



An  
Bord  
Pleanála

## Inspector's Report

### ABP-306073-19

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<b>Development</b>	Retention permission for alterations to approved development (Reg. Ref. F16A/0225), demolition of car port, and construction of replacement green-roofed car port to accommodate 2 cars.
<b>Location</b>	Carnalea, Thormanby Road, Howth, Co Dublin
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F19A/0447
<b>Applicant(s)</b>	Patrick O'Sullivan
<b>Type of Application</b>	Retention Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	First Party against condition
<b>Appellant(s)</b>	Patrick O'Sullivan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	30 <sup>th</sup> of January 2020
<b>Inspector</b>	Angela Brereton

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## 1.0 Site Location and Description

- 1.1. The application site is located on the south side of Thormanby Road, Howth, Co. Dublin. It is to the east of the junction with the Carrickbrack Road. It is a long rectangular shaped site with a stated area of c.0.66ha. The site slopes steeply from north to south, with a difference in ground level of approx. 12m from the entrance gates and the southern end of the site. The southern half of the site is mainly overgrown and is zoned as a high amenity area.
- 1.2. The original dwelling has been demolished and work is generally complete on the construction of a new dwelling as permitted under Reg. Ref. F16A/0225. It is of note that the newly constructed property has been renamed. The original house 'Carnalea' has been demolished and the new house is known as 'Cliff Haven'. It is occupied and appears completed with landscaped gardens front and back. In view of the changes in level there are steps on either side from the lower level rear garden area. The rear of this elevated site commands views of the sea.
- 1.3. The adjacent property to the east is a bungalow at the top of a winding driveway which is known as 'Glenlion'. The adjacent driveway serves three other dwellings downslope of Glenlion towards the cliff edge. Bracken Hill is a two-storey dwelling located to the west of the subject site and has first floor windows facing. The subject property is visible in the distance from the Cliff Walk which passes by the site along its southern boundary.

## 2.0 Proposed Development

- 2.1. This development consists of alterations to previously approved Reg.Ref. F16A/0225. Retention permission is sought for the following:
  - (i) Demolition of 34sq.m car port, located adjacent to the front boundary with Thormanby Road and construction of a 2.25m high, 32sq.m replacement green-roofed car port to accommodate 2no. cars to front (north of approved dwelling);
  - (ii) Works to the front of approved dwelling to accommodate level access at ground floor comprising the lowering of the ground level, reconfiguration of

the driveway, retaining walls and landscaping and internal alterations to ground floor layout;

- (iii) Alterations to fenestration details at ground floor level including reduction in bay window on east elevation (serving approved dining room), provision of bay window on west elevation (serving approved living room), provision of 2 new windows on north elevation (serving approved TV room), removal of previously approved window on east elevation, and provision of one new corner window on north /east elevation (serving approved play room) and provision of 2no. new windows on north elevation (serving approved utility/boot room); and
- (iv) 94sq.m extension to basement level, incorporating 3no. sliding doors (serving gym, lower landing and games room) and 1no. door (serving garden store) on southern elevation. No changes have occurred to the ridge/eaves height of the approved dwelling. The proposal also includes boundary treatment, landscaping, and all ancillary works necessary to facilitate the development.

2.2. Documentation submitted with this application includes the following:

- A Planning Report by Hughes Planning & Development Consultants, which includes a description and rationale and sets out the planning merits for the proposed Retention development.
- Architectural drawings by Tyler Owens Architects.
- Landscape drawings by Stephen Woodhams Design Ltd.

## 3.0 Planning Authority Decision

### 3.1. Decision

On the 15<sup>th</sup> of November 2019, Fingal County Council granted Retention Permission for the proposed development subject to 7no. conditions. These include in summary:

- Condition no. 2 – seeks compliance with the conditions of permissions made under F16A/0225 and F18A/0145.

- Condition no.3 – This permission will expire five years form the date of the final grant of permission of F16A/0225 – 13<sup>th</sup> of December 2021.
- Condition no.4 – Provides for the omission of the bay window located along the western elevation and reinstatement of the fenestration as permitted under Reg.Ref. F16A/0225.

