



An  
Bord  
Pleanála

## Inspector's Report ABP-308712-20

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<b>Development</b>	Amendments to previously granted permission P.A. Ref No. F19B/0210.
<b>Location</b>	'Oakwood', Balkill Road, Howth, County Dublin.
<b>Planning Authority</b>	Fingal County Council.
<b>Planning Authority Reg. Ref.</b>	F20B/0210.
<b>Applicant</b>	Philip Collins.
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Refuse.
<b>Type of Appeal</b>	First Party.
<b>Appellant(s)</b>	Philip Collins.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	19 <sup>th</sup> day of December, 2020.
<b>Inspector</b>	Patricia-Marie Young.

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## 1.0 Site Location and Description

- 1.1. The subject appeal site which has an irregular rectangular shape and a given 0.1953ha site area is located on the western side of Balkill Road, c56meters to the south east of its junction with Windgate Road and c1km to the south of the historic centre of Howth village, in north County Dublin.
- 1.2. The main site area is largely obscured as viewed from Balkill Road as a result of the mature hedgerow and solid boundary treatments that are present. The topography of the site rises steadily from the edge of Balkill Roads carriageway in a westerly direction with the existing dwelling house on site setback c20m from its roadside boundaries. This dwelling has the given name of 'Oakwood' and it could be described as a two-storey split level red brick detached dwelling with a more recent orangery extending its rear elevation. The main dwelling appears to date to c1980s. It occupies a much-elevated position over Balkill Road and benefits from extensive views out towards the Irish Sea and the attractive though highly developed suburban landscape in between.
- 1.3. Located and aligning with the southern boundary of the site roughly midway is a single storey modest in built form detached garage.
- 1.4. The ground levels of the site continue to rise from the rear elevations of both the dwelling house and the detached garage towards the rear boundary. In between there is mature heavily sloped landscaped garden with this landscaping extending into the front garden's perimeter boundaries. However, the main area to the front of the existing dwelling is comprised of an entrance driveway and parking area that extends to where it terminates alongside the southern elevation of the dwelling house.
- 1.5. The site is bound by mature mainly two storey detached and semi-detached dwellings to the north, south and west. These are of varying architectural styles, periods, and palettes of materials. Similar development characterises the opposite side of Balkill Road and the surrounding setting. The overall site setting has a strong residential character.
- 1.6. Photographs taken during my inspection of the site are attached.

## 2.0 Proposed Development

2.1. Planning permission is sought for the amendments to previously granted permission under P.A. Ref. No. F19B/0206 consisting of:

- Alterations to the principal elevation which has a north easterly orientation consisting of 2 storey projecting bay windows with flat roofs over; alterations to the canopy roof over existing bay windows and the provision of an entrance porch at ground floor level incorporating a flat roof over.
- Alterations to the ground and first floor elevation windows.
- Provision of a render finish to all external elevations.
- All associated landscaping and site development works.

2.2. According to the submitted planning application the gross floor space of existing buildings is 383m<sup>2</sup> and the gross floor space of proposed works is 4.4m<sup>2</sup>.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. The Planning Authority decided to refuse planning permission for the following stated reason:

*“The proposed development is visually out of character with the existing house, would be visually obtrusive, and does not achieve the vision of Objective DMS42, of the Fingal Development Plan 2017-2023. The proposed development therefore would 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.”*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planning Officer’s report dated the 21<sup>st</sup> day of October, 2020, is the basis of the Planning Authority’s decision. It includes the following comments:

- It is considered that the works proposed under P.A. Ref. No. F19B/0206 are more appropriate and more in keeping with the style of the dwelling.
- The proposed flat roof projection, which projects c800mm above the eaves, is visually obtrusive and would give rise to significant negative impact upon existing level of visual amenity in this location.
- A refusal of planning permission is therefore concluded upon.

3.2.2. **Other Technical Reports:** Not referred.

