



An  
Bord  
Pleanála

## Inspector's Report ABP312490-22

### Development

Permission for demolition of existing 3 bedroomed two storey plus attic detached dwelling and associated structures, and construction of replacement 5 bedroomed part two-storey part single-storey detached dwelling, incorporating first floor terrae, integrated garage, relocation of existing vehicular entrance and all associated landscaping and site works.

### Location

St. Fintan's, Strand Road, Sutton, Dublin 13.

### Planning Authority

Fingal County Council.

### Planning Authority Reg. Ref.

F21A/0374.

### Applicant(s)

Sarah Callaghan & Gerard Curley.

### Type of Application

Permission.

### Planning Authority Decision

Refuse.

### Type of Appeal

First Party.

### Appellant(s)

Sarah Callaghan & Gerard Curley.

**Observer(s)**

N/A.

**Date of Site Inspection**

24<sup>th</sup> May, 2022.

**Inspector**

Mary Mac Mahon.

## **1.0 Site Location and Description**

- 1.1. The site is located on the west side of Howth. The Strand Road runs along the coast and St. Fintan's Road turns east as it begins to climb to the interior of Howth. The junction with St. Fintan's Road and the continuation along the shoreline is poorly aligned with very limited visibility and is difficult to navigate – either by car or on foot. Footpaths in the area are intermittent and non-continuous. There is none on the section of St. Fintan's Road where the site is located. A series of road markings are set out to enable vehicles to move safely, including double yellow lines, stops line and rumble strips. There is a bus route that continues from Strand Road along St. Fintan's Road, before looping back via Strand Road.
- 1.2. This part of the area is notable for its high rubble walls. These rubble walls have been significantly altered over time. There is a pedestrian access to the beach via steps opposite the site and a public litter bin on Strand Road, irrespective of the absence of footpaths. It is evident further north on Strand Road that road improvement works have taken place and a footpath provided, which has included the rebuilding of rubble stone walls. These improvements have taken place on a piecemeal, stand alone basis.
- 1.3. The site is the first house at the junction between the Strand Road and St. Fintan's Road. It is a modern dwelling, set in the former garden of a Protected Structure – 'Stonehaven'. Much of the site is to the front of the building line, as it follows the line of St. Fintan's Road. The existing dwelling is setback on the site and positioned at an angle to the road. It is two storey with an 'A' line roof. The gross floor area of the existing dwelling is 217 square metres. The site area is stated as 1.049 ha (I consider this an error in the location of the decimal point and the site area to be circa 0.1049 hectares).

## **2.0 Proposed Development**

- 2.1. The proposed development is the demolition of the existing dwelling and the construction of a new dwelling in a contemporary style. The new dwelling is more aligned to the existing building line. The proposed dwelling is part two storey and part single storey, with four bedrooms. There is balcony at first floor to the front of the dwelling. The gross floor area is stated as 249 square metres (note the planning

application design statement refers to 205 square metres). A new entrance is proposed, some 6.4 metres east from its existing location.

- 2.2. At Further Information stage, the site entrance is repositioned some 15.4 metres further east from the original entrance, to maximise the sight visibility line.
- 2.3. A Natura Impact Statement was submitted at Further Information Stage. There were no new public notices.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Refuse:

*“The development in its proposed form, by reason of failure to provide the necessary sightlines and footpaths would endanger public safety by reason of traffic hazard.”*

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

##### **3.2.1. Planning Reports**

- 3.2.2. The planner identifies the ‘RS’ zoning of the site. A description of the proposed development is summarised and the retention of the existing boundary is noted. The development plan objectives are cited, and the specific objective in the locality to preserve views included. The report finds that the proposed development is an acceptable form of development in principle. The conservation sensitivities of the site are assessed in relation to the design approach. The design is considered positively, taking into account the visually prominent corner site, adjacent to the protected structures and reference to the curved alignment of the site. It is considered an appropriate transition between Strand Road and St. Fintan’s and would positively contribute to the visual amenities of the area. The Transportation report is noted and amendments to the boundary walls should be replaced with similar. No serious injury to residential amenity arises. Further Information is sought, as requested in the departmental reports. A screening report for Appropriate Assessment is required. Adequate tree protection measures should be shown.

At Further Information Stage, a Natura Impact Statement was submitted. The Surface Water survey is considered acceptable. Only one mature tree exists and it will be protected during construction.

In relation to traffic, the limited sight visibility lines are not considered acceptable and the absence of provision of a footpath fails to improve the amenities of the area. Refusal is recommended.

### 3.2.3. Other Technical Reports

Water Services Department – Further information required on the reduction of surface water leaving the site and proximity to surface water sewer south of the site. The site is highly vulnerable in relation to flooding. The proposed Finished Floor Level of 5.91m O.D) and is within Flood Zone C.

Irish Water – no objection.

Transportation Department – the sightlines are substandard and should be improved. Visibility is limited due to the location of the entrance at an acute angle. Better sightlines could be achieved with a new entrance, located further east. 45 metres sight lines at a 2 metres setback should be achieved with adjustment of the boundary walls.