### 3.2. **Planning Authority Reports**

#### Planner's Report

This has regard to the locational context of the site, planning history and policy and to the inter-departmental reports and the submissions made. Their Assessment included the following:

- The retention permission seeks to regularise a number of issues which are not in accordance with the parent permission. It is noted that some of these were permitted under Reg.Ref. F18A/0145, with the exception of the bay window located along the western elevation.
- The applicant is seeking retention permission for the bay window located along the western elevation which was refused retention permission under F18A/0145. They recommend that by reason of loss of privacy of the property to the west 'Bracken Hill' that this bay window be omitted.
- Procedural Issues including regard to the change in the name of the property.
- It is not considered that the development would be likely to have a significant effect either individually or in combination with other plans or projects on any European Sites in the vicinity.
- They concluded that having regard to the RS zoning of the northern section of the lands, it is considered that with the exception of the west facing bay window, the amendments proposed to the house would be in keeping with the permitted house, would not impact significantly on existing residential amenity, subject to compliance with their conditions. They considered the proposed development to be in accordance with the proper planning and sustainable development of the area.

### 3.3. Other Technical Reports

#### Water Services Department

They have no objections to the proposed Retention.

#### Parks and Green Infrastructure Division

They requested additional information to provide an updated tree report including relative to the current condition of trees and hedgerows along the boundaries and the impact of the works proposed for retention. They note that the tree bond conditioned in F16A/0225 (Condition no.7 relates) may be affected if any of the trees shown for retention have been removed, they also have regard to tree planting.

#### Transportation Planning Section

They made recommendations relative to the design of the carport, and to ensure that the structural integrity of Thormanby Road and the public footpath are not adversely impacted by the proposed works.

### 3.4. Prescribed Bodies

#### Department of Culture, Heritage and the Gaeltacht

They note the location of the property within the Howth SAAO and adjacent to Howth Head SAC. They have concerns about some of the landscaping proposals i.e the removal of native species and the planting with non-native species. Also, the proposed use of an invasive species listed on the Third Schedule of European Communities (Birds and Natural Habitats) Regulation 2011, as amended. They recommend that the Board should specify in any condition of planning the extent of heathland and other natural vegetation to be retained and that no planting should take place in such areas. Alien invasive species including species referred to should not be planted.

#### Irish Water

They have no objections subject to conditions.

### 3.5. Third Party Observations

Detailed submissions have been received from O'Neill Town Planning on behalf of Michael and Teresa O' Callaghan, Bracken Hill, local resident Roxanne White and from Hillwatch. Their concerns have been noted in the Planner's Report and include in summary:

- Progression of unauthorised works without a valid planning permission. Significant additional works have been carried out.
- Adverse impact on private residential amenity. This includes relative to scale, bulk and proximity to the western boundary.
- They note their concerns relative to the impact on privacy from the large bay window and balcony proximate to the western site boundary.
- Impact on trees and landscaping.
- Protection of the High Amenity of the area including the need for removal of the viewing pod building from the site.
- Drainage implications
- Significant unacceptable changes that conflict with the Fingal DP and Howth SAAO requirements and the undesirable precedent it would establish.

### 4.0 Planning History

The following planning applications are relevant to the subject site:

**F18A/0145** – Permission was granted subject to conditions by Fingal County Council for: 1) the car port and retention permission for 1) works to the front of the approved dwelling, 2) driveway revisions, 3) retaining walls and associated landscaping, 4) internal alterations to the house, 5) fenestration amendments with the exception of the western of the western ground floor bay window, 6) basement, 7) removal of previously constructed car port, 8) landscaping works, subject to 13 conditions specified in Schedule.

In this split decision, Retention permission was refused for the ground floor western bay window and the viewing pod and associated amendment to land levels at



Carnalea, Thormanby Road, Howth for the reasons specified in Schedule 2: Reasons nos. 1- 4 relate to the omission of the viewing pod. Reason no. 5 is relevant to the omission of the bay window.

This application was subject to an Appeal to the Board, which was subsequently withdrawn (ABP-303470-19 refers).

**F17A/0563** – Permission granted by the Council for amendments to previously approved permission Reg.Ref.F16A/0225, comprising of (in summary) construction of carport, alterations and works to the approved dwelling, including minor alterations to fenestration detail at ground and first floor levels on the front elevation, and at ground floor level only on the two side elevations, and all ancillary works.

