



An
Bord
Pleanála

Inspector's Report

ABP-311186-21

Development	Demolition of dwelling and garage, and construction of a replacement two storey over basement dwelling
Location	Long Acre, Thormanby Road, Howth, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F21A/0066
Applicant(s)	Seán Mac Aogáin
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Seán Mac Aogáin
Observer(s)	Paddy McGinley Ursula Fagan Jochen Wenski Conor O'Hara Bernice and Rick de Neve Chicko Mifsud B Gillespie and P Letellier

Date of Site Inspection

23rd March 2022

Inspector

Ian Boyle

1.0 Site Location and Description

- 1.1. The appeal site is Long Acre, Thormanby Road, Howth, Co, Dublin, D13 HH63. It is situated on the eastern side of Thormanby road and slopes downwards eastwards towards the sea.
- 1.2. The site accommodates an existing c. 1920's dormer style two-storey detached dwelling (362sqm, approx.). There is a separate stand-alone garage within the western part of the property. The remainder of the site comprises a garden, which is enclosed by a timber post and rail fence, and a grassed area lies beyond this further east. There are some mature hedges and tree stands on the property, including along the site's western boundary. A gravel driveway leads down to the front (south) part of the house.
- 1.3. The site is adjoined to the north and northeast by two detached dwellings, which are known as Whitewater House and Tarifa, respectively, to the east by the Howth cliff walk pathway and open space, the south by a private access road, and the west by Thormanby Road. The private access road leads down towards the Bailey Lighthouse and there is a sign onsite indicating that the accessway is owned / controlled by the Commissioners of Irish Lights. Ground levels drop steeply towards the east and there are wide sweeping views of Dublin Bay from both the appeal site and certain vantage points along the private accessway.
- 1.4. The character of the surrounding vicinity is generally low density housing and parts are used for public amenity purposes. Dwellings in the area are typically detached and set within large, spacious sites. The area is typically characterised by varying house styles and designs, and more recent residential upgrades, replacements, and extensions, have adopted a contemporary architectural style.
- 1.5. The site has a stated area of approximately 0.76ha.

2.0 Proposed Development

- 2.1. The proposed development is for demolition of the existing onsite dwelling and associated domestic garage and the construction of a new two-storey over basement dwelling, upgrades to existing vehicular access and new internal driveway,

decommissioning of an existing septic tank and installation of a new proprietary wastewater treatment plant, and ancillary site development works.

2.2. The Planning Authority requested further information on 31st March 2021, including; a response to address the potential for visual impact on protected views along Thormanby Road and in the direction of the Bailey Lighthouse (Item 1), an amended roadside wall design to demonstrate compliance with the Howth SAAO¹ Design Guidelines in both materials used and design construction and the replacement of the proposed metal post and rail fence with a suitable hedgerow species (Item 2), further details of the proposed wastewater treatment disposal system and drainage system (Item 3), and an amended Appropriate Assessment Screening Report (Item 4).

2.3. The Applicant responded with further information on 30th June 2021. The main revisions and information submitted included:

- repositioning of the proposed dwelling on the site further westwards, having regard to the sensitive location and landscape of the site,
- amendments to the proposed roadside wall including using stone from the old wall, which would be demolished and confirmation that works would be carried out by a suitably qualified person, and that the previously proposed metal post and rail fence would be a hedge instead,
- revised plans and particulars for the proposed wastewater treatment system, and
- an AA Screening Report confirming that the proposed development would not have any impact upon Natura 2000 sites within the vicinity.

¹ Special Amenity Area Order.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority refused permission on 27th July 2021 for reasons mainly relating to visual impact, excessive height and massing, interference with the surrounding sensitive landscape, and that, if permitted, the proposed development would set an undesirable precedent for other similar types of development, which would contribute to an erosion of the distinctive and attractive character of the area.

3 no. reasons were cited, including:

- 1. Having regard to the location of the subject site within a highly sensitive landscape as identified on Green Infrastructure Map 1 of the Fingal Development Plan 2017-2023 and the objective to protect views along this section of Thormanby Road, with particular reference to the view of the Baily Lighthouse, it is considered that the proposed development would contravene Objective NH33, NH35, NH36 and NH40 of the Fingal Development Plan 2017-2023 which seek to protect the character, integrity and distinctiveness of highly sensitive areas and protect views and as such would be contrary to the proper planning and sustainable development of the area.*
- 2. The proposed development which is excessive in height and mass would result in overly dominant features within the surrounding landscape which is located within the Howth SAAO, would be visually intrusive within the surrounding context and would represent an incongruous form of development and interfere with the character of the landscape. The development in its proposed form would contravene DMS152 of the Fingal Development Plan 2017-2023 and Policy 2.1.1 of the Howth Special Area Amenity Order and as such would be contrary to the proper planning and sustainable development of the area.*
- 3. The proposed development would set an undesirable precedent for other similar developments, which in itself and cumulatively would contribute to an erosion of the distinctive and attractive character of the area, seriously injure the visual and residential 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. Planning Reports

