



An
Bord
Pleanála

Inspector's Report

ABP-315334-22

Development	Demolition of dwelling and construction of new dwelling. NIS lodged with application
Location	Glenlion Chalet, Thormanby Road, Howth, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F22A/0285
Applicant(s)	Joe Sweeney.
Type of Application	Planning Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party
Appellant(s)	Hillwatch.
Observer(s)	Michael O'Neill. Roxanne White.
Date of Site Inspection	22 nd of September 2023.
Inspector	Elaine Sullivan

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1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.44ha and is located on the Lion's Head peninsula on the southern side of Howth Head. The Cliff Walk runs alongside the southern boundary of the site with the Howth Head SAC directly beyond this. Access to the site is from Thormanby Road via a shared, private laneway which serves a total of 6 dwellings, (Deepwater, Glenlion Lodge, Glenlion Pines, Glenlion Cliffs, and Glenlion House and Glenlion Chalet which share the subject site). The subject site is at the end of this laneway.
- 1.2. The subject site forms part of a larger site which currently contains, Glenlion House, an empty, two-storey, detached house positioned towards the centre of the site, and Glenlion Chalet, a smaller single storey house to the north-east of the site. Planning permission has been granted to demolish Glenlion House and to construct a new contemporary style house. The subject proposal involves the demolition of Glenlion Chalet and the construction of a house on land to the south and east of it.
- 1.3. The site is steeply sloped from north to south with a ground differential of 45m between the entrance at Thormanby Road and the Cliff Walk to the south of the site. The vegetation on the site is overgrown with some mature conifer trees in place to the north of the site and along the southern and eastern boundaries.

2.0 Proposed Development

- 2.1. Planning permission is sought for the demolition of an existing two-bedroom, single storey dwelling, of approximately 47 sq. m and the demolition of some outbuildings on the site, and the construction of a replacement house on a different part of the site.
- 2.2. The proposed house would be a two-storey building of approximately 310 sq. m. with a split-level ground floor entrance lobby. It would comprise three ensuite bedrooms at lower ground floor level with a kitchen, living room, utility room, snug, storage/plant room, wine room, dining room, WC and cloak room at ground floor level. An additional ensuite bedroom would be provided at the entrance level. Each floor would be served by a stairwell and lift core.

2.3. Additional works would include landscaping throughout the site with curtilage car parking to the north. A new wastewater treatment system with percolation area and surface water drainage for the site would also be installed.

3.0 **Planning Authority Decision**

3.1. **Decision**

Planning permission was granted by the PA subject to 17 planning conditions which were mostly standard in nature. Condition No. 3 requires an amendment to the structure and states the following:

The proposed terrace at ground floor level (Drawing No. A-121 lodged on the 6th October 2022), shall be amended to show the omission of the eastern angular cantilever above the lower ground floor level.

Reason: In the interest of visual amenity.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The decision of the PA was informed by two reports from the Planning Officer, (PO). The first report dated the 28th of July 2022 recommended that further information, (FI), be requested. The report dated the 24th of November 2022 assessed the information submitted by the applicant on the 30th of September 2022 and recommended a grant of permission.

The report of the PO dated the 28th of July 2022 includes the following,

- The development is in accordance with the RS zoning for the site.
- The PO queries the red line boundary which appears to cut through the adjoining site. An associated wheel wash and bunded truck wash area is also shown outside of the red line area.
- The application indicates that the foul water disposal is proposed via the public sewer but there is no public service within the area. This ambiguity should be addressed.

- The development site is located in the Howth SAAO and is surrounded by protected views. The area around Glenlion is undergoing change with a new contemporary character emerging.
- Given the topography of the site, the development would not be visible from Thormanby Road and would be most visible when viewed from the south, along the cliff path.
- The principle of the development has been established under PL06F.247764, PA Ref. F16A/0261, although the subject proposal is substantially larger.
- The PO contends that a reduction in the scale of the proposal should be explored to ensure that the replacement dwelling would remain modest in relation to the baseline environment.
- It is noted in the report that the Parks Department requested sufficient separation distance to allow for root protection.
- The PO did not anticipate that the proposal would result in overshadowing or overbearance.
- A number of issues were highlighted in the NIS which the PO requested clarification on.
- The PO recommended that further information was requested on eight points which included, a reduction in scale, clarification on the applicant, red line boundary and works outside of the red line boundary, proposals for the disposal of wastewater from the site, a revised Visual Impact Assessment, details of the NIS and the preparation of an Ecological Impact Assessment, (EcIA).

The second report of the PO dated the 24th of November 2022 assessed the submission from the applicant on the 30th of September 2022 and includes the following:

- The PO notes that the reduction in floor area from 334 sq. m to 310 sq. m is modest in scale but would have a positive impact on the integration of the development. It is also recommended that the proposed cantilevered terrace be omitted by condition.

- The PO was satisfied that all issues raised in relation to European sites and other ecological issues have been adequately addressed.
- All other issues were addressed to the satisfaction of the PO, and it was recommended that permission was granted.

3.2.2. Other Technical Reports

- Water Services – Reports dated the 28th of June 2022 and the 12th of October 2022 had no objection.
- Transportation Planning – Report dated the 14th of July had no objection.
- Parks & Green Infrastructure Division – The report dated the 7th of June 2022 requested a revised layout showing a 2m setback to protect existing trees. The report of the 14th of October 2022 notes that the increased set back from existing trees was acceptable.