This application was subject to an Appeal to the Board, which was subsequently withdrawn (ABP-300378-17 refers).

**F16A/0225** – Permission granted subject to conditions by the Council for the demolition of existing two storey, four bedroom detached dwelling and construction of a replacement two storey, over basement six bedroom detached dwelling. Connection to existing on-site bio-cycle waste water treatment system. SuDS drainage, landscaping and all associated site development works. The following conditions are of note relative to the fenestration:

Condition no. 3: *Prior to the commencement of development the developer shall submit revised plans for the written agreement of the Planning Authority detailing the following:*

- a) *The window on the eastern elevation serving Bedroom no. 6 shall be replaced with a high level window or wall.*
- b) *The window on the western elevation serving the guest bedroom shall be replaced with a high level window or wall.*

*Reason: In the interests or residential amenity.*

Condition no. 4: *The side wall features to Bedroom no. 4 and Bedroom no. 6 shall be panels or similar and shall not be transparent glazing/windows.*

*Reason: To protect the amenities of the area.*

**F05A/0660** – Permission granted for the demolition of existing habitable 2 storey dwelling house and the construction of one number two storey four bedroom dwelling house; modifications of access gate and front wall along Carrickbrack Road. Condition no. 7 of this permission had regard to tree protection during construction. Copies of these decisions are included in the History Appendix of this Report.

## 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.

#### *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 (see attachments). 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 ‘*Residential area within the Special Amenity Area*’ (see Map A of Order). 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**

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**

Hughes Planning & Development Consultants have submitted a First Party Appeal on behalf of the Applicants against Condition no.4 of the decision of Fingal County Council's permission (Reg.Ref.F19A/0447 refers). Their grounds of appeal include the following:

- Condition no. 4 is unwarranted as the subject bay window poses no undue impact to the existing residential amenity at this location and has been designed and scaled appropriately for the sole purpose of providing a high standard of residential accommodation for the applicant.
- They note that the Case Officer makes no reference to the large extent of existing boundary planting which screens the bay window along the western boundary. They provide figures to illustrate this. They consider that this planting mitigates any potential overlooking.
- They submit that the Case Officer also fails to make reference to the proposed landscaping works, which further serve to mitigate against any potential overlooking arising from the bay window.
- They have regard to the Case Officer's assessment of the bay window under Reg.Ref. F18A/0145 and note that a subsequent appeal to the Board was withdrawn Ref.No. ABP- 303470-19 relates.

- They have regard to the Inspectors Report and note that the appeal was based on 2no. distinct elements relating to both a viewing pod situated near the rear of the site and works to the existing dwelling.
- They consider that the commentary provided within the Inspector's Report prepared in respect of ABP-303470-19 (withdrawn) provides a direct justification for the retention of the subject bay window.
- They ask the Board to exercise its discretion under Section 139(1) of the Planning and Development Act 2000 (as amended) to remove Condition no.4.

## 6.2. Planning Authority Response

Fingal County Council's response includes the following:

- The proposal was assessed against the policies and objectives of the Fingal Development Plan 2017-2023 and the existing government policy and guidelines. It was assessed having regard to the DP zoning objectives as well as the impact on the adjoining neighbours and the character of the area.
- Having reviewed the First Party Appeal, the Planning Authority are of the opinion that Condition no. 4 which omits the bay window should be retained in order to protect the residential amenities of the neighbouring property.
- They refer to their site visit and note a difference in levels between the two sites and consider that this window in its current form gives rise to a significant level of overlooking of the private amenity space associated with the neighbouring property Bracken Hill.
- The Planning Officer considers that the existing vegetation and any supplementary planting cannot be relied upon as a screening method to overcome issues of overlooking as it could be removed by the landowner or any future potential owners.
- This has been the PA's stance on the use of planting to overcome overlooking for numerous years in the interest of the proper planning and sustainable development.

- The Applicant makes reference to a report from a Planning Inspector in the Board relating to ABP-303470-19. This appeal was withdrawn and was never assessed by the Board members. It is noted that the comments from this Inspector's Report should not be considered as it relates to an appeal which was never determined.
- The PA request that the Board retains Condition No.4 of Reg.Ref. F19A/0447 in order to protect the residential amenity of the surrounding area. They also request that Condition no.7, a financial contribution is included in the Board's determination.

