



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307964-20

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<b>Development</b>	Demolition of garage, construction of single storey extension & minor alterations to ground and first floor levels
<b>Location</b>	Horizons, Windgate Road, Howth, Co. Dublin, D13 RF38
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F20A/0253
<b>Applicant(s)</b>	Andrea & Ed Cronnelly.
<b>Type of Application</b>	Application for Permission.
<b>Planning Authority Decision</b>	Refuse Permission.
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Andrea & Ed Cronnelly.
<b>Observer(s)</b>	Roxanne White Gemma & Conor Walls Gerry & Shirley Salveta, John F. Reynolds Frank & Mary Sanfey

Norman & Angela Fullam

Dr. Sarah Fullam

**Date of Site Inspection**

10<sup>th</sup> November 2020.

**Inspector**

Elaine Sullivan

## 1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.4332ha and is located on a sloping site on the southern side of the Howth Head peninsula. The site is accessed from Windgate Road to the north and is bounded by the local access road of Tinkers Lane to the south. It is triangular in shape with wider section positioned to the north of the site and adjacent to Windgate Road.
- 1.2. The site has steep topography, falling downhill from the north to the south. It has previously been developed along the northern section of the site and there is a split level, two-storey house in place near the top of the site and on the east-west axis. Landscaping in the form of terraces has been provided to the front and sides of the dwelling and there is currently a garage and tennis court in place in the north-eastern corner of the site. The remainder of the site is not cultivated or has been allowed to become overgrown. A large number of trees are in place throughout the site and in particular along the site boundaries.
- 1.3. There are a number of dwellings in place in proximity to the site, most of which are positioned within large sites. Iona Cottage is directly to the south of the site and on the opposite side of Tinkers Lane.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for the following development;
  - The demolition of existing single storey detached garage of 30m<sup>2</sup> located in the north-eastern corner of the site and in close proximity to Windgate Road and the construction of a single storey extension of 307m<sup>2</sup> to accommodate plant/storage space, gym, home office and domestic swimming pool with associated sauna/steam room and changing room facilities,
  - Widening of the existing vehicular entrance via Windgate Road and the replacement of existing vehicular gate with a sliding gate,
  - Minor internal alterations to ground and first floor level layouts of dwelling approved under Reg. Ref. F19A/0099 and,

- All associated, ancillary works necessary to facilitate the development including SUDS surface water drainage, site works, boundary treatments and landscaping.

## 3.0 Planning Authority Decision

### 3.1. Decision

Planning permission was refused by the Planning Authority for the following reasons;

1. The application site is located on a prominent site within the Howth Special Amenity Area and is subject to Objectives 3.1, 3.2 and 3.3 of the SAAO document which collectively seek to protect and enhance the attractive and distinctive landscape character and ensure that development does not reduce the landscape and environmental quality of adjacent natural, semi-natural and open areas. Furthermore, the site is within a Coastal Landscape Character area that is categorised as having exceptional landscape value and is highly sensitive to development. Having regard to the prominent positioning of the proposed development on the site, by reason of excessive scale, mass and width it is considered that the proposed development would be incongruous to the established character of this highly sensitive area and scenic landscape, would seriously injure the visual amenities of the area and would fail to subordinate into the landscape by reason of overdevelopment of the upper portion of the site which would appear unduly dominant when viewed from the south. In this regard the proposed development would contravene materially Objective PM46 of the Fingal Development Plan 2017-2023 and Policy 3.1.2 of the Howth Special Amenity Area Order, each of which seek to ensure new development is sympathetic and respectful of the established character and would be contrary to the proper planning and sustainable development of the area.
2. In the absence of sufficient detail to demonstrate otherwise the applicant has failed to demonstrate that the proposed development would not impact upon the protected sites within the vicinity and as such the development would be

contrary to Objective NH15 of the Fingal Development which seeks to ensure that designated or proposed to be designate Natura 2000 sites are protected.