3.3. Prescribed Bodies

- Uisce Eireann – No objection.

3.4. Third Party Observations

Observations from Michael O'Neill, Roxanne White and Hillwatch were received by the PA during the public consultation stage. The issues raised are summarised as follows:

- Details in the application did not meet the requirements of the Planning Regulations.
- The subject application is not in keeping with the SAAO or the spirit of the Boards previous decision.
- The building would supersede permission F16A/0261 and would have a greater visual impact being closer to the shoreline and the cliff path.

- The modest scale and low-profile nature of the building permitted under F16A/0261 was cited in the decision to grant permission.
- Confusion on drawings regarding the red line and extent of works.
- The proposed new footprint to the south-west of the site and the increase in size is the primary concern.
- The proximity of the house to the protected trees could result in damage to the roots and tree canopies.
- The combined construction of Glenlion House and Glenlion Chalet would result in cumulative impacts for the SAC.
- How will construction works be managed for permitted works to other houses on Glenlion?
- The extent of glazing is impractical and does not contain any proposals for summer shading. Other permissions have required low-glaze glass for houses in the area.
- Slumping and mud slides are known to occur to the south of the site. The impact of construction has not been considered.
- Lack of information regarding the septic tank, percolation area and separation distance to other WWTS.
- The landscaping plan is insufficient in species range and type and does not adhere to the SAAO.
- Fires are becoming more common on the hill. The correct storage of oils and fuels will be important.

A further two observations were submitted following the response to further information. The observations were lodged by Roxanne White and Hillwatch and are summarised below.

- The reduction in scale does not address the impact on protected views and prospects.
- The building should be reduced to align with the 107 sq. m building which was previously permitted.,

- The drawings do not show a blue line.
- If there is already a building on the site, the one house, one hectare rule applies.
- Lack of a drawing showing the location of septic tanks on adjoining sites.
- The site will be more visible than shown on the VIA from the cliff paths to the west, south and east.
- The house would result in nighttime light pollution and daytime glare.
- The main concern is the location of the building to the southwest of the site and the increase in bulk and mass.

4.0 Planning History

On the subject site – Glenlion Chalet

PL06F.247764, (PA Ref. F16A/0261) – Planning permission was granted in June 2017 for the demolition of a detached single storey cottage of 47m² and the construction of a replacement single storey, two-bedroom dwelling of 107m² in a different position on the site.

On the adjoining site to the west – Glenlion House

ABP307886-20, (PA Ref. F20A/0046) – Planning permission was granted by the Board in December 2020 for the demolition of a two-storey house of 243m² and the construction of a contemporary two-storey house of 607m².

On the adjoining site to the east -

Glenlion Cliffs – This site is located to the south-east of the subject site and on the opposite side of the headland. Vehicular access to this site is via a right of way along the eastern side of the site.

ABP-309227-21, (PA Ref. F20A/ 0008) – Permission granted by the Board on the 24th of September 2021 for the refurbishment and extension of an existing dwelling, to provide an additional 220m² GFA, to provide a disabled access lift and a separate home studio at a lower level than the existing house. The site is located within the

Howth Head SAC and a Natura Impact Statement, (NIS), was submitted with the application.

On sites to the north of the subject site -

Glenlion Pines – This site is located directly to the north of the subject site.

ABP-309279-21, (PA Ref. F20A/0174) – Planning permission granted for the demolition of existing two-storey, three-bedroom detached dwelling of 171m² and the construction of a replacement three storey, six-bedroom dwelling of 625m² to include a swimming pool and ancillary facilities.

ABP-304845/19, (PA Ref. F18A/0768) – Planning permission granted in October 2019 for alterations to existing dwelling 2 storey dwelling, and an extension of 131m² with external terrace at ground floor level and an external staircase.

F19A/0512 – Planning permission granted by the Local Authority in July 2020 for the relocation of previously permitted wastewater treatment tank and sand polishing filter serving Glenlion Pines (permitted under F17A/0434), removal of a concrete septic tank serving Glenlion Lodge and the provision of a new replacement wastewater treatment system and sand polishing filter and the alteration of levels on the site for landscaping.

F17A/0434 – Planning permission granted by the Local Authority in November 2017 for the removal of existing septic tank and the provision of an Oakstown BAF Wastewater Treatment System and sand polishing filter.

Deepwater – This site is located to the north of Glenlion Pines.

ABP-309820-21, (PA Ref. F20A/0297) – Planning permission granted on the 24th of August 2021 for the demolition of part of the ground floor at the rear of the dwelling and the construction of a single storey extension of 39.05m².

Glenlion Cottage – This site is located directly to the east of the subject site.

PL06F.247764, (PA Ref. F16A/0261) – Planning permission was granted in June 2017 for the demolition of a detached single storey cottage of 47m² and the construction of a replacement single storey, two-bedroom dwelling of 107m² in a different position on the site.

Glenlion Lodge – This site is located to the north of the subject site and in close proximity to Thormanby Road.

PL06F.248103, (PA Ref. F16A/0226) – Planning permission granted in June 2017 for extension and alteration of existing two-bedroom cottage at ground floor and first floor level.

5.0 Policy Context

5.1. Development Plan

5.1.1. The site is located within the administrative boundary of Fingal County Council. The operative Development Plan for the area is the Fingal County Development Plan, (FCDP), 2023-2029, which came into effect on the 5th of April 2023. The application was assessed by Fingal County Council in accordance with the policies and objectives of the Fingal County Development Plan 2017-2023, which was the operative Development Plan at the time.