- The site is zoned 'RS – Residential', which seeks to provide for residential development and protect and improve residential amenity'. The proposal is, therefore, acceptable in principle.
- The site is within the area of the Howth Special Amenity Area Order, which provides guidance in relation to new buildings.
- There is significant concern over the visual impact that the proposal would have upon the protected views along Thormanby Road.
- The Applicant has stated in their further information response that the dwelling has been repositioned onsite and moved 11.77m westwards in order to protect views of the lighthouse. However, there are still concerns regarding the ridge height of the dwelling, which has increased by c. 200mm. It was requested at pre-planning stage that the ridge height should not exceed that of the previously permitted dwelling on the site.
- The proposed basement garage would result in significant raising ground levels in proximity to the Bailey Lighthouse access road. This would have a negative impact on the visual amenity of the surrounding sensitive landscape, which has a specific objective to preserve views.
- The Visual Impact Assessment is not sufficient.
- In its current form, the proposal is visually obtrusive and would undermine views of the Bailey Lighthouse, which the County Development Plan and Howth SAAO seek to protect. The proposal would materially contravene Objectives NH33, NH35, NH36, and NH40.
- The design of the proposed roadside wall, planting of a hedge along the northern boundary (instead of a post and rail fence), details of the proposed wastewater treatment system, and the submitted AA Screening Report are considered acceptable.

3.2.2. **Other Technical Reports**

Water Services: Initially requested further information regarding foul sewer and surface water arrangements, including details in relation to the site services layout and proposed location of the surface water infiltration trenches so that waterlogged conditions could be avoided. No objection upon receipt of further information, subject to conditions.

Transportation: No objection, subject to conditions regarding sightlines and safe access/egress of vehicles entering / existing the site.

Parks: Initially further information requested regarding proposed landscaping, site clearance works, storage of waste, and monitoring of potential impacts on the SAC and SPAs. No objection upon receipt of further information, subject to conditions.

3.3. **Prescribed Bodies**

Irish Water: No objection, subject to standard conditions, including that the Applicant must sign a connection agreement for water and sewerage disposal with Irish Water prior to the commencement of the development.

3.4. **Third Party Observations**

The Planning Authority received a number of third party observations in relation to the proposed development. The main issues raised are summarised as follows:

- The proposed development would have a negative visual impact and impede protected views from Thormanby Road towards the Bailey Lighthouse (Protected Structure).
- The scale, size and height of the proposed dwelling is excessive.
- Proposed design is unsympathetic to its surrounding environment and the house would fail to integrate sensitively and would, therefore, contravene Objectives 2.1, 3.1, 3.2, 3.3, 3.4.2, 11.4 and Policy 2.1.1 as per the Howth SAAO.
- The existing dwelling is a more appropriate form of development in this area.

- The proposed development needs to more cognisant of the nearby Howth Cliff Path (public route).
- The precedent examples of permissions for new houses cited by the Applicant are not comparable to the proposed development as in each case they comprised the construction of a new house on the footprint of the original dwelling. Furthermore, none of the examples blocked the sensitive public and/or listed views, are not significantly intrusive, and are situated in less sensitive landscape settings compared with subject development proposal.
- The long-established building pattern in the area has not been materially interrupted for over 30 years. All development that has occurred over this period, is on the site of the original structures. There is an orderly pattern of layout that permits unobstructed views from the rear of each house and removes potential for visual intrusion. Given the location of the existing house, and that of the house permitted in 2016, it is clear that the site is large and of sufficient area to accommodate a more sensitive and balanced approach to the siting of the proposed dwelling.
- The proposal would be detrimental to the Planning Authority's objectives for conserving and managing this area of special landscape character and scenic quality as it would block the protected public view from Thormanby Road (towards the Baily Lighthouse) and the high amenity zoned lands area to the immediate east and south.
- The Applicant's Planning Report and CGIs fail to demonstrate the negative visual impact that would be caused by the proposal, as viewed from Thormanby Road, from part of the cliff path to the east, and from the houses to the immediate north.
- Concerns regarding the location and method of proposed landscaping.
- The proposal is not a sustainable approach to development and contravenes the Paris Climate Accord.
- Acknowledges that the proposal is an improvement on the previous permission for the site (Reg. Ref. F16A/0419). However, the proposed design

would still have negative impacts upon the distinctive visual and natural amenities of the area.