3. The proposed development would not be consistent with the proper planning and sustainable development of the area.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The recommendation to refuse permission in the Planning Officer's report, (July 2020), reflects the decision of the Planning Authority. The report concluded the following;

- The extension is of substantial size and when considered cumulatively with the approved replacement dwelling on the site, amounts to an excessive built footprint and would appear as an attempt to override the serious concerns raised within previous planning assessments.
- The site is designated as having a coastal landscape character which is highly sensitive.
- Revised plans submitted under F19A/0099 demonstrated a scaled back contemporary dwelling which reflected dwellings in the immediate vicinity. It also concentrated development within the existing footprint, increasing the separation distances from the site boundaries.
- The proposed works, by way of a significant extension to the east, would create an overall northern elevation of 55m and an urban edge with built development along the eastern boundary, which would be incongruous to the established character of the semi-rural area.
- The proposed development is not sympathetic and would constitute overdevelopment of the upper portion of the site. Given the excessive scale of the proposal it would not be in keeping with the character of other buildings and would not be subordinate to its surroundings, as such it would not accord with Objective PM46.

### 3.2.2. Other Technical Reports

- Transportation Planning Section – No objection.
- Water Services Division – Under PA Ref. F19A/0099 certain items regarding Foul Water and Surface Water were to be agreed by compliance. However, considering the overall increase in floor area proposed it is requested that a number of items be clarified through further information.
- Parks & Green Infrastructure – There is no objection to the proposed development subject to planning conditions.

### 3.3. Prescribed Bodies

- Irish Water – No objection subject to planning conditions.

### 3.4. Third Party Observations

A total of 13 third party observations were received by the Planning Authority. Of these, seven expressed support of, or no objection to the proposed development. The issues outlined in the remainder of the submissions are summarised as follows;

- The scale of the proposal is excessive and will have an adverse impact on the visual and residential amenity of the area which is protected under the Howth SAAO.
- The cumulative impact of the 938m<sup>2</sup> glass fronted building is not subordinate to the landscape and would dominate the rural valley below.
- There is a concern regarding the adequacy of the surface and waste water treatment systems proposed given the soil conditions on the site and the potential impacts on public health and the surrounding properties. There is a well within the property below at Iona Cottage that is susceptible to contamination and two boil water notices have been issued for the locality since Ref. F19A/0099 was granted permission.
- The location of the sand polishing filter is not in accordance with EPA guidance which requires it to be up-gradient from the surface water soakway.

Condition No. 11 of F19A/0099 requires clarification of drainage details which have not been included or considered in the subject application.

- The demolition, excavation and construction works will pose a danger to the stability of the steep hill leading to potential flooding and land slippage,
- The proposal would obscure protected views from Windgate Road over the eastern part of the site and to the south.
- It will result in light and noise pollution.
- The application contains elements that were omitted and/or adjudicated on in the previous application. No information is provided with regard to the widening of the vehicular entrance or the type and design of the new gate.

#### 4.0 Planning History

**F19A/0099** – Planning permission granted by the Planning Authority on the 3<sup>rd</sup> December 2019 for the demolition of existing split-level two-storey, six bedroom, detached dwelling of 550m<sup>2</sup> and the construction of a replacement split-level two-storey, five bedroom detached dwelling of 649m<sup>2</sup> with all ancillary works.

The design of the proposed dwelling was altered through further information and the following conditions were attached to the permission;

Condition No. 2 -

The developer shall comply with the following requirements of the Planning Authority and submit revised plans at scale 1:100 to demonstrate the following amendments;

(a) Reduce the width of the western part of the proposed house at ground floor to be in line with the existing western elevation of the house.

(b) Reduce the central glass box projection on the south elevation at ground floor to not more than 2.5 metres.

(c) The roof overhang shall not exceed 3 metres.

(d) The ceramic fins proposed to the southern elevation at ground floor shall be fixed and non-moveable.

(e) The proposed wall along the front (northern boundary) shall not exceed 1 metre in height and shall be constructed as a dry stone wall with solid coping with local stone or similar in order to meet the Howth SAAO Design Guidelines

(f) The rear (southern) boundary wall shall be finished with local stone or similar in order to meet Howth SAAO Design Guidelines.

