



An
Bord
Pleanála

Inspector's Report

ABP-305966-19

Development	Permission for construction of a new single-storey extension to the rear of existing house and associated site works
Location	Heather Cottage, Upper Cliff Road, Howth, Co Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F19B/0080
Applicant(s)	Patrick O'Reilly
Type of Application	Permission
Planning Authority Decision	Permission
Type of Appeal	Third Party
Appellant(s)	Brendan Keegan
Observer(s)	1. Christian Morris 2. Hillwatch
Date of Site Inspection	10 th of March 2020
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 2.53ha and is accessed via the Upper Cliff Road, Howth, Co. Dublin. The site is of an elevated nature and slopes in an eastwards direction towards the Sea and East Mountain. The site is accessed via a private roadway which is approx.170m from the Upper Cliff Road. The application site comprises a part single storey part two storey dwelling known as 'Heather Cottage' and a separate garage structure.
- 1.2. The Upper Cliff Walk is on a higher level to the west and the lower Cliff Walk is on a lower level to the east proximate to the sea. The existing house is partly built into the Cliff and this provides some screening from the Upper Cliff Walk. There are also sporadic views from the Lower Cliff Walk, the existing house is relatively equi-distant from both. The house is on a sizable site and has a steeply sloping rear garden area. There are a number of sculptures in the rear garden area and adjacent to the house.

2.0 Proposed Development

- 2.1. This proposal is for the construction of a new single storey extension to the rear of the existing house and associated site works.
- 2.2. A Site Layout Plan, floor plans and elevations have been submitted.

3.0 Planning Authority Decision

3.1. Decision

On the 5th of November 2019, Fingal County Council granted permission for the proposed development subject to 8no. conditions. These generally concern external finishes to match existing, surface water drainage and use of SuDS, construction methods and management, implementation of mitigation measures specified in the screening report and NIS and development contributions.

3.2. Planning Authority Reports

3.2.1. Planner's Report

The Planner's Report had regard to the locational context of the site, to the planning history and policy and to the departmental reports and the submissions made. Their Assessment concluded that having regard to the location of the subject site within a sensitive landscape, the Howth Head SAC (site code: 000202) and the lack of information provided with regard to the visual impact of the proposal and AA that further information be requested to include the following:

- A Visual Impact Assessment of the proposed development from 3no. surrounding pathways that have been designated as protected views in the Fingal DP 2017-2023 namely the Upper Cliff Path, Lower Cliff Path and the Right of Way linking the Upper & Lower Cliff paths.
- An Appropriate Assessment Screening Report to assess the impact of the proposed development, in particular the construction methodology on the Howth Head SAC. The screening report to also address the potential conversion of the existing vegetation to Annex 1 habitat on the lands within the ownership of the applicant to enhance the overall conservation status of the SAC.

Further Information Response

De Blacam and Meagher submitted a response on behalf of the Applicant to include the following:

- A Visual Impact Assessment prepared by De Blacam and Meagher Architects and Modelworks.
- A Screening Report and NIS prepared by Scott Cawley.

Planner's Response

- They had regard to the F.I submitted and concluded that the proposed development will be in keeping with the existing dwelling and that it will not detract from adjoining visual amenity, subject to compliance with the conditions set out. The proposed development is therefore considered to be in accordance with the proper planning and sustainable development of the area and permission is recommended, subject to conditions.

3.3. Other Technical Reports

Transportation Planning Section

They note that there is no additional parking demand associated with the proposed development. The changes do not affect the existing parking or existing access. Consequently, they have no objection to the proposed development.

Water Services Department

They have no objections subject to conditions.

Parks Department

The site is within the Howth SAAO area within an area zoned High Amenity proximate to the Cliff Walks. They had regard to the Visual Impact Assessment submitted as part of the F.I and they provided they had no objections.

Biodiversity Officer

They note the locational context within the Howth Head SAC and request that an AA screening report and possibly a full AA should be required.