### 3.3. **Prescribed Bodies**

3.3.1. None.

### 3.4. **Third Party Observations**

3.4.1. None.

## 4.0 **Planning History**

### 4.1. **Site: Recent & Relevant Planning History**

**P.A. Ref. No. F19B/0206:** Planning permission was granted subject to conditions for a development consisting of an extension to the front (north eastern) elevation consisting of the addition of a 2-storey bay extension with apex shaped roof structure over; alterations to existing bay windows and entrance porch at ground floor level with extended roof structure over to form new canopy to the front (north east) elevation; removal of two chimneys; alterations to remaining chimneys; alterations to remaining windows and roof profiles; provision of a new exterior render finish to all elevations; the provision of roof lights; alterations to entrance steps rising to the front door; landscaping as well as all associated site development works.

Of reference to this appeal is Condition No. 2 of the grant of permission. It reads:

*“The proposed window opening located at first floor level along the north western elevation of the subject dwelling which serves the wardrobe shall be of a non-openable variety and permanently maintained with obscure glass. The use of film is not acceptable”.*

The stated reason for this condition is: *“in the interest of residential amenity”.*

## 5.0 Policy & Context

### 5.1. Development Plan

5.1.1. The policies and provisions of the Fingal Development Plan, 2017-2023, apply. The site lies within an area zoned 'RS' which has an aim to: "*provide for residential development and protect and improve residential amenity*".

5.1.2. Chapter 3 of the Development Plan deals residential development.

5.1.3. The following Development Plan provisions are of relevance:

**Objective DMS42:** Seeks to encourage more innovative design approaches for domestic extensions.

**Objective DMS44 Residential Areas of Character:** Seeks to protect areas with a unique, identified residential character which provides a sense of place to an area through design, character, density and/or height and ensure any new development in such areas respects this distinctive character.

5.1.4. The Development Management Standards are set out under Chapter 12. Of note in relation to extensions to existing dwellings it indicates that these will be favourably considered where they do not have a negative impact on adjoining properties or on the nature of the surrounding area. It also indicates that regard will be had to the following:

- Overshadowing, overbearing, and overlooking, along with proximity, height, and length along mutual boundaries.
- Remaining rear private open space, and its usability.
- External finishes and design, which shall generally match the existing.

5.1.5. In relation to roof alterations it indicates that regard will be had to the following:

- Consideration and regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures.
- Existing roof variations on the streetscape.
- Distance/contrast/visibility of proposed roof end.
- Harmony with the rest of the structure, adjacent structures, and prominence.

## 5.2. Howth Special Amenity Area Order, 1999.

- 5.2.1. The appeal site lies within the designated area of the Howth Special Amenity Area Order (1999).
- 5.2.2. The appeal site is located within an area defined as '*Other areas within the Special Amenity Area*' (Map A of Order refers). The following features are identified for protection in the vicinity of the site (Map B of Order refers):
- Footpaths and roads to the north, south, east, and west of the site from which views will be protected.
  - A proposed natural heritage area surrounding the site.
  - Heathland and maritime grassland, surrounding the site.
- 5.2.3. Schedule 1 of the Order sets out a number of objectives for the enhancement of the Special Amenity Area.
- 5.2.4. Schedule 2 of the Order sets out objectives for the preservation of the character or special features of the area.
- 5.2.5. Schedule 3 of the Order sets out objectives in respect of development in Residential Areas within the Special Amenity Area.

## 5.3. Natural Heritage Designations

- The appeal site is located c72m at its nearest point to the east of the Special Area of Conservation: Howth Head (Site Code: 000202). The listed features of interest for this SAC are the "Vegetated Sea Cliffs of the Atlantic & Baltic Coasts" and the "European Dry Heaths".
- The appeal site is located c1km to the west of Special Protection Area: Howth Head Coast (Site Code: 004113) at its nearest point. The listed features of interest for this SPA are Kittiwake (*Rissa tridactyla*) (Note: Bird Code: A188).
- The appeal site is located c1.6km to the southeast of Special Protection Area: Baldoyle Bay (Site Code: 004016) at its nearest point. The listed features of interest for this SPA are: the Light-bellied Brent Goose (*Branta bernicla hrota*) (Note: Bird Code: A046); Shelduck (*Tadorna tadorna*) (Note Bird Code: A048); Ringed Plover (*Charadrius hiaticula*) (Note: Bird Code: A137); Golden Plover