5.1.2. On review of the contents of both plans I note that there are no material changes between the 2017 County Development Plan and the 2023 County Development Plan as they relate to the appeal site and the current proposal. In this regard I consider the proposal in accordance with the guidance and provisions of the operative Development Plan, namely the 2023 – 2029 Fingal County Development Plan, (FCDP).

5.1.3. Fingal County Development Plan 2023-2029

5.1.4. The following sections of the **FCDP 2023-2029** are of relevance to the appeal:

- **Zoning** - The subject site is zoned Objective 'RS', '*To Provide for Residential development and protect and improve Residential Amenity*'.
- It is also located in the Howth Special Amenity Area Order, (SAAO).
- The lands adjoining the site to the east, west and south are zoned 'HA' – High Amenity, '*To Protect and enhance high amenity areas*'.
- There are special objectives to Preserve Views from the Cliff Walk directly to the south of the site and from a pathway to the east.

- There is a special objective on the lands zoned RS around the site that ‘Provides for a residential density of 1 unit per hectare’.
- There is a special objective on the site to ‘Protect and Preserve Trees & Woodlands’.

3.5.13 – Compact Growth, Consolidation and Regeneration

Objective SPQHO39 – New Infill Development - 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.

3.5.15.7 – Layout and Design of Housing in Rural Fingal

Objective SPQHO88 – Development of Coastal Sites - Ensure that the development of any coastal site through the extension or replacement of existing buildings or development of any new buildings is of an appropriate size, scale and architectural quality and that it does not detract from the visual amenity of the area or impact negatively on the natural or built heritage.

9.6.15 – Views and Prospects –

Objective GINHO60 – Protection of Views and Prospects - Protect views and prospects that contribute to the character of the landscape, particularly those identified in the Development Plan, from inappropriate development.

Objective GINHO61 – Landscape/Visual Assessment - Require a Landscape/Visual Assessment to accompany all planning applications for significant proposals that are likely to affect views and prospects.

Section 9.6.16 – Special Amenity Areas

Policy GINHP27 – Howth and Liffey Valley Amenity Orders - Protect and enhance the special amenity value of Howth and the Liffey Valley, including its landscape, visual, recreational, ecological, geological, and built heritage value, as a key element of the County’s Green Infrastructure network and implement the provisions of the Howth and Liffey Valley Special Amenity Area Orders (SAAO).

9.6.17 – High Amenity Zoning

A High Amenity zoning (HA) has been applied to areas of the County of high landscape value. These are areas which consist of landscapes of special character in which inappropriate development would contribute to a significant diminution of landscape value in the County.

Policy GINHP28 – Protection of High Amenity Areas - Protect High Amenity areas from inappropriate development and reinforce their character, distinctiveness and sense of place.

Objective GINHO67 – Development and High Amenity Areas - Ensure that development reflects and reinforces the distinctiveness and sense of place of High Amenity areas, including the retention of important features or characteristics, taking into account the various elements which contribute to its distinctiveness such as geology and landform, habitats, scenic quality, settlement pattern, historic heritage, local vernacular heritage, land-use and tranquillity.

9.7.1 – New Development in Coastal Areas –

Objective GINHO73 – New Development and the Coast - Prevent inappropriate development along the coast, particularly on the seaward side of coastal roads. New development for which a coastal location is required shall, wherever possible, be accommodated within existing developed areas.

14.12.4 – Replacement Dwellings – Rural

Where replacement is accepted, the applicant shall clearly demonstrate as part of an application for demolition and replacement:

- The impact of the replacement structure on surrounding landscape and/or properties in the vicinity of the site, resulting from the design, location, layout, and size of the proposed dwelling.
- The appropriateness of demolition of the existing structure having regard to its existing setting, age, design, and overall contribution to the area.

Howth Special Amenity Area Order, (SAAO)

- The site is covered by the 1999 Howth Special Amenity Area Order (SAAO).
- Map A shows that the site is located within the 'Residential' area of the SAAO.

- Map B of the SAAO identifies groups of mature trees within the site, along the southern and northern boundaries, that are to be protected. It also indicates the presence of heathland and maritime grassland along the western side of the site.

Specific objectives in the SAAO include the following;

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

Policy 2.1.1 - The Council will preserve views from the network of footpaths and roads shown on Map B. Applications for planning permission must take into account the visual impact of the proposals on views from these paths and roads. Applications must state whether there would be an impact and describe and illustrate the impact. Where there would be an impact, an application for planning permission must be accompanied by a cross-sectional drawing at a suitable scale, showing the proposed development and the affected path or road. The Council will not permit development which it considers would have a significant negative effect on a view from a footpath or road.

Objective 2.2 - To preserve the distinctive profile of the peninsula viewed from the roads on the shorelines of Dublin Bay and the Baldoyle Estuary.

Objective 2.6 – To preserve the wooded character of existing residential areas.

Policy 2.6.2 - The roots of existing trees in fair or good condition shall be protected. Where a development involves excavation, if the excavation is beneath the canopy of an existing tree it shall be done by manual means without the use of mechanical equipment in order to minimise damage to root systems.

Objective 3.4 – To preserve the beauty and distinctive character of the natural, semi-natural and other open areas within the special amenity area.

Policy 3.4.1 – Sets out the development control policy for the SAAO. Within the policy, residential development is open for consideration if it is either a replacement of an existing occupied building, (the replacement building shall not be more than 20% larger than the dwelling being replaced), the subdivision of an existing dwelling or the conversion of an existing building which is in good condition.

