not included in the F.I submission.
- Concern about the impact of the proposed roof height of the garage building on the sensitive amenity of the area, it should be no higher than the existing.
- They do not agree that justification has been provided for avenue width increase or the parking platform to be provided.
- They are concerned that the proposed parking platform is below the road level so that it would be impassable should there be icy winter conditions.
- The improvements to the existing and storm water and foul water drainage network of the area are not opposed so long as it does not have an adverse impact on the natural topography and ecology of the site.

Alterations to Driveway and Access

- Opposition to any alteration to the existing elevated driveway, including any increase in width or the addition of barriers and rails. The elevated driveway is a unique structure in Ireland and should be added to Fingal County Council's list of Protected Structures.
- They refer to the Conservation Officer's Report and provide that lack of clarity on the extent and nature of the works on this important architectural feature is of grave concern and permission should be refused.
- They do not consider that the width of the driveway should be altered and note that the avenue to the Baily Lighthouse and to the rescue helicopter pad is only 2.7m wide in places and this application requires 5.5m.

Landscaping and Boundary Treatment

- Third Party RKD Architects do not oppose the changes to the front boundary so long as they do not have an adverse impact on the natural topography and ecology of the site.
- There is insufficient information in the application documentation to comment on this aspect of the proposed development and that F.I should be requested.

Removal of Trees

- The impact on trees and the amenity of the area is of particular concern as this building is located within an area of protected 'woodland' as described by Howth SAAO, Map B.
- These trees are especially of value and visible from the public boundaries, i.e Carrickbrack Road and their retention is in accordance with the objectives of Howth SAAO.
- A number of trees on site have been already been felled and cut down and aerial photographs to show the reduction in landscaping on the site are included.
- Part of the Council's F.I request under point 1 (a and c) relative to the location of the garage and upper platform have not been addressed.
- The level of the Council's Tree Protection Bond shows the high risk of damage to trees when compared to other applications.
- In view of the steep slope it would be preferable to reduce the size or move the garage and platforms so the trees would not be damaged.

Impact on Howth SAAO

- The removal of a wild hedgerow and existing boundary would be contrary to the Howth SAAO Design Guidelines relative to the impact of the removal of naturalised hedgerows and habitats.
- Howth SAAO Map A lists the objectives for this specific application locally as *to protect and improve residential amenity.*
- It would be contrary to Objective NH36 of the Fingal DP (development in highly sensitive areas).
- There are no photomontages of how the proposal will impact on boundary treatment and hedgerows.
- This 1.5m height increase in roof will be a significant loss for Howth SAAO objective as it will be clearly visible.

Precedent

- There is no precedent in the area for the parking platforms, garages on boundaries and wide avenues.
- This would set an undesirable precedent, impact on safety and amenity and will impact adversely on Howth SAAO and should be refused.

6.2. Applicant Response

Hughes Planning & Development Consultants response on behalf of the Applicants includes the following:

Impact on The Shack

- Neither the main dwelling nor 'The Shack' are Protected Structures.
- The Shack was constructed after the original works and is not related stylistically to The End and is not of any particular merit.
- The Conservation Report prepared by Sheehan and Barry Architects which provides a detailed assessment of The Shack and the driveway.
- They consider that the location of The Shack, close to the entrance at the top of the drive indicates that it was despite its use for habitation unsuitable for such and was formally intended to be a garage.
- They note that all drawings submitted are to scale and the height of the proposed new garage will not adversely affect the amenity of the area or views from Carrickbrack Road.

Impact on Original Driveway

- The driveway will not be changed beyond recognition, the characteristic curved drive will be maintained. The alterations are necessary and will improve the safety for pedestrians and drivers.
- The proposed alterations, including, to the bend and the installation of barriers are designed to improve health and safety, which is currently at issue relevant to the access to the family home.

- Plans and photographs relative to the existing and drawings showing the alterations proposed are included.

Impact on Trees, Ecology and Biodiversity

- They have regard to landscaping and provide that the proposed development would not impact unduly on the ecology and biodiversity of the area.
- A complete tree survey of the site was prepared by Independent Tree Surveys and submitted as part of the original application. They note that the trees have been categorised and that the number of trees to be removed to facilitate the works is limited. The proposed development will not unduly affect the stand of mature trees on site. Photographs are included of the trees on site.

