



An
Bord
Pleanála

Inspector's Report ABP-312794-22

Development	Erection of a single storey house and associated site works.
Location	Lambay, New Road, Howth, Co. Dublin, D13 N2F2.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	F21A/0648.
Applicant	David Watson.
Type of Application	Permission.
Planning Authority Decision	Refuse planning permission.
Type of Appeal	First Party v Refusal
Appellant	David Watson.
Observer(s)	None.
Date of Site Inspection	11/08/2022.
Inspector	Enda Duignan

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1.0 Site Location and Description

- 1.1.** The site address is Lambay, New Road, Howth, Co. Dublin. The site forms a significant portion of the front garden of the existing dwelling on site known as Lambay. The site is accessed from the north-western side of New Road, which is a link road connecting Balkill Road and Windgate Rise. Balkill Road connects to Thormanby Road to the south-east.
- 1.2.** Lambay is a single storey dwelling which is sited to the rear (north-west) of a row of dwellings which front New Road. The dwelling is served by a large area of amenity space to its front with additional pockets of amenity space provided on its southern and northern sides.
- 1.3.** The site is bound to the east by Nos. 4 & 5 New Road, to the north by a dwelling on Balkill Road (Thornclyff) and to the south by Hillbrooke Lodge. In terms of topography, the site contains a slope from its south west corner down to the north-east corner of the site. The appeal site has a stated area of 0.071ha.

2.0 Proposed Development

- 2.1.** Planning permission is sought for the construction of a single storey dwelling within the front amenity space of the existing dwelling on site. The dwelling will have a stated floor area of c. 114sq.m. and will comprise an entrance hall, kitchen/dining/living room, utility/store, bathroom and 2 no. bedrooms (1 no. bedroom with ensuite).
- 2.2.** The proposal seeks to utilise the existing vehicular entrance and upgrade works are proposed which include the provision of a designated 'pull-in-bay' along the southern site boundary. Car parking for 2 no. vehicles are provided on the southern side of the dwelling an additional turning area is provided adjacent to the eastern site boundary.
- 2.3.** A degree of cut and fill is required to facilitate the proposed development. A series of steps will lead from the car parking area down to the entrance of the proposed dwelling which is at a lower level (c. 1.3m level difference). Private amenity space is provided

on the western side of the dwelling and is directly accessible from the kitchen/dining/living room.

- 2.4.** The proposed dwelling will have a mono-pitched roof form with a maximum height of c. 4.1m. Materials and finishes will comprise a combination of a silicone render finish for the principal elevations and a standing seam metal roof.

3.0 Planning Authority Decision

3.1. Decision

Fingal County Council refused planning permission for the development for the following 2 no. reasons:

1. Having regard to the established pattern of development in the area, the residential and visual character of the buffer zone of the Howth SAAO and the backland nature of the subject site, located centrally between two existing dwellings, it is considered that the proposal at this location does not represent a sensitive infill and redevelopment opportunity. The proposed development would set an undesirable precedent for disorderly, piecemeal and haphazard development and would compromise the integrity and fail to enhance the character of the Buffer Zone of the Howth Special Amenity Area Order. The proposed development would be contrary to Objectives PM44 and DMS39 of the Fingal Development Plan 2017-2023 and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The sightline to the left-hand side (east) of the vehicular entrance is currently not achieved and in its current format the proposed development represents a traffic hazard.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Fingal County Council Planning Report is the basis for the decision. The report sets out the planning history of the site and identifies the site as being located within lands zoned RS (Existing Residential) in the Fingal County Development Plan, 2017-2023, which seeks “to provide for residential development and protect and improve

residential amenity". The report highlights that the site is located within the Buffer Zone associated with the Howth Special Amenity Area Order.

Given the applicable zoning objective, the Planning Authority indicate that the principal of the proposed development is acceptable. In terms of visual amenity and surrounding character, concerns are raised with respect to the proposals for altering the ground level at the site which they note would undermine the integrity of the site and its location within the Buffer Zone associated with the Howth Special Amenity Area Order. They conclude that the dwelling would not be in keeping with the character of the immediate area.

In terms of amenity space, the Planning Authority highlighted concerns with respect to its siting and location given the variation in site levels proposed. The Planning Authority did not raise issues with respect to adverse amenity impacts on surrounding properties as a consequence of the proposed development.