Policy 3.4.2 – Sets out Design Guidelines to apply to new development. The guidance relates to boundaries, entrances, roads, driveways and external finishes for

buildings. The overarching guidance is that new buildings should be as inconspicuous as possible.

5.2. **Natural Heritage Designations**

5.3. The site is not located within a designated European site. However, the southern boundary of the site adjoins the Howth Head Special Area of Conservation (SAC), Site Code: 00202. The site is located 0.1km to the north of the Rockabill to Dalkey Island SAC (Site Code: 003000).

5.4. **EIA Screening**

5.4.1. Having regard to the nature and scale of the proposed development there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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 include the following:

- The proposed development is located within the Howth Special Amenity Area Order, (HSAAO), area. The purpose of the HSAAO is to protect views and prospects from public footpaths and roads within it and to maintain the semi-rural character of the area for the enjoyment of the general public.
- Planning permission was previously granted on the site under ABP-PL06F.247764, PA Ref. F16A/0261 for a single storey house of 107 sq. m. The decision of the Board to grant permission stated that it did so as the proposed house was of modest scale with a low profile.
- The subject proposal is for a two-storey house of 334 sq. m. This house will be visible from the cliff path and would not be in accordance with Schedule 2,

Objective 2.1 of the HSAO which states that ‘...*planning permission must take into account the visual impact of proposals on views from these paths and roads...*’, and with Schedule 3, Objective 3.4, Policy 3.4.2 of the HSAO which states that ‘*New buildings should be as inconspicuous as possible*’.

- If permission is upheld the development will contribute to the gradual erosion of the integrity of the special amenity area and create an unfortunate precedent for similar applications.

6.2. Applicant Response

A response from the applicant was received on the 20th of January 2023 and includes the following:

- The proposal is modest in scale, especially when viewed in the context of the house permitted on the adjoining site.
- Existing mature trees and additional planting will protect the views from the Cliff Walk.
- In response to the grounds of appeal the applicant states that the development was prepared in accordance with Schedule 2, Objective 2.1 of the SAAO which requires all proposals to take into account the visual impact on views from the paths and roads in the vicinity of the site. A Visual Impact Assessment was carried out and informed the design of the building.
- The development is also in accordance with Schedule 3, Objective 3.4, Policy 3.4.2 of the SAAO which requires new buildings to be as inconspicuous as possible and the scale was reduced through further information.
- Due to the topography of the site, the design of the building and the location of the adjoining dwelling, the proposal will not have a negative impact on views in the area.
- The Visual Impact Assessment clearly shows that the proposal will not negatively impact views along the cliff path and thus complies with the SAAO. It is also in accordance with Policy 3.1.2 of the SAAO as it is in keeping with the eclectic and contemporary styles in the area.

6.3. Planning Authority Response

A response was received from the PA on the 18th of January 2023 and includes the following:

- The development was assessed having regard to the development plan zoning objective, the location within the Howth Special Amenity Area and associated Howth SAAO, as well as the impact on adjoining properties.
- Views to be protected on the Cliff Walk are considered to be towards the sea.
- The development is consistent with the proper planning and sustainable development of the area.
- The PA requests that Conditions No. 10, (Tree Bond), and No. 17 (S48 Levy) are included, should the Board decide to uphold the decision.

6.4. Observations

Observations were received from Michael O'Neill and Roxanne White. The observations are summarised below.

- Some details in the application were not in accordance with the requirements of the Planning and Development Regulations and the application and decision should be deemed to be invalid.
- The procedural issues in the planning application cannot be dealt with through further information as third parties have no right to reply unless the further information is deemed to be significant.
- In the previous Board decision on the site, (ABP-247746-16), the Board referenced the modest scale and low profile of the development and that the proposal complied with the 20% rule in the SAAO.
- The proposed replacement house is reliant on the existence of a permanent independent dwelling on the site, which has no bathroom and no connection to a septic tank.

- The proposal conflicts with the zoning and density controls in the FCDP 2017-2023.
- The removal of trees will be required which is in conflict with the special objective to 'Protect & preserve trees, woodlands and hedgerows'.
- Photomontages were not submitted from the right of way that runs along the eastern boundary of the site.
- No information was submitted regarding the existing septic tank on the site or to distinguish this from the proposed plant and percolation area.
- The site forms part of the Howth SAC and SPA. Information submitted does not allay fears of the impact of the development on these sites.
- The residentially zoned Glenlion site is approximately 1.45ha and there are already five houses in place. To permit another one would materially contravene the zoning objectives of the Fingal County Development Plan and the SAAO. It would also result in a concentration of septic tanks and percolation areas on the site, giving rise to a potential health hazard.
- The observer argues that the SAAO is a Ministerial Order and as such has precedence over the Development Plan.
- Due to the undulating nature of the cliff path and vegetation, the proposal would be visible from certain points and would be conspicuous in the landscape.
- The shared 'work area' may not be feasible within the construction programme for both houses and a contingency area may be required.
- Details on the adjoining WWTS for Glenlion Cliffs and Glenlion House are not clear in the application, and it is not clear if the distance requirements can be met.