- The zoning objective for the site (RS – Residential) and Objective NH40 would be contravened due to the scale and size of the proposed development.
- Proposal would set an undesirable precedent for future development in the area.
- The application is deficient and more detail is required for the proposed boundary treatments.
- Proposal should be situated within the footprint of the existing dwelling.
- There is a negative emerging pattern of development in the area and this is negatively changing the open character and expanse of views for the landscape.

4.0 Planning History

ABP Ref. PL06F.247722: In April 2017, An Bord Pleanála granted permission on the subject site for the demolition of the existing house and construction of a new replacement four-bedroom, detached, part single, part two-storey, over basement, dwelling with attached domestic garage, garden pavilion, and ancillary site works.

The permission was not implemented.

5.0 Policy Context

5.1. Fingal County Development Plan, 2017-2023

Zoning

- 5.1.1. The appeal site is subject to two zoning objectives, as per the Fingal County Development Plan 2017 – 2023 ('the Development Plan'). The western (larger) parcel of land, and where the proposed dwelling is situated, is zoned 'RS – Residential', which seeks 'to provide for residential development and protect and improve residential amenity'. The vision for this zone is to ensure that any new

development in existing areas would have a minimal impact on and enhance existing residential amenity. Residential use is permitted in principle within this zone.

- 5.1.2. The smaller section of the site, to the east, is zoned 'HA – High Amenity', which is 'to protect and enhance high amenity areas'. The vision for this zone is 'protect these highly sensitive and scenic locations from inappropriate development and reinforce their character, distinctiveness and sense of place. In recognition of the amenity potential of these areas opportunities to increase public access will be explored'.

Protected Structure

- 5.1.3. The Bailey Lighthouse is located to the east of the appeal site. It is a Protected Structure (RPS Ref. 586) and listed on the National Inventory of Architectural Heritage (NIAH Ref. 11367007).

Preserve Views

- 5.1.4. There is an objective directly west of the site on Thormanby Road to 'Preserve Views'.

Highly Sensitive Landscape

- 5.1.5. The site is located within a 'Highly Sensitive Landscape' as per Green Infrastructure Map 1.

Other Relevant Policies and Objectives

- 5.1.6. The following policies and objectives are also considered relevant:

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.

NH34

Ensure development reflects and, where possible, reinforces the distinctiveness and sense of place of the landscape character types, including the retention of important features or characteristics, taking into account the various elements which contribute to their distinctiveness such as geology and landform, habitats, scenic quality, settlement pattern, historic heritage, local vernacular heritage, land-use and tranquillity.

NH35

Resist development such as houses, forestry, masts, extractive operations, landfills, caravan parks and large agricultural/horticulture units which would interfere with the character of highly sensitive areas or with a view or prospect of special amenity value, which it is necessary to preserve.

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.*

NH37

Ensure that new development meets high standards of siting and design.

NH38

Protect skylines and ridgelines from development.

NH39

Require any necessary assessments, including visual impact assessments, to be prepared prior to approving development in highly sensitive areas.

NH40

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

PM44

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.

PM45

Promote the use of contemporary and innovative design solutions subject to the design respecting the character and architectural heritage of the area.

DMS39

New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.

DMS77

Protect, preserve and ensure the effective management of trees and groups of trees.

DMS152

A site assessment should be carried out prior to starting any design work to help inform and direct the layout, form and architectural treatment of the proposed development and identify issues that may need to be avoided, mitigated or require sensitive design and professional expertise. The site assessment should evaluate:

- *Character of the site in its setting (including existing buildings)*
- *Access to the site*
- *Services*
- *Protected Designations*
- *Rare and protected species (such as bats)*

5.2. Howth Special Amenity Area Order, 1999

- 5.2.1. The appeal site is within the Howth Special Amenity Area Order, 1999' (SAAO) and designated as a 'Residential Area within the Special Amenity Area', as indicated on Map A.

- 5.2.2. Furthermore, the private lane to the southwest of the site and the footpath to the east are identified as footpaths and roads from which views outwards are protected (Maps A and B of the Order).
- 5.2.3. Map A stipulates a density of 1 dwelling per hectare for the area in which the site is located.
- 5.2.4. Schedule 1 of the SAAO sets out a number of objectives for the enhancement of the area. Objective 1.1 seeks to manage the area and to conserve natural and cultural assets and protect the amenity of local residents.
- 5.2.5. Schedule 2 includes objectives for the preservation of the character or special features of the area. Objective 2.1 seeks 'to preserve views from public roads and footpaths' (as per Map B) and Policy 2.1.1 seeks to protect these. Objective 2.3 seeks to preserve areas and features of special interest. Policy 2.3.1 states that it is Council policy to preserve the areas and features of special interest shown in Map B and listed in Tables 3 and 4. The Bailey Lighthouse is referenced as No. 17 on Table 3.
- 5.2.6. Schedule 3 sets out objectives for the prevention and limitation of development, including:

Objective 3.1

To protect residential amenity.