In terms of landscaping and trees, the Planning Authority noted that the proposed dwelling is proposed to be sited next to an existing mature hedgerow. In addition, car parking spaces are proposed within the tree protection zones of 2 no. existing mature trees. In the absence of supporting information, including an Arboricultural Impact Assessment, Tree Constraints Plan, Tree Protection Plan and an Arboricultural Method Statement, the full impacts of the proposal are unclear.

Concerns are highlighted with respect to the intensification of the use of the subject site given the reliance on the vehicular entrance which serves the existing dwelling. The 45m sightline on the left hand side of the entrance is not achieved and in its current format is a traffic hazard. The sightline could be achieved by cutting back a small section of the hedge associated with the neighbouring property. However, this is out of the control of the Applicant and a letter of consent for same may not be forthcoming.

3.2.2. Other Technical Reports

Water Services: Report received stating no objection subject to compliance with a condition.

Parks and Green Infrastructure: Report received recommending a request for additional information.

Transportation: Report received recommending a request for additional information.

3.2.3. Prescribed Bodies

Irish Water: Report received stating no objection subject to compliance with a condition.

3.2.4. Third Party Observations

4 no. observations were received by third parties. The issues raised within the observations can be summarised as follows:

- Concerns with respect to foul drainage and the potential for existing issues to be exacerbated.
- The proposal should include a new connection via the shared driveway to New Road rather than adding a connection to the existing pipe within the neighbouring property.
- The design of the dwelling is not in keeping with the character of the surrounding area.
- Concerns highlighted with respect to the potential for overlooking.
- The proposal constitutes an overdevelopment of a restricted site which would set an undesirable precedent for similar development in the surrounding area.
- Concern with respect to the siting of the dwelling and its proximity to the adjoining boundaries.
- Concerns with respect to the potential for noise impacts.
- Concerns the proposal will impact on the viability of the existing hedging.
- The planning documentation is incomplete and fails to provide shadow diagrams of the proposed development.
- The proposal would be injurious to the visual and residential amenities of the area and would materially contravene the zoning and be contrary to the proposed planning and sustainable development of the area.

4.0 Planning History

4.1. The Subject Site.

The recent planning history of the site can be summarised as follows:

ABP Ref. PL06F.215667 (F05A/1488): Planning permission Refused on a site to the rear of No. 5 New Road, Howth Summit, Howth, Dublin 13, for the construction of a dormer style bungalow. The decision to refuse permission was upheld by the An Bord Pleanála for the following reason:

- Having regard to the location and configuration of the site and its relationship to adjacent properties, it is considered that the proposed development, by reason of its restricted site and proximity to the site boundaries would be inappropriate, intrusive, and haphazard backland development which would seriously affect the amenity of residential property in the vicinity, contrary to the proper planning and sustainable development of the area.

It is considered that the proposed access to the site would be unsatisfactory due to its inadequate width and intrusive relationship to residential properties on either side.

F04A/1521: Planning permission refused for the construction of a bungalow for the following 2 no. reasons:

1. The proposed development constitutes overdevelopment of a restricted site in close proximity to the side boundaries, which would be out of character with the existing pattern of houses on large sites in the area. The proposed development would set an undesirable precedent for backland development of similar small restricted sites in this sensitive area which is included within the buffer zone of the Howth Special Amenity Area Order. The proposed development would therefore be injurious to the visual and residential amenities of the area and would materially contravene the zoning and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development does not indicate that the driveway access and width will facilitate satisfactory access for emergency vehicles and as such this would be contrary to public safety.

4.2. Enforcement History

None know.

5.0 Policy and Context

5.1. Project Ireland 2040 National Planning Framework (NPF) Local Policy

- 5.1.1. The first National Strategic Outcome expected of the National Planning Framework is compact growth. Effective densities and consolidation of urban areas is required to minimise urban sprawl and is a top priority. 40% of future housing delivery is to be within the existing footprint of built up areas (National Policy Objective 3a).
- 5.1.2. National Policy Objective 35 of the NPF seeks to “Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

5.2. Design Manual for Urban Roads and Streets (DMURS), 2019

5.3. Fingal County Development Plan, 2017-2023 (CDP)

- 5.3.1. The site is within an area zoned ‘RS’ of the Fingal County Development Plan (CDP), 2017-2023, the objective of which is ‘to provide for residential development and to protect and improve residential amenity’. All lands within the immediate surrounds of the subject site are also zoned ‘RS’. The appeal site is also located within the Buffer Zone of the Howth Special Amenity Area Order.

