



An
Bord
Pleanála

Inspector's Report

ABP-315926-23

Development	Alterations to the first floor, additional set-back at second floor, new roof terrace, external alterations and all other associated works.
Location	1 Thulla, Dunbo Hill, Howth, Dublin 13, D13 V089.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F22A/0666
Applicant(s)	Paul and Aoife Hill.
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party.
Appellant(s)	Paul and Aoife Hill.
Observer(s)	Olive Byrne O'Dea.
Date of Site Inspection	02 nd of June 2023.
Inspector	Karen Hamilton

1.0 Site Location and Description

- 1.1. The site is located within the development boundary of Howth, at the western end of the cul-de-sac, Dunbo Hill, c. 60m south of the west pier in Howth and c. 215m east of Howth railway station. The site is located at the eastern end of a row of 5 no dwellings on an elevated position with views overlooking Howth Harbour.
- 1.2. The subject site is a two-storey over basement detached dwelling (605m²). The dwelling is of a contemporary design incorporating extensive glazing to front and rear elevations and a flat roof. The site is accessed via a private gated access road off the western end Dunbo Hill.
- 1.3. The site is located within the Howth Architectural Conservation Area (ACA).

2.0 Proposed Development

- 2.1. The proposed development would comprise of the following:
 - i. minor internal alterations to first floor including the conversion of 1 no. bedroom to 2 no. dressing rooms;
 - ii. the construction of a set-back additional second floor level comprising 1 no. bedroom with associated ensuite, and the extension of the existing staircase; and
 - iii. the provision of a 42.29 m² roof terrace sitting area with glass balustrade;
 - iv. the provision 1 no. obscure glazed window on the east elevation, 1 no. window on the front elevation, together with glazing to the rear (north) and access door to the proposed roof terrace, all serving the proposed bedroom at second floor level; (v) the addition of 1 no. roof light, and;
 - v. all associated site works necessary to facilitate development

3.0 Planning Authority Decision

3.1. Decision

Decision to refuse permission for the following reasons:

1. The proposed rooftop extension and terrace is considered excessive in terms of scale and height in an area which maintains a distinct residential character and would be detrimental to the visual amenity of the area and properties. The proposed extension by way of its rooftop location on an elevated and visually dominant site does not create a sense of visual harmony and would significantly detract from existing and surrounding residential amenity. In addition, the proposal would set an undesirable precedent for similar development at this location. This development is therefore considered to materially contravene the RS zoning objective for the area, would contravene Objectives DMS44 and PM44 of the Fingal Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development would be visually dominant within the immediate context in addition to being significantly intrusive on the skyline within this historic tourist village & ACA when viewed from surrounding areas and would be at variance with the landscape character of which being “coastal” and would contravene Objective DMS157 of the Fingal Development Plan 2017-2023, as it does not positively enhance the character of the area and site within the Howth Historic ACA. As such would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

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

- There is some inconsistency in the drawings in relation to the development description and the heights proposed for the opaque glass balustrade.
- The applicant was granted permission for a terrace (F22B/0023) with a condition to amend the proposal and pull back the northern elevation and western elevation to allow greater privacy for the neighbour.
- The proposal is completely out of scale and excessive for this location.

- The bedroom extension seeks to extend the roof terrace to a greater extent.
- The additional accommodation on the top of the building will make it more prominent from the surrounding streetscape.
- The proposal will be visually dominant from the historic harbour.
- The site is designated in a “coastal landscape”.
- The proposal would be contrary to the policies for development in ACAs as it is seen from important viewpoints.

3.2.2. Other Technical Reports

Conservation Officer: Significant concerns raised in relation to the solid built form, the additional floor proposed and considered it would be visually dominant in views of the historic harbour and impact the character of the ACA.

Water Services Report: No objection subject to conditions.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

Two third party observations were submitted to the planning authority. One in support for the proposal and the second requesting additional information on the “opaque glass”.

4.0 Planning History

Reg Ref 22B/0023

Permission granted for a vertical extension of the stairs along with a roof terrace on an existing flat roof with the following condition No. 2:

The terrace area shall be reduced in scale so that it is set 8m from the northern elevation of the dwelling, has a width of 6m (being set 3.5m from the western elevation of the dwelling), and is served with a 1.8-metre-high opaque glass balustrade on the north, west and southern elevation.

Reason: In the interest of residential and visual amenity.

4.1.1. Neighbouring site – 5 Thulla

F16B/0069

Permission granted (2016) for alterations to plan. ref. F14B/0236 including the reduction in size of a ground floor balcony and the omission of a 1.8m opaque screen to the east side of this balcony with a new 1.1m high clear glass screen,

ABP06F.24427 (F14B/0236)

Permission granted (2020) for alterations to dwelling including ground floor balcony with 1.8m opaque screen to side, external staircase and glazed roof garden with 1.8m opaque screen to side.