Objective 3.2

To protect and enhance the attractive and distinctive landscape character of the area.

Objective 3.3

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

5.3. Natural Heritage Designations

There are no designated European sites on the subject site. However, there are several such designated sites within the vicinity, including:

- Howth Head SAC (Site Code 000202), which is approximately 100m to the east and south east. The site is also a pNHA.
- Rockabill to Dalkey Island SAC (Site Code: 003000), which is approximately 150m to the south.
- Howth Head Coast SPA (Site Code: 004113), which is approximately 240m to the east.

5.4. EIA Screening

Having regard to the nature and small scale of the proposed development, which is for a single house, and its proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A First Party Appeal against Decision to Refuse Permission has been lodged by the Applicant.

The main grounds of appeal are as follows:

- The site is zoned for residential development. Therefore, the proposal is permitted in principle, subject to the relevant development management standards, which are met and exceeded.
- The proposed development provides for a revised design and siting to a dwelling that was already permitted under ABP Ref. 06F.247722 (Reg. Ref. F16A/0419). However, it is smaller in massing and height and more cognisant of the sensitive landscape that surrounds it.
- Views towards the sea and lighthouse are limited from the public road due to the walls and mature vegetation that is onsite.

- The proposed dwelling does not restrict views of the Bailey Lighthouse, which will still be visible from Thormanby Road.
- The proposed landscaping scheme uses natural trees, grasses, and hedges and will not affect any historic elements. The existing boundary wall will be retained.
- The revised proposal retains the important features and characteristics of the site and is in accordance with Objective NH34. It utilises the natural topography of the site, materials, landscaping, and siting to create a modest dwelling that sits comfortably within its surroundings.
- The proposal does not contravene Objectives NH33, NH35, NH36, NH40 of the Development Plan, and the proposed height and massing is considered appropriate for the location, and compliant with Policy 2.1.1 of the Howth SAAO, 1999.
- There would be limited impacts on the Howth Cliff Path and adjoining properties.
- There are several recent permitted developments in the area overlooking the sea, including the houses 'Due South', 'Carnalea', 'Glenlion Pines', and 'Onslow', and the recent decision involving the appeal site ('Long Acre').
- The proposal is consistent with the emerging character of development along Carrickbrack and Thormanby Roads. In this regard, the Applicant has submitted a summary of previous applications and decisions involving new dwelling proposals in the surrounding vicinity.

Revised Proposal

- The reason for refusal notes that the height and mass of the proposed dwelling would result in an overly dominant feature within the surrounding landscape. However, the mass of the proposed dwelling has been reduced from that previously permitted. Whilst the height of the proposed house has increased slightly, it is not considered that this height would adversely impact the surrounding environment.

- However, noting the concerns of the Planning Authority, a revised proposal is submitted with the appeal. This reduces the height of the house by 700mm, such that its height at appeal stage is now as per the height of the dwelling permitted under Reg. Ref. F16A/0419 (ABP Ref. 06F.247722).
- Appendix B of the Appeal includes a revised set of architectural drawings that include an alternative design with the floor levels of the proposed house dropped by 700mm, approx.
- A revised set of photomontages and CGIs is appended to the Appeal illustrating the alternative proposed design submitted as part of the appeal.

6.2. Planning Authority Response

- The application was assessed against the policies and objectives of the Fingal Development Plan 2017-2023 having regard to the site's zoning objective, as well as the impact on adjoining neighbours and the character of the area.
- The Planning Officer notes the planning history for the site and considers the proposal of a replacement house to be acceptable.
- The Applicant is correct to say that the Planning Authority was supportive of the revised location for the proposed dwelling prior to further information being submitted. However, it was also requested that the height of the eastern side of the dwelling be reduced or that the dwelling be pushed further westwards as it still impeded views of the Bailey Lighthouse. The Applicant's further information response did not reflect the request, however.
- There are contradictions in the Applicant's appeal. In the opening section, the Applicant states that the proposal is slightly higher than that previously permitted. However, later in the document, it is contended that the proposal is significantly smaller in mass and height.
- The proposed dwelling has been significantly reduced in terms of floor area (compared with the previously permitted dwelling). However, the height has increased. As such, in its current form, the proposed development would negatively impact upon the views of the Bailey Lighthouse, which are protected.

