



An
Bord
Pleanála

Inspector's Report

ABP-314669-22

Development	Partial demolition, reconfiguration and extension of existing dwelling to provide for a two-storey over basement level, four bedroom detached flat-roofed dwelling.
Location	10 Balkill Road, Howth, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F22A/0340
Applicant(s)	Anita Flanagan & Fergal Gallagher
Type of Application	Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	First Party V Condition
Appellant(s)	Anita Flanagan & Fergal Gallagher
Observer(s)	None.
Date of Site Inspection	15 th July 2023
Inspector	Ronan O'Connor

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	3
3.3. Prescribed Bodies	4
3.4. Third Party Observations	4
4.0 Planning History.....	4
5.0 Policy Context.....	4
5.1. Development Plan.....	4
5.2. Natural Heritage Designations	5
5.3. EIA Screening	6
6.0 The Appeal	6
6.1. Grounds of Appeal	6
6.2. Planning Authority Response	7
6.3. Observations	8
6.4. Further Responses.....	8
7.0 Assessment.....	8
8.0 Recommendation.....	10
9.0 Reasons and Considerations.....	10
10.0 Conditions	11

1.0 Site Location and Description

- 1.1.1. The site is located on the southern side of Balkill Road and is bounded to the north and south by neighbouring dwellings and to the rear by Beann Eadair GAA Club. On site is a two-storey detached dwelling.

2.0 Proposed Development

- 2.1.1. Partial demolition, reconfiguration and extension of existing dwelling to provide for a two-storey over basement level, four bedroom detached flat-roofed dwelling.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 11. No. conditions

Decision Date: 15/02/2023

Conditions of note include:

Condition No. 3 (i)– omission of the first floor level ‘pop up’ comprising the master bedroom, ensuite, lobby and terrace.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Principle of development acceptable.
- Notes that the site sits on a prominent location/within Highly Sensitive Landscape Character Type/Within the Howth Special Amenity Area Buffer Zone
- Overall scale of development would constitute overdevelopment of the site
- Roof height will be over 4.17m taller than the upper roof height of the adjoining dwelling to the north.
- Would result in an incongruous street elevation

- Scale of development would adversely impact the existing visual harmony and residential amenity of the area
- Contrary to Objective PM46 in its current form
- Not anticipated that there are issues with overlooking or overshadowing
- Third floor 'pop up' would appear overbearing to neighbouring properties however
- The Planner recommended a grant of permission, subject a condition removing the pop up element (Condition No. 3 – which is the subject of this First Party Appeal).

3.2.2. Other Technical Reports

Water Services – No objection, subject to condition.

Parks – Clarify vegetation removal/landscape plan required/Visual Impact Assessment Required

3.3. Prescribed Bodies

Irish Water – suggest condition.

3.4. Third Party Observations

- 3.4.1. One no. observation received at application stage. Issues raised include boundary wall issues (that it should be left intact), and limitations on the hours of construction (between 08:00 and 18:00 Monday to Saturday).

4.0 Planning History

- 4.1.1. None.

5.0 Policy Context

5.1. Development Plan

Fingal County Development Plan 2023-2029

The Fingal Development Plan 2023 – 2029 was made on 22nd February 2023 and came into effect on 5th April 2023.

The site is zoned 'RS Residential' with an objective to "Provide for residential development and protect and improve residential amenity". This zoning is described in chapter 13 of the CDP with a vision to "Ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity."

Section 3.5.13.1 details that the need for people to extend and renovate their dwellings is recognised and acknowledged. Extensions will be considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area.

Policy SPQHP41 – Residential Extensions Support the extension of existing dwellings with extensions of appropriate scale and subject to the protection of residential and visual amenities.

Objective SPQHO45 – Domestic Extensions - Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.

Section 14.10.2 provides guidance for residential extensions.