Condition 2. The proposed development shall be amended as follows:

A 1metre high opaque glass balustrade shall be provided along the east side of the proposed ground floor balcony and a 1.8-metre-high opaque glass balustrade shall be provided along the east side of the proposed roof garden. Revised drawings showing compliance with these requirements shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interests of visual amenity

5.0 Policy Context

5.1. Fingal County Development Plan 2023-2029

The Fingal County Development Plan 2017-2023 was the plan in place for the planning authority decision. The zoning and ACA designation have remained the same and the policies relating to both are like the previous development plan.

Zoning

The site is zoned 'RS' Residential where it is an objective 'to provide for residential development and protect and improve residential amenity'.

Architectural Conservation Area

The site is within the Howth Architectural Conservation area (ACA)

Policy HCAP14 – Architectural Conservation Areas

- Protect the special interest and character of all areas which have been designated as an Architectural Conservation Area (ACA). Development within or affecting an ACA must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting wherever possible. Development shall not harm buildings, spaces, original street patterns, archaeological sites, historic boundaries or features, which contribute positively to the ACA.

Policy HCAP15 – Character of Architectural Conservation Areas

- Support and encourage the sympathetic and appropriate adaptive reuse, refurbishment, and upgrading of protected structures and buildings or structures that contribute to the character of an Architectural Conservation Area ensuring that their special interest, character and setting is retained. Prohibit development that seeks the demolition of a Protected Structure or buildings that contribute to the character of an ACA in almost all circumstances.

Development Management in ACAs.

- Table 14.24: Direction for proposed development within ACAs.
- Objective DMS0187- Implement the information in Table 14.24

Extensions to Dwellings

Section 14.10.2 provides guidance for residential extensions.

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.

5.2. Natural Heritage Designations

There are a number of European sites in the vicinity:

- Baldoyle Bay SAC (Site Code: 000199) c. 0.32km to the southeast
- Howth Head SAC (Site Code: 000202) c. 0.5km to the west
- Howth Head Coast SPA (Site Code: 004113) c .1.km to the west
- Irelands Eye SPA (Site Code: 004117) c. 1.2km to the northeast

5.3. EIA Screening

The proposed development is not of a type listed under Part 1 or 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended) nor is it considered a sub-threshold development for the purposes of Schedule 7 of the Planning and Development Regulations. An EIAR is not therefore required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted by the applicant in relation to the refusal of permission, as summarised below:

6.1.1. New Design

- It is requested the original design submitted to the planning authority is considered by the Board.
- Should the Board require necessary, an alternative design has been submitted which includes a reduction in the depth of the terrace on the third floor (3.5m) and a reduction in the footprint of the extension by c.1.7m.
- The alternative design is in accordance with the permitted development, and associated condition in Reg Ref F22B/0023.

6.1.2. Background

- A summary of the background and planning history have been submitted.

- There is a previous grant of permission for a terrace on the site. Condition No 2 required the width of the terrace to be reduced.
- There are planning precedents for other similar developments in the area.

6.1.3. Fingal County Development Plan 2017-2023 and the draft plan 2023-2029

- The proposal is consistent with the residential zoning.
- The proposal complies with the policies of the development plan in relation to extensions and works in the Architectural Conservation Area.
- The proposal will not impact the adjoining residential amenity.
- The extension is subordinate to the dwelling.
- The site is within the Coastal Character landscape area and the second floor has been recessed so the impact is minimal.
- The proposal can comply with all the necessary development standards.

6.2. **Planning Authority Response**

- 6.2.1. The planning authority response notes the amended design submitted with the grounds of appeal although considered the scale, height and design of the proposal would still unduly impact on the amenity of the surrounding area/ neighbouring properties. The proposal remains inappropriate and does not positively enhance the character of the ACA. The proposal is a contravention of the residential zoning and the policies of the development plan.

6.3. **Observations**

One observation is submitted by the resident of No 2 Thulla, located to the west of the site. The observer requests that the residential amenity is protected and that the western 1.8m high screen is a translucent glass and not opaque lass as stated on the drawings. The details of the glazing should be submitted.

7.0 Assessment

The issues raised in the grounds of appeal are addressed under the following headings:

- Impact on Residential and Visual Amenity
- Impact on the Built Heritage
- Appropriate Assessment

7.1. Impact on the Residential and Visual Amenity

- 7.1.1. The site includes a large, detached dwelling which is located within the village of Howth, on an elevated site, visible from the harbour area. The planning authority refused permission for the second-floor extension and associated terrace area for two reasons. The first reason relates to the design of the extension and terrace which the planning authority considered, that due to the elevated and visually dominant location of the site, would visually detract from the site and impact the amenity of the surrounding area.
- 7.1.2. The grounds of appeal are submitted from the applicant in relation to the refusal. An amended design has been put forward for the Board to consider should the initial design not be acceptable. The amended design includes a reduction in the width and length of the second-floor extension. It is requested that the Board have regard to the initial design in the first instance.
- 7.1.3. Planning permission was granted for a roof terrace under Reg Ref Reg Ref 22B/0023. The terrace had a width of 7.2m and a depth of 11.8m, resulting in an area of c. 85m². It was located centrally within the roof area, c. 2m from the northern elevation, c. 2m from the western elevation c. 3.5m from the southern elevation and c4.3m from the eastern elevation. Condition No. 2 required alterations to the roof terrace so that it was reduced in scale so that it is set 8m from the northern elevation of the dwelling, has a width of 6m (being set 3.5m from the western elevation of the dwelling), and is served with a 1.8-metre-high opaque glass balustrade on the north, west and southern elevation.