Currently this part of the public road in the vicinity of the site acts as a shared surface. It is unsafe, due to poor forward visibility, traffic speeds in spite of the presence of a junction and the narrow road space. In addition, there is a bus route operating along St. Fintan's Road. There is no opportunity to provide a footpath on the opposite side of the road – there is on this side and it would improve sight lines. This would leave only a limited area to the east to provide for the footpath, which may happen should the site be redeveloped. Further information is requested, requiring a revised access, to provide sightlines of 45metres, or as close to this as can be achieved and the provision of a pedestrian footpath along the frontage of the site should be explored.

At Further Information Stage, the Transportation Section considered the proposed development a traffic hazard.

Conservation Report – Notes that the site adjoins Protected Structures No. 31 (RPS 927) and 32 Strand Road (RPS 928). No objection as long as the new building is subservient to the protected structure. The design, scale and mass are acceptable.

## 4.0 Planning History

None relevant to the site.

## 5.0 Policy and Context

### 5.1. Development Plan

The Fingal Development Plan 2017-2023 applies. The site is zoned 'RS', residential. The land use objective is to '*Provide for residential development and protect and improve residential amenity*'.

Objective PM45: *Promote the use of contemporary and innovative design solutions subject to the design respecting the character and architectural heritage of the area.*

Objective CH20: *Ensure that any development, modification, alteration, or extension affecting a Protected Structure and/or its setting is sensitively sited and designed, is compatible with the special character, and is appropriate in terms of the proposed scale, mass, height, density, layout, materials, impact on architectural or historic features, and junction with the existing Protected Structure.*

The Landscape character of the area is coastal and highly sensitive. There is a protected view along Strand Road. The site is outside the Howth Special Amenity Area buffer zone and outside of the Historic Landscape Characterisation Area.

### 5.2. Natural Heritage Designations

5.3. The site is located on the landward side of the North Dublin Bay SAC (10 metres) and North Bull Island SAC (20 metres). The proposed development is not directly connected or necessary for the management of the Natura 2000 sites. It is uncertain as to whether the proposed development would have significant environmental impacts on the Natura 2000 sites, on its own or in combinations with other projects. Therefore, an NIS is required and was submitted at Further Information Stage.

5.4. The NIS was prepared by Hydrec Environmental Consulting. It undertook a screening assessment for 18 no. Natura 2000 sites within 15 km radius of the site. I am satisfied that this includes all the Natura 2000 sites within this radius and no further sites need to be screened. The screening includes 4 no. proposed Natural Heritage Areas.

- 5.5. I am satisfied that there is adequate information provided in the NIS to allow the Board to carry out a complete and precise assessment of all aspects of the project. Mitigation measures have not been taken into account in the screening process.
- 5.6. I concur with the finding of the NIS that there are 3 no. Natura 2000 sites that there is a pathway between these and the site and so these cannot be excluded from Appropriate Assessment. These are North Bull Island SAC 000206 (10 metres) North Bull Island SPA 004006 (20 metres) and Rockabill to Dalkey SAC 00300 (1.5 km). The other sites listed have either no pathway between the site and the Natura 2000 site or, hydraulically, the combination of distance, dilution and dispersal would have no significant impact on these sites.
- 5.7. The applicant's NIS was prepared in line with current best practice guidance and provides a detailed description of the proposed development and an assessment of construction and operation impacts arising. It identifies the conservation objectives for the above Natura 2000 sites and considers whether the proposed development would have adverse impacts on these sites. It identifies cumulative effects from other projects.
- 5.8. The NIS finds that the ecological value of the site is 'low'.
- 5.9. In relation to the proposed development, during operation, foul water from the proposed development will be disposed of through the public foul sewer network. Surface water will be subject to SUDS and then discharged the surface water network, prior to discharging to the sea. No adverse direct or indirect impact will arise on the water quality of the Natura 2000 sites.
- 5.10. The ground water vulnerability of the site is classified as 'Extreme'. The quality of the groundwater in the Dublin Groundwater Body is classified as 'Good' status. During construction, no significant dewatering will occur. Mitigation measures will be employed to ensure that contamination and pollution does not occur via solutes.
- 5.11. Airborne pollution during construction – dust – is not likely to affect the North Dublin Bay SAC, which consists of mudflats. The distance to more sensitive receptors is approximately 1km from the site and dust will settle before this point.
- 5.12. Noise disturbance of birds during construction can also be ruled out to distance to the birds favoured locations.

- 5.13. Mitigation measures are provided in Section 4.3 of the NIS. The report considers that adherence to these measures will result in negligible adverse residual impacts. It concludes that the proposed works either independently or in combination with other plans, does not have the potential to significantly affect the conservation objectives of the aforementioned European Sites or wider Natura 2000 network.
- 5.14. Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of the above listed in view of the Conservation Objectives of these sites. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

#### 5.15. **EIA Screening**

- 5.16. Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment and so it can be concluded from a preliminary screening, that an Environmental Impact Assessment can be ruled out and a screening determination is not required

### 6.0 **The Appeal**

- 6.1. The First Party's agent, Brennan Furlong Architects and Urban Planners, submitted the appeal which is summarised below. The appeal includes photographs.

