



An
Bord
Pleanála

Inspector's Report

ABP-312679-22

Development	Demolition of extension and construction of new dwelling
Location	Seafield House, Claremont Road, Howth, Co. Dublin, D13 TY23
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F21A/0618
Applicant(s)	Shane O' Hanlon
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Shane O Hanlon
Observer(s)	None.
Date of Site Inspection	08 th of September 2022
Inspector	Karen Hamilton

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1.0 Site Location and Description

- 1.1. The subject site contains a large, detached dwelling, Seafield House, and is located along the north of Claremont Road, Howth, Co. Dublin. Seafield House has a private access and has extensive front and side gardens. The site is surrounded by trees and hedgerows and has a mature setting.
- 1.2. Claremont Road has many large, detached dwellings within mature settings. Several infill developments have been constructed in the vicinity and there are three contemporary dwellings to the immediate north of the site. Permission has been recently granted in the front garden of Seafield House for two infill dwellings and includes a new access from Claremont Road.

2.0 Proposed Development

- 2.1. The proposed development would comprise of:
 - (i) demolition of non-original extension on western elevation of Seafield House making good of western elevation (c. 108m²);
 - (ii) construction of new contemporary styled two-storey dwelling comprising 3 no. bedrooms and rear garden in place of extension. Roof lights will be provided over ground floor kitchen and first floor stairwell.
 - (iii) provision of roofed patio and seating area to rear of dwelling;
 - (iv) drainage, SuDS drainage, all associated landscaping, site and ground works necessary to facilitate the proposal.
- 2.2. The dwelling will be accessed via the existing entrance off Claremont Road.

3.0 Planning Authority Decision

3.1. Decision

Decision to refuse for one reason listed below:

1. The proposed development by reason of the overall scale, depth and footprint up to the mutual boundaries providing for substandard separation off Seafield House together with the proposed cantilevers along the western boundary

limiting sufficient external access to the rear would constitute overdevelopment of the site. This is considered to be overbearing on the character of Seafield House thus detracting from the mature setting while also appearing as an unduly dominant structure being seriously injurious to the established character of the area and also contributing to poor residential amenity. The development in its proposed form would contravene Objectives PM44, DMS29, DMS39 and DMS44 of the Fingal Development Plan 2017-2023 all of which seek to encourage and promote the development of underutilised sites in existing residential areas subject to the character of the area and receiving environment being protected

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to refuse permission and is summarised below:

- The principle of infill is acceptable although subject to integration with the sensitive setting.
- The contemporary design is a welcome approach.
- The separation distance requirement of Objective DMS29 (at least 2.3m between side walls) is noted. The separation distance width is between c. 1.5m and c. 2.0m. An adequate separation distance would reduce the overbearing impact on Seafield house.
- It is unclear by reason for the first-floor cantilevers what external rear access is provided along the western boundary. The information in the site layout does not allow an assessment of the external access to the rear.
- The substantial depth would be visually dominant from the road serving the dwellings to the rear.
- The set back from Claremont Road would not be sufficient to ameliorate the proposed dwelling from the overbearing impact on Seafield House and the mature character.

- This is not a typical urban setting and has a mature setting.
- The previous grant of permission by the Board included the omission of a dwelling (2 permitted) and the applicant appears to be seeking another in a piecemeal manner.
- There would be no overlooking on adjoining properties.
- It is not considered there would be any overshadowing.

3.2.2. Other Technical Reports

Water Service: Additional Information requested in relation to the inclusion of SuDS measures, the treatment of surface/rainwater and the submission of a flood risk assessment in line with the requirements of the Planning System and Flood Risk Management- Guidelines for Planning Authorities.

Transport section: No objection subject to conditions

Parks Section: Additional information in relation to the submission of a screening report for Appropriate Assessment and the submission of a complete tree survey including an Arboricultural Impact Assessment.

3.3. Prescribed Bodies

Irish Water: No objection subject to conditions.

3.4. Third Party Observations

None submitted.

4.0 Planning History

4.1.1. Subject site

ABP 309516-21 (Reg Ref F20A/0612)

Permission granted for two dwellings within the front garden of Seafield House. The initial application was for three dwellings and the grant of permission by the Board included a condition to remove House No.3 at the rear of the site, to the east of Seafield House.

