



An
Bord
Pleanála

Inspector's Report ABP-307298-20

Development

Demolition of existing side and rear extensions, minor alterations to existing house, construction of two single storey houses at rear 94sqm each, widening of existing road entrance, construction of new access road to the side of existing house and all associated works.

Location

30 Howth Road, Sutton, Dublin 13.

Planning Authority

Fingal County Council.

Planning Authority Reg. Ref.

F20A/0043.

Applicant(s)

Alan & Mary Ivory.

Type of Application

Permission.

Planning Authority Decision

Refusal.

Type of Appeal

First Party.

Observer(s)

Michael Purcell.

Date of Site Inspection

16th July 2020.

Inspector

Barry O'Donnell.

1.0 Site Location and Description

- 1.1. The appeal site is located on the north side of the R105 Howth Road, east of Sutton cross and north-east of Dublin City Centre, and has a stated area of 1.8ha. The site is comprised of a detached bungalow dwelling, which incorporates projecting elements to the side and rear, a garden shed and the attendant garden, which measures approx. 75m long.
- 1.2. The site is accessed from Howth Road and there is a parking area to the front of the dwelling. There is a signalised traffic control immediately outside the site access, component parts of which abut the front boundary wall.
- 1.3. The site is located in an area of predominantly two-storey housing, although the west-adjointing property, 31 Howth Road, which is in use as a doctor's surgery *Sutton Clinic*, is a similarly proportioned bungalow. There are a number of backland houses in the area, both east and west of the site. Sutton Golf Club adjoins the site to the rear.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of existing side and rear extensions together with minor alterations to the existing house, to facilitate the construction of two single storey houses to the rear, along with associated widening of the existing road entrance and the construction of a new access road to service the proposed dwellings. Associated works are also proposed.
- 2.2. The rear and side extensions to be demolished have a stated area of 79sqm.
- 2.3. The proposed dwellings would be identical in appearance and scale, with a stated area of 94sqm and measuring 7m to ridge height, incorporating a raised finished floor level 1.8m above surrounding ground level and providing 2 bedrooms, living, study, bathroom and storage spaces internally. Both dwellings would also incorporate ramped/stair accesses to the rear and side and a raised deck to the front, which would be enclosed by glazed screening of varying height.
- 2.4. The proposed site layout takes a linear form, with the proposed houses set back progressively into the site. House 'B' would be set back 26m from the rear of the existing dwelling, with the space between dwellings providing garden spaces for both, whilst House 'A' would be set back 22m from the rear of House 'B' and with the space

between dwellings providing parking spaces and garden space. In terms of plot size, House 'A' has a stated plot size of 593sqm and House 'B' has a stated plot size of 424sqm.

- 2.5. The site access routes adjacent to the east property boundary, providing sufficient width for a single vehicle and it incorporates a lay-by arrangement, to allow opposing vehicles pass. Parking areas are provided to the rear of both houses, providing 1 parking space for each house.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 25th March 2020 Fingal County Council issued a Notification of Decision to Refuse Permission, with permission refused for 2 reasons, as follows:

1. The proposed development is visually out of character with the pattern of development along Howth Road and is contrary to Objective DMS39 and Objective DMS44 of the Fingal County Development Plan 2017-2023, which seek to protect the residential character and physical character of an area. The proposed development would, therefore, seriously injure the amenities of the area and of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.
2. The proposed development would set and undesirable precedent for other similar developments, which would in themselves and cumulatively be harmful to the amenities of the area and be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. Planner's Report dated 19th March 2020 which reflects the decision to refuse permission. The report recommended that permission should be refused and the recommended refusal reasons generally accord with the refusal reasons set out in the Notification of Decision to Refuse Permission.

- 3.2.2. Other Technical Reports

Transportation Planning Section – Undated report, which outlined no objection to the proposed development, subject to a number of recommended planning conditions. Included within the recommended conditions was a requirement that planting to the west of the site entrance should be cut back, to improve visibility, and that no structures or landscaping exceeding 900mm high should be placed within the visibility triangle.