3.4. Prescribed Bodies

An Taisce

They consider that preliminary investigation is necessary to determine if the existing building and associated treatment of the curtilage, including ancillary structures and boundaries is fully compliant with planning permission. They provide that the drawings scanned on the Council's website are inadequate in allowing examination of the delineation between the existing structure and the proposed extension. They are also concerned that inadequate justification has been given for the size and scale of the proposed extension.

3.5. Third Party Observations

Submissions have been made by local residents, including the subsequent appellant. These are noted in the Planner's Report and in the context of the grounds of appeal and the Assessment below.

4.0 Planning History

The Planner's Report has regard to the extensive Planning History of the site, which mainly occurred in the 1990's relative to the construction of the existing dwelling. The following is of particular note:

- Reg.Ref. F96A/0199 – Permission granted for revised design for a previously approved split level, single dwelling together with garage and septic tank on site subject to 12no. conditions. The original application was for a dwelling with a stated floor area of 305sq.m and a garage of 28sq.m which was reduced by way of an A.I request and revised submission which omitted the originally proposed lower ground floor level resulting in a dwelling of 214sq.m in size. This decision was upheld on a third party appeal to the Board by decision dated 03/04/97 Ref.100342 subject to 11no. conditions. Of note is Condition no.2 which stated: *That only one low-profile single-storey flat roofed house of maximum floor area 214sq.m and garage shall be provided on the entire site as delineated in red and detailed on Drawing Number 05, received by the planning authority on the 10th day of June, 1996.*

Reason: In the interest of the amenities of the area.

- Reg.Ref.97A/0563 – Permission granted to increase the floor area of the flat roofed dwelling house to 294sq.m and of the garage to 28sq.m.
- Ref. FS5/014/13 (Board Ref.06F.RL.3131 Referral) – Whereas a question arose as to whether the erection of a gate, at Heather Cottage, Cliff Road, Howth is or is not development or is or is not exempted development. The Board decided in exercise of the powers conferred on it by section 5(4) of the 2000 Act, that the erection of gateposts at Heather Cottage, Upper Cliff Road, Howth is development and is exempted development.

5.0 Policy Context

5.1. Fingal Development Plan 2017-2023

Land Use Zoning

As shown on Sheet 10 Baldoyle/Howth the site is located within the 'HA' High Amenity Area where the Objective seeks 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.

There is a Specific Objective which seeks to: *Preserve Views* in the area.

The site is also located in the Howth SAAO (Special Amenity Area Order).

Design and Layout -Extensions

Objective PM46 seeks to – *Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.*

Section 12.4 provides the Design Criteria for Residential Development and includes regard to Extensions.

Objective DMS42 seeks to – *Encourage more innovative design approaches for domestic extensions.*

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.

Essentially the objectives seek to preserve the uniqueness of landscape character type and ensure that development reflects and reinforces this character.

Objective NH36 is concerned 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, are afforded protection under policy objectives NH44 in accordance with the relevant Order.

Objective RF51 - *Ensure that the development of any coastal site through the extension or replacement of existing buildings or development of any new buildings is of an appropriate size, scale and architectural quality and that it does not detract from the visual amenity of the area or impact negatively on the natural or built heritage.*

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 ‘*Other Areas within the Special Amenity Area*’ (see Map A of Order). Further, the following features are identified for protection in the vicinity of the site as shown on East Mountain (Map B of the Order):

- 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

5.3.1. Natura 2000 sites which lie in the vicinity of the appeal site are shown in the attachments and include:

- Howth Head SAC (site code 000202),
- Howth Head Coast SPA (site code 004113),
- Rockabill to Dalkey Island SAC (site code 003000),

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

A Third Party Appeal has been submitted by local resident Brendan Keegan. His grounds of appeal include the following:

- He is disappointed that this unnecessary development has been granted by the Council.