(*Pluvialis apricaria*) (Note: Bird Code A140); Grey Plover (*Pluvialis squatarola*) (Bird Code: A 141); Bar-tailed Godwit (*Limosa lapponica*) (Bird Code: A157); and, Wetland and Waterbirds (Bird Code: A999).

#### **5.4. Environmental Impact Assessment/Screening**

- 5.4.1. Having regard to the nature and scale of the residential development sought under this application, the residential zoning of the site and its setting, the serviced land and nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. I consider that 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 this First Party appeal have been prepared and submitted by Tyler Owens Architects on the appellants behalf. It may be summarised as follows:
- The existing dwelling is described as not being of any architectural merit.
  - Initially alterations to the interior of the dwelling were sought but due to the appellants unhappiness with the appearance of the dwelling they also sought for alterations to the external appearance and expression of the dwelling.
  - A more contemporary approach is now sought to the additions approved under P.A. Ref. F19B/0206.
  - The proposed development would have no additional visual and/or residential amenity impacts when compared to the development previously approved. Essentially the only change is seeking to change from a traditional to contemporary design approach.
  - This dwelling is located in an area where there is a diverse design aesthetic, and a contemporary design is not out of keeping with this diversity.
  - The visual impact of the design changes would be limited as this dwelling is hidden from view on Balkill Road.



- The use of a contemporary approach reflects a more innovative design resolution, and it is not accepted that it would warrant or substantiate a refusal of planning permission.

## 6.2. Planning Authority Response

- 6.2.1. The Planning Authority's response received by the Board on the 8<sup>th</sup> day of December, 2020, indicate that they have no further comments to make but request should the Board be minded to grant permission that a Section 48 Contribution condition be imposed.

## 7.0 Assessment

### 7.1. Introduction

- 7.1.1. I have read the appeal file, had regard to all associated reports and plans attached therein alongside I have conducted an inspection of the appeal site and its surrounding area. The proposed development sought under this application comes forward on land zoned 'RS' under the applicable Development Plan for which residential development like are deemed to be generally acceptable in principle subject to safeguards.
- 7.1.2. Furthermore, the appeal site benefits from a grant of permission under P.A. Ref. No. F19B/0206 which as set out in Section 4.1 of this report permitted substantive additions and alterations to an existing dwelling which was not considered to be of any architectural or other merit to warrant its specific protection.
- 7.1.3. This permitted development exceeded minimum standards for residential dwellings in a manner that accords with the Development Plan.
- 7.1.4. I note that P.A. Ref. No. F19B/0206 was assessed under the Fingal Development Plan, 2017 to 2023, which is still the applicable Development Plan for the site and its wider setting.
- 7.1.5. Moreover, under this application the proposed alterations are essentially to the building envelope design which essentially seeks a fundamental change of the design aesthetics from the traditional design approach chosen by the applicants under P.A. Ref. No. F19B/0206 to one that is more contemporary in its overall visual aesthetics

with only a minor 4.4m<sup>2</sup> of additional floor space proposed as part of the overall alterations and additions now sought.

7.1.6. Like the previous permitted development P.A. Ref. No. F19B/0206, the Planning Authority raised no substantive issues in relation to the servicing, drainage and access arrangements under this current application nor did they seek to refer what are essentially modest in nature and scale alterations to a recently permitted scheme to other Departments within the Planning Authority for comment. I similarly concur that the proposed development now sought is acceptable in these regards.

7.1.7. I therefore consider that the key issue for consideration in relation to this appeal case relates to the Planning Authority's single reason for refusal. Notwithstanding, the matter of 'Appropriate Assessment' also requires examination.