Water Services Department – Report dated 14th February 2020 outlining no objection, subject to a number of recommended conditions which included a requirement that revised surface water drainage proposals should be submitted, where proposed pumping is not acceptable.

Parks and Green Infrastructure Division – Report dated 7th February 2020 outlining no objection, subject to a number of recommended conditions which included a requirement that a tree bond should be paid to the Planning Authority and that 12 replacement native trees should be planted on the site.

3.3. **Prescribed Bodies**

- 3.3.1. **Irish Water** – Submission dated 7th March 2020 outlining no objection, subject to a number of recommended planning conditions including a requirement that the applicant should justify the need for a pumping sump and that the correct location of the existing foul sewer on the site should be verified and that a minimum setback of 3m from the sewer shall be maintained.

3.4. **Third Party Observations**

- 3.4.1. 2 No. third party submissions were received, from Sutton Golf Club and an adjoining property owner, the issues raised within which can be summarised as follows:
- Concerns that the proposed development does not address previously outlined reasons for refusal of a similar development on the site.
 - Concerns regarding overdevelopment of the site.
 - Concerns regarding the development being out of character with the pattern of development in the area.
 - Concerns relating to the impact of the development on adjoining lands which are designated as a High Amenity area under the County Development Plan.
 - Concerns regarding impact on residential amenity.

- Concerns regarding overlooking.
- Concerns regarding impact on future development and enjoyment of adjoining rear gardens.
- Concerns regarding property devaluation in the vicinity.
- Concerns regarding the lack of consultation with neighbours.
- Concerns regarding non-compliance with development objectives set out within the County Development Plan.
- Concerns regarding boundary treatments.
- Concerns regarding flood risk.
- Concerns regarding the ability of public services to accommodate the proposed development and the impact of the development on such infrastructure.
- Concerns regarding traffic and pedestrian safety.
- Concerns relating to protection of trees.

4.0 Planning History

F19A/0198 – Permission refused on 1st July 2019 for demolition of existing side and rear extensions, minor alterations to existing house, construction of two single storey houses at rear 94 sqm each, widening of existing road entrance, construction of new access road to the side of existing house and all associated works. Permission was refused for 3 reasons, on the grounds that the development is visually out of character with the pattern of development along Howth Road, would be injurious to the amenities of the area and property in the vicinity and would represent a piecemeal approach to backland development inhibiting the development of the wider backlands along Howth Road. The applicant also failed to comply with the Sanitary Services Act, due to lack of surface water drainage information being submitted in support of the application.

F01B/0338 - Permission granted on 4th October 2001 for conversion of an existing garage to a bedroom and the addition of a new family room to the back

garden. Permission was granted subject to a number of standard planning conditions.

Relevant Nearby Planning History

F07A/1315 - 28 *Howth Road*: (Bord Ref. PL06F.227833, appeal withdrawn)
Permission granted on 18th March 2008 for a split-level, four bedroom dwelling to the rear of existing dwelling on the site, together with the creation of a shared access. Permission was granted subject to a number of standard planning conditions.

F07A/1120 - 22 *Howth Road*: (Bord Ref. PL06F.227732, appeal withdrawn)
Permission granted on 18th March 2008 for demolition of a side garage and construction of a rear extension and also the construction of a new dwelling to the rear of the site. As part of the grant of permission, condition No. 2 required the dwelling to be sited a minimum 1.3m off both east and west site boundaries. A number of standard planning conditions were also attached to the permission.

F06A/0013 - 21 *Howth Road*: (Bord Ref. PL06F.217420, appeal withdrawn)
Permission granted on 25th August 2006 for four bedroomed, dormer style detached dwelling to the rear of the existing dwelling, together with the creation of a shared access. Permission was granted subject to a number of standard planning conditions.

F04A/0967 - 39 *Howth Road*: Permission granted on 7th October 2004 for demolition of kitchen to side of existing dwelling and the erection of a bungalow and garage to rear of existing dwelling. Permission was granted subject to a number of standard planning conditions.