Precedent

- They provide that the provision of garages and parking areas close to entrances is a well-established precedent in the Carrickbrack Road. They include a number of photographs.
- The proposal represents an appropriately designed and scaled development which will not negatively affect the character of the area or the main dwelling located at The End.

6.3. Planning Authority Response

They provide that the application was assessed against the policies and objectives of the Fingal DP 2017-2023 and existing government policy and guidelines. It was assessed having regard to the DP zoning objectives as well as the impact on adjoining neighbours and the character of the area.

Having reviewed both Third Party grounds of appeal, the PA remains of the opinion that the proposed development is considered to be in keeping with the pattern of development in the area and that it will not detract from adjoining residential or visual amenity, subject to compliance with their conditions. If the Board upholds their permission they request that all these conditions are included in their determination.

7.0 Assessment

7.1. Principle of Development and Planning Policy

7.1.1. The site is covered by two zonings, being Residential on the northern part and High Amenity to the south. The works proposed in the current application are confined to that part of the site that is zoned residential. The single storey house on the subject site, is known as 'The End' and was designed by renowned Architect Andrew Devine and is located well set back from the public road within the high amenity zoning. This is not included on the Record of Protected Structures, nor is the site located within an Architectural Conservation Area (ACA). There are however, a number of preserved views in the area. Also, of importance is that the site is located within the Howth Special Amenity Area Order (SAAO) and the southern part within Howth Head SAC, and proximate to other Natura 2000 sites. The relevant policies and objectives are noted in the Policy Section above. Therefore, while the proposed development is acceptable in principle this is a very sensitive site and it is important that any development proposed would respect this and not detract from the character and amenities of the area.

7.2. Regard is had to the documentation submitted and to the issues/concerns raised by the Third Party Appeals. These include relative to the planning history, to design and layout, conservation and impact on trees and landscaping and to issues regarding the proposed changes to the access and character of the elevated driveway and to drainage and impact on Natura 2000 sites in this Assessment below.

7.3. Validity of the Application

7.3.1. The Third Parties have raised concerns regarding the validity of the application and regard is had to the Planning and Development Regulations 2001-2019. They have raised a number of issues in this regard and consider the details submitted relative to the description of the development are flawed and question the validity of the application. This includes that the Building is not nor has not been used as a Garage since at least c.1948. It is a habitable building that was in use as a workshop after 1948 till the end of the 1970's, after which it was used as a habitable house. They consider that as the building to be demolished is not a garage but has been used as

a habitable house that the application should be refused as the description is incorrect and invalid.

- 7.3.2. The First Party refutes this and submits that the description of the structure as a garage is correct and accurate. Also, that this is fully supported by the Conservation Report prepared by Sheehan and Barry Architects. Having regard to its limited floor area (c.28sq.m) and location adjacent to the entrance with parking area in front, it does appear that its original intended use may have been as a garage/workshop but that the use had altered over the years.
- 7.3.3. These concerns have been noted and I am of the opinion that these are procedural matter for the P.A. to address, a determination on whether the P.A decision is valid or not, would not be appropriate to make here. However, it must be noted that this application is now being considered on its merits de novo by the Board. Regard is had to the documentation submitted and also reference is made to the concurrent appeal ABP-305744-19.

7.4. Regard to Historic Background and Conservation issues

- 7.4.1. There is concern that the site at Carrickbrack Road is a crucial part of the legacy of the Architect Andrew Devane and that the remnants of his interventions on site should be protected and conserved as significant contributions to the canon of Ireland's twentieth century heritage. The Council's Conservation Officer notes that while 'The End' is currently not a Protected Structure, it is an innovative building of its time associated with the renowned Irish Architect Andrew Devine. Also, that three of his architecturally designed buildings 'Journey's End', 'The Shack' and 'The End' are next door to each other and enrich the local area. They provide that consideration should be given so that they either become special features or features of interest in Howth SAAO.
- 7.4.2. 'The Shack' is a single storey structure with low mono pitched roof and a rendered exterior of unpainted concrete render. This structure is a simple single-storey, flat roofed building (slight mono-pitch), is located at the top of the driveway just inside the entrance off Carrickbrack Road. Externally it resembles a garage, however it is at a lower level than the parking platform and is entered by steps, so it could not have been accessed via car. The interior of the structure (photographs are included in the

Report) is unusual in that it is fitted with a plywood and softwood kitchen, bathroom, storage units, desk etc. While there are beds there it is not insulated and was most likely used as a studio by the Architect. Submissions made provide that this small building was not used as a garage but was used for other purposes by Devane as his studio and provide limited living accommodation from the early 1980's to his death in 2000. It does not appear to have planning permission for use as a garage.