7.0 Assessment

- 7.1. Having examined the application details and all other documentation on file, inspected the site and having regard to relevant local/regional/national policies and

guidance, I consider that the issues raised can be addressed under the following headings:

- Principle of Development
- Procedural Issues
- Visual Impact
- Other Issues
- Appropriate Assessment

7.2. Principle of Development

7.2.1. The proposed development is in accordance with the RS zoning objective for the site which is, *'To provide for residential development and protect and improve residential amenity'*. The subject site is also located within the Howth Special Amenity Area Order, (SAAO), which has been in place since 1999. Policy 3.4.1 of the SAAO sets out the development control strategy for the area and states that residential development is open for consideration if it is either a replacement of an existing occupied building, (the replacement building shall be no more than 20% larger than the dwelling being replaced), the subdivision of an existing dwelling, or the conversion of an existing building which is in good condition.

7.2.2. The development is proposed on the basis that it is a replacement house. The two-storey, four-bedroom house of 310 sq. m., would replace the existing single storey, detached two-bedroom house of 47 sq. m. Queries were raised by third parties as to whether the existing structure could be considered as an independent house. On the occasion of the site visit, the house was occupied, and I am satisfied that it can be considered to be an independent dwelling. The proposed floor area for the new house is not in accordance with the SAAO which seeks to restrict the size of replacement houses to be 20% larger than the existing house. This provision of the SAAO was not carried through to the FCDP. I note the planning history for the site, (ABP PL06F.247764, (PA Ref. F16A/0261)), which permitted a replacement house of 107 sq. m. Permission was also granted for the replacement of Glenlion House, (ABP 307886-20, (PA Ref. F20A/0046)), which allowed a significantly larger house than the one to be replaced. On this basis, I am satisfied that the principle of a

replacement house at a scale larger than that stated in the SAAO has been established.

7.2.3. A special objective regarding density of development is also in place on the site and the surrounding RS zoned land. The objective specifies that a density of 1 unit per hectare should be observed at this location. The principle of two houses on the site was established under ABP PL06F.247764, (PA Ref. F16A/0261) and I am satisfied that the subject proposal does not make any changes to the density which was previously in place on the site.

7.2.4. In consideration of the foregoing, I am satisfied that the subject proposal for a replacement house is acceptable in principle, based on the zoning objective for the site and the planning history for the site and that the proposal can be considered on its merits and assessed against the policies and objectives of the Fingal County Development Plan 2023-2029.

7.3. Procedural Issues

7.3.1. An observation received from a third party maintained that the information submitted with the application was not in accordance with the requirements of the Planning and Development Regulations and, as such, the application and decision was invalid. This issue was also raised in a submission to the PA during the initial public consultation phase. In response the PA raised some queries during the further information stage.

7.3.2. In terms of the procedural matters raised about the application, I note that the details submitted were considered acceptable by the planning authority. Furthermore, the PA requested that the application was re-advertised following the submission of further information which allowed for additional consultation. I am satisfied that third party rights were not prejudiced and that parties were not prevented from making representations.

7.4. Visual Impact

7.4.1. I am satisfied that the design of the house would not impact on the existing residential amenity of properties in the area, or on the extant permission for the

neighbouring Glenlion House. However, as the site is in a highly sensitive landscape, which is protected by the SAAO and by special objectives of the Development Plan, the visual impact of the proposal on the wider landscape is an important consideration.

- 7.4.2. As noted in Section 7.2 of this report, the principle of two houses on the site has been established through previous planning permissions. In the previous decision for the subject site, (ABP-06F-247764), the Board had regard to the modest scale and low-profile nature of the replacement building and its siting. The subsequent permission for the neighbouring Glenlion House, (ABP-307886-20), somewhat outstripped this provision in terms of scale. However, as the subject proposal significantly increases the size of the previously permitted house, the cumulative impact of both houses must be considered.
- 7.4.3. In reference to the site layout and the historic relationship between the buildings on the site, the subject house, (Glenlion Chalet), should read as subordinate to the main house, (Glenlion House), to the west in form and position and ideally should not be visible or overtly visible.
- 7.4.4. During the site inspection, I walked along the Cliff Path in proximity to the site to determine the visibility of the site from the path. The site is partially visible from the eastern approach to the site, but views are restricted by the protected tree line along the eastern boundary. It is clearly visible from the pathway along the southern boundary where there are gaps in the hedge. However, I do not consider the views northwards towards the site to be significant at this location. The most prominent views of the site are from the western side of Doldrum Bay, looking east. From this side of the bay, there are direct and clear views of the site which sits below the eastern ridge line of Lions Head and within the undeveloped landscape.
- 7.4.5. A Landscape and Visual Impact Assessment, (VIA), was submitted with the application and a second VIA was submitted in response to a further information request. The photomontages that most accurately demonstrate the views eastwards towards the site in both VIA's are Views VVM 5 and VVM 6. Views from these locations the site is not screened by vegetation and there are clear views of the site and the existing house.