F02A/0610 - 36 *Howth Road*: Permission granted on 21st August 2002 for a bungalow to rear of existing dwelling. As part of the grant of permission, the applicant was required to relocate the northern side of the proposed dwelling to a position 9m south of the site's rear boundary.

F01A/0046 - 42 *Howth Road*: Permission granted on 21st March 2001 for demolition of existing garage/outhouse, re-erection of a new outhouse and a single storey, two-bedroomed house to the rear. As part of the grant of

permission, the applicant was required to reduce the ridge height of the dwelling to max. 5.2m.

F96A/0121 - 37 *Howth Road*: Permission granted on 5th June 1996 for a single storey dwelling to rear of existing dwelling. Permission was granted subject to a number of standard planning conditions.

93A/0008 - 43 *Howth Road*: Outline permission granted for a single storey dwelling house to rear of existing dwelling. As part of the grant of Outline permission, the applicant was required to ensure that the house should incorporate a maximum roof pitch of 28 degrees hipped gables and the floor area should not exceed 120sqm.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is zoned 'RS' under the Fingal County Development Plan 2017-2023, with an objective to "*Provide for residential development and protect and improve residential amenity.*"
- 5.1.2. Objective PM44 relates directly to the proposed development, stating that in relation to backland development that it is an Objective to "*Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.*"
- 5.1.3. The Development Plan states that 'corner site development' includes the sub-division of an existing house curtilage to provide an additional dwelling in existing built up areas. Accordingly, Objective DMS40 is directly relevant to the proposed development, stating that in relation to corner site developments:

"New corner site development shall have regard to:

- *Size, design, layout, relationship with existing dwelling and immediately adjacent properties.*
- *Impact on the amenities of neighbouring residents.*
- *The existing building line and respond to the roof profile of adjoining dwellings.*

- *The character of adjacent dwellings and create a sense of harmony.*
- *The provision of dual frontage development in order to avoid blank facades and maximise surveillance of the public domain.*
- *Side/gable and rear access/maintenance space.*
- *Level of visual harmony, including external finishes and colours.”*

5.2. Natural Heritage Designations

- 5.2.1. The site is located within approx. 250m of Baldoyle Bay Special Area of Conservation (SAC) and approx. 275m of Balydoyle Bay Special Protection Area (SPA), both of which extend up to the coastline, north of Sutton Golf Club
- 5.2.2. The site is also located within approx. 325m of North Dublin Bay SAC and North Bull Island SPA, which extend up to the coastline at Sutton Strand, to the south.

5.3. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The grounds of appeal can be summarised as follows:
- The proposed development is in line with policies and objectives of the *National Planning Framework* (NPF).
 - The NPF targets a greater proportion of future housing development within or close to the existing footprint of built-up areas and seeks to make better use of under-utilised lands, including infill lands. National Policy Objectives 3a and 3b together seek to deliver at least 40% of all new houses within the existing built-

up extent of settlements and to deliver at least half of target new housing in the 5 cities to within their existing built-up footprint. National Policy Objective 35 seeks to increase residential density in settlements, through a range of measures including infill development schemes and area or site-based regeneration.

- ESRI projections indicate that the number of people aged over 65 will more than double, to 1.3 million, by 2040, making up approx. 23% of the total population. The population aged over 85 is expected to quadruple. Government policy is to support older people to live with dignity and independence in their own homes and communities for as long as possible. Such support includes the provision of well-designed lifetime adaptable infill and brownfield development, close to existing services and facilities. National Policy Objective 30 outlines that Local planning, housing, transport/accessibility and leisure policies will be developed with a focus on meeting the needs and opportunities of an ageing population.
- The appeal site is under-utilised, along with other sites in the immediate area. The proposed development provides a higher housing density, in a well-serviced area.
- The appellant's have lived at the appeal site for over 20 years and now that they are retired and their family has moved out, a smaller house is more appropriate for them. The appellants are members of the Sutton community and utilise available services in the area, which benefits their quality of life.
- The proposed second dwelling will contribute to reducing the demand for similar units, for people who have lived in the area for most of their lives and who wish to continue living in the area and enjoying their quality of life. Sutton/Howth is one of the oldest and well-established areas in Fingal, with a high percentage of older owner occupied family houses.
- The proposed development is in line with policies and objectives of the *Rebuilding Ireland an Action Plan for Housing and Homelessness* (Rebuilding Ireland).
 - The overarching aim of Rebuilding Ireland is to increase housing supply across all tenures, to assist in meeting housing needs. The implications of the ageing of our population for public policy in areas such as housing, health and urban

and rural planning are considerable. The planning process has a major role to play in the provision of new housing.