5.3.2. Chapter 4 of the current CDP sets out the development strategy for Howth. Future development will be strictly related to the indicated use zones including the infilling of existing developed areas rather than a further extension of these areas. The strategy for Howth Peninsula is to ensure the conservation and preservation of this sensitive and scenic area, in particular through the implementation of the Howth Special Amenity Area Order.

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

5.3.3. The following relevant policy objectives are noted:

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.

DMS24: Require that new residential units comply with or exceed the minimum standards as set out in Tables 12.1, 12.2 and 12.3.

DMS29: Ensure a separation distance of at least 2.3 metres is provided between the side walls of detached, semi-detached and end of terrace units.

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.

DMS87: Relates to minimum open space provision for dwelling houses.

5.4. Howth Special Amenity Area Order (SAAO) 1999

5.4.1. The boundary of the SAAO area runs along the adjoining public roads. The appeal site is identified as part of the Special Amenity Area Buffer Zone to be designated in the county development plan. Lands further to the west of the site is a residential area within the Special Amenity Area.

5.4.2. Policy 1.3.1, the council will designate a buffer zone for the special amenity area in the county development plan. In considering planning applications within the buffer, it will be Council policy:

- In respect of natural beauty, to preserve prospects of the Special Amenity Area and preserve open views from the area.
- In respect of special recreational value, a) to preserve existing rights of way, b) to allow development which utilise the recreational, tourism and educational potential of the special amenity area, provided that such development does not have a significant negative visual impact and that it confirms with the zoning objectives and other development standards of the development plan.
- In respect of nature conservation, to protect existing natural and semi-natural habitats and where appropriate, to encourage the creation of new semi-natural habitats in order to enhance the habitat diversity of the peninsula.

5.4.3. Objective 2.1 To preserve views from public footpaths and roads.

Policy 2.11 The council will preserve views from the network of footpaths and roads shown on Map B. Applications for permission must take into account the visual impact on views from these paths and roads.....The Council will not permit development which it considers would have a significant negative effect on a view from a footpath or road.

5.5. Natural Heritage Designations

5.5.1. The nearest designated sites are the Howth Head SAC (Site Code: 000202) c. 450m to the south-east, the Howth Head Coast SPA (Site Code: 004113) c. 600m to the south-east and the Rockabill to Dalkey Island SAC (Site Code: 003000) c. 1km to the site's south-east. The Baldoyle Bay SAC (Site Code: 000199) is located c. 2km to the north of the site. The proposed Natural Heritage Area (pNHA): Howth Head, is also located c. 450m to the south-east.

5.6. EIA Screening

- 5.6.1. Having regard to the nature and scale the development, which consists of the construction of a detached single storey dwelling in a serviced urban 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 main points made can be summarised as follows:

- There are a number of discrepancies and contradictions in the Planning Authority's report. While the planner's report initially states that the proposal is considered acceptable in principle within the 'RS' Zoning Objective, it is then concluded in the report that the proposal would detract from existing residential amenity and materially contravene the 'RS' Zoning Objective for the area.
- In terms of Refusal Reason No. 1, the proposed single story modest contemporary dwelling, which has been sensitively designed and placed on the site, will have no impact on views or prospects to, from or within the SAAO. The proposed development is situated on a sloping site and has been designed to sit in within the topography such that the parapet height of the proposed dwelling does not exceed the ridge level of the existing property or any adjacent properties.
- The existing mature trees and planting on the site boundaries are to be retained, with details of the protection measures to be incorporated during the construction phase. It is indicated that additional information regarding landscaping and tree protection can be provided to the Board if necessary or can be dealt with by way of condition in the event of a grant of permission.