(g) The access way within the southern boundary wall shall be blocked up and the wall shall be reinstated.

REASON: In the interest of the proper planning and sustainable development of the area.

Condition No. 10 –

The developer shall comply with the following requirements of the Planning Authority;

(a) No objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding a height of 900mm; which would interfere or obstruct (or could obstruct over time) the required visibility envelopes.

(b) All underground or overhead services and poles shall be relocated, as may be necessary, to a suitable location adjacent to the new boundary at the developer's expense.

REASON: In the interest of the proper planning and sustainable development of the area.

Condition No. 11 -

The developer shall comply with the following requirements of the Planning Authority;

Foul Sewer:

(a) The location of the P/T tests and trial hole are not clear with reference to the site layout drawings contained on pages 9 and 33 of the engineering report. Prior to the commencement of the development the developer shall submit for written agreement an accurate scale drawing indicating the location of the P/T tests and the trail hole. The location of the tests must be adjacent to but not within the proposed percolation area.



(b) The trial hole data indicates "filling" up to a depth of 1.2m below ground level. Prior to commencement of the development the developer shall clarify and confirm in writing whether this layer is consistent and appropriate for use. It is noted that the GSI bedrock maps indicate bedrock outcrops in the location of the proposed percolation area / filter which is not reflected by the developer in its submission.

(c) The size of the proposed sand polishing filter is stated as 80m<sup>2</sup> on the engineering drawing 18-253-100A, whereas the site characterisation refers to 60m<sup>2</sup>. Prior to commencement of the development the developer clarify in writing the size of the proposed sand polishing filter, and to substantiate the loading rate used in the context of the maximum allowable loading rate of 60 l/m<sup>2</sup>/d. A revised site layout drawing shall be submitted for written agreement prior to commencement of the development with all separation distances amended where necessary.

(d) In accordance with the EPA Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses (2009) it is a requirement that the polishing filter be situated up-gradient from the surface water soakaway. The developer shall submit a revised site layout in this regard prior to the commencement of the development.

(e) The developer is requested to demonstrate the relationship between the proposed polishing area and the surrounding topography by providing accurate sections through the proposed polishing area and topography, including in particular, gradient, slope cuts, boundary treatment, vegetation, paths/roads and the down gradient adjacent dwellings Iona Cottage and Rockfield Cottage. Special attention should be paid to the site gradient and the EPA Code of Practice with regards to sites with slopes greater than 1:8 (refer Item 6.5 p.17 and C2 p.64).

#### Surface Water:

(a) The location of the surface water infiltration test is not clear with reference to the site layout drawings contained on pages 9 and 33 of the engineering report. Prior to commencement of construction the developer shall submit to the Planning Authority for written agreement an accurate scale drawing indicating the location of the infiltration test, which must be representative of the proposed soakaway location.

(b) Soakaways shall comply with BRE Digest 365, the GDSDS, designed to accommodate the 30 year critical duration storm event, include for climate change

(minimum 20% allowance), use local rainfall data and site specific infiltration values, and be at least 5m from any structure and 3m from any boundary. Prior to commencement of construction the developer shall demonstrate that the required minimum separation distances are achieved.

(c) Given the size of the proposed soakaway, the sensitive location thereof and the quantum of hardstanding draining to the soakaway, the developer shall prior to commencement of construction perform at least one additional representative infiltration test for verification purposes.

(d) Prior to commencement of construction the developer shall demonstrate the relationship between the proposed soakaway and the surrounding topography by providing accurate sections through the proposed soakaway and topography, including in particular, gradient, slope cuts, boundary treatment, vegetation, paths/roads and the down gradient adjacent dwellings Iona Cottage and Rockfield Cottage.

REASON: In the interest of the proper planning and sustainable development of the area.

**F18A/0497** – Planning permission was lodged on the 31<sup>st</sup> August 2018 for the demolition of existing split-level two-storey, six bedroom, detached dwelling and ancillary outbuildings including tennis court and the construction of a replacement split-level part two, part three-storey, over basement, six bedroom detached dwelling with swimming pool and associated plant at basement level, new wastewater treatment system and landscaping. A request for further information was issued by the Planning Authority on 6 points. The application was withdrawn as no response was received within 6 months.