- He refers to his submission and considers that no consideration was given to the effect on the walking public and tourists to the expansion of this site.
- No consideration was given to the effects of this expansion on the access to the Right of Way from the Upper Cliff Walk to the Lower Cliff Walk, which runs past the front entrance to Heather Cottage.
- There has been a creeping expansion and fencing in of traditional rights of way by the occupants of HC since they purchased the cottage in 2010. No planning permission was sought or given for these works.
- The Council has turned a blind eye to the closing of access and pathways by the applicant to the general public while at the same time allocating money to the upgrading of some paths.
- They are concerned that the level of Development Contributions required by condition in the current application is derisory.
- FCC have failed to protect this beautiful open protected heathland. No consideration was given to the size of the proposed structure.
- They have regard to the planning history relative to rights of way and the erection of a gate Ref. 06FR13078 refers.
- They ask the Board to make a decision which protects this beautiful and wild area so close to the city and to the hearts of its citizens.

6.2. Applicant Response

A First Party response on behalf of the Applicant has been submitted by DeBlacam and Meagher. This includes the following:

- They provide that the site boundaries are as shown on the drawings and represent the land owned by the Applicant.
- There is no impact on, or alteration to any existing public right of way as a result of this planning permission.
- They submit that the views and photographs submitted as part of the Visual Assessment are verified CGI's prepared by Modelworks. They submit that these are a comprehensive set of photographs taken from the upper and

lower cliff paths showing all the surrounding views from where the house is visible.

- The proposed single storey extension is modest in scale, sits low in the landscape and has been designed to respect the natural beauty of Howth Head.
- They refer to Reg.Ref. 06FR13078 (as referred to by the Appellant) in relation to gate posts at the entrance to the site. They note that this does not form part of the current application, but notwithstanding this the Applicant confirms that this decision has been fully complied with.
- The application is for a single storey extension to an existing house. It represents a very modest addition to the house and would have nominal impact on the surrounding landscape. They request that permission be granted.

6.3. Planning Authority Response

This includes the following:

- The application was assessed against the policies and objectives of the Fingal DP 2017-2023 and existing government policy and guidelines. The proposal was assessed having regard to the development plan zoning objective and the impact on adjoining neighbours and the character of the area.
- Having viewed the Third Party Appeal the Planning Authority remains of the opinion that the proposed development is considered to be in keeping with the existing dwelling and that the single storey extension will not detract from adjoining visual amenity or negatively impact upon the surrounding sensitive landscape, subject to compliance with conditions.
- They request the Board to uphold their planning decision and that Condition no. 8 (development contributions) be included in the Board's determination.

6.4. Observations

Two separate Observations have been submitted. These are from the following:

- Christian Morris
- Hillwatch

As the former is in support of the proposal and the latter against, their Observations are summarised separately below:

Christian Morris

- The Council's decision to grant Reg.Ref.F19B/0080 is impeccable and should stand in its entirety.
- The Appellant's case is entirely devoid of merit, is subjective, based on assertions, and does not set out any objective grounds of appeal.
- They query the issues raised as to a 'traditional right of way' and are concerned about trespass on their property.
- They are concerned that there are accusations made relative to this right of way issue concerning both the owners of Heather Cottage and the Council.
- People are entitled to have peace of mind regarding the quiet enjoyment of their property.
- They consider the concerns regarding a right of way are not an issue in this case and that the Board should dismiss this appeal.

Hillwatch

- Hillwatch is a highly respected community-based development monitoring group, dedicated to defending the natural, historical and built heritage of Howth, and in particular those areas and structures protected under the Howth SAAO, or the ACA or SPA in the Fingal CDP.
- They support the appeal lodged against this permission for further extension to Heather Cottage. Despite its names this is a large modern structure that replaced a much smaller and unobtrusive 19th century cottage.
- The proposal would be contrary to Design Guidelines in the Howth SAAO (1999) in this sensitive area of High Amenity, with an objection to protect views and prospects.