#### 6.2. **Grounds of Appeal**

- Outlines the circumstances, where no feedback was received at Pre-Application Consultation stage from the Transport Department;
- The footpath mooted by the Transport Department would result in pedestrians being forced to cross at a blind bend where sight lines are at their worst;
- The footpath cannot be continued as the adjoining property is a Protected Structure, including its boundary arrangements;



- The planning authority acknowledge that a 45 metre sight line cannot be obtained, but simply look to maximise the sight visibility line;
- In spite of efforts to consult with the Transportation Department, no response was forthcoming until the Further Information was lodged;
- The recommendation for a speed survey came only after the decision was made to refuse planning permission – indeed, a Clarification of Further Information could have issued;
- The planning authority acknowledge that the relocation of the existing entrance is an improvement on the current scenario;
- The future bus route for the area (Bus Connects Route 6) will not travel west along St. Fintan's Road;
- The traffic safety measures on the road have not been taken into consideration – instead, the presence of the bus route alone has been the focus;
- Other locations and options for the vehicular entrance have been explored and no sight visibility lines of greater extent can be achieved;
- The existing boundary wall is 150 years old.

### **6.3. Planning Authority Response**

The planning authority responded as follows:

- The Design Manual for Roads and Streets (DMURS) requires sightlines of 49metres for a bus route in a 50 k.p.h. zone;
- The sight lines achieved are not correctly measure to the nearside edge of the road, as required by DMURS;
- There is a vertical requirement and this would further reduce sightlines;
- The proposed development is located on a blind bend with poor visibility and a notable change in gradient between the arms of the junction.

## 7.0 Assessment

- 7.1. There are number of issues in this appeal. There is the demolition of the dwelling house and its replacement; flooding; the impact of the design of the replacement dwelling on the protected structures; impacts on residential amenity and then the core traffic safety issues.
- 7.2. The existing dwelling house is of its time. I do not consider that it contributes significantly to the character of the area. I consider that its demolition and replacement with a dwelling of improved building standards to be acceptable.
- 7.3. The Finished Floor Level of the proposed development is +06.36 at the front and +05.91. There is an increase in height at the front of the proposed development than the existing (+05.55), with the remainder of the house at +05.91. I consider the replacement dwelling at lesser risk of flooding than the current dwelling.
- 7.4. The design of the replacement dwelling house has been carefully considered. It is a high quality design, well positioned on the site in relation to the building line and in my opinion, enhances the setting of the protected structures to the north.
- 7.5. There are impacts arising from the proposed development in relation to residential amenity, in terms of overlooking. A first floor terrace with external stairs has been provided to the front of the proposed dwelling house, which is greater in extent and different in alignment than the current balcony. This area is setback behind the building line, and any overlooking of the adjoining property is limited as result. No overlooking of the dwelling on the opposite side of the road to the south occurs. Therefore, I am satisfied that any impacts on residential amenity are within acceptable limits and arise within the publicly visible areas of open space of the adjoining dwelling.
- 7.6. The extent of overshadowing of that dwelling will reduce, due to the position of the replacement dwelling.
- 7.7. The main issue in contention arises in relation to traffic safety. The repositioning of the replacement dwelling results in the existing vehicular entrance becoming inoperable. The movement of the vehicular entrance further east becomes necessary. This in turn, enhances sight visibility lines, from their current situation. However, the sight lines from proposed access, even at further information stage, remain very limited. The rubble wall is reduced in height to one metre at this point. There is no safe passage for

pedestrians on this section of the road. The presence of a bus route on this blind bend makes both pedestrian and vehicle movement a greater safety risk.

- 7.8. On the day of my site visit, the No. 6 bus passed the site and I have confirmed on the NTA website that the No. 6 uses St. Fintan's Road as a one way system while looping back on Strand Road. Therefore, the bus will continue to use this road. I would consider that the provision of a footpath along the road frontage of the site would improve sight visibility lines from the site, improve pedestrian access to the dwelling house and would enhance pedestrian safety in the general area, notwithstanding the footpath being limited to this extent. I do not consider that the rubble wall in this location to be part of a protected structure and can be rebuilt in a different position. In the absence of a footpath at this location, it is considered that the proposed development would constitute a traffic hazard.
- 7.9. I note that the NIS submitted at Further Information was not advertised, due to the refusal of the proposed development. Should the Board consider granting planning permission for the proposed development, I would suggest that that new public notices are required.

## 8.0 Recommendation

- 8.1. I recommend that planning permission is refused.

## 9.0 Reasons and Considerations

Having regard to the location of the site on a substandard road network in the area, which is deficient in width and alignment which a notable change in gradient and lacking in pedestrian footpaths, while served by a bus route, it is considered that the proposed development would endanger public safety by reason of traffic hazard.

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Mary Planning	Mac	Mahon Inspector
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03 July, 2022