- 7.4.3. The Conservation Report by Sheehan & Barry Architects was submitted in response to the Council's F.I request. This considers that the demolition of 'The Shack' itself would not significantly impact on the potential conservation character and context as the structure is later than the house or driveway and without any particular design or intervention or connection to the design of the existing house. It is not stylistically related to either the driveway or the house. They consider that the removal of the fitted interior would not represent a significant loss in terms of the heritage value of the whole site. Also, that if desired the fitted elements in the structure could be salvaged and rehoused elsewhere. Consideration of the structure is had having regard to the Architectural Heritage Protection Guidelines (Section 13.3.1 relative to attendant grounds and curtilage refers). While not a Protected Structure or in an ACA, consideration is given of its contribution to the overall history, character and quality of the principle structure.
- 7.4.4. The interior of 'The Shack' is significant as it was used as a workspace and habitable accommodation by the Architect. There is suggestion that it could provide a new and innovative context for the study and understanding of Devane and of Ireland's C20th architecture. RKD Architects Ltd provide details of the extensive nature of his works and note other precedents for retention of workspaces of other well known architects in Europe. The First Party response provides that if the Council in collaboration with RKD Architect wishes to relocate the garage and its interiors to a museum, the Applicant has no objection to this.
- 7.4.5. The First Party provide that the demolition of the existing garage on site and construction of a new garage in a similar location is appropriate for a number of reasons. These include that it was not constructed at the same time as the original dwelling which was also designed by Architect Andrew Devane, and they provide the existing garage makes no architectural contribution to the site or surrounding area.

- 7.4.6. It is noted that the Council's Conservation Officer has no objection in principle to the demolition or to the replacement of the proposed structure. They would not object to the demounting and removal and salvaging of the internal fit out. While I note the Council, have not included such a condition, they have included condition 5(b) relative to record. The Board should they decide to permit may decide that a condition relative to this issue be included.
- 7.4.7. It is noted that 'The End' is accessed from the main entrance on Carrickbrack Road via a spectacular elevated curving concrete driveway above the house which is described as a feat of engineering in its own right. The driveway is uniform in width as it snakes down the steep incline of the site with a low plinth/kerb along the outer edges. A series of centrally place slim rectangular columns topped by cross beams support the driveway allowing open views of the slope beneath through the T-shaped supports. There is concern that existing avenue designed by Andrew Devane was designed fit for purpose and the proposed extension of width of avenue to allow larger scale vehicles to visit the site is not desirable and would make the avenue unsafe. Also, that it is a unique structure, its widening will impact on trees and it should be left as a feature, unaltered. The Third Parties consider that this driveway as a spectacular feature and engineering feat should be listed as a Protected Structure. Regard is had further to the access arrangements and driveway in the appropriate section below.
- 7.4.8. It is noted that the opinion of Robin Mandal, RIAI Accredited Conservation Architect, is provided in the letter submitted with the application. He advised that the existing dwelling should be retained and that the elevated concrete driveway into the property was an exceptional piece of design that should be retained in any future proposals, with any required alterations designed in sympathetic fashion. However, he concluded that the internal fittings of and the external envelope of the garage are of no architectural interest.

7.5. **Design and Layout**

- 7.5.1. The proposals as submitted, consists of, the widening of the roadside entrance, the replacement of the existing garage and the widening of the hairpin bend in the elevated concrete driveway. The proposed works to the elevated driveway have

been designed to allow for safer access to the existing house. It is noted that no works are proposed to the existing dwelling on site as part of this application. These are the subject of a separate application (now a concurrent appeal Ref. ABP-305744-19 relates).