- They refer to the planning history and are concerned about any increase in the scale of the proposed development in this sensitive and highly visible area. They are concerned that the proposal will be visually intrusive.
- The high visibility of this property from the Cliff Walk Paths is of concern and this proposal can only intrude further into the landscape.
- The Visual Impact submitted gives an incomplete, and they contend disingenuous account of the visual impact of the development, implying virtual invisibility from the protected public paths.
- They consider that the development represents a major intrusion on the protected landscape and this is obvious from the actual view of it from the Upper Cliff Path.
- They are concerned that this proposal will set an undesirable precedent for extensions to what is already a non-conforming residential development in the heart of Howth SAAO.

7.0 Assessment

7.1. Design and Layout

- 7.1.1. The proposed extension is for use as a sculptor's studio by the applicant who is a artist/sculptor of some renown. The floor area of the existing house is given as 339sq.m on this sizable site (2.53ha) within Howth Head SAAO. The site is accessed via the Upper Cliff Road and a c.170m private and gated access road. There is an existing house and garage and hardstanding on site. The rear of the site which is grassed and landscaped, slopes to the east towards the Lower Cliff Walk and the sea. It can also be seen from the Upper Cliff Walk.
- 7.1.2. The proposed single storey extension is to be constructed in Howth stone and glazing to match the existing. It is shown on the floor plans and elevations submitted c.10m in length, and 5.2m in width i.e. 52sq.m with a flat roof c. 3.6m in height. This is greater than the 48sq.m referred to in the application. Proposed external finishes are to match the existing house and are to include random rubble Howth Stone, standing-seam zinc parapet/facia and aluminium clear glass. The floor plans show

that it is proposed to adjoin the dining room and to be used as a studio. In the Applicants F.I response it is stated that there will be no furnace or forge in the proposed studio extension. Also, that the applicant does not propose to erect fencing to any part of the site boundary.

7.2. Impact on the Character and Amenities of the Area

- 7.2.1. It is noted that the site is within the Howth SAAO area within an area zoned High Amenity. As note by the Council's Parks Division, the site is proximate to three pathways that have the designation 'To Preserve Views' including, the Upper Cliff Path, the Lower Cliff Path and the Right of Way linking the Upper and Lower Cliff Paths as indicated on Map B of the Howth SAAO. The surrounding heathland is also designated for nature conservation. Given the context of the dwelling within this heathland landscape there is concern that the proposed development will have a significant visual impact. As part of the Council's F.I request a Visual Impact Assessment was requested.
- 7.2.2. In response a VIA was submitted on behalf of the Applicants. This includes photographs showing existing (baseline) and proposed from various vantage points on the surrounding Cliff Walks. This indicated that in view of the undulating topography and the low set nature of the proposed extension that there is no visual impact from the pathways which have the designation 'To preserve Views'. It is noted that having regard to this VIA, the Parks and Green Infrastructure Division has no objection to the proposed development. However, I note that there is a marginal difference between the baseline and proposed view nos. 8 and 9 as seen in the context of the existing dwelling from the Upper Cliff Walk.
- 7.2.3. The Observer Hillwatch refers to the planning history relative to permissions granted in the 1990's and restrictions on the floor area of the dwelling house. They consider that the floor area of the existing dwelling must be viewed as the absolute maximum in this highly sensitive and visible area. The scale of roof from the existing dwelling can be seen from the Upper Cliff Walk.
- 7.2.4. The extension will be somewhat screened from the Upper Cliff Walk by the contours and screening by the lower set down into the landscape. However, I would consider that in view of the spectacular setting and the extent of the footprint of the existing

previously extended house, that the proposed extension will jut out further from the envelope of the existing house and will appear excessive in this sensitive landscape. If the Board decides to permit, I would recommend that the overall length of the extension be reduced to a maximum of 7m with would appear less obtrusive and more in character with the footprint of the existing house. If the Board decides to permit, I would recommend that this reduction in floor area, be conditioned.