- Government policy is to support older people to live with dignity and independence in their own homes and communities for as long as possible.
- Fingal had the fastest growing population between 2011 and 2016, according to the Central Statistics Office. It is reasonable to assume that this growth has included Sutton and there are a substantial number of ageing residents who would choose to downsize if that option was available to them.
- The proposed houses are designed specifically for retired people and will allow the applicants and potentially another couple to live in the community for as long as possible. The proposed development is responsive to the recommendation within Rebuilding Ireland that downsizing should be considered; it is the most achievable option available to the applicants; and it is very cost-effective.
- Although the Fingal County Development Plan 2017-2023 refers to this plan, it does not contain adequate and specific objectives to reflect its aims and strategies. The Planning Authority has taken a conservative interpretation of a number of development plan policies, particularly relating to the existing pattern of development, when considering the application.
- Planning Authority Refusal Reason No. 1:
 - The proposed development is not out of character with the area and there is a precedent for all of the proposed characteristics. The development is in an area characterised by a variety of house types and sizes. Bungalow and dormer bungalow dwellings have been constructed in many of the back gardens and most of which are large houses. Two houses have been constructed to the rear of 33 Howth Road and permission has been granted for a two-storey house at the rear of 32B Howth Road, which will have a ground floor level of 4.0m AOD. The proposed site coverage and density is substantially less than the approved developments at 21 and 22 Howth Road.
- Planning Authority Refusal Reason No. 2:

- The proposed development of two relatively small downsizing houses is a desirable and necessary development for the area, when account is taken of the age profile of the area and the lack of suitable housing for people wishing to downsize while remaining within their community.
- The proposed development does not set a precedent, due to the number of similar existing backland developments in the area.
- Relevant Supporting Development Plan Policies and Objectives:
 - The proposed development meets or exceeds relevant development standards within the county development plan, with reference drawn particularly to Objectives DMS24, DMS28, DMS39, DMS44, DMS87, PM 44 and PM45.
- Previous Planning Ref. F19A/0198 Reasons for Refusal:
 - A revised drainage layout and Stage 1 Flood Risk Assessment have been submitted with the current application. The floor level of the proposed dwellings will be 4.0m AOD and surface water will be collected into rainwater harvesting tanks and overflows connected to the public surface water drainage system on Howth Road. It is suggested that there may be some merit to raising the proposed floor levels to 3.4m AOD only, should this be considered appropriate.
 - It is recognised that a development which encompasses neighbouring gardens would be more in keeping with proper planning and sustainable development, but the precedent for individual backland developments has been set in this area and it is not appropriate to delay the proposed development for this reason. A potential access to neighbouring lands has been incorporated into the proposed development.
 - The proposed development requires the removal of 5 trees, at least one of which is in danger of falling. Felled trees will be replaced with semi-mature trees in other locations.

6.2. Third Party Observations

- 6.2.1. A submission has been received on behalf of Michael Purcell, owner of 29 Howth Road, outlining an objection to the proposed development. The submission raises

similar concerns to those raised in the observer's submission to the Planning Authority and can be summarised as follows:

- Development is contrary to county development plan Objectives DMS39 and DMS44.
- The applicant has failed to address reasons for refusal associated with previous application F19A/0198.
- Concerns regarding impact on existing and future residential amenity.
- Concerns regarding drainage and flooding.
- Concerns regarding traffic safety.
- The Board is requested to uphold the Planning Authority's decision to refuse permission.

6.2.2. The observer outlines that there is no objection to a well-designed development, i.e. the provision of House 'A', to allow the applicants to downsize.