- 7.5.2. The details submitted with the application provide that the proposed new garage in the north-western corner of the site and alterations to the site entrance have been designed to improve access to the site and road safety while minimising any impact on visual amenity of the area. The alterations to the elevated driveway seek to improve access and safety to the subject site relevant to its use as a family home.
- 7.5.3. The proposed new garage is considered appropriate as it offers secure vehicular storage for the residents of the existing dwelling and is to be set back a greater distance from the driveway serving the site than the garage it replaces to improve access arrangements on site, allowing for a wider passage to be provided adjacent to the entry gate. Also, that given the scale of the proposed garage (maximum height of c.3.5m) and its uncomplicated design that it will not affect the streetscape or visual amenity of the area.
- 7.5.4. There is Third Party concern that the former habitable structure (28sq.m) is to be replaced by a large garage (c.48sq.m for the garage) and an additional larger elevated 'platform' or deck for car parking. They suggest that this is against normal safe practice and detracts from the residential amenity. Also, that it is to facilitate construction works for the concurrent application for a larger scale extension to the existing house. In light of the SAAO requirement to protect views from Carrickbarack Road and the Cliff path directly on the southern boundary of this property and from the rights of way (running north south) to the east and west they ask that the proposed roof height be no higher than the existing.
- 7.5.5. The First Party provide that the location of the garage is suitable due to its proximity to the road. Also, that the proposed garage has been designed to accommodate 2no. cars and to interact efficiently with the proposed widened entrance. They consider that the proposed height will not impact on views from Carrickbrack Road. It is noted that the Conservation Report submitted considers the demolition of The Shack (which the application refers to as a garage) is acceptable in this instance.

7.5.6. Regard is had to the Site Sections drawing submitted with the F.I. which shows the location and height of the proposed garage and widened platform relative to the road and the steep decline of the site. I would consider that having regard to the locational context that the single storey garage structure to replace The Shack will not adversely impact on preserved views or the amenity of future and existing residents in the vicinity of the subject site. If the Board decides to permit I would however, in view of the sensitive location, recommend that conditions be included relative to the external finishes of the new garage and platform structure to be agreed and that they be screened by landscaping,

7.6. Access and Driveway

7.6.1. The property is accessed from the Carrickbrack Road via a conventional gated vehicular entrance onto an elevated concrete platform in front of 'The Shack'. I noted on site that the roadside boundary is defined by a low stone wall and timber fence inside with new hedgerow saplings planted between the two. Part of the stone wall on either side of the entrance is to be cut back and rebuilt to provide a more suitable vehicular entrance to avoid vehicles sitting across the footpath or projecting onto the carriageway awaiting the entrance gates. These works are proposed to address this issue, improving access arrangements, enhancing sightlines and as a result improving safety on site.

7.6.2. The Infrastructure Report submitted provides that the amendment involves cutting back part of the stone wall on either side of the entrance, widening the entrance by 3.2m to 7.6m. It is provided, that this will improve the existing sightlines and ensure that vehicles will no longer project onto the carriageway whilst awaiting the opening of the gates. Having visited the site, I would consider that the existing entrance is restricted, however I would be concerned about the visual impact of widening to 7.6m for a domestic dwelling. I would recommend that the width of the entrance be reduced to 6m. The low stone wall is an attractive feature and should be retained except where necessary to facilitate the widening of the entrance. If the Board decides to permit, I would recommend that this be conditioned.

7.6.3. The upper platform will provide additional off-road parking area close to the entrance, thus avoiding the need to use the steep ramp to access the property.

Details of materials to be used for the platform and the heights and design of parapets are given. Having viewed the existing platform I would consider that it is very restricted and limited and that existing parking arrangements proximate to the entrance would be improved by the proposed development.

- 7.6.4. The revised plans submitted at F.I stage prepared by O'Connor Sutton Cronin & Associates (OCSC) note that the proposed middle and lower platforms will be temporary structures installed with the purpose of facilitating the construction of the proposed development, (Figure 9.0 relates). It is of note that this is particularly of relevance to the concurrent application to facilitate the construction of the extension to the main dwelling (Ref. ABP-305744-19 relates). I would recommend that in order to safeguard the trees, that the upper platform adjacent to the garage as shown on the revised drawings be the only permanent platform to be permitted and the middle and lower platforms shown on the plans submitted be temporary and constructed so that they do not damage existing trees and landscaping. In this respect Condition no.3 of the Council's permission is of note.
- 7.6.5. The spiral ramp descends to the centre of the site and is joined by the access road to the existing single storey dwelling, parking and turning area and front garden area. The remainder of the site slopes steeply downwards to the Cliff Walk. There is a private pathway down to this walk onsite. There are concerns that the proposed works to increase the width of the existing architect designed driveway, particularly in the elevated part, will cause damage to habitats and to the tree roots and canopy.
- 7.6.6. The Conservation Officer considers that the elevated driveway is an unusual structure of technical significance and so should be retained and any interventions need to be carefully considered and sensitively designed. That any physical intervention to the driveway could unravel the structure and result in a greater loss than indicated. It is unusual to see a design as complex and dramatic as this in a domestic setting. Also, that this driveway is a feature worthy of retention and displays significant engineering prowess. The elevated roadway is less than a standard double width with a low raised concrete edge. The roadway is positioned on single concrete columns forms a T shape post and beam construction. A low side wall of 500mm high provides the existing safety barrier.