F01B/0433

Permission granted for a pedestrian access to the beach.

F97B/0459

Permission granted for a single storey side extension comprising of a kitchen and family room.

4.1.2. Site to the north

F14A/0023

Permission granted for the demolition of a single storey pitched roof dwelling and construction of three flat roofed part single storey, part two storey dwellings.

4.1.3. Site to the west

F18A/0629

Permission refused for the demolition of a garden room and construction of a single storey dwelling accessed via the existing "Sebring" dwelling. The reason for refusal related to the impact of the dwelling on the character of the area by the reason of the building line at the pattern of development

F18A/0174

Permission refused for a single storey detached bungalow for one reason relating to the impact on the visual amenity of the area having regard to objective DMS39 and DMS40.

5.0 Policy Context

5.1. Fingal County Development Plan 2017-2023

Land Use zoning

The site is zoned as residential, RS, where it is an objective "To provide for residential development and protect and improve residential amenity"

Noise

The subject site is located within Noise Zone D associated with the Dublin Airport.

Landscape

The site is located within an area designated as Coastal Landscape (green infrastructure sheet No. 14)

Infill, Corner and Backland Sites

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

Development Management Standards -Other Residential Development

- Objective 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

Residential Areas of Character

- Objective DMS44: 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.

Trees

- Objective DMS77: Protect, preserve and ensure the effective management of trees and groups of trees.
- Objective DMS79: Objective DMS79 Require the use of native planting where appropriate in new developments in consultation with the Council.

5.2. Natural Heritage Designations

The site is located c. 33m to the south of the Baldoyle Bay SAC (site code 000199), Baldoyle Bay p NHA (site code 000199) and c. 1km to the east of Baldoyle Bay SPA (site code 004016).

5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any 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

The grounds of appeal are submitted from the applicant in relation to the refusal. The applicant has submitted an alternative design for consideration by the Board.

6.1.1. Alternative Design

- It is requested the Board consider the original option submitted to the PA for consideration.
- An alternative design has been submitted to overcome the refusal by the PA and includes a reduction in the length of the of the house by c. 6m, a reduction in the footprint by 21m² and a reduction in the height of the house from 7.8m to 6.9m.
- The private open space has been increased from 65m² to 1,155m²

6.1.2. Infill Development and Residential Amenity

- The proposed development shares the same building line as Seafield House.
- The proposed dwelling is modest in form.
- The single storey aspect extends to the rear of the dwelling and would have no impact on the surrounding area.
- The proposed dwelling is shorter by 2.5m.
- The use of contemporary design was not raised by the pa.
- The dwelling will be screened by the existing dwellings.

- There will be minimal impact on the existing dwelling due to the design and layout.
- In relation to Objective DMS39 it is noted that there is a range of styles and designs of dwellings along Claremont Road.

6.1.3. Separation distance and overdevelopment

- The separation distance is substantially compliance with the 2.3m requirement in DMS29.
- The distance provided allows access to the rear and there is only one pinch point at 1.5m at the chimney breast.
- This separation distance is not required by all planning authorities.

6.1.4. Character of the area

- There is no special protection of this site.
- The proposal will not affect the character and setting.
- There are contemporary dwellings in the vicinity.
- Any lost vegetation will be replaced.
- The permitted development to the rear has set a precedent for development
- Examples of others infill permissions in the vicinity of the site are provided.

6.1.5. Compliance with Fingal County Council Development Plan 2017-2023

- The proposal complies with the zoning.

6.1.6. National Planning Policy

- Infill development is supported by the national planning policy, prevents urban sprawl and encourages pedestrian and cyclist activity.
- The site is well served by the DART.

6.2. **Applicant Response**

The applicant is the appellant.

6.3. **Planning Authority Response**

The PA submitted a response to the grounds of appeal as summarised below:

- The application was assessed having regard to the development plan objectives as well as the impact on adjoining neighbours and the character of the area.
- The alterations are noted, and it is requested the Board consider the original plans submitted.
- The alterations include the reduction of the length of the proposed dwelling and reduction of the footprint of the area by c. 21m² and the reduction in the height of the dwellings from 7.8m to 6.9m.
- The proposed amendments are noted, and the PA remains of the opinion that the development as originally noted is not acceptable and it is requested the Board uphold the refusal decision.
- In the event of a grant of permission a financial contribution in accordance with the Section 48 contribution scheme is required.