## **7.2. Reason for Refusal**

7.2.1. The Planning Authority decided to refuse permission for one single reason with this reason essentially considering that the proposed development, if permitted, would be visually obtrusive and out of character with the existing dwelling house. As a result of this it considered that it would not achieve the vision of Objective DMS42 of the Development Plan and would seriously injure the visual amenities of the area. For these reasons, the Planning Authority concluded that the proposed development would therefore be contrary to the proper planning and sustainable development of the area.

7.2.2. Having examined the planning history pertaining to the site I accept that the traditional design approach put forward and permitted under P.A. Ref. No. F19B/0206 seeks a more traditional somewhat arts and crafts in appearance approach in terms of its overall architectural resolution. In general, I consider that it is a very well-considered traditional architectural approach for the existing dwelling on site which is of no discernible architectural or other merit. I also consider that this design shows considerable regard and reflection towards the vernacular architecture that exists in the surrounding area. Particularly those surviving from the earliest dwellings constructed on Balkill Road and within the immediate context including those surviving at Grey Lane and Windgate Road close by.

7.2.3. Moreover, the palette of materials despite introducing render as the main external envelope not only harmonises with the existing dwelling and its context, in particular

harmonises with a more qualitative later building layer to the rear of the subject dwelling, i.e., the orangery.

- 7.2.4. Overall, I raise no substantive issues to the grant of permission by the Planning Authority for the previous approved development and I consider it is probable that the Board would have reached a similar conclusion based on it being a type of development that is generally acceptable on 'RS' zoned land and that it would have given rise to no substantive residential and/or visual amenity impacts whilst improving the residential amenities of occupants of this dwelling if implemented.
- 7.2.5. Notwithstanding, this application now seeks to change the traditional design approach to a more contemporary one which as previously noted would also result in a minor increase in floor area but would also result in remodulation of the overall built form alongside providing a more angular with a gable accent to the north eastern elevation mirroring the previous design as well as the existing dwellings built form as well as adding visual lightness to the exteriors of the dwellings and its extensions by way on increasing the overall glazed areas proposed.
- 7.2.6. I note that Objective DMS42 of the Development Plan encourages the use of more innovative design approaches for domestic extensions. I consider that the change of design to a contemporary design aesthetic is in keeping with this objective and the overall modulation despite including greater angularity still provides an overall built form that echoes that of the existing dwelling particularly at roof level.
- 7.2.7. Further, the revised design sought under this application maintains the more qualitative addition of the orangery to the rear alongside echoing this orangery more traditional aesthetics in a marrying of a contemporary and traditional architectural design resolution for the proposed alterations and amendments to the rear.
- 7.2.8. Moreover, the existing dwelling is not highly visible from the public domain of Balkill Road or from any sensitive view or prospect in its urban landscape setting. Views of it are largely screened by the mature, dense, and tall natural as well as manmade roadside boundary treatments with no changes sought to this boundary as part of this and/or the previous recent permitted application. The proposed alterations and additions do not significantly add or change the overall height. The design resolution maintains the overall split level two storey built form of the existing dwelling. As such, despite the

elevation position of the dwelling above that of Balkill Road and lands to the east of it, views of the altered and amended dwelling house would be limited and localised.

7.2.9. I also consider that there are also adequate separation distances between this dwelling under the development sought and properties within its immediate vicinity. I am therefore of the opinion that no adverse residential amenities would arise if the proposed development were permitted in the form proposed.

7.2.10. There is also a wide variety of built forms, architectural expressions of varying qualitative merit, palette of materials, varying streetscape setback and the like present within this urban landscape. I am therefore not convinced that the proposed alterations sought under this application, including the proposed flat roof projection, which would project c800mm above the eaves, would give rise to any adverse visual amenity impact upon the site setting. Nor do I consider that the contemporary design approach now proposed would be at odds with either its streetscape scene; the overall pattern and character of development that characterises the surrounding area; or would it establish any precedent for similar developments.