- 7.6.7. The pertinent issues for this application are that the proposal includes alterations to the private roadway to address issues of safety and mobility. This application seeks to widen the access roadway at the key hairpin bend extending outside point of the curvature to allow for a safer and more functional turning circle where the road is at its most constricted. Other minor adjustments for safety and improved access are included. The existing driveway varies in width from c.3m to up to 4.5m in places. It was provided that the only changes proposed to the driveway include increasing the width from 4.5m to 5.5m at the bend, and the addition of 500mm high safety barriers to protect pedestrians.
- 7.6.8. The Council's Further Information request sought justification for the increase in the width of the suspended driveway over the use of improved safety/side barriers, details relative to the supporting of the driveway during construction, revised drawings showing details of the alterations proposed to the driveway, a rationale for construction of platforms and their permanent or temporary status. In response the applicants provide that the ramp was designed to cater for vehicles in 1983, when cars were smaller. It was determined based on this evidence that a wider ramp would be required to facilitate modern vehicles safely on the ramp.
- 7.6.9. The Conservation Report submitted notes that this application seeks to widen the roadway at the key hairpin bend extending at the outside point of the curvature to allow for a safer and more functional turning circle where the road is at its most constricted. Other minor adjustments for safety and improved access are included to allow the curved driveway to be maintained. This Report provides that the alterations to the driveway are considered within the context of access and safety requirements. Also, that the proposed alterations should be acceptable as long as the form of the new additions follows the essential simplicity of form and materials of the original and the proposed guard rails at key points for safety are designed to avoid a solid massing and should be acceptable.
- 7.6.10. It was initially proposed to extend the width of the ramp by 2m with additional columns being added to support the new section of the ramp. This was reviewed and the extension was reduced to 1m with diagonal supports, supported off the existing foundations, being added to eliminate the need for new foundations. Details are given of this in Figure 3.0 of the Further Information submitted. Figure 7.0 shows the plan of the proposed driveway, ramp and Corten barrier. The Applicants are

proposing to use Corten barriers to respect the design of the driveway. I would consider that this reduction in the width of the ramp as provided by the F.I to be preferable in that it would have less impact on the curved nature of the ramp and proximate trees. In this respect regard is had to the recommendations of the Council's Transportation Planning Section and to Condition nos. 5 and 6 of the Council's permission relative to safety barriers on the ramp. I would recommend that if the Board decides to permit that a condition be included relative to this issue.

7.7. Impact on Trees and Landscaping

- 7.7.1. There is extensive tree cover in the northern portion of the site and they provide visual amenity and screening (photos are included). It is noted that the land immediately to the north of the dwelling in the more central part has fewer trees. Also, that a number of trees have already been removed or cut back on the site. The proposal will have an impact on existing trees and planting, and some trees are marked for works and a limited number for removal on the drawings to facilitate the proposed development. It is an objective of the Howth SAAO and the Development Plan *to protect 'mature trees and gardens'*.
- 7.7.2. The Conservation Officer is concerned that the impact on the trees relative to the setting of 'The End' and the character of the landscape needs to be evaluated. Regard is had to the Howth SAAO objective *Footpaths and roads from which views will be protected*. If these trees are removed then the view will be damaged. Also, their removal will be contrary to another Howth SAAO objective *to preserve the wooded character of existing residential areas*.
- 7.7.3. A Tree Survey of the site prepared by Independent Tree Surveys was submitted as part of the original application. This provides an assessment of the trees and their categorisation and root protection area. A Schedule of Trees is included, having regard to the works proposed. Drawings show the location of the trees. Many of the trees in the northern and more central part of the site are mature Monterey Pine and Cypress and Beech, and some have not been well maintained over the years. The majority of the trees are in the lower value levels Categories C and U, none in Category A, and a few in Category B. It provides that the impact on the trees of the

proposed works will be relatively low. However, some works will be needed to facilitate the proposed garage, platforms and widening of the driveway.