## 5.0 Policy Context

### 5.1. Fingal County Development Plan 2017-2023

The site is zoned RS – Residential, which has the zoning objective *‘To provide for residential development and protect and improve residential amenity’*.

#### **Specific Objectives;**

The site is located in an area which is designated as a Highly Sensitive Coastal Landscape. The Development Plan contains objectives to preserve views from an east-west axis across the site and also from Old Carrickbrack Road, which is directly to the south of the site. (Map 10).

**Additional Objectives;**

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

**NH33** - Ensure the preservation of the uniqueness of a landscape character type by having regard to the character, value and sensitivity of a landscape when determining a planning application.

**NH36** - Ensure that new development does not impinge in any significant way on the character, integrity and distinctiveness of highly sensitive areas and does not detract from the scenic value of the area. New development in highly sensitive areas shall not be permitted if it:

- Causes unacceptable visual harm
- Introduces incongruous landscape elements
- Causes the disturbance or loss of (i) landscape elements that contribute to local distinctiveness, (ii) historic elements that contribute significantly to landscape character and quality such as field or road patterns, (iii) vegetation which is a characteristic of that landscape type and (iv) the visual condition of landscape elements.

**NH40** - Protect views and prospects that contribute to the character of the landscape, particularly those identified in the Development Plan, from inappropriate development.

**NH44** - Protect and enhance the character, heritage and amenities of the Howth and the Liffey Valley Special Amenity Areas in accordance with the relevant Orders.

**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.

## **Special Amenity Area Order, (SAAO)**

The site is covered by the 1999 Howth Special Amenity Area Order (SAAO). Map A shows that the site is located within the 'Residential' area of the SAAO.

**Objective 2.1** – To preserve views from public footpaths and roads.

**Policy 2.1.1** - The Council will preserve views from the network of footpaths and roads shown on Map B. Applications for planning permission must take into account the visual impact of the proposals on views from these paths and roads. Applications must state whether there would be an impact and describe and illustrate the impact. Where there would be an impact, an application for planning permission must be accompanied by a cross-sectional drawing at a suitable scale, showing the proposed development and the affected path or road. The Council will not permit development which it considers would have a significant negative effect on a view from a footpath or road.

**Objective 2.2** - To preserve the distinctive profile of the peninsula viewed from the roads on the shorelines of Dublin Bay and the Baldoyle Estuary.

**Objective 2.6** – To preserve the wooded character of existing residential areas.

Schedule 3 of the SAAO relates to Development in residential areas.

**Objective 3.1** – To protect residential amenity.

**Objective 3.2** – To protect and enhance the attractive and distinctive landscape character of these areas.

**Objective 3.3** – To ensure that development does not reduce the landscape and environmental quality of adjacent natural, semi-natural and open areas.

**Policy 3.1.2** – Sets out the design guidelines to apply to new developments with regard to Boundary Treatments, Vehicular Entrances and Buildings.

## **5.2. Natural Heritage Designations**

The site is not located within a designated Natura 2000 site.

However, the Howth Head SAC is located directly to the north of the site and is approximately 200m from the southern boundary of the site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal, as raised in the submission from the first party appellant can be summarised as follows;

- The proposal has considered the provisions of the Howth SAAO and has been designed in accordance with Objectives 3.1, 3.2 and 3.3 of this document.
- 3.1 – Residential amenity – The extension would not contribute to any overlooking, overshadowing or overbearing impacts on the property to the east and, given the topography of the landscape and the separation distance achieved would not have any undue impact on the adjoining properties to the north, south and west.
- 3.2 – To protect the landscape character – The proposed extension has no impact on the landscape character of the immediate area. The cumulative works approved under Reg. Ref. F19A/0099 and proposed within the current application, which comprise the removal of existing trees and improvements to boundary walls and boundary planting serve to protect and enhance the attractive and distinct local landscape as well as open up further views towards the coast.
- 3.3 – To ensure that the development does not reduce the landscape and environmental quality of adjacent natural, semi-natural and open areas. As the extension would be constructed on top of an area of hard standing it would have a negligible impact on adjacent natural and semi-natural areas without loss of vegetation on the site.
- The proposed single storey extension has been specifically positioned to reduce its visibility and to ensure no undue impact on the visual amenity of the character of the area. The proposal seeks to construct an extension that is subordinate to the approved dwelling but respects the visual amenity of the

area. Associated site works including the replacement of existing vehicular entrance and improvement of boundary treatments also serve to improve the visual amenity of the site.