- 7.4.6. The proposed house is set out on the previously permitted footprint, albeit with a bulkier floor plan and increased height. Drawing No. A-003 shows the Site Plan with both the proposed development, Glenlion Chalet, and the extant Glenlion House to the west. In plan form the subject proposal appears to be set back from the front elevation of Glenlion House. However, due to the mass and height of the two-storey house, it would be visible behind Glenlion House when viewed from the Cliff Path looking east. This is clearly shown in the Verified Views, VMM 5 and VMM 6 of the VIA. The cumulative visual impact of both houses would read as a significant and large structure within the rural environment and would have a prominent and negative visual impact.
- 7.4.7. In response to the site conditions and permitted development, the subject house has a large gable wall on its western elevation to prevent overlooking. This gable wall would be visible behind Glenlion House and should this development fail to be constructed, this gable wall would be prominent within the landscape and would have a negative impact on the protected views. Concerns were raised in ABP-307886-20 regarding the visual impact of the external finishes to be used in Glenlion House and Condition No. 2 requires all details to be agreed with the PA. The architectural expression of the subject house, Glenlion Chalet, includes muted tones which would help it to blend in with the landscape. However, I am not satisfied that the cumulative impact of both buildings would be acceptable within the landscape when viewed from the Cliff Walk and across Doldrum Bay. The combination of both buildings would read a significant structural intervention in the landscape which, by virtue of its height and location, would not be screened by landscaping. This would result in a prominent and permanent built form within the SAAO and would have a significant negative impact on the protected views from the Cliff Path.
- 7.4.8. I note that the PO raised concerns regarding the size of the initial proposal and requested that the floor area be reduced. The floor area was reduced by approximately 24 sq. m. on the eastern extent, but this did not significantly reduce the scale of the proposal. A planning condition was attached to the decision of the PA which reduced the length of the cantilevered terrace on the eastern side. I am not satisfied that the proposed development represents an adequate response to the site in terms of its relationship to the permitted Glenlion House to the west and the cumulative impact of both developments on the character of the SAAO and the

protected views from the Cliff Path. Should the Board be minded to grant permission for the development, I would recommend that the condition attached by the PO to reduce the length of the cantilevered terrace be included. I would also recommend that a condition be attached to restrict the colour of the external finishes of the house and to omit any white or cream colours or finishes that increase the visibility of the house within the landscape.

7.5. Other Issues

- 7.5.1. Concerns were also raised by third parties regarding the location of the nearby septic tanks and percolation areas and how the construction phase of the development would be managed.
- 7.5.2. The property is currently serviced by an existing wastewater treatment system which was shared between both houses on the site. The detail of this system is shown in the planning history for Glenlion House, (ABP- 307886-20, F20A/0046). The proposed development would install a new packaged wastewater treatment system with sand polishing percolation area. A Site Suitability Assessment was carried out for the proposed on-site wastewater treatment system and a Site Characterisation Form from the *EPA Code of Practice, Wastewater Treatment and Disposal Systems (Population Equivalent ≤10) 2021, (EPA CoP)*, was prepared and submitted with the application. The form states that the house would have four bedrooms with a maximum of six residents. The location of the trial hole was not visible on the occasion of the site visit, but the ground underfoot was firm with no evidence of rushes or other species indicating poor drainage. The underlying geology consists of quartzite blocks in a mudstone / siltstone matrix. It has low permeability to groundwater and is a poor aquifer. Subsoils are quartzite till, and soils are a fine loamy drift. A trial hole and percolation test was carried out to the south of the proposed dwelling. The trial hole was 2.1m deep and did not encounter bedrock or groundwater. Approximately 300mm of silt / clay soils were recorded and the remaining approximately 1800mm was subsoil of clay mixed with stone and gravel.
- 7.5.3. The results of the surface and subsurface percolation tests, (8.36min/25mm and 11.35min/25mm respectively), indicated that the site suitable for the wastewater treatment system and percolation area proposed. I note that the PA had no

objection to the proposed WWTS. I am satisfied that, based my observations on the character of the site and the information contained in the Site Characteristic Form, that the WWTS as proposed would be acceptable subject to a regular maintenance schedule. I am also satisfied that the separation distances required in Section 6.3 of the EPA CoP can also be achieved on the site. Although the application details did not include a drawing which shows the location of septic tanks in the area, the required separation distance of 10m between wastewater systems can easily be met. The proposed percolation area is more than 10m from the site boundary in any direction.

- 7.5.4. Concerns were raised regarding the management of the construction phase of the development and any adjoining developments should they occur simultaneously. In their further information response to the PA, the applicants for Glenlion Chalet and Glenlion House agreed that it would be better in logistical terms for Glenlion House to be constructed first and Glenlion Chalet after that. An Outline Construction Management Plan was prepared for the development. In their decision, the PA require that a final construction, environmental, waste and traffic management plan be submitted prior to development. I am satisfied that the details of the construction phase could be agreed in accordance with the requirements of the PA prior to the commencement of development.

7.6. **Appropriate Assessment**

- 7.6.1. The application is accompanied by a Stage 1 Screening Report and a Stage 2 Natura Impact Statement, (NIS). The Stage 1 Screening assessment concluded that, *'There are a number of potential pathways between the site and two Natura 2000 sites: the Howth Head SAC and the Rockabill to Dalkey Islands SAC. In the absence of mitigation measures, it is possible that waterborne pollutants generated during the construction of the proposed development could reach the qualifying interests of one or both SAC's. Depending on the quantities of pollutants that reach the SAC's, it is possible that they could have impacts on the qualifying interests of one or both sites'*.
- 7.6.2. In accordance with obligations under the Habitats Directives, there is a requirement on the Board as the competent authority in this case, to consider the possible nature

conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is screening.