## 7.0 Assessment

### 7.1. Appeal Against Conditions

- 7.1.1. This is a First Party Appeal against Condition no.4 of the Council's permission Reg.Ref. F19A/0447. They provide that Condition no. 4 is unwarranted relative to the omission of the bay window on the western elevation of the subject property as they consider that it does not impact adversely on the residential amenity of the neighbouring property. They also have regard to screening provided by landscaping. They ask that the Board to omit this condition.
- 7.1.2. Section 139(1)(c) of the Planning and Development Act 2000 (as amended) provides in summary that where an appeal relates only to a condition or conditions and the Board is satisfied having regard to the nature of the conditions that a determination by the Board of the relevant application as if it had been made in the first instance would not be warranted, the application does not need to be considered *de novo* and the Board at its discretion may attach, amend or remove such conditions.
- 7.1.3. Section 8.11 of the Development Management Guidelines 2007 is of note in that it provides: *The Board has complete discretion to give to the planning authority whatever directions it considers appropriate relating to the attachment, amendment of or removal from the grant of permission of the condition or conditions the subject of the appeal, or any other conditions. However, in appeals relating to section 48/section 49 financial contributions conditions only, the Board is restricted to consideration of the matters under appeal.*

7.1.4. Therefore, having regard to the legislation, guidelines and the documentation submitted and taking into account that there are no third party appeals or observations submitted, I would recommend that it would be appropriate in this instance for the Board to deal with this retention issue as an appeal against condition no.4 only, rather than *de novo*.

## 7.2. **Background to Condition no.4**

Regard is had of the Planning History relative to the background to the concerns regarding the insertion and retention of this bay window on the western elevation. The Council's reason no. 5 for refusal relevant to Reg.Ref. F18A/0145 is relevant to the bay window:

*The northern part of the subject site is zoned objective 'RS' – to 'Provide for residential development and protect and improve residential amenity' under the Fingal DP 2017-2023. The ground floor western bay window feature, by virtue of its size, scale, separation distance from the site boundary, changes in ground levels in the vicinity and reliance on a hedge and proposed planting for screening would impact unacceptably on the high level of privacy and associated residential amenity currently enjoyed by the inhabitants of the dwelling to the west. As such, the window proposed for retention would contravene the zoning objective for the area and, accordingly, would be contrary to the proper planning and sustainable development of the area.*

7.2.1. It is noted that this was subject to appeal (Ref.No. ABP-303470-19 refers) which was subsequently withdrawn. The current First Party Appeal refers to the Inspector's Report in that case. However, as this application was never determined by the Board, this is a not relevant consideration in this case.

7.2.2. Note is had of the Planner's Report relevant to the current application which includes that their concerns over the provision of the bay window still remain. This includes that the previously permitted scheme allowed for fenestration along this elevation that had a reduced amount of glazing which was broken up by the insertion of walls. They consider that the location of this bay window gives rise to significant overlooking of the private amenity space which serves the neighbouring dwelling 'Bracken Hill' and as such they recommend that the applicant be requested to omit



the subject window and reinstate the fenestration layout for this section of the western elevation, as previously permitted under Reg.Ref.F16A/0225. They provide that this can be achieved by way of condition. In this respect it is noted that Condition no.4 of the Council's permission refers.

- 7.2.3. Reg.Ref. F16A/0225 is noted in the Planning History Section above. Regard is had to the plans submitted showing the western elevation as previously granted and the changes in the current plan relevant to the insertion of the larger projecting bay window. The Clarification of Further Information drawing submitted at that time, shows the location and break-up of the side window. Condition nos. 3 and 4 of this application refer to windows and fenestration.
- 7.2.4. Regard is also had to the subsequent application Reg.Ref. F17A/0563 where, as has been noted in the Planning History Section above permission was granted subject to conditions by the Council. This included Condition no. 2 relevant to compliance with the conditions of F16A/0225.
- 7.2.5. Therefore, it is noted that it was not originally intended to have a bay window in this location, and its retention was refused by the Council in the previous application on this site Reg.Ref.18A/0145. Note is also had and referred to in the First Party Appeal of the landscaping conditions attached to the previous permissions.
- 7.2.6. It is also of note that Condition no. 2 of the Council's retention permission Reg.Ref. F19A/0447 provides that the conditions of the previous permissions F16A/0225 and F18A/0145 shall be complied with and Condition no. 5 refers to the provision of an updated Tree Survey. Both of these previous permissions contain conditions relative to tree protection and landscaping.