- Refusal reason No. 1 references the sites location within a Coastal Landscape Character Area but does not include any commentary on how the development compromises the landscape value of the area. The proposal was assessed against the Landscape Character Assessment Objectives, as presented in Section 9.4 of the Fingal Development and was found to be in accordance with Objectives NH33, NH34, NH35, NH36, NH37, NH38, NH39 and PM46.
- A number of precedents have been identified for similar extensions to large properties within the locality of Howth.
- Refusal Reason 2 states that the applicant has not provided sufficient detail to demonstrate that the development would not impact on the protected sites in its vicinity. The proposed works represent an extension to the replacement dwelling approved under F19A/0099 and as such the site works are covered by the Construction Management Plan submitted with the previous application. The additional water discharged from the pool has been included in the design of the wastewater treatment system. The subject proposal is not considered to have an undue impact on local Natura 20000 sites.
- Concerns raised in the Planning Officer's report regarding the location of the sand polishing filter have been addressed and the sand polishing filter has been relocated upgradient of the soakway area.

## 6.2. Planning Authority Response

A response from the Planning Authority was received on the 16<sup>th</sup> September 2020.

- The Planning Authority remain of the opinion that, given the topography of the site, the resulting cumulative scale and mass to all elevations would negatively impact on the highly sensitive landscape within the SAAO.

### 6.3. Observations

A total of 7 No. observations were received. The main issues contained in the submissions are summarised as follows;

- Details submitted in the application regarding the new gate and widened vehicular access are ambiguous. It is unclear from the drawings if a second access point is proposed along the southern boundary and if the roof is concrete or sedum. The boundary wall to Windgate Road is not shown as recessed by 50cm as required under F19A/0099.
- The proposal will have a negative impact on the skyline when viewed from below and will be overbearing to the houses below.
- The extension is too close to the road on the northern side and too close to the adjacent house at Asgard to the east. It extends to almost the full width of the site and represents an overdevelopment of the site with an extension to a large industrial style building.
- Significant views will be lost from routes with protected views should the extension be built.
- Environmental considerations regarding the swimming pool have not been considered and what impact the chlorine will have on the receiving environment.
- Concerns are raised regarding the drainage proposals for the site; the soil on site is too thin, the rocks are low in water percolation characteristics and the slope is very steep. It would appear that treatment systems proposed meet the minimum technical standards which may not be sufficient for the site.
- There is a well within the property directly below the site at Iona Cottage that is susceptible to contamination and two boil water notices have been issued for the locality since Ref. F19A/0099 was granted permission. There is a history of flooding from the subject site to the site below at Iona Cottage.
- No risk assessment or contingency plan has been submitted for a catastrophic event for the swimming pool given the location of houses directly below the site.

- A Natura Impact Statement was not submitted with the application and should have been considered given the nature of the development with a swimming pool and the proximity of the site to a designated SAC. An area of Dry Heath habitat is shown directly to the east of the site in the SAAO maps.
- A Construction Method Statement has not been submitted and should be required given the nature of the construction works proposed.

## 7.0 Assessment

7.1. Having examined the application details and all other documentation on file, inspected the site and having regard to relevant local/regional/national policies and guidance, I consider that the pertinent issues with regard to the development are as follows;

- Principle of development
- Scale & Visual Impact
- Drainage – New Issue

### 7.2. Principle of Development

The site is zoned RS – Residential in the Development Plan. The site is also identified as a ‘residential area’ within the SAAO. The proposed development is for an extension to a permitted residential dwelling, which is compatible with the overall objective for the site. As such the principle of the development is acceptable.