Section 14.10.2.5 deals with Roof Alterations including Attic Conversions and Dormer Extensions – such alterations will be assessed against a number of criteria including:

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

5.2. Natural Heritage Designations

Howth Head SAC (Site Code 000202) is c160m to the south-west of the site

Howth Head SPA (Site Code 004113()) is c970m to the east of the site

Howth Head pNHA (Site Code 000202) is c160m to the south-west of the site

5.3. EIA Screening

- 5.3.1. Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, 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.

5.4. AA Screening

- 5.4.1. Having regard to the modest nature and scale of development, location in an urban area, connection to existing services and absence of connectivity to European sites, 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.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. First Part Appeal submission received on 21st September 2022. The appeal is a First Party Appeal against Condition No. 3 of the Decision of the Planning Authority. The appeal submission is made by Hughes Planning on behalf of the applicants (Anita Flanagan & Fergal Gallagher, 10 Balkill Road, Howth, Co. Dublin). The submission can be summarised as follows:

- Proposed to use as much of the footprint of the original dwelling on site/thereby protecting the residential and visual amenity of neighbours
- First floor measures 40 sq. m./ with a terrace of 21 sq. m.
- House is not a Protected Structure
- No protected views are identified in the Development Plan along Balkill Road
- Proposal is reflective of emerging pattern of development in the area

- Is compliant with Objective PM45 – promotes contemporary and innovative design
- Lack of uniformity in relation to building composition along Balkill Road
- Other extensions refused by FCC and granted by the Board (Refs 311189, 311944 & 310901)
- Contemporary dwelling(s) approved by FCC/Upheld by the Board (300894 & 248195)
- Demonstrate that proposals have been granted which exceed the height and scale already established at their respective sites
- Proposal is acceptable in principle/will not negatively impact on adjoining lands zoned open space.
- Complied with the relevant objectives in the Fingal Development Plan 2017-2023
- Not considered that the proposal would negatively impact on the landscape and visual amenity of the area/due to the topography of the site views southwest along Balkill Road are limited.
- Note that the site is situated within the Howth Special Amenity Area buffer zone/proposed development will not impact on this.
- Complies with the Development Plan in all other respects
- Is in keeping with the National Planning Framework and RSES (Eastern and Midland Region).

6.2. Planning Authority Response

6.2.1. PA Response received on 6th October 2022. It is summarised as follows:

- Sits is on a prominent site on a steeply rising road/existing houses have a stepped nature to their roof profiles as one moves up the road/proposed pop-up element would add an incongruous feature to the area.

- Taking into consideration its sensitive location/considered that the bulk and scale was inappropriate/pop up features needed to be omitted.
- ABP is requested to uphold the decision of the Planning Authority.

6.3. Observations

6.3.1. None.

6.4. Further Responses

6.4.1. None.

7.0 Assessment

7.1. The relevant planning issues raised in this appeal are limited to the grounds raised in the First Party Appeal, that is, the merits or otherwise, of Condition No. 3(i) of the decision of the Planning Authority which omitted the first floor level 'pop up' comprising the master bedroom, ensuite, lobby and terrace.

Condition No. 3(i)

7.1.1. I note the Planning Authority has assessed the proposed development under the provisions of the previous Fingal Development Plan (2017-2023). The new Development Plan is now in force (2023-2029) and as such I am assessing the appeal against the provisions of the new Development Plan. Notwithstanding the change of Plan, the fundamental planning issues are the same, i.e. the visual prominence of the first floor level 'pop-up' element, and the impact of the appearance of the subject dwelling, the impact on the visual amenity of the wider area, including impacts on views, and impacts on neighbouring amenity (in relation to visual dominance, all of which were cited as concerns of the Planning Authority at application stage.

7.1.2. The First Party appeal sets out that the dwelling is not a Protected Structure and that there are no protected views identified in the Development Plan along Balkill Road. Reference is made to the lack of uniformity in relation to building composition along Balkill Road, and to other contemporary extensions/dwellings granted in the area (either by the Planning Authority and/or the Board at appeal stage). The First

Party contends that the proposal would not negatively impact on the landscape and visual amenity of the area due to the topography of the site, noting that views southwest along Balkill Road are limited.