- Residential amenities, privacy and character are all protected due to the design, scale, location and careful setting of the dwelling on this large site. The proposal has been designed to respect the height and massing of existing residential units in the vicinity of the site. The physical character of the area including features such as boundary walls, pillars, gates and gateways, trees, landscaping and fencing or railings have also been retained.
- In terms of Refusal Reason No. 2, following an inspection of the site it was ascertained that there was clearly not enough traffic use of the road to generate a representative surveyed speed profile by recognized means using a radar gun or inductive loop detection.
- The consultant traffic engineer determined the maximum speed that could be achieved along this stretch of road by accelerating from the point of entering at the east end of New Road, to the point when passing the 'Lambay' access.
- Due to the layout of the local road network, it is submitted that there is no functional value for traffic to use New Road as a through route between Balkill Road and Wingate Rise, and therefore it would be a reasonable assumption that the traffic and pedestrian activity on New Road is largely confined to access to/from the existing dwellings along its length.
- The consultant engineer carried out a total of 10 passes from east to south along New Road in a car and it was noted that entering the road from Balkill Road, an approaching driver will reduce speed further due to the alignment and tight turning radii, and as such the speed approaching 'Lambay' from the east is typically in the order of 20km per hour. A worst case scenario generated a speed in the order of 30km per hour.
- On the basis of the speed assessment which determined an ambient approach speed in the order of 20km per hour, and having regard for the proposed use of the existing established access for the additional dwelling, it is considered that the sightline of 14m to the left would be appropriate for traffic exiting, and the 23m sightline would be at the extreme of what could be required.

Furthermore, with the low speeds and low use, the reduced 2m set back would not result in undue difficulties at this location.

- The proposed development would accord with National, Regional and Local Planning Policies. The site is well served by public transport, is located close to Howth Town Center and has access to a wide range of public amenities. It is concluded that the development as proposed is acceptable, would provide for an acceptable level of amenity for prospective occupants, would not adversely impact the amenities of property in the vicinity and will have no impact whatsoever on views or prospects to, from or within the SAAO area.

6.2. Planning Authority Response

None.

6.3. Observations

None.

6.4. Further Responses

None sought.

7.0 Assessment

The main issues are those raised in the Planning Report and consequent refusal reason and the Appellant's grounds for appeal. Overall, I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Visual Amenity
- Traffic Safety

- Open Space
- Trees & Landscaping
- Residential Amenity
- Appropriate Assessment

7.1. Visual Amenity

- 7.1.1. Planning permission is sought for the construction of a new single storey dwelling which is to be located within the front amenity space of the existing dwelling on site (i.e. Lambay). The dwelling will have a single storey, mono-pitched roof form which will be sited to the west of the rear amenity spaces associated with Nos. 4 & 5 New Road. The dwelling will utilise the existing vehicular entrance serving Lambay and designated car parking spaces will be provided on the southern side of the dwelling. A new hedge is proposed along the western site boundary which will delineate the subject site from the existing dwelling on the larger landholding. Hedging and mature trees characterise the northern, eastern and southern boundaries which are proposed to be retained.
- 7.1.2. The Planning Authority in their assessment of the planning application raised significant concerns with respect to the proposals for altering the levels across the site to facilitate the proposed development. It is evident from the submitted section diagrams and following an inspection of the site, that the proposed dwelling is located within a natural hollow of the site in the site's north-eastern corner and the dwelling has generally been designed to follow the site's sloping topography. I do note that a degree of excavation will be required to provide an accessible and functional amenity area which is to be located on the western side of the dwelling. Given the limited degree of excavation required to facilitate the proposed development and the lack of mature landscaping within this portion of the site (currently an area of lawn), I am satisfied that the proposed works do not have the potential to undermine the integrity of the site having regard to its location within the Buffer Zone associated with the Howth SAOO.

- 7.1.3. The proposed dwelling has a contemporary architectural expression with a single storey form. The mono-pitched roof has a maximum height of c. 4.1m and has been designed to follow the topography of the site with the lower end of the roof sited adjacent to the eastern site boundary. The Planning Authority deemed the proposal to be contrary to Objectives DMS39 and PM44 of the current CDP given they state that the proposal would constitute ad-hoc haphazard development that was out of character with the pattern of development in the surrounding area.
- 7.1.4. A varied character both in terms of architectural styles and form was evident when inspecting the site and surrounds. The proposed dwelling will not be clearly visible from the surrounds of the site given its single storey form and its siting relative to the surrounding street network. Given the overall modest scale and form of the dwelling, its well-considered architectural response and the overall pattern of development in the surrounding area, I am satisfied that the proposal does not detract from the character of the site or surrounds and would in fact make more efficient use of a brownfield site which benefits from good access to public transport and range of amenities and services given its location relative to Howth town. This is particularly relevant in the context of national policy objectives which seek to ensure that 40% of future housing delivery is to be within the existing footprint of built up areas (National Policy Objective 3a).
- 7.1.5. Although the proposal seeks to subdivide an existing backland development, I am satisfied that this infill dwelling responds appropriately to the sensitivities of the site having regard to its location within the Buffer Zone associated with the Howth SAAO. Having regard to the foregoing, I consider the proposal to accord with Objective DMS39 of the current CDP which notes that “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.” In addition, I am satisfied that the proposal accords with Objective PM44 of the current CDP which seeks to encourage and promote the development of underutilised infill sites. On this basis, I consider the principle of the proposal is therefore considered acceptable.