### 7.3. Scale & Visual Impact

Previous planning history for the site, (Ref. F19A/0099), permitted a split-level dwelling of c.595m<sup>2</sup>. The subject proposal would add c. 343m<sup>2</sup> (as per drawing 1946-PL-101) to the development. The single storey structure would align with the upper level of the permitted dwelling and would be positioned in the north-eastern corner of the site. It would taper to a point along the eastern elevation to align with



the site boundary. At its widest point the combined development would extend to 54.8m. A set of photomontage images was prepared by ArchFX and was submitted with the application to demonstrate the visual impact of the proposal.

There is currently a protected view, as per Objective 2.1 of the Howth Head SAAO, from Windgate Road southward across the site and towards the sea. On the occasion of the site visit, this view was partially obstructed by vegetation within the site and along the northern boundary. Given the change in levels between Windgate Road and the site, the proposed development would be partially visible above the northern site boundary. However, the view across the site and to the south would be blocked. I note that Condition No. 10(a) of Ref. F19A/0099 requires *that 'No objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding a height of 900mm; which would interfere or obstruct (or could obstruct over time) the required visibility envelopes'*.

Images contained in the photomontage also assess the impact of the proposal on protected views from south west, as demonstrated as Views 5 and 6 in the report. As the proposed extension would be located to the east of the site it would not be visible from these locations. Having visited the site and the surrounding area, it is my opinion that the most sensitive views are from the south of the site. From this location the site is elevated, and the southern elevation of the dwelling and the proposed development would be clearly visible.

The overall impact of the proposal in terms of its visibility is directly related to the scale of the proposal and its positioning within the site. Given the scale of the site, I would not have the same concerns as the Planning Authority regarding the quantum of usable amenity space for future residents. However, as the combined width of the dwelling and extension would be 54.8m and an additional 10m would be added on to the width of the western elevation, I am of the opinion that, the proposal would create an excessively large footprint within the upper level of the site that would result in a built form of excessive bulk and mass.

Although the building would be 54.8m at its widest point, the full extent of the proposal to the eastern boundary would not be clearly visible from the south. A more accurate assessment of the proposal in terms of visibility would be to consider the extent of the southern elevation to the south-easterly corner where it tapers

northwards. This would add approximately 19.5m to the width of the previously permitted dwelling, which would result in a building of approximately 48m in length across the southern elevation.

This would create a building that would extend to over two thirds of the width of the site at its widest point. Whilst the extension would be set back from the main elevation to the south, it would still be visible from Tinkers Lane and, in my opinion, would present an excessively long southern elevation. The scale of the proposal, combined with the proposed external finishes and materials, would present an industrial appearance and would be overly dominant within the elevated site. This would create an inappropriate building form for the site and would result in an unacceptable visual impact on the sensitive landscape, and the surrounding environment when viewed from the south of the site. I would agree with the opinion of the Planning Officer that by virtue of its nature, scale and appearance, that the proposal would be incongruous with the surrounding pattern of development.

I would also note that some of the details regarding the proposed development are ambiguous or unclear within the application. No details are provided with regard to the widening of the vehicular access or the proposed new sliding gate and the baseline drawings seem to show the same boundary layout as the previous application. Policy 3.1.2 of the SAAO has specific requirements with regard to boundary treatments. The Landscaping Plan has also not been amended to show additional planting and the reinstatement of the boundary wall along the southern boundary as per Condition 9 of F19A/0099.

#### 7.4. Drainage – New Issue

I note to the Board that whilst some issues regarding the on-site drainage proposed were raised by the Planning Authority in its assessment of the proposal, it was not cited as a reason for refusal. As such this may be considered to be a new issue and the Board may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.

The drainage proposals for the dwelling on the site were agreed in principle under Ref F19A/0099 but require compliance with a number of conditions prior to commencement of development. In the current proposal the Planning Authority

outlined a number of concerns with regard to the proposed foul and surface water drainage, which they recommended be addressed by way of additional information. As part of the appeal, the applicant has submitted additional information which address the issues raised by third parties but are not specific to the issues raised by the Planning Authority.