7.3. Drainage

- 7.3.1. Details submitted provide that surface waters from the residential development drain to an existing soakaway in the south east corner of the site. No additional changes to the surface water network are planned and it is proposed that the new extension will also drain into the existing soakaway.
- 7.3.2. Foul waters from the existing residence currently drain to an existing Biocycle filtration system within the site. Given the small scale and nature of the proposed extension works (i.e. one room with no associated foul drainage) no changes are proposed to the existing system or the P.E of the subject lands.
- 7.3.3. It is noted that the Council's Water Services Department does not object to the proposed development subject to conditions concerning surface water drainage. It is recommended that if the Board decides to permit that an appropriate drainage condition be included.

7.4. Other Issues

- 7.4.1. The Third Party, the Observer Hillwatch and An Taisce, have expressed concerns about fencing, impact on rights of way, and on the Cliff Walks. While these concerns are noted, they are not the subject of this application. If any enforcement issues arise, this would not be in the remit of the Board, rather of the appropriate section in the Council.
- 7.4.2. An Taisce also have concern about invalidity issues. They are concerned that the natural curtilage of Heather Cottage, is .344ha (0.85 acres) yet the site outlined in red is stated on the application form to be 2.53ha. While this area may be in the ownership of the applicant it is not within the curtilage of Heather Cottage. Having regard to the Site Layout Plan submitted this would appear to be the case.

7.4.3. It is of note that the issue of ownership is a civil matter and I do not propose to adjudicate on this issue. I note here the provisions of s.34(13) of the Planning and Development Act: “*A person shall not be entitled solely by reason of a permission under this section to carry out any development*”. Under Chapter 5.13 ‘Issues relating to title of land’ of the ‘Development Management - Guidelines for Planning Authorities’ (DoECLG June 2007) it states, inter alia, the following: “*The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts...*”

7.5. Screening for AA

7.5.1. It is noted that given the site’s location the Council’s Biodiversity Officer requested a full AA to assess the impact of the proposed development, in particular the construction methodology on the Howth Head SAC. They also considered that the report should address the potential conversion of the existing vegetation to Annex 1 habitat on the lands within the ownership of the applicant to enhance the overall conservation status of the SAC. This was included as part of the Council’s F.I request.

7.5.2. In response a Screening Report and Natura Impact Statement has been submitted by Scott Cawley as part of the F.I. This has regard to Stage One Screening Methodology and Stage Two Screening Methodology. A description is given of the proposed development on site and of the receiving environment for the proposed development. Excluding the existing dwelling and the landscaped curtilage surrounding the existing dwelling, the remainder of the lands are contained within Howth Head SAC (site code 000202) (Figure 2 shows the location of the site within the SAC). It is noted that the immediate surrounding environment is comprised of pedestrian walkways, heathland and vegetated sea cliffs associated with Howth Head SAC which is designated for the following habitats:

- (1230) Vegetated sea cliffs of the Atlantic and Baltic coasts
- (4030) European dry heaths

7.5.3. It is provided that the development site in view of its residential nature, does not contain any of these habitats. Table 1 provides a listing of the European designated

sites within the vicinity of the proposed development site. This is a site listed where there is potential for significant effects from the proposed development on the European site i.e: *Due to the proximity of the construction works to qualifying interest Dry Heath habitat within this SAC, in the absence of mitigation, the possibility of significant effects from construction-related surface water discharge cannot be ruled out. In addition, in the absence of migration, landscape species selection could risk introduction of invasive species to the SAC.*

7.5.4. Located c.154m to the east of the site (as shown on Figure 1) is the boundary for the Howth Head Coast SPA (004113) which is designated for the following bird species:

- (A188) Kittiwake

It is provided that there is no record of any Kittiwake within the property or 100m from the property. Table 1 provides that there is potential for significant effects from the proposed development on this SPA: *Due to the proximity of the construction works to this SPA, in the absence of mitigation, the possibility of significant effects from construction-related surface water discharges cannot be ruled out. In addition, in the absence of mitigation, landscape species selection could risk introduction of invasive species to the SPA.*

7.5.5. It is also provided that there are no other pathways or impact sources that could give rise to significant effects on Kittiwake. The proposed development site itself offers no supporting habitat for the species. The Kittiwake nesting locations are at least 190m distant from the proposed works locations and as such would not be at risk of noise or disturbance effects from construction works.