6.2.3. The observer requests the Board to give consideration to a requirement for a boundary wall of at least 2m in height, should permission be granted.

6.2.4. The observer also responds to a number of the first party appeal issues raised.

6.3. Planning Authority Response

6.3.1. A response to the appeal has been received, the contents of which can be summarised as follows:

- The application was assessed against the policies and objectives of the Fingal County Development Plan 2017-2023 and existing government policy and guidelines. The proposal was assessed having regard to the development plan zoning objective as well as the impact on adjoining neighbours and the character of the area.
- The site is located on Howth Road, where there is precedence for infill development that provides for 1 dwelling to the rear and which has been orientated in a manner that establishes a new rear building line. In this instance it was considered that the provision of 2 dwellings would constitute piecemeal development which would create an undesirable precedent.

- It was also considered the proposed dwellings were not in keeping with the pattern of development and also lacked architectural merit.
- The Board is requested to uphold the decision of the Planning Authority. If the appeal is successful, provision should be made for a financial contribution to be made.

6.4. Further Responses

6.4.1. None received.

7.0 Assessment

7.1. Having inspected the site and considered the contents of the first party appeal in detail, the main planning issues in the assessment of the proposed development are as follows:

- Principle of development;
- Design;
- Proposed layout and impact on neighbouring properties;
- Road safety;
- Surface Water Drainage;
- Flood Risk;
- Other matters;
- Appropriate assessment.

7.2. Principle of Development

7.2.1. The proposed development is consistent with the 'RS' zoning objective, as set out in the Fingal County Development Plan 2017-2023, and also accords with Objective PM44 which promotes backland development in existing residential areas.

7.3. Design

7.3.1. From my review of available planning records in the area, it appears that there is a pattern to the design of backland bungalows in the area, with each typically measuring

max. 6.2m to ridge height and orientated toward the rear of the main dwelling. The proposed dwellings are orientated toward the rear of the main dwelling on the site and, whilst ridge height exceeds the typical maximum height of existing backland dwellings, this is a result of the need to incorporate raised floor levels, which comply with the requirements of the Greater Dublin Strategic Drainage Study (2005) (GDSDS). Available planning records indicate that floor level of other backland houses in the area were not required to be raised, to the same level as the proposed development.

7.3.2. Importantly, the dwellings would be set below the ridge of the main dwelling and they would be screened from view by existing dwellings along Howth Road, with only glimpsed views likely to be available.

7.3.3. I note that the Planning Authority's refusal of the application included reference to the visual impact of the development. Whilst I agree that the raised external decking and ramp/stairs access are crude, in terms of appearance, they appear to be a necessary addition, given the requirement to raise the finished floor level to 1.8m. I have no concerns relating to the overarching chalet bungalow design of the dwellings.

7.3.4. The proposed study for House 'A' incorporates a single east-facing window which, due to the raised floor level, would overlook the adjoining rear garden. This window shall be required to incorporate opaque glazing, to ensure overlooking does not arise.

7.4. Proposed Layout and Impact on Neighbouring Properties

7.4.1. There is an established pattern of backland development in this area, but such developments have typically been for 1 dwelling, whereas the proposal seeks to provide 2 no. bungalow dwellings.

7.4.2. In providing 2 dwellings, the proposed development would have a closer relationship to adjoining dwellings, with House 'B' lying within c.22m of the rear of 29 Howth Road; c.21m of the rear of 31 Howth Road; and c.26m of the rear of the main dwelling on the site. For House 'B' in particular, the combination of a raised floor level and close proximity to the rear of adjoining dwellings would result in significant direct overlooking of the adjoining properties which would, in my opinion, obliterate any privacy enjoyed by the occupiers of these properties.