- It is requested that the Board refuse permission.

6.3. Observations

Third party observations have been received from the following:

- B. Gillespie & P Letellier (Four Winds, Thormanby Road, Howth)
- Ursula Fagan (Saint Clare, Thormanby Road, Howth)
- Jochen Wenski (Whitewater, Thormanby Road, Howth)
- Chicko Misfud (Cova, Thormanby Road, Howth)
- Bernice and Rick De Neve (Up in the Air, Thormanby Road, Howth)
- Conor O'Hara (Ramore, The Bailey, Howth)
- Paddy McGinley (Spindrift, Thormanby Road, Howth)

The observations raised concerns regarding the proposed development, which for convenience, are group below under the following headings:

Protected Views

- The proposed development is not in accordance with the Howth SAAO, including Objectives 2.1, 3.4.2 and Policies 2.1.1 and 3.1.1.
- The proposed development is not in accordance with the Development Plan, including Objectives NH33, NH34, NH36, NH37, and NH40.
- The proposed development is clearly visible from the public road as shown in the graphics submitted by the Applicant.
- The site is the last remaining view of this iconic lighthouse.
- The location of the proposed dwelling is seeking to maximise its own views of the Bailey Lighthouse but this is to the detriment of the public.

Design and Layout

- The previous permitted dwelling on the site was positioned on the existing footprint of the original house and not in the centre of the site as is now proposed.

- Since the Board granted permission for the previous house almost five years have passed. The Development Plan has been updated (2017-2023) and it is doubtful if permission would now be granted for the previous proposal under the current Development Plan.
- A large part of the previous permitted house was a basement. The proposed development is not much smaller above ground.
- The revised design submitted by the Applicant as part of their appeal remains almost 1m higher than the house previously permitted by the Board.
- The opposition to the proposed dwelling is not to the development of the site, nor its scale or size, but rather of its positioning and location on the site.
- All recently permitted / constructed houses on Thormanby Road have been built on the footprint of pre-existing structures, including, for example, Due South, Cliff Haven, Beacon's Reach, Uisce Ban, Fairways, Whitewater, and Onslow.
- The location of the proposed dwelling does not respect the established building line of houses on Thormanby Road and it would project significantly outwards to east, which would be inappropriate.

Boundary Treatment and Landscaping

- The proposed demolition and reconstitution of the stone wall and pillars on Thormanby Road is against the Howth SAAO, which states that the retention of existing boundary walls in the SAAO area is an objective.
- The conditions applied by the Board to the previous permitted house regarding planting of hedges and other foliage should be included.

Other

- The submitted planning documentation is conflicting. The AA Screening Report states that as the existing dwelling is still habitable it can be assumed no bats were present in the house. However, the Structural Report states that the old house is not habitable because of water and structural damage.
- The Applicant has not properly researched whether there are bats in the existing house.

- Proposal would set an undesirable precedent. Many of the examples cited by the Applicant are not relevant to the subject application site.

7.0 Assessment

The main planning considerations relevant to this appeal case are:

- Visual Impact
- Height, Massing, and Scale of Development
- Appropriate Assessment

7.1. Visual Impact

- 7.1.1. The Planning Authority's First Reason for Refusal is that the proposed development was considered to contravene Objectives NH33, NH35, NH36 and NH40 of the County Development Plan, which seek to protect highly sensitive areas and views along Thormanby Road, particularly that of the Baily Lighthouse.
- 7.1.2. The proposed development consists of the demolition of the existing onsite house and associated domestic garage and the construction of a new two-storey over basement dwelling. It also comprises an improved vehicular access, new internal driveway, decommissioning of existing septic tank and installation of a new proprietary wastewater treatment plant, together with ancillary site development works.
- 7.1.3. The appeal site is on the eastern side of Thormanby Road and the land declines steeply eastwards towards the sea. There is a private access road leading towards the Bailey Lighthouse, which is to the southeast. There are widespread views of Dublin Bay from the site and from certain vantage points along this private accessway, which is owned and controlled by the Commissioners of Irish Lights. There are also some narrow unimpeded views of the lighthouse from Thormanby Road, despite the presence of the existing dwelling on the site. However, these are limited mainly due to the presence of a large mature hedgerow on the western site boundary.

