



An
Bord
Pleanála

Inspector's Report ABP 317343-23

Development	Modifications to an approved development of a house (Reg. ref. F20A/0417)
Location	Crag Lodge, Claremont Road, Dublin 13
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F23A/0168
Applicant(s)	Laurence and Pauline Quinn
Type of Application	Permission
Planning Authority Decision	To grant permission subject to conditions
Type of Appeal	Third Party v Decision
Appellant(s)	Terrance and Valerie Gallagher
Observer(s)	
Date of Site Inspection	29 th . August 2023
Inspector	Brendan McGrath

1.0 Site Location and Description

1.1. The site is a narrow plot with an existing house that is accessed via a private driveway at the end of Claremont Road, a narrow cul-de-sac at the seaside in Howth. The site is squeezed between an attractive Regency-style terrace (Protected structures RPS 796 and RPS 797) and a modern 2-storey house (21a Claremont Road). The existing Crag Lodge straddles the plot, with a 2-storey gable-end, facing the driveway. There is a 1.2m gap between the house and the boundary walls on either side. The house is to the rear of the neighbouring houses and its rear garden, like theirs, backs onto the beach. The current site is somewhat smaller than the site of the existing permission (F20A/0417), the applicant having sold the Regency dwelling on the east side of the site. Part of the beach end of the garden which was part of the previous site is not part of the current application. The appellants live in 21a Claremont Road.

2.0 Proposed Development

2.1. The proposal comprises significant revisions to the permitted (F20A/0417) re-development of an existing house. The footprint of the house is slightly different, the bulk of the building has increased and its height increased. Whilst the highest point of the roof of the proposal is unchanged from that of the permitted roof, a larger area of the roof is more than a metre higher than the existing house. The overall floor area of the proposed modified house is 278m². This is 3m² more than the permitted design of F20A/0417 which is 45% larger than the existing house. The permitted design has an elevational treatment not dissimilar to the existing house. The proposal is a contemporary design, with a simple geometric treatment of the front elevation and a markedly horizontal treatment to the rear, with glass walls at ground and first floor levels. The proposal incorporates a 30m long rear garden with a gate to the beach.

3.0 Planning Authority Decision

3.1. Decision

The council granted permission subject to 12 conditions of a standard nature. Condition 2 requires compliance with the conditions of the previous grant under reg. ref F20A/0417. Condition 4 requires particulars of a boundary wall to the rear to be submitted and agreed in writing.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The planning report is the basis of the decision to grant permission. The planner concluded that the proposal would not negatively affect the residential amenity of neighbours. It states that no objection to proposal was raised by either Water Services or Transportation Sections. One third party submission was received, from the appellant

3.2.3. The report states the proposal does not require an EIA by virtue of its small size and scale. It also states that, in respect of Appropriate Assessment, although immediately adjacent the Baldoyle Bay SAC (00199) and 1.25km east of the SPA (004016), it was considered that there was no likelihood of significant effects on any European site.

3.2.4. Observations

Only the appellants, residing at 21a Claremont, made an observation to the local planning authority.

4.0 Planning History

F20A/0417 Permission granted for extensions to the existing house, as well as permission to retain sea wall, steps and gates to rear of Crag Lodge and 'Craigview'

F06B/0281 (PL 06F.218393) Permission refused for alterations and extensions to existing house, the decision upheld on appeal

5.0 Policy and Context

5.1. Development Plan

The site is zoned RS, to 'provide for residential development and protect and improve residential amenity' with a vision to 'Ensure that any new development in existing areas would have minimal impact on and enhance existing residential amenity'

5.2. Natural Heritage Designations

The site borders the Baldoyle Bay Special Area of Conservation (site code 00199)

5.3. EIA Screening

5.4. Having regard to the nature and modest scale of the proposed development, its location in a built-up urban area and the likely emissions therefrom it is possible to conclude that the proposed development is not likely to give rise to significant environmental impacts and the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal has been lodged by an agent on behalf of the occupiers of 21a Claremont Road, the house immediately to the west of the subject site. The grounds of appeal are:-

- The proposal should have been assessed 'de novo' as it is significantly different to the previous grant of permission (F20A/0417) and the assessment should have taken due account of a previous refusal of permission (F06b/0281)
- The proposal is overbearing and the extent of the glazing at first floor level will cause a significant loss of privacy
- The proposal would seriously injure the visual amenities of the area
- No weight has been given to a previous refusal of permission in 2006 (06B/0281,PL06F.2189393)

6.2. Applicant Response

Agents for the applicant have responded to the grounds of appeal as follows:-

- The differences between the permitted and proposed development are minimal,
- The proposal is not overbearing and there will be no loss of privacy by the residents of 21a. There is very little difference between what has been permitted and what is proposed along the common boundary other than the addition of a single storey shed. There is no direct overlooking of the appellants' house. Windows replace existing windows. Views from first floor windows are out to sea,
- The visual impact of the proposal will be positive not negative, and
- The 2006 decision is irrelevant

6.3. **Planning Authority Response**

Fingal County Council, having reviewed the grounds of appeal, has responded by stating that it considers the proposal acceptable and that it would not give rise to 'undue levels of negative impact'

7.0 **Assessment**

Having examined all the application and appeal documentation on file, and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Appropriate assessment also needs to be considered. The main issues therefore are residential amenity and appropriate assessment.

The grounds of appeal can be summarised as concerns relating to residential amenity. In my opinion the principle of a substantial redevelopment has already been established by the extant permission (F20A/0417). The proposal is behind the attractive and listed Regency-style terrace to the east with the result that there will be little visual impact on the terrace. In my opinion, what aesthetic impact that will arise, viewed from the front, will be a positive one, the more confident and contemporary front elevation of the proposal now under consideration, providing a pleasing contrast to the regency style of the terrace.

In my opinion the applicant has satisfactorily demonstrated that there will be a negligible adverse impact on the residential amenity currently enjoyed by the residents of 21a Claremont Road

7.1. **Appropriate Assessment Screening**

7.2. Although the site adjoins the Baldoyle Bay SAC, having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom/to the absence of emissions therefrom, the nature of receiving environment as a built up urban area, it is possible to screen out the requirement for the submission of an NIS and carrying out of an EIA at an initial stage.

8.0 Recommendation

8.1. I recommend that planning permission be granted for the reasons and consideration set out below and subject to the following conditions.

9.0 Reasons and Considerations

9.1. Having regard to the RS zoning of the Fingal Development Plan 2023-2029 'to provide for residential development and protect and improve residential amenity' and the extant permission for a substantial redevelopment, the proposal would be in accordance with the proper planning and sustainable development of the area.

9.2. 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.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
3.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interest of public health.</p>

4.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900] Mondays to Fridays inclusive, between 0900 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
5.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

Brendan McGrath
 Planning Inspector

19th September 2023