7.4.3. I note that the proposed layout incorporates a 1.8m privacy screen along the west side of the proposed deck and along a small section of the south side of the deck and, whilst this arrangement will provide some limited screening protection for the rear

garden of 29 Howth Road, it does not address my concerns. I also do not consider that extending this glazed screen across the entirety of the south side of the deck would adequately address these concerns. Indeed, I would highlight to the Board that such a requirement would equally impact on the amenity of the proposed dwelling, severely restricting any external views from the main living area of the dwelling

7.4.4. I have given consideration to whether boundary treatments or landscaping for House 'B' could address my concerns. In the case of boundary treatments, it is likely that a wall or fence 4m high would be required in order to provide an appropriate screening barrier, but such a boundary would itself significantly impact on the residential amenity of each property, enclosing each of the affected gardens to a high level. A boundary wall or fence of such height would thus be unacceptable. In the case of landscaping, I do not consider the 1m separation distance to the west property boundary is sufficient to allow for the level of mature landscaping that would be required in order to provide an adequate screen.

7.4.5. I consider proposed House 'B' to be unacceptable, for the reasons outlined.

7.4.6. House 'A' is identical to House 'B' in terms of design and layout, but the level of separation from adjoining properties is significantly greater, set away from all adjoining dwellings by over 50m. In its proposed form, the dwelling would also overlook the rear gardens of 29 and 31 Howth Road, albeit further removed the area directly to the rear of the house, and again with little option to provide any significant privacy screening. However, I consider that with appropriate minor redesign of the layout and road access, this house could be accommodated within the site. Such redesign would include the dwelling being centred within the site, allowing an appropriate space along all site boundaries to provide mature landscape screening. I consider landscape treatments along all boundaries is important, rather than a wall or fence, due to the requirement for screening to be approx. 4m high. The omission of House 'B' would provide scope for the site layout and road access to be redesigned in the manner outlined and I am satisfied that such amendments can be agreed with the Planning Authority.

7.4.7. The grounds of appeal outline that there is strong support within the *National Planning Framework* (NPF) and the *Rebuilding Ireland* Action Plan, which justify and support the proposed development, and which are not adequately acknowledged within the

county development plan. I acknowledge the support provided for this form of development in both the NPF and Rebuilding Ireland and I accept that there is a need for planning policies to adequately plan for an ageing population but, I do not consider that this provides a basis for allowing substandard forms of development and I have outlined a number of serious concerns relating to this proposed development.

7.4.8. In relation to the assessment of impact on adjoining properties, I would draw the Board's attention to the fact that 31 Howth Road is currently used as a doctor's surgery, *Sutton Clinic*. I am however cognisant of the fact that its use could be returned to a private dwelling in the future and in such circumstances, it would experience a similar loss of privacy to that experienced by 29 and 31 Howth Road.

7.5. Road Safety

7.5.1. I note that the Planning Authority's Transportation Planning Section, whilst largely satisfied with the proposed development, raised a number of practical concerns, seeking amendments to the proposed access to the main dwelling parking area and also seeking trimming/removal of planting to the west of the entrance, to improve inter-visibility between vehicles and pedestrians.

7.5.2. I agree with the Transportation Planning Section that it is likely vehicles leaving the main dwelling would have to reverse onto the shared access and this may create conflict with other vehicles using the shared access. I also agree that trimming or removal of planting adjacent to the site access would provide a better relationship for vehicles and pedestrians alike, improving inter-visibility. I am satisfied that minor internal layout amendments would provide a safe access/egress arrangement to serve the development and that same can be agreed with the Planning Authority.

7.6. Surface Water Drainage

7.6.1. I note that the Planning Authority's Water Services Department sought an alternative design solution, where pumping of overflow to the public surface water drainage network was not acceptable. Where there was no objection to the use of a rainwater harvesting system as the primary drainage system, the method of transfer of overflow to the public sewer can be agreed with the Planning Authority.

7.7. Flood Risk

- 7.7.1. The site is in a coastal location where, according to the Eastern CFRAM maps¹, it is at a low probability risk of coastal flooding. The application is supported by a Stage 1 Flood Risk Assessment, which reflects this.
- 7.7.2. Notwithstanding the low risk location, I note that the development incorporates raised finished floor levels, with comply with the recommendations of the GDSDS that a strategic long term flood level of 4.0m AOD Malin should be factored in the area.
- 7.7.3. I am satisfied that adequate consideration has been given to flood risk and that the design of the dwelling is adequately flood resilient.