- 7.1.4. The site is subject to two zoning objectives. The western part is zoned 'RS – Residential', which is where the proposed dwelling would be situated. The smaller section of the site, to the east, is zoned 'HA – High Amenity', which seeks to protect and enhance high amenity areas.
- 7.1.5. The full extent of the site is within a 'Highly Sensitive Landscape' as per Green Infrastructure Map 1 of the Development Plan.
- 7.1.6. Thormanby Road is identified in the County Development Plan and Howth SAAO as having preserved views.
- 7.1.7. Policy 2.1.1. of the Howth SAAO states that applications must take into account the visual impact of proposals on views from these paths and roads. Applicants must state whether there would be an impact and describe and illustrate this impact. The Council will not permit development which it considers would have a significant negative effect on a view from a footpath or road.
- 7.1.8. The Howth SAAO (Schedules 2 and 3) sets out objectives for the enhancement of the area and prevention and limitation of development, including to protect and enhance the attractive and distinctive landscape character of the area (Objective 3.2), and to ensure that development does not reduce the landscape and environmental quality of adjacent natural, semi-natural and open areas (Objective 3.3).
- 7.1.9. I note that the SAAO (Policy 3.1.2) also sets out design guidelines which apply to new forms of development. The policy states that new buildings should generally be in keeping with the character of other buildings in the vicinity but that favourable consideration may be given to buildings of contemporary design, provided that the design is of high quality and that, in visual terms, it subordinates the building to the surrounding natural environment.
- 7.1.10. The Bailey Lighthouse is a distinguishing feature of the Howth Head landscape. It is a Protected Structure (RPS Ref. 586) and listed on the National Inventory of Architectural Heritage (NIAH Ref. 11367007). The structure is described by the NIAH as having regional importance and comprises a two-stage ashlar granite lighthouse with a metal-framed glazed lantern attached to five-bay, three-storey block.

- 7.1.11. The Lighthouse is also referenced in the Howth SAAO, which sets out numerous policies and objectives that seek to preserve the area, its views, and features of special interest in recognition of its quality and outstanding natural beauty, to which the lighthouse makes an importance contribution. The Lighthouse is referenced as Number 17 on Table 3 of the SAAO, which identifies it as a site of special interest.
- 7.1.12. From my physical inspection of the site, it is clear to me that that there are limited unobstructed outward views from Thormanby Road, across the site, and towards the sea and the Bailey Lighthouse. This is due to high walls along the road, mature and established landscaping, vegetation, and large trees in the surrounding vicinity, and the presence of other residential properties which are situated on the same (east) side of the road as the appeal site. I note that many of the houses in the area are detached, large in size, and set within the landscape, often against a background of mature tree stands.
- 7.1.13. There are wide-sweeping and direct views of the sea and lighthouse from within the appeal site itself. However, the same cannot be said from the public road as most views are generally obstructed by the existing house, the existing mature hedgerows and stone walls that run along the south and west boundaries of the site and by large mature trees in the general vicinity. The main existing view of the Bailey Lighthouse is achieved from the public road near the site's northwestern corner as shown in Viewpoint No. 4 of the Applicant's Photomontage Booklet. I note that other viewpoints of the lighthouse, including Viewpoint Nos. 3 and 5 from this general location, along the public road, are not possible. This tallies with my own experience of visiting the site and looking out seawards, across the site, from various points on Thormanby Road.
- 7.1.14. The remaining views from the public road are very restricted. I note from undertaking a physical inspection of the site, and surrounding area, that only fleeting glimpses of the lighthouse are possible from both the public road (west) and private laneway (south), and that it would not be correct to say that the proposed development would significantly reduce or diminish any expansive existing views or vistas of the sea or the lighthouse as simply they do not exist, in my opinion.
- 7.1.15. In summary, I do not consider that the proposed replacement dwelling would significantly erode the visual amenities of the area. It follows that I consider that it

would be in accordance with Objectives NH33, NH35, NH36 and NH40 of the Fingal Development Plan 2017-2023, which seek to protect the character, integrity and distinctiveness of this highly sensitive areas and protect public views that contribute to the character of the surrounding landscape.

7.2. Height, Massing and Scale of Development

- 7.2.1. The Planning Authority's second reason for refusal is that the proposed dwelling is excessive in height and mass, overly dominant for the surrounding landscape, which is located within the Howth SAAO, would be visually intrusive within the surrounding context, and interfere with the character of the landscape.
- 7.2.2. The Planning Authority's Response, whilst acknowledging that a replacement dwelling on the site would be acceptable in principle, states that they have concerns regarding the height of the eastern side of the dwelling, despite a reduction in floorspace and repositioning the house closer to the southern boundary of the site as part of further information. Their preference is that the height of dwelling be reduced in this location or that the dwelling be pushed further westwards to avoid impeding views of the Bailey Lighthouse. The Planning Authority states in their appeal response that the Applicant's further information did not adequately address the issues raised, so permission was refused.
- 7.2.3. I note, as the site slopes upwards moving east (lower ground) to west (higher ground), that any relocation of the dwelling westwards, nearer to the public road, could potentially increase the visual prominence of the proposed development. This could give rise to increased concerns regarding potential interference with the landscape and impact the protected views from Thormanby Road, as limited as they are. Therefore, I considered the current, proposed location and design to be appropriate and that further pushing the proposed dwelling westwards, closer to the public road, would not be warranted in this case.
- 7.2.4. The new house would be outside the footprint of the existing house, which I note is one of the main concerns raised by a number of third party observers. I also note that, in most cases, third parties do not have an issue with the size, scale, and design of the proposed dwelling, but that it is the proposed setting of the house, further east of the existing house location, and closer to the sea, that is seen as