7.6. Conclusion on AA Screening

7.6.1. It is concluded that the likelihood of significant effects on any European sites cannot be excluded for the following European sites:

- Howth Head SAC (000202)
- Howth Head Coast SPA (004113)

For all other European sites (as listed on Table 1) the likelihood of significant effects can be excluded. It is provided that in the case of the above European sites where the likelihood of significant effects cannot be excluded, the only significant effects to

those European sites (in the absence of mitigation) arises from landscape species selection and construction related surface water discharges from the proposed development. It is concluded that effects of these European sites requires further consideration and mitigation. Therefore, a Stage Two AA of the proposed development is required if it cannot be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will have a significant effect on a European site.

7.6.2. It is noted that Table 1 (referred to above) provides that relative to the other European sites in the vicinity that there is no potential for significant effects from the proposed development. There is no pathway to these European sites and it falls outside of the zone of influence of the proposed development. They also, note that a desktop study revealed no records of any invasive species within the development, or within 100m of the development.

7.7. Stage 2 - NIS

7.7.1. The Report provides a summary of European sites relevant to the Stage Two AA. A description is provided of Howth Head SAC relative to the Condition of site and management. This includes regard to flora and habitats and notes that the dry heath and sea cliff vegetation is extensive and well developed. Threats to the site include invasive, non-native species, urbanised areas and human habitation, mining and quarrying and walking, horse riding and non-motorised vehicles etc.

7.7.2. Relative to Howth Head Coast SPA Condition of site and management include relative to breeding seabirds, with the nationally important populations of Kittiwake, Razorbill and Black Guillemot, and a regionally important population of Guillemot. It is also note that the cliffs support a breeding pair of Peregrine Falcon, a species listed on Annex 1 of the E.U Birds Directive. Threats to the site include walking, horse riding and non-motorised vehicles and fire and fire suppression.

7.7.3. It is provided that the following habitats for which Howth Head SAC is designated and species for which Howth Head Coast SPA is designated, would be potentially at risk from silt-laden surface water discharges, contaminated water discharged or an accidental pollution incident as a result of the construction of the proposed

development if they were of a sufficient magnitude and duration to affect water quality.

- Vegetated sea cliffs of the Atlantic and Baltic coasts (1230)
- European dry heaths (4030)
- Kittwake (A188)

7.7.4. It is noted that these habitats could be vulnerable to the potential effects of introduction of non-native invasive species as a result of the proposed development. Table 2 of the NIS provides Site specific conservation objectives and potential effects arising from the proposed development. In general, it is provided that the proposal does not include any works within the Annex 1 habitat or any works which could contribute to a reduction in habitat area.

7.7.5. However, while unlikely there are some concerns about the impact on the physical structure and hydrological regime, vegetation composition: negative indicator species and bracken and woody species and notes that mitigation measures will be required. Regard is had to impact on the Ecosystem and on Vegetation Composition etc and it is noted that in the absence of mitigation, an accidental pollution event, surface water run-off or discharge of contaminants could affect water quality and affect negatively on some of these habitats nearby. Also, that in the absence of mitigation non-native species could be introduced as part of a landscaping scheme or negative indicator species to this habitat could be introduced. Similarly concerns relative to disturbed ground, impact on flora and habitats and also separately to the growth stages of ling. It is not considered that there will be a negative impact on the Kittiwake.

7.7.6. Section 6 of the NIS provides an Appraisal of Potential Impacts on European Sites. This includes that the only potential adverse effects identified for the relevant European site (in the absence of mitigation) arises from potential landscape selection and surface water run-off from the construction stages of the proposed development. As outlined in Section 4 of the Report all other potential impacts on the relevant European sites can be excluded.