- 7.7.4. Further information was provided giving further details on protection measures necessary during the construction period, including relative to the platform arrangement. It is provided, that some of these trees are not of high value and that the proposal will not unduly affect the strand of mature trees on site. The proposed garage is to be screened by extensive tree cover on the site. It will be screened from Carrickbrack Road by trees and landscaping and by the lower elevation on which the driveway will sit. Also, that the proposed works will have minimal impact on the existing trees growing adjacent and that they will improve the safety of the existing ramp. It is provided that the works to the proposed garage will have a limited effect on the Class B2 sycamore tree T2852 located to the rear of the garage on the site boundary. It is noted however, that the Parks Division of the Council has significant concern about the impact on this tree.
- 7.7.5. The Council's Condition no. 3 has regard to tree protection measures including relative to this tree. Part V of this condition relates to the provision of a tree bond of €50,000 to be lodged to the Council. These, including the tree bond are as recommended by the Parks Division. In view of the importance of the trees to the visual amenity of the area and its locational context within the Howth SAAO, I would recommend that if the Board decide to permit that this tree bond be included.
- 7.7.6. Therefore, it must be noted that while the revised plans submitted with the F.I will reduce the impact, the proposed alterations to the access including the new garage, platforms, extension in width to the bend on the ramp will have some impact on existing adjacent trees. This is seen in the context of the overall canopy of trees which contributes to the setting of the house and the character of this sensitive site in the SAAO. If the Board decides to permit, I would recommend that a condition relative to the implementation of tree protection measures be included and the tree bond as noted above.

7.8. Precedent

- 7.8.1. There is Third Party concern that the proposed development will set a precedent for such garages and parking platforms to be constructed close to site boundaries in the

Howth SAAO. The First Party provide that the precedent for the provision of garages and parking areas along the boundary has been set since the 1940's on the Carrickbrack Road. They include a number of photographs. While it is of importance not to set an undesirable precedent, each case must be considered on its merits.

7.9. Construction Management

- 7.9.1. The Third Parties are concerned about the impact of Construction Works on the site located in the SAAO and particularly on the trees. This also has regard to the construction and use of the platforms. An Outline Construction Management Plan has been submitted. This also relates to the concurrent application relative to the access for construction of the extension. If the Board decides to permit, I would recommend that a condition relative to Construction Management be included.

7.10. Drainage

- 7.10.1. An Infrastructure Report has been submitted with the application. This includes regard to existing and proposed storm and foul drainage. The Council's F.I request considered that no rationale is submitted for the surface and foul water drainage systems. That this should be omitted and submitted as part of any proposal for the overall development of the site. However, that in the event that the applicant proposes to continue with the proposed foul water and surface water pipes then further details would be required relevant to foul and surface water connections.
- 7.10.2. The F.I response provides that the Applicant has removed the aforementioned drainage works from this application. This noted that the existing surface and foul water systems on site can be linked to any proposed drainage works proposed for the garage on site. An infrastructure Report has been prepared for the submission with a separate planning application made for the residential extension to the existing dwelling. They provide that the issue with surface and foul drainage will be dealt with in that application (Figure 16.0 refers).
- 7.10.3. Regard is had to the issue of Flood Risk. Precipitation and storm water run-off filters through the existing sub-soil strata before rapidly percolating through lower elevations towards the rocky sea cliffs and southern coastline. It also notes as re-

iterated in the AA Screening Report that in view of the elevated nature and significant falls on the site there is not a flood risk.

7.11. AA Screening

7.11.1. In response to the Council's F.I request, and Appropriate Assessment Screening Report has been prepared by EHP Services and is provided under separate cover. This includes regard to the habitats and trees/hedgerows on the site and to the geology and hydrogeology in the Study Area. It provides details of water courses in the area but notes that there are no water courses, streams, rivers or seasonal ditches within the application site.