- 7.6.3. Having reviewed the documents, submissions, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

Stage 1 – Screening

- 7.6.4. The proposed development comprises the demolition of an existing, two-bedroom, single storey dwelling and associated outbuildings, (75 sq. m), and the construction of a two-storey, split-level house, (310 sq. m), with all associated works including installation of an on-site wastewater treatment system including sand polishing filter percolation area.
- 7.6.5. The site itself is not located within a designated European site but does directly adjoin the Howth Head SAC, which is located downhill from the site and to the south. The project will involve standard construction methods with some additional measures required to safeguard protected trees within the site. An Outline Construction Management Plan has been submitted with the application and outlines how the construction phase will be managed.
- 7.6.6. Any potential indirect impacts on European sites from the development would be restricted to the discharge of surface water and foul water from the site. Given the location of the site, and the nature and scale of the proposed development, I consider the following designated sites to be within the zone of influence of the subject site;

European Site	Site Code	Qualifying Interests / Conservation Objectives	Distance
Howth Head SAC	IE0000202	QI: Vegetated Sea Cliffs of the Atlantic and Baltic coasts & European Dry Heaths.	Subject site adjoins the SAC boundary.

		CO: To maintain the favourable conservation condition of Vegetated sea cliffs of the Atlantic and Baltic coasts in Howth Head SAC,	
Rockabill to Dalkey Island SAC	003000	QI: Reefs [1170] Phocoena phocoena (Harbour Porpoise) [1351] CO: To maintain the favourable conservation condition of Reefs in Rockabill to Dalkey Island SAC.	C. 0.1km

- 7.6.7. Having examined the qualifying interests and conservation objectives for the Rockabill to Dalkey Island SAC, I am satisfied that the proposed development, by virtue of its nature and scale, would not result in any potential for significant impacts on the integrity and conservation objectives of the site. Therefore, this SAC can be screened out of any further assessment.
- 7.6.8. During the construction phase of the project there is a potential for silt in uncontrolled surface water runoff to enter into the Howth Head SAC. During the operational stage, foul water and surface water will be treated within the site in an onsite treatment plant and percolation area, and a geocellular soakaway. If the systems are not managed correctly, there is a potential for an overflow to enter into the SAC.
- 7.6.9. Ordinarily, standard construction methods would be sufficient to address any environmental considerations regarding drainage during the construction and operational phase. However, as the subject site is located uphill from the Howth Head SAC and, using the source-pathway-receptor model, there is the potential for significant impacts on the designated site in the absence of mitigation measures.

The applicant has provided significant detail on construction practices and protection measures that would be above and beyond the normal construction management practices for a development of this nature. For this reason, I recommend that a Stage 2 Appropriate Assessment be carried out.

Stage 2 – Appropriate Assessment

7.6.10. The qualifying interests for the Howth Head SAC are the habitats of the Vegetated Sea Cliffs and Dry Heath. The conservation objective for the SAC is to maintain the favourable conservation condition of the Vegetated Sea Cliffs of the Atlantic and Baltic Coasts.

Baseline Data & Conservation Objectives:

7.6.11. The current status of the SAC habitat can be assessed under 3 parameters; range & area, structures and functions and composition.

- Range & Area - The Vegetated Sea Cliffs extend to a length of approximately 8.22km with the greater part of the Howth Head SAC consisting of heathland and sea cliffs. A survey was carried out within the SAC area by BEC Consultants in April 2020, (*Heathland Study Howth Head, Co. Dublin, (available on the public website of Fingal County Council)*), which recorded the area of Dry Heath Habitat within the SAC at 78.7ha, which is a similar finding to area mapped by NPWS between 1995 and 2005 (80.33ha). The target for the conservation objective in this instance is to ensure the stability and distribution of the area subject to natural processes.
- Composition – The vegetative composition of the sea cliffs is varied with typical species and sub-communities occurring in the different zones within the cliffs. Areas closer to the cliff base include maritime flora whilst the slopes above the sea cliffs comprise a range of heathland species, which merge into dry grassland in places. Threats to the vegetative composition of the overall habitat include the encroachment of non-native invasive species as well as bracken and woody species.

The overall target for the conservation objectives in relation to composition is to ensure that the typical flora of vegetated sea cliffs is maintained as well as the range of sub-communities within the different zones.

- Structure & Function – The overall health of the vegetative sea cliff habitat depends on a degree of natural mobility such as slumping or erosion. The ecological variation in the vegetative structure of the SAC depends on a number of physical and biological factors such as exposure to sea-spray, geology and soil type as well as the level of grazing and seabird activity. At Howth Head SAC, European Dry Heath occurs on the slopes above the sea cliffs, which merges into dry grassland, (NPWS, 2013). The overall target in relation to the conservation objectives in this regard is to maintain the structural variation of the vegetative zones.

Potential Impacts of the Development:

- 7.6.12. As the subject site is not located within the SAC any impacts on the European site would be restricted to the discharge of surface water and foul water from the site, which could occur during both the construction and operational phases. Dust will be generated during the construction stage, but the levels anticipated from the construction methods outlined would not result in any significant impacts on the vegetation within the SAC. The presence of Hottentot fig, a non-native invasive species, was also identified within the site, which has the potential to spread to the SAC if not removed.
- 7.6.13. In the absence of standard control measures or mitigation measures dust, surface water and construction related pollution could enter the SAC. However, even in the absence of construction phase controls the impact would be minor and temporary.
- 7.6.14. An Outline Construction Management Plan has been prepared for the development and contains the following mitigation measures to prevent any potential impacts on the SAC from the construction stage:
- No ground works or storage will take place within 5m of the SAC boundary.