7.7.7. Details are given of Mitigation Measures to address Potential for Impacts on Water Quality during construction of the proposed development. This includes that any

landscaping plan not include any invasive species as described. It is noted that the construction site has a minimum 30m (max 120m) buffer zone between the construction works and the nearest Annex 1 habitat (Dry Heath), thus reducing the risk to European sites.

- 7.7.8. It is provided that the potential run-off related impacts during construction can be further curtailed by placing a line of silt fencing immediately downhill of the construction area. This mitigation measure will curtail all run-off arising from the site and prevent it from reaching the Q1 habitats associated with Howth Head SAC or the nesting cliff sites within the Howth Head SPA.
- 7.7.9. Construction machinery is to re-fuelled off site. It is provided that where this is not possible spill kits will be available on site to immediately clean up any accidental spills, and any used materials will be disposed of to a licensed waste contractor.
- 7.7.10. All construction machinery and construction related materials are to remain within the designated construction zone which will keep all construction traffic and materials storage outside of the Q1 habitats for Howth Head SAC and outside of Howth Head SPA. It is provided that this measure will prevent any direct impacts relative to habitat loss from construction traffic and materials storage and also indirect impacts associated with run-off from storage of construction materials. (Figure 3 relates).
- 7.7.11. It is provided that as outlined in the NIS report with the implementation of mitigation measures the proposed development will not result in any measurable effect on Howth Head. There are also protective policies and objectives in place at a strategic planning level to protect Howth Head.
- 7.7.12. Confirmation of the landscape planting list with the Council will ensure that no invasive species are introduced as a result of the proposed development. Also, that there is no potential for direct cumulative impacts arising from habitat loss at the proposed development site. With the implementation of mitigation measures, contamination of surface waters as a result of the proposed development is not anticipated for the reasons they have outlined. Therefore, they provide that there is no potential for direct cumulative impacts arising from surface water contamination of the proposed development.

7.8. Conclusion regarding NIS

- 7.8.1. Scott Crawley concludes that given the findings of this NIS, that given the mitigation measures proposed during construction phase, there will be no adverse impact on the integrity of the European sites including Howth Head SAC , it is not deemed necessary to provide any compensatory measures such as conversation of existing vegetation to Annex 1 habitat to enhance the SAC. In this regard the applicant has confirmed that this is not a measure that they wish to pursue.
- 7.8.2. I would consider that the proposed mitigation measures are clearly described and would be reasonable, practical and enforceable. It is noted that the Council had regard to the findings of the NIS and concluded that there will be no adverse impact on the integrity of the Howth Head SAC. They also provided that it is not deemed necessary to provide any compensatory measures such as conversion of existing vegetation to Annex 1 habitat to enhance the SAC. In view of the scale and nature of the proposed development, I would concur with this, in this instance.
- 7.8.3. I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site Howth Head SAC (site code 000202) and Howth Head Coast SPA (site code 004113) or any other European site, in view of the site's Conservation Objectives.

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 character of the established dwelling and to the planning history of the subject site, to the distance from the neighbouring property and the screening provided, it is considered that the proposed single storey rear extension would not in the particular circumstances of this case be out of character with the existing development, would not detract from the landscape character of the area or

protected views. It would not seriously injure the visual amenities of the area and would be in accordance with the provisions of the Fingal 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 17th day of October 2019 and by the further plans and particulars received by An Bord Pleanála on the 18th day of December, 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. The proposed development shall be amended as follows:
 - (a) The length of the proposed single storey rear extension shall be reduced to a maximum of 7 metres.

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 orderly development and the amenity of the area.

3. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

4. The external finishes of the extension shall match those of the existing dwelling.

Reason: In the interest of visual amenity.

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

Reason: In the interest of public health.

6. The applicant shall implement the mitigation measures specified in the screening report and the Natura Impact Statement submitted on the 17th of October 2019.

Reason: In the interests of the proper planning and sustainable development of the area and in the context of the site's location within the Howth Head SAC.

7. 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 and hours of operation.

Reason: In the interests of public safety and the amenities of this area of Howth Head.

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

the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Angela Brereton
Planning Inspector

19th of March 2020