7.2.11. Based on the above considerations I do not concur with the reasons given by the Planning Authority in their decision to refuse planning permission for the development sought under this application. I consider in this case that the Planning Authority's reasons given for the refusal of the development sought under this application under its single reason in the decision notification to be at odds with the provisions of the Development Plan for domestic extensions. In this regard, as set out above Objective DMS42 encourages innovative design approaches which arguably the now proposed contemporary approach seeks to achieve reflecting the times that we are in as opposed to past architectural periods and approaches. To consider that it is not in my view is subjective which I am cognisant that architectural design can be.

7.2.12. In my view to permit the proposed development would be consistent with the provisions of the Development Plan in relation to extensions to domestic dwellings, including Objective DMS42, and it would not give rise to any serious injury to the visual or residential amenities of its setting as well as would result in a more qualitative architectural response for the residential building on this site when compared to that existing thereon. Moreover, it would give rise to improved standard of internal amenity for occupants of 'Oakwood'.

7.2.13. In conclusion, subject to the safeguard of a condition being imposed to ensure a qualitative palette of materials, finishes and treatments I consider that the proposed development is consistent with the proper planning and sustainable development of the area. I therefore recommend that the Board overturn the decision of the Planning Authority in this case and permit the proposed development.

### 7.3. **Appropriate Assessment**

7.3.1. Having regard to the minor nature and scope of the development proposed and its location in a serviced urban area in addition to the separation distance between the proposed development and the European sites, 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.

### 7.4. **Other Matters Arising**

7.4.1. **Section 48 Development Contribution:** Should the Board be minded to grant permission for the development sought under this application I note that Section 48 Development Contributions are applicable. Therefore, a condition requiring payment of the same should be imposed.

7.4.2. **SAAO:** The site forms part of the Howth Special Amenity Area Order 1999; notwithstanding, the modest nature and scale of the development sought under this application would not result in any adverse impact to it.

7.4.3. **First Floor Level Windows:** Should the Board be minded to grant permission for the proposed I recommend that the first-floor level side window on the northern elevation serving master en-suite bathroom be permanently opaquely glazed in order to protect the established residential amenities of the adjoining property. This would be consistent with the 'RS' land use zoning objective for these lands to seek to protect existing residential amenity.

## 8.0 **Recommendation**

8.1. I recommend that planning permission is **granted**.

## 9.0 Reasons and Considerations

Having regard to the provisions of the Fingal Development Plan, 2017 to 2023, to the 'RS' land use zoning of the site and its setting; to the pattern of development that characterises this area; to the nature, scale, layout and design of the proposed development, and to the varied built and architectural character of the site's streetscape, the Board considers that the proposed development, subject to compliance with the conditions set out below, represents an appropriate and innovative design response to the existing dwelling in a manner which would not seriously injure the existing dwelling on site due to its lack of architectural or other merit nor would it seriously injure the visual amenities of the area or would it give rise to any serious injury to residential amenities of properties in its vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The proposed 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.

**Reason:** In the interest of clarity.

2. The first-floor bathroom window located on the northern side elevation labelled 'Master En-Suite' shall be permanently glazed with obscure glass.

**Reason:** In the interests of residential amenity.

3. Details of the materials, colours, and textures of all the external elevations shall be submitted to, and agreed 'in writing' with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. a) Water supply and drainage arrangements, including the attenuation and disposal of surface water, and including rainwater and guttering details shall comply with the requirements of the planning authority for such works and services.
- (b) Surface water from the site shall be disposed of within the boundaries of the site and shall not discharge onto the public road or adjoining property. Permeable paving shall be incorporated to the front of the proposed dwelling and the existing dwelling as part of the car parking on-site provision and the existing surface water drainage for adjoining properties shall not be adversely affected by the development hereby permitted.

**Reason:** In the interest of public health and to ensure orderly disposal of surface water.

5. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery, and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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

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

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Patricia-Marie Young

Planning Inspector

19<sup>th</sup> day of January, 2021.