6.4. **Observations**

None submitted.

7.0 **Assessment**

7.1. The grounds of appeal are accompanied by plans and particulars indicating an amended house design. The amendments include a reduction in the height and length of the proposed dwelling. The applicant requested the Board consider the original drawings in the first instance although considered the amended drawings addressed some of the concerns raised in the PA reason for refusal. The amended design was circulated to the PA for comment.

7.2. The main issues of the appeal can be dealt with under the following headings:

- Planning History
- Impact on the character and setting of Seafield House

- Design of the Proposed Dwelling
- Appropriate Assessment

Planning History

7.3. Seafield House, the dwelling on the subject site, is located on a large site with associated front and side gardens. Permission was recently granted for two dwellings within the existing front garden of Seafield House (ABP 309516-21 Reg Ref F20A/0612). The initial proposal included three dwellings. The Board considered the dwelling located to the east of Seafield (House 2) should be removed and Condition No 2 stated:

The proposed development shall be amended as follows:

- a) Proposed House number 2 shall be omitted and the area of Site 2 including the proposed access laneway shall remain part of the garden of existing house number 1
- b) A minimum separation distance of 1.5m shall be provided between House number 4 and the eastern site boundary.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual and residential amenity.

7.4. The site layout submitted with the proposed development illustrates the two dwellings permitted under this planning permission and excludes the third house. The lands which were associated with House No 2 (Drwg No 2020-23-ABP-101) of permission (ABP 309516-21) have not been amalgamated with House No 1 as required in Condition no 2 above. The laneway and site for House No. 2 are indicated as private open space associated with Seafield House within the subject application.

7.5. The report of the area planner notes the site layout and considers the rear gardens in the permitted development have been significantly reduced in size and the house identified as House No. 3 appears to have substandard private open space. The grounds of appeal note this grant of permission and the condition requiring the

removal of the dwelling although does not provide any elaboration to the changes submitted.

- 7.6. Whilst I note the PA reason for refusal does not refer to Condition No 2 of ABP 309516-21 (Reg Ref F20A/0612), it is clear from the planner's report and the applicant's submission that both parties are aware of this permission and the changes that now form part of this proposal. I have serious concerns the proposed development does not integrate the requirements of the current permission on the site. The area, previously for House No. 2, has not been included as private open space for Seafield House and the laneway, previously associated with House No. 2, now forms part of Seafield House.
- 7.7. DMS 87 of the development plan requires 60m² private open space for a three-bedroom house. The site layout as submitted illustrates 46.4m² private amenity space for house, below the minimum required in the development plan. I consider the new layout submitted would have a negative impact on the residential amenity of the future occupants of the permitted development within the front garden (all lands are within the applicant's control). In this regard I do not consider the applicant has provided any justification for a contravention of Condition No 2 of ABP 309516-21 (Reg Ref F20A/0612) and I consider the proposed development should be refused.
- 7.8. As stated above, both parties have referred to the planning history and the new site layout, and it is my opinion that this is not considered a new issue. In the event the Board considers the proposal does not represent a material contravention of the permitted development I have included an assessment of the proposed dwelling, having regard to the reason for refusal and the grounds of appeal.

Impact on the character and setting of Seafield House

- 7.9. The proposed development includes the demolition of a two-storey extension on the side (north) of Seafield House and the construction of a two-storey dwelling. The proposed dwelling is detached and has a contemporary design.
- 7.10. The reason for refusal relates to the design and layout of the proposed dwelling and the impact on character of Seafield House. The PA considered the overall scale, depth and footprint of the dwelling, the separation distance from Seafield House (along with the cantilevers along the western boundary) would be unduly dominant and lead to a negative impact on the residential amenity of Seafield House.

7.11. In response to the reason for refusal, the grounds of appeal have submitted an amended design for the dwelling. The applicant requests that in the first instance the original design (submitted with the application) is considered. If the Board considers the redesign necessary to address the reason for refusal, it is requested the new design is considered. These amendments include the reduction of the length of the proposed dwelling and reduction of the footprint of the area by c. 21m² and the reduction in the height of the dwellings from 7.8m to 6.9m.