7.11.2. Table 1 provides an identification of Natura 2000 sites within 15k of the site. Details are given of their Qualifying Features. NPWS site synopsis of the Natura 2000 sites are included in Appendix 2. Those which lie in the vicinity of the appeal site are shown in the attachments and include as noted in Table 11 of the Report:

- Howth Head SAC (site code 000202), lies immediately south of cliff walk, and lies within the southern part of the appeal site.
- Howth Head Coast SPA (site code 004113), lies c. 800m to the west of the appeal site.
- Rockabill to Dalkey Island SAC (site code 003000), c.052m to the south of the appeal site.

7.11.3. The AA Screening Report provides that the proposed development is neither directly connected to nor necessary to the management of the Natura 2000 sites. A description is given of the changes to the site relevant to the subject application. It is noted that Howth Head SAC is within the southern part of the subject site. However, the house on the site is existing and the proposed development relative to the subject application, does not impact on this area of the site. The potential for direct, indirect or secondary impacts upon any the Natura 2000 sites within a 15km radius is assessed. In summary, the Report found that the proposed development will not have adverse effects on the Natura 2000 sites in the vicinity of the proposed development. It is provided that as a result a Stage 2 AA was deemed unnecessary.

7.11.4. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the scale and nature of the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site Nos. Howth Head SAC (site code 000202), Howth Head Coast SPA (site code 004113), Rockabill to Dalkey Island SAC (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 permission be granted subject to the conditions below.

9.0 Reasons and Considerations

Having regard to the zoning of the site, the design and location of the proposed development within the site and its orientation and distance from nearby property, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the amenity of residential property in the vicinity of the site, the landscape character of the area or protected views from public roads and footpaths and would be acceptable in terms of traffic safety and convenience and would not be prejudicial to public health. The proposed development would 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, 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 6th day of August 2019 and by the further plans and particulars received by An Bord Pleanála on the 11th day of November, 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.(i) Details of the materials, colours and textures of all the external finishes to the proposed garage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (ii) The garage and associated parking area shall be used solely for purposes incidental to the enjoyment of the dwelling house and shall not be sold, rented or leased independently of the house and shall not be used for the carrying out of any trade or business or residential purposes.

Reason: In the interest of clarity, visual and residential amenity.

3. Prior to the commencement of development details shall be submitted to and agreed in writing with the planning authority showing that a copy of the Conservation Report, photographs and drawings of the floor plans and elevation of the existing structure 'The Shack' have been lodged with the Irish Architectural Archive.

Reason: In the interest of clarity and to ensure that a proper record has been preserved.

4. Prior to the commencement of development, the following landscaping and tree protection details shall be submitted to and agreed in writing with the planning authority:
 - (i) Details of tree protection measures to be implemented, prior to the commencement of construction works. This shall include that a suitably qualified Arboricultural Consultant shall be engaged to monitor works on site during the construction period. Existing trees shall be retained except where necessary to facilitate the works.
 - (ii) Plans for the retention of tree T2852 (Sycamore B2 – Independent Tree Surveys Report) affected by the development works.
 - (iii) A comprehensive boundary treatment and landscaping scheme for the site and a timescale for implementation.

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, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: To protect trees and planting during the construction period and in the interest of landscaping and visual amenity.

5. A tree bond of €50,000 shall be lodged with the Council prior to the commencement of development in order to ensure that the trees are protected and maintained in good condition throughout the course of development. The tree bond shall be held by the Council for a period of 3 years and shall not be released until an arboricultural assessment report and certificate signed by a qualified arborist has been submitted and any remedial works have been fully undertaken to the satisfaction of the planning authority.

Reason: To ensure the protection and long-term viability of trees to be retained on site.

6. The proposed widening of the vehicular access and alterations to the ramp and driveway, including the installation of safety barriers, serving the proposed development, shall comply with the requirements of the planning authority for such works.
 - (i) The existing roadside boundary wall shall be retained, except where necessary to facilitate the widening of the entrance. The maximum width of the vehicular entrance shall be 6 metres.
 - (ii) Only the upper platform serving the garage shall be a permanent structure, the proposed temporary middle and lower platforms/laydown areas shall be removed subsequent to the construction of the proposed development.

Reason: In the interests of visual amenity and of traffic and pedestrian safety

7. Water supply and drainage arrangements, including the attenuation and 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.

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise and traffic management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

9. 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.

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

Angela Brereton
Planning Inspector

11th of February 2020