problematic. Similarly, some observers submit that the proposed development is not consistent with an established building line drawn across Ramore and Whitewater to the north, and Onslow to the south, and that the proposed dwelling would project too far eastwards and past this line.

- 7.2.5. From my assessment of the appeal site, and existing pattern of development in the area, I do not consider that there is a consistent building line of houses running along the east side of Thormanby Road in the vicinity of the site. An inspection of aerial photography, and mapping for the site and its surrounds, shows that several houses would be situated further east than both the aforementioned dwellings and new house. In my opinion, there is no clear linear pattern of residential development on this side of Thormanby Road and the new house would not be an outlier by way of its proposed location on the site.
- 7.2.6. I acknowledge that the proposed dwelling would be closer to the seaward side of the appeal site than the existing house. However, this is not by a very significant distance and it would still be roughly 125m from the eastern boundary of the site. The new dwelling would also remain fully within the part of the site that is zoned 'RS – Residential' and avoid crossing over into the section of the property that is zoned 'HA – High Amenity'.

7.3. Appropriate Assessment

- 7.3.1. The subject site is not within any Natura 2000 sites. However, the site is at a coastal location where there are designated sites within proximity, which means there is potential for indirect impacts to occur.
- 7.3.2. The closest Natura 2000 site is Howth Head SAC (Site Code 000202), at a remove of roughly 100m to the east and southeast. The site is also a pNHA. Rockabill to Dalkey Island SAC (Site Code: 003000) is approximately 150m to the south and Howth Head Coast SPA (Site Code: 004113) is roughly 240m to the east. The features of interest for these European Sites are extensive and the conservation objectives relate to maintaining their conservation condition.
- 7.3.3. The qualifying habitats and species for the European Sites are noted in the relevant NPWS Site Synopses. The threats to the qualifying interests of the relevant SACs

are shown in Table 2 of the Applicant's AA Screening Report, and include vegetated sea cliffs, dry heath, reefs, and harbour porpoise.

- 7.3.4. The proposal is for a replacement dwelling on the site which includes the demolition of an existing house and ancillary site works. The Applicant provided an Appropriate Assessment Screening Report at further information stage, which was prepared by NM Ecology (dated 23 April 2021). The report found that the proposed development would not have any negative impacts on Natura 2000 sites in the vicinity of the site and that Appropriate Assessment would not be required. I also note that the Planning Authority completed an AA screening and found that significant impacts on Natura 2000 sites could be ruled out and that no further assessment in the form of an NIS would be needed.
- 7.3.5. There are no rivers or streams in the vicinity of the appeal site. The nearest watercourse is a small stream that is roughly 200m north of the site, but it is not connected to the site. The topography of the site, however, is such that it slopes downwards from west to east so that surface and groundwater is likely to flow eastwards towards the coast and above-referenced European sites. The AA Screening Report states that a potential hydrological connection via groundwater was identified between the subject site and 2 no. Natura 2000 sites, being Howth Head SAC and Rockabill to Dalkey Island SAC. However, the underlying soils provide a high degree of filtration such that pollution via groundwater or surface water is not a threat to any of the qualifying interests of either SAC.
- 7.3.6. It is also noted that foul water from the new dwelling would be treated in a new wastewater treatment system and polishing filter. After passing through the new system effluent, it would contain only trace quantities of pollutants. The proposed foul water treatment system would be a significant improvement on the existing older septic tank that is currently in place. Further, the documentation submitted shows the site ground conditions to be suitable for an onsite wastewater treatment system with the underlying geology composed of mudstone and siltstone, which allows for very low permeability to groundwater. I note also that the Applicant's AA Screening Report confirms that a layer of gravelly sandy silt was recorded above the bedrock and that this has good percolation qualities.