7.12. As stated above the reason for refusal relates to the design and layout of the proposed dwelling. The reason for refusal notes the following policies and objectives of the Fingal County Development Plan and considers the proposal would contravene these. I have summarised the general context of the policies below:

- Objective PM44 requires the encouragement of infill sites subject to the character of the area and environment being protected.
- Objective DMS29 requires a separation distance of at least 2.3m between the side walls of detached, semi-detached and end of terrace units.
- Objective DMS 39 requires all new infill developments to respect the height and massing of existing residential units and reflect the character of the area.
- Objective DMS44 Protect areas with a unique and identified character with a design which respects this character.

7.13. The grounds of appeal do not consider the proposal negatively impacts the character of Seafield and the contemporary design, as accepted by the PA, is in keeping with those permitted and infill dwellings in the vicinity.

7.14. I note the location of contemporary dwellings to the rear, north of the site, which are visible from the site, and I do not consider they have a negative visual impact on the setting of Seafield House. The report of the area planner does not raise the contemporary design of the dwelling as an issue of concern, rather the separation distance, scale and footprint are specifically referenced in the reason for refusal. The PA did not comment on the amended design, submitted with the grounds of appeal.

7.15. An Architectural Heritage Impact Assessment accompanied the application. Seafield House is not a protected structure, and the site is not located within a sensitive area of conservation. The impact assessment notes the extension as a more recent

addition to the original dwelling. It is not considered the removal of the extension would affect the architectural or historical character of the dwelling. This assessment also notes no vegetation will be affected. Having regard to the design of the side extension and the information contained in the architectural impact assessment, I do not consider the removal of the side extension would have a significant negative impact on Seafield House.

- 7.16. The design and layout of both original and amended proposed dwelling is similar, although I consider the reduction in height and rear extension provides a more modest design, providing a greater amount of rear private amenity space on a restricted site. The proposed dwelling is in the most part, c.2m from the site of Seafield House, c. 1.5m at a pinch point with the chimney breast. There are no cantilevers along the western gable of the amended design. I note no windows along either gable wall or this distance will allow access to the rear of the proposed development. I note a substantial area of private amenity space remains to the east of Seafield House.
- 7.17. The Board will note those policies and objectives of the development plan which relate to infill development. I consider the recent permitted infill on the site would alter the current setting and character of Seafield House. The proposal does not include any alterations to the existing entrance, vegetation on the site nor will it overpower or dominate the setting of Seafield House. It is my opinion that the proposal is a modest infill on a large site and would not have a negative impact on the character and setting of Seafield House. Therefore, I consider the proposal complies with the policies and objectives of the development plan, inter alia, Objective PM44, DMS39 and DMS44.
- 7.18. Having regard to the permitted infill in the front garden, the contemporary dwellings at the rear of the site and the design and layout of the proposed development, I consider the proposal would be acceptable by reason of nature and scale and would not have a negative impact on the character and setting of Seafield House.

Appropriate Assessment (AA)

- 7.19. The site is located c. 33m to the south of the Baldoyle Bay SAC (site code 000199), and c. 1km to the east of Baldoyle Bay SPA (site code 004016). The application was accompanied by a Planning Statement which included a brief screening for AA. The

PA undertook a screening for AA and concluded that the proposed development would have no significant effect on any European Site.

7.20. The proposed development is not connected to the management of any European Site and is located on lands currently used and serviced for residential development. There are currently no pathways between the site and any European Sites and having regard to the scale of the proposal I do not consider there is any potential for any significant effects on any European Site.

‘Having regard to nature, scale, and location of the proposed development it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend the proposed development is REFUSED, for the reasons and considerations listed below.

9.0 Reasons and Considerations

Having regard to the design and layout of the proposed development, which includes alterations to the permitted development ABP 309516-21 (Reg Ref F20A/0612) and the reduction of private amenity space of House No. 3 to a substandard level (c. 45m²) it is considered the proposed development would have a negative impact on the residential amenity of the future occupants of House No.3. It is considered the proposed development would materially contravene condition No.2 of that permission which required the laneway and site associated with House No.2 to be integrated within the site for House No.3.

Karen Hamilton
Senior Planning Inspector

23rd of September 2022