7.2. Traffic Safety

- 7.2.1. As noted earlier in this report, the proposal is reliant on the existing vehicular entrance serving Lambay for vehicular access to the subject site. As part of the proposals, a 'pull-in-bay' is proposed along the southern side of the existing driveway which will allow for cars to pass. I note that the Transportation Planning section of the Planning Authority had no objection with respect to this arrangement.
- 7.2.2. However, as the sightline to the left-hand side of the vehicular entrance is currently not achieved and given the intensification of the use of the entrance, the proposed development was deemed by the Planning Authority to constitute a traffic hazard. The Transportation Planning section of the Planning Authority recommended that additional information be submitted and included the requirement for a submission of a sightline drawing and a letter of consent from the adjoining landowner allowing the necessary work to be carried out and permissions that the hedge row on the adjoining site to be cut back and maintained on an ongoing basis by the Applicant. This is relevant given the requirement for works to be undertaken that are outside the control of the Applicant.
- 7.2.3. A speed limit of 50km per hour applies to New Road. The entrance to Lambay is located on the bend in the road and the width of the road at this location is between c. 3.5-4m. It is noted that there is no footpath on either side of the New Road. Following a site visit, the Planning Authority indicated that they observed a significantly lower ambient speed. Due to the low speed nature of the road, they note that an appropriate sightline distance of 21m should be applied to the vehicular entrance which corresponds to a speed of 30km per hour as per the requirements of the Design Manual for Urban Roads and Streets (DMURS).
- 7.2.4. As part of the appeal submission, the Applicant's consultant engineer submits that due to the layout of the local road network, there is no functional value for traffic to use New Road as a through route between Balkill Road and Windgate Rise, and therefore it would be a reasonable assumption that the traffic and pedestrian activity on New

Road is largely confined to access to/from the existing dwellings along its length. Upon carrying out a total of 10 passes from east to south in a car along New Road, it is purported that the ambient speed or design speed along New Road is likely to be in the order of 20km per hour. This is assumed on the basis that nearly all traffic turning in to one of the houses along new road would have to be driving much slower than 30km per hour in order to turn safely into a driveway entrance along the road. It is therefore considered that a sightline of 14m to the left would be appropriate for traffic exiting and the reduced 2m set back would not result in undue difficulties at this location, as per the requirements of DMURS.

7.2.5. From an inspection of the appeal site and surrounds, I would concur with the commentary of both the Appellant and the Planning Authority, insofar as a much lower ambient speed was observed along this stretch of New Road. I undertook a similar exercise to that of the consulting engineer, whereby I drove from Balkhill Road, past the application site towards Windgate Rise and I would concur that a more realistic ambient speed was to be in the range of 20km per hour. I also note that New Road slopes steeply up towards the vehicular entrance of the appeal site and one would naturally tend to drive at a reduced speed as result this gradient. Given the proposal seeks to utilise an existing vehicular entrance and having regard to the limited number of additional traffic movements that would be associated with a dwelling of this size (i.e. 2 no. bedrooms), I am satisfied that the reduced sightline requirement of 14m, as per the requirements of DMURS, is appropriate in this specific instance.

7.2.6. I note that the Applicant does not appear to have submitted a sightline diagram at application or appeal stage which is regrettable. Notwithstanding this, following an inspection of the subject site and following a review of the submitted architectural drawings, I am satisfied that the 14m sightline on the left hand side can be achieved at this location. On this basis, I deem the proposed development to be acceptable.

7.3. Open Space & Amenity

7.3.1. A stepped amenity area comprising a paved terrace and lawn with a stated area of c. 60sq.m. is proposed on the western side of the dwelling and is directly accessible from

the open plan kitchen/living/dining room. A new retaining wall with a height of between c. 1.2m and c. 1.7m bounds the western and northern boundaries of this amenity area respectively. The Planning Authority highlighted concerns with respect to the useability of this space given the degree of excavation proposed and the variation in levels between it and the garden of the existing property.