- 7.1.4. The proposal now submitted includes a roof extension and a terraced area. The width of the extension now proposed is c. 7.2m and c. 13.5m in depth. The proposal is significantly greater in size than the previous terrace permitted and conditions to be reduced.
- 7.1.5. The applicant's alternative design proposal submitted for consideration by the Board includes a reduction in the extension and associated terrace to c.8 m in width and c. 8m in depth. The height is to remain the same at c. 2.6m.
- 7.1.6. I note the house is on an elevated site and above the skyline when seen from long range views. The subject dwelling and adjoining row of dwellings have a contemporary design, similar in style and with similar heights. The subject site appears slightly higher when viewed from Howth Harbour and on approach along Dunro Hill.
- 7.1.7. The proposed extension will create an additional floor on to the subject dwelling, different to those surrounding dwellings. This addition, in my opinion, will change the overall design of the dwelling, and alter the appearance to three storey building. I do not consider this addition would be a positive contribution and I consider it would have a negative impact to the scale of the dwelling and those existing dwellings located at either side. Whilst I note the applicant has put forward an alternative design for consideration, I remain of the view that having regard to the height of the extension and location on the roof top, the proposal is not in keeping with the overall design of the dwelling or surrounding area.
- 7.1.8. The planning authority reason for refusal refers to Objectives DMS44 and PM44 of the Fingal Development Plan 2017-2023. As stated above this plan has been superseded although I note similar policies in the current development plan 2023-2029. Policy SPQHP41 and Objective SPQHO45 of the Fingal County Development Plan 2023-2029 require extensions of dwellings to be of an appropriate scale and design so that they do not negatively impact on the environment or any adjoining properties or area.
- 7.1.9. Having regard to the location of the extension on the roof top of the dwelling, which is currently the highest building along the skyline, I do not consider the design of the extension would comply with the policies of the development plan for residential

extensions. Therefore, the proposed development would have a significant negative impact upon the character of the dwelling and visual amenities of this area.

7.2. Impact on the Built Heritage

- 7.2.1. The site is located within the Howth Architectural Conservation Area (ACA). The second reason for refusal relates to the impact of the proposal on the ACA particularly when viewed from the historic tourist village. The planning authority considered the proposal would be “visually dominant within the immediate context in addition to being significantly intrusive on the skyline....” The proposal would be contrary to Objective DMS157 of the Fingal County Development Plan 2017-2023, as it does not positively enhance the character of the area and site within the Howth Historic ACA.
- 7.2.2. As stated in my assessment above, I have serious concerns in relation to the design and scale of the proposal, protruding above the skyline and the impact on the visual amenity of the surrounding area. The guidance in Section 14.19.3.3 of the current development plan, in relation to development in ACAs, notes that extensions which are visible from public places should be of a scale and proportion that respects that of the original building and be subservient to the roof profiles. This proposed second-floor extension will be visible from Howth Harbour and the tourist village and in my opinion is not subservient to the roof profile of the dwelling or adjoining dwellings. The proposal would not, therefore, comply with the guidance for development in ACAs or Objective DMSO187 of the county development plan which requires all planning applications for works in an ACA to have regard to the information outlines in Table 14.24.
- 7.2.3. Having regard to the location of the dwelling along the skyline at Howth, visible from the ACA and surrounding area and the guidance in the development plan for extensions in ACA, I do not consider the proposal represents an appropriate form of development in a designated ACA or respects the character of the surrounding area.

7.3. Appropriate Assessment

- 7.3.1. Having regard to the minor nature and limited extent of the proposed works and the location of the site on zoned and serviced lands within the built-up area of Howth and

the location of the site outside of any designated site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site

8.0 Recommendation

8.1.1. I recommend that permission be refused.

9.0 Reasons and Considerations

The subject site is in Howth Architectural Conservation Area, on an elevated site which is visible from Howth Harbour and the surrounding area. It is considered that the proposed extension, by reason of the overall design and layout, and location on the second floor of the dwelling, would protrude above the established skyline, would be out of scale with its surroundings, would seriously detract from the architectural character and setting of those dwellings in the vicinity and Architectural Conservation Area. The proposed development would, therefore, materially, and adversely affect the character of the Howth Architectural Conservation Area, would be contrary to Policy Objective DMSO187 of the Fingal County Development Plan 2017-2023 and would be contrary to 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.

Karen Hamilton
Senior Planning Inspector

06th of June 2023