7.8. Other Matters

- 7.8.1. The Irish Water submission on the application requests that the exact location of a foul sewer which routes through the site is clarified, where there is an apparent contradiction within the application documents as to whether its exact location has been established. A 3m setback distance is required to be maintained from this pipe.
- 7.8.2. On my inspection of the site it was not evident that any ground investigation works had been undertaken and, in this respect, it is unclear whether the exact location of this sewer within the site has been established. In the event that permission is granted for the proposed development, I would highlight to the Board that there is a likely conflict with the required 3m setback, where the deck area associated with House 'B' would extend up to the identified location of the sewer and where the application drawings identify the deck area as incorporating a foundation below ground. However, in saying this, I note that Irish Water did not object to the development, in its proposed form. Should the Board be minded to grant permission for both houses, this may be an issue to be clarified by the applicant, prior to any decision being made. Should House 'B' be omitted, the issue does not arise.
- 7.8.3. The Parks and Green Infrastructure Division consultation response to the application requested replacement tree planting and also requested that a tree bond should be lodged. Replacement tree planting can be agreed, as part of landscaping proposals for the development, but I do not consider a tree bond is warranted in this instance, where any trees affected are private and where there are adequate tree protection measures in place to protect trees to be retained.

¹ <http://www.floodinfo.ie/map/floodmaps/>

7.9. Appropriate Assessment

7.9.1. Having regard to the nature and scale of the proposed development, which is a small-scale residential development on residentially zoned and serviced lands, outside of any Natura 2000 sites, I do not consider that any Appropriate Assessment issues arise and I do not consider 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

8.1. I recommend that permission for the proposed development be granted, subject to conditions as set out below.

9.0 Reasons and Considerations

9.1. Having regard to the nature and scale of the proposed development and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions below, the proposed development is in keeping with the character of the area and would not seriously injure the amenities of the area or the amenities of properties in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity</p>
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2.	<p>Proposed House 'B' shall be omitted from the development hereby approved.</p> <p>Reason: In order to protect residential amenity and to prevent overlooking of neighbouring properties</p>
3.	<p>The layout of House 'A' shall be amended as follows:</p> <ul style="list-style-type: none"> • The vehicular access serving the dwelling shall terminate at the front (south) of the dwelling, accessing a parking and turning area for max. 2 cars. • House 'A' shall be resited within its plot, maintaining equal distances to east and west site boundaries in order to allow for landscaping provision. • The window serving the proposed study shall incorporate opaque glazing. • A private amenity space shall be provided to the front (south) of the dwelling which shall accord with the Planning Authority's requirements for same. <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In order to protect residential amenity and to prevent overlooking of neighbouring properties.</p>
4.	<p>A proposed landscaping scheme shall be submitted to the Planning Authority prior to commencement of development for its written agreement. The scheme shall incorporate landscaping measures to address and mitigate overlooking of adjoining rear gardens and following agreement shall be completed on the site prior to occupation and maintained thereafter.</p> <p>Reason: In order to protect residential amenity and to prevent overlooking of neighbouring properties.</p>
5.	<p>Proposed boundary treatments shall be submitted and agreed with the Planning Authority prior to the commencement of development.</p>

	<p>Reason: To protect the residential amenity of the adjoining residential property.</p>
6.	<p>Tree protection measures shall be agreed with the planning authority and implemented on the site prior to the commencement of development.</p> <p>Reason: In order to ensure the protection of retained trees on the site in the interests of biodiversity and visual amenity.</p>
7.	<p>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, details of which shall be agreed in writing prior to the commencement of development.</p> <p>Reason: In the interest of public health.</p>
8.	<p>The vehicular access to the site from Howth Road and parking layout shall accord with the requirements of the planning authority, details of which shall be agreed in writing prior to the commencement of development.</p> <p>Reason: In the interest of road safety.</p>
9.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
10.	<p>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</p>

	<p>authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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Barry O'Donnell
Planning Inspector

XX August 2020