The foul water drainage for the dwelling and the proposed extension will be collected and discharged into a new wastewater treatment plant and sand polishing filter located along the eastern section of the site, as shown on Drawing 20-253-100. In order to accommodate the sand polishing filter on the site, it would be necessary to adjust the ground levels to provide a level platform to install the filter. I note that, under F19A/0099 the Planning Authority had requested that the sand polishing filter be situated up-gradient from the surface water soakway as per the EPA Code of Practice; Wastewater Treatment and Disposal Systems Serving Single Houses. This issue had not been addressed in the original application drawings, but the revised drawings submitted with the appeal shows the sand polishing filter located along the eastern boundary of the site and up-gradient from the soakway.

The proposed development includes a swimming pool incorporating a plunge area, which would discharge 675 litres of water a week in backwash as part of its maintenance regime. A specific filter and chlorine removal system would be installed in the pool and the backwash effluent would be discharged to the wastewater treatment system and the sand polishing filter.

I note that the original test results, which were carried out in 2018, indicate that favourable conditions exist for the proposed wastewater treatment system. Section 3.1 of the On-Site Characterisation Form submitted with the application states that the Landscape Position is 'Shallow, 1.5 to 1.2'. It was requested by the Planning Authority that the developer pay special attention to the site gradient and to the EPA Code of Practice with regard to sites with slopes greater than 1:8, (see EPA CoP 6.5, P. 17 and C2, P.64) when assessing the suitability of the proposed polishing area. In my view this is a reasonable request in consideration of the site conditions and the nature of the development.

With regard to the proposed soakway, I note that 'Figure 1 – Site Layout for Soakway' contained in the application submission prepared by Traynor

Environmental Ltd., shows the old drainage layout for the site, with the 'Location of Tested Area' adjacent to where the soakway was originally proposed, and not at the current location further south and downhill. Additional infiltration tests were also requested by the Planning Authority prior to the commencement of development.

Having reviewed the information and in consideration of the vulnerability of the site and surrounding development, I am of the opinion that the proposed development presents drainage issues that are materially different from those of a normal domestic extension and that sufficient information has not been submitted in order to address the sensitivities of the receiving environment and could be prejudicial to public health.

#### 7.5. Appropriate Assessment

The appeal site is neither within, nor immediately abutting any European site. However, it is in close proximity to the boundary of the Howth Head SAC, (Ref. 000202), the boundary of which is directly to the north of the site and on the opposite side of Windgate Road. This SAC extends across Howth Head and is also located approximately 0.25km to the south of the site and on the southern side of Carrickbrack Road.

Notwithstanding the proximity of the site to the SAC, the topography of the site and the separation distance ensures that there is no direct link between the SAC and the appeal site.

Having regard to the minor nature of the development, the absence of a pathway to and the separation distance to any European site, no Appropriate Assessment issues arise and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site

### 8.0 Recommendation

- 8.1. In consideration of the foregoing, I recommend that permission be refused for the proposed development in accordance with the following reasons and considerations:

## 9.0 Reasons and Considerations

1. Having regard to the location of the site within the Howth Head Special Amenity Area and within an area designated as a Highly Sensitive Coastal Landscape, it is considered that the proposed development would result in building of excessive bulk and mass in a prominent and highly visible location, and, the excessively long southern elevation would result in an unacceptable and negative visual impact on the surrounding landscape. The proposed development would therefore be contrary to the Fingal County Development Plan 2017-2023, and in particular with Objectives NH36 and RF51, which seek to protect the visual amenity of highly sensitive areas, and Objective 3.2 of the Howth Head SAAO.
2. It is considered that the applicant has not submitted sufficient information with regard to the proposed drainage systems for the site in order to fully assess the impact of the proposal on the receiving environment in terms of its sensitive location and the technical difficulties of the site. For this reason, the proposed development would be prejudicial to public health.

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Elaine Sullivan  
Planning Inspector

30<sup>th</sup> November 2020