- 7.3.7. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. Having carried out Screening for Appropriate Assessment, it has been concluded that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect any European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.
- 7.3.8. This determination is based on the distance of the proposed development from European Sites, the lack of meaningful ecological connections to those sites, and the nature of the proposed development, which is a for a replacement dwelling and associated site works. This screening determination is not reliant on any measures intended to avoid or reduce potentially harmful effects of the project on a European Site.

8.0 Recommendation

- 8.1. I recommend that planning permission be granted for the proposed development.

9.0 Reasons and Considerations

Having regard to the provisions of the Fingal Development Plan 2017-2023, including the residential zoning of the site, the Howth Special Amenity Area Order 1999, the nature, design, and layout of the proposed replacement dwelling, and its low elevation within the site, it is considered that subject to the conditions set out below, the proposed development would not detract from the landscape character of the area or protected views from public roads and footpaths. The proposed development would, therefore, be consistent with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 30 th June 2021 and by the
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	<p>further plans and particulars received by An Bord Pleanála on the 20th August 2021, 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>
2.	<p>Prior to first occupation of the dwelling hereby approved the existing dwelling shall be demolished on site.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This scheme shall include the following:</p> <ul style="list-style-type: none"> a. A plan to scale of not less than 1:500 showing – <ul style="list-style-type: none"> i. The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species. ii. Details of screen planting. iii. Hard landscaping works, specifying surfacing materials, and finished levels. iv. Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment. b. A timescale for implementation. c. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of three years from the completion of the development shall be replaced within the next

	<p>planting season with others of similar size and species, unless otherwise agreed in writing with the Planning Authority.</p> <p>d. Any proposed fencing (eg metal post and fence) to subdivide the existing plot is to be omitted, including fencing around percolation area.</p> <p>e. Proposed north and south boundary treatments shall be in accordance with the Howth SAAO Design Guidelines. No new fencing, vegetation removal or ground level changes shall be permitted along the existing north and south site boundaries.</p> <p>f. Upon substantial completion of construction works the Landscape Plan shall be implemented under the supervision of the appointed Landscape Architect.</p> <p>Reason: In the interest of residential and visual amenity.</p>
4.	<p>a. Prior to the commencement of site clearance works the proposed 'Protective Fence' along a partial section of the northern boundary as shown on Proposed Landscape Plan (Drwg. No. PP295-01) shall be installed and inspected by the appointed Landscape Architect. Any re-location of the fence shall be under the supervision of the appointed Landscape Architect.</p> <p>b. Any site compound, vehicle parking, material storage, spoil and soil heaps shall be outside of the High Amenity zoned lands.</p> <p>c. No vegetation shall be removed from the High Amenity lands.</p> <p>Reason: In the interest of environmental protection.</p>
5.	<p>The site shall be surveyed for the presence of bats prior to the commencement of site clearance, demolition and construction works. The results of this survey, including any actions arising, shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>Reason: In the interest of wildlife protection.</p>

6.	<p>a. An Ecologist shall be engaged as an Ecological Clerk of Works for the duration of the project to advise on best practise routines within the Construction Environmental Management Plan and to monitor any potential impacts on the SAC and SPAs, including maintaining bi-weekly written records of water discharges, noise disturbance and dust arising from the construction works.</p> <p>b. Should any such issues arise, the Ecological Clerk of Works shall be responsible for the supervision of implementing protection measures, immediately notifying the NPWS and preparing any necessary documentation.</p> <p>Reason: In the interest of environmental protection.</p>
7.	<p>a. The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the Planning Authority, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>b. Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.</p> <p>Reason: In the interest of public health.</p>
8.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of</p>

	<p>development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
9.	<p>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.</p> <p>Reason: In the interest of sustainable waste management.</p>
10.	<p>a. The vehicular entry-splay (i.e. the paved area lying between the edge of road carriageway and the gates/piers of the site entrance or, if no gate is provided, to a point 6m from the edge of road carriageway) shall be constructed in a bound road material. Any entrance gates shall open inwards to the site.</p> <p>b. 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. C.</p> <p>c. The footpath and kerb shall be dished at the developer’s expense to the satisfaction of the Planning Authority.</p>

	<p>d. All underground or overhead services and poles shall be relocated, as may be necessary, to a suitable location adjacent to the new boundary.</p> <p>Reason: In the interest of traffic safety.</p>
11.	<p>Surface water drainage arrangements for the proposed development shall comply with the requirements of the Planning Authority.</p> <p>Reason: In the interest of public health.</p>
12.	<p>Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
13.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
14.	<p>The developer shall pay to the Planning Authority a financial contribution respect of public infrastructure and facilities benefitting 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 the 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 developers or, in default of such agreement, the matter shall be referred to An Bord</p>

	<p>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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Ian Boyle
Planning Inspector

18th May 2022