### **7.3. Consideration of Condition no.4**

- 7.3.1. This is as follows:

*The bay window located along the western elevation of the subject dwelling shall be omitted and the applicant shall reinstate the fenestration layout for this section of the western elevation, as previously permitted under Reg.Reg. F16A/0225. This work shall be undertaken and completed within 3 months from the date of the final grant of this application.*

*Reason: In the interest of protecting residential amenity.*

7.3.2. As this First Party Appeal relates solely to the inclusion of this condition, regard is had to the Council's concerns and their reasoning for its inclusion relevant to protecting residential amenity and First Party considerations as to whether this condition is unwarranted and should be omitted.

7.3.3. It is also of note that this is a Retention Permission and the issue to consider is whether the bay window on the western elevation would have been permitted under first principles in this location if it had not been constructed in the first place.

#### **7.4. Impact on the Amenities of the Adjacent Property**

7.4.1. During my site visit, carried out at the end of January, I noted that the western bay window is on first floor level and looks towards the 3no. first floor windows on the side elevation of the residence 'Bracken Hill' to the west. The bay window is set back c. 4m from the western side boundary. This property is set some distance away (c.22m) and the view is mainly screened by existing planting and landscaping along the western boundary. It is of note that Section 12.3 of the Fingal DP 2017-2023 refers to Design Criteria for Urban Development. This includes: *A minimum standard of 22 metres separation between directly opposing rear first floor windows shall be observed, normally resulting in a minimum rear garden depth of 11 metres. However, where sufficient alternative private open space (e.g. to the side) is available, this may be reduced - subject to the maintenance of privacy and protection of adjoining residential amenities.*

7.4.2. As noted on site the western boundary is well screened by landscaping, which provides screening of the bay. Regard is also had to the landscaping plan submitted which includes the retention and augmentation of this boundary planting. The issue as raised by Fingal is what would happen if this screening were removed. In that event there would be more of a view towards the three first floor side windows. As noted in the plans submitted this proposal introduces a potential overlooking element that is more substantial than previously granted.

7.4.3. It could be argued that the bay window should be obscure glazed and the Board may wish to amend condition no.4 to include this. However, on site it was noted that there

are steps and a walkway at the side, and a low level clear glazed screen so it would be possible to stand closer to the boundary.

- 7.4.4. It is considered that as per the conditions of the previous permissions the landscaping including boundary planting should be retained and augmented where necessary. The comments of the Department of Culture, Heritage and the Gaeltacht relative to the landscaping plans submitted and retention of native species and non-planting of invasive species have been noted above. Any unauthorised removal of the planting/landscaping including along the western elevation should be subject to Enforcement by the relevant Section of the Council. In view of this screen planting and the distance from the side elevation of Bracken Hill, I would recommend that Condition no 4 be omitted from the Council's permission.

## 7.5. **Appropriate Assessment Screening**

- 7.5.1. Having regard to the subject of this appeal relative to Condition no.4 of Reg.Ref. 19A/0447 which concerns the omission of a bay window to the existing permitted house on the subject site, it is considered that in view of the scale and nature of this aspect of the proposed retention development and of nature of the receiving environment and the proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 **Recommendation**

I recommend that Condition 4 of the Council's permission be omitted for the reasons and considerations below.

## 9.0 **Reasons and Considerations**

Having regard to the 'Residential' zoning of this part of the site, to the planning history of the subject site, including the construction of the dwelling, to the distance from the neighbouring property and the screen planting along the western boundary, it is considered that the retention of the bay window on the western elevation would

not in the particular circumstances of this case be out of character with existing development within the area, would be acceptable in terms of visual impact, and would not seriously injure the residential amenities of the area or of property in the vicinity and would be in accordance with the provisions of the Fingal Development Plan 2017-2023. Therefore, the omission of Condition no.4 of Register Reference. F19A/0447, would be in accordance with the proper planning and sustainable development of the area.

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Angela Brereton  
Planning Inspector

17<sup>th</sup> of February 2020