- A silt trap fence will be installed across the site and to the south of the construction works.
- Sandbag berms will be used along the access road to prevent runoff and a temporary straw bale filtration system will be installed at the end of the access road.
- A fully contained zero runoff wheel wash system will be adopted to mitigate the risk of runoff onto the access road. Truck washout facilities will not be provided, and no trucks will be washed out on the site.
- To control suspended solids and contaminated waters an interceptor drain will be created to the south of the construction area. The drain will collect overland runoff and channel it to a settlement tank where it will be stored pending removal off-site.
- Stockpiles of mud and sand and cement products will be stored to the north of the site.
- Dust suppression and road cleaning will be carried out in accordance with industry guidelines.
- Concrete pouring / mixing will only take place in dry weather conditions and will be constrained to the northern part of the site.
- To prevent spills or leaks from hydrocarbons, all fuel of chemical containers will be kept in the north of the site in properly bunded areas.
- Re-fuelling will take place in the north of the site and over drip trays where necessary.
- Spill kits will be kept on site in the event of accidental spills.
- An Invasive Species Management Plan was prepared for the site and requires that the presence of Hottentot fig within the site must be managed prior to ground works taking place. A removal plan is outlined.

7.6.15. I am satisfied that the mitigation measures outlined in the Construction Management Plan are sufficient to prevent the potential for surface water runoff from the site into the SAC during the construction phase.

7.6.16. During the operational phase there is a potential for foul water to enter the SAC from the onsite wastewater treatment system, (WWTS). The suitability of the site for a WWTS was assessed in the Site Characterisation Form from the *EPA Code of*

Practice, Wastewater Treatment and Disposal Systems (Population Equivalent ≤10) 2021, (EPA CoP), and the site was found to have the appropriate characteristics and conditions to accommodate the system and to allow percolation to the ground. The WWTS would have a malfunction alarm, 24 hours of storage and a maintenance plan. Surface water runoff from the building and the site would be managed through the use of SuDS as required by the FCDP. Rainwater runoff from roofs and external hard surfaces would be channelled to a geocellular soakaway system, which will discharge to groundwater.

7.6.17. It is noted that the pollution from surface water runoff is not listed as a ‘threat’ to the qualifying interests of the SAC. In consideration of the foregoing, the development would not result in any significant impacts on the conservation objectives for the SAC in terms of its area and range, its composition and the structure and function of the habitat during the construction and operational stages.

In-Combination Effects

7.6.18. There are a number of extant permissions in close proximity to the site. There is a potential for these permissions to be developed simultaneously which would result in cumulative impacts. The developments are listed below.

Ref No.	Location	Development
ABP-309820-21 (PA F20A/0297)	Deepwater, (c. 130m to the north of the site)	Demolition of 25 sq. m. and construction of a 40 sq. m extension.
ABP-307886-20 PA F20A/0046	Glenlion House (adjacent to subject site)	Demolition of existing house and construction of two-storey house c. 600 sq. m.
ABP-309227-21 PA F20A/0008	Glenlion Cliffs (c. 50m to the west of subject site)	Refurbishment and extension of existing house to provide an additional 220 sq. m. floor area.
ABP-309279-21 Ref. F20A/0174	Glenlion Pines (c. 100m to the north)	Demolition of existing house (171 sq.m.) and the construction of a replacement house of 625 sq.m.

F19A/0512	Glenlion Pines	Relocation of wastewater treatment tank and sand polishing filter and provision of a new wastewater treatment system and polishing filter.
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7.6.19. All of the extant permissions are located along the Lions Head access road. Should all developments be carried out in simultaneously there would be an increase in traffic along the access road and the potential for pollution from surface water runoff. Each application was accompanied with either a Stage 1 Screening Assessment or a Natura Impact Assessment which considered the impacts on Natura 2000 sites and found the developments posed no risk to any Natura 2000 site. Each development site would be responsible for their own individual Construction Management Plan which would be subject to agreement with the PA.

7.6.20. Within the individual sites the potential impacts on the SAC would be similar in nature to the subject site and would exclusively relate to the potential for surface water runoff during the construction phase and an overflow of onsite wastewater treatment systems during operation. These issues would be addressed within each individual site and would not result in any in-combination impacts on the SAC.

7.6.21. I am satisfied that should all development sites be developed simultaneously that, the in-combination effects would not result in any significant negative effects on the conservation objectives of the Howth Head SAC.

Conclusion

7.6.22. 'The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

7.6.23. Following an Appropriate Assessment, it has been determined that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site No. IE0000202, or any other European site, in view of the sites Conservation Objectives.

- 7.6.24. This conclusion is based on a complete assessment of all aspects of the proposed project alone (and in combination with other projects) including possible construction related pollution, wastewater treatment and invasive species.
- 7.6.25. Measures designed to prevent adverse effects have been incorporated into a construction management plan.
- 7.6.26. There is no reasonable doubt as to the effectiveness of these measures and therefore no doubt as to the absence of adverse effects on the conservation objectives of Howth Head SAC.

8.0 Recommendation

- 8.1. I recommend that planning permission is refused.

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, and its location within the Howth Scenic Amenity Area Order, and within a landscape which is designated as a protected view and prospect, it is considered that by reason of its prominent position and cumulative impact with permitted development, it would result in a significant and negative visual impact within the landscape and would interfere with a view or prospect of special amenity value which it is necessary to preserve. Therefore, the proposed development would not be in accordance with Objective GINHO60, of the Fingal County Development Plan 2023-2029 which seeks to protect views and prospects that contribute to the character of the landscape and would not be in accordance with the proper planning and 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.

Elaine Sullivan
Planning Inspector

28th September 2023