- 7.3.2. Although the amenity space is provided on the western side of the dwelling, the space is satisfactorily secluded and notwithstanding the variation in levels, will benefit from good solar access in the afternoon and evening period. I am therefore satisfied that the private open space arrangement is in accordance with Objective DMS87 of the current CDP and will offer a good standard of amenity to its future occupants. I am also satisfied that the area of open space retained for the existing dwelling is sufficient and in accordance with the requirements of the current CDP given the overall area of the remaining site.

7.4. Trees & Landscaping

- 7.4.1. The Planning Authority in their assessment of the application raised concerns with respect to the potential impact of the proposed development on existing trees and hedges within the application site. The proposal seeks to retain the existing trees along the eastern site boundary and no modifications are proposed to the existing boundary treatments. I note that the car parking/turning areas and surface water drainage infrastructure is located within the root protection area of a number of these trees.
- 7.4.2. As indicated earlier in this report, excavation is required to facilitate the proposal and a new retaining wall is proposed along sections of the northern and eastern site boundaries, adjacent to established hedges. I also note the existing dwelling is sited proximate to the northern (c. 1.2m-1.8) and eastern (c. 1m – 2.6m) site boundaries.
- 7.4.3. The Planning Authority in their assessment of the application has raised concerns with respect to the potential impact of the proposal on the existing vegetation, particularly in the absence of an arboricultural assessment and appropriate mitigation measures. I note that there is an established hedgerow along the northern and eastern

boundaries and there are 2 no. mature trees located adjacent to the eastern boundary. I also note that the existing vegetation on site is typical of a suburban environment and I am satisfied that the loss of these trees is not detrimental to the character of the buffer zone of the SAAO. Notwithstanding this, the Applicant is seeking to retain these trees and all other boundary vegetation and I therefore consider it reasonable for a condition to be attached to a grant of permission which requires appropriate tree protection measures to be agreed with the Planning Authority.

7.5. Residential Amenity

- 7.5.1. As noted earlier in this report, the dwelling has a single storey form with the higher element of the roof located on its western side. Given the overall scale, form and height of the dwelling, the setback of the dwelling from the neighbouring site boundaries and the topography of the site, I am satisfied that that the proposal will not adversely impact the residential amenity of properties within the vicinity of the site by reason of overlooking, overshadowing or by being visually overbearing. The proposal is considered to be acceptable having regard to residential amenity of the surrounding area and is therefore in accordance with the RS zoning objective of the site which seeks “to provide for residential development and to protect and improve residential amenity”.

7.6. Appropriate Assessment

- 7.6.1. I note that there are a number of European sites within the surrounds of the appeal site. However, having regard to the nature and scale of the proposed development, a dwelling on a serviced site, and to the nature of the receiving environment, with no direct hydrological or ecological pathway to any European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site

8.0 Recommendation

- 8.1.1. Grant of permission is recommended.

9.0 Reasons and Considerations

- 9.1.1. Having regard to Project Ireland 2040: The National Planning Framework, which seeks to consolidate residential growth in urban areas, and the provisions of the Fingal Development Plan 2017-2023, including the residential zoning objective for the site, the specific characteristics of the site and the pattern of development in the surrounds, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not be detrimental to the character or amenities of the Buffer Zone associated with the Howth Special Amenity Area, would be acceptable in terms of traffic safety and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The proposed development shall comply with the plans and particulars lodged with the application submitted, 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>Measures for the protection of those trees and hedgerows which it is proposed to be retained as indicated on the submitted plans at planning application stage, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.</p> <p>Reason: To facilitate the identification and subsequent protection of trees to be retained on the site.</p>

3.	<p>a. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.</p> <p>b. All development shall be carried out in compliance with Irish Water Standards codes and practices.</p> <p>c. Any proposals by the applicant to divert or build over existing water or wastewater services shall be submitted to Irish Water for written approval prior to works commencing.</p> <p>d. Separation distances between the existing Irish Water assets and proposed structures, other services, trees, etc. have to be in accordance with the Irish Water Codes of Practice and Standard Details</p> <p>Reason: In the interest of public health.</p>
4.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwellinghouses without a prior grant of planning permission.</p> <p>Reason: In the interest of residential amenity.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 8am to 7pm Mondays to Fridays inclusive, between 9am to 2pm 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>
7.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the</p>

	<p>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. 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 developer or, in default of such agreement, the matter shall be referred to the Board 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 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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Enda Duignan
Planning Inspector

25/08/2022