- 7.1.3. In their response to the appeal, the Planning Authority has requested that the relevant condition remains in place, citing the visual prominence and sensitive location of the site, the stepped nature of neighbouring roof profiles and concluding that the proposed 'pop up' element would add an incongruous feature to the area.
- 7.1.4. In relation to the visual prominence of the site, I am not of the view the site itself, nor the existing dwelling on the site, is particularly prominent. The site itself is screened to a large degree by vegetation on the site, and by neighbouring vegetation, and the dwelling is set back some distance from the road. As such, and notwithstanding that the dwelling is somewhat elevated, relative to the road, views towards the site and the dwelling are limited. Views of note along Balkill Road are southward towards the sea, and the development as proposed on this site does not impact on same.
- 7.1.5. In relation to the merits of the 'pop-up' element under consideration here, I note the provisions of Section 14.10.2.5 of the current Development Plan provides guidance for roof alterations to residential dwellings. It stated that such alterations will be assessed against a number of criteria including:
- *Consideration and regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures.*
 - *Distance/contrast/visibility of proposed roof end.*
 - *Harmony with the rest of the structure, adjacent structures and prominence*
 - *Existing roof variations on the streetscape.*
- 7.1.6. The extensions in their entirety will undoubtedly result in an increase in the visual prominence of the dwelling. However. I note that that the dwelling will still be set back some 23.2m from the site boundary. While the Planning Authority have sought to omit the top floor 'pop-up' element, they are not opposed to the other elements of the extensions, and I am not proposing to revisit the merits of same here.
- 7.1.7. The element under consideration, 'the pop-up' element, represents a small footprint at roof level (6m x 8.5m) of the altered and extended dwelling, with a setback from the front elevation, and setbacks from both sides, and from the rear. While the 'pop-

up' element will certainly be visible from the street, it will not appear excessively dominant, having regard to the limited scale of same, and the setback distance of the dwelling from the street. I am also of the view that, given the setback of this element to neighbouring dwellings, it will not appear as an overbearing or visually dominant feature, when viewed from neighbouring properties.

- 7.1.8. In relation to its relationship with extended dwelling, I am of the view the 'pop up' element is in keeping with the overall style and proportions of same, and has been scaled and positioned, so as to be in keeping with same.
- 7.1.9. In relation to existing roof variations, Balkill Road is comprised of dwellings of varying typologies, and as such there is no predominant roof form, or dwelling type, in the immediate area. As such, there is sufficient variation in roof form to allow a more contemporary addition such as the 'pop-up' element proposed here, without a negative impact on the architectural coherence of the neighbourhood as a whole.
- 7.1.10. In relation to other concerns raised at application stage, i.e. that of the impact on the wider landscape, I refer the Board to my considerations above, in relation to the limited visual prominence of the site, and, having regard to same, any visual impacts resulting from the proposed development are limited to the site, and to the immediate context, and there is no material impact on the visual amenity of the wider area or on the wider landscape.
- 7.1.11. In conclusion, therefore, and with regard to the considerations above, I am of the view that Condition 3(i), requiring the omission of the 'pop-up' element, should be removed.

8.0 Recommendation

- 8.1. I recommend Condition 3(i) of the Planning Authority Decision (Reference F22A/0340), requiring the omission of the 'pop-up' element, should be removed.

9.0 Reasons and Considerations

Having regard to the scale, form and design of the development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact the residential amenity of neighbouring

property or the character and visual amenity of the existing building and surrounding streetscape. The proposal would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be in accordance with Condition Nos 1, 2, 4, 5, 6, 7, 8, 9, 10, & 11 of the grant of permission under P. A. Reg. Ref. F22A/0340 on 6th July 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be contained in its totality within the red line boundary of the site.

Reason: In the interest of the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Ronan O'Connor
Senior Planning Inspector

17th July 2023.