



An
Bord
Pleanála

Inspector's Report

ABP317581-23

Development	Demolition of an existing 3-bedroom single storey dwelling and construction of a 5-bedroom two-storey dwelling with swimming pool and all ancillary works.
Location	Áistrá, Ceanchor Road, Baily, Howth Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F23A/0043
Applicant(s)	Fred Wilson
Type of Application	Permission
Planning Authority Decision	Grant Permission with conditions
Type of Appeal	Third Party
Appellant(s)	Roxanne White Trevor Stevenson
Observer(s)	None
Date of Site Inspection	3 rd December 2023
Inspector	Leah Kenny

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

The proposed development is located on a 0.3 ha site on the southern side of Ceanchor Road, Howth, Co. Dublin. The existing property on site (Áistrá) is a single storey three-bedroom dwelling, with off-street parking and a front and rear garden and it has been uninhabited for a period. The site falls away from Ceanchor Road, meaning the existing dwelling is lower than the level of the road.

The western boundary of the site is shared with Garryhill, Ceanchor Road, while the eastern boundary is shared with the entrance driveway to Seamere, Ceanchor Road. The southern boundary adjoins open lands providing views of Dublin Bay to the rear.

The location is a well-established low density residential area characterised by large individual detached houses on large sites; many of which have been extended or redeveloped over the years.

2.0 Proposed Development

The proposed development comprises the demolition of the existing L-shaped single storey dwelling and garage (160.40 sq m GFA) and construction of a replacement T-shaped five-bedroom one and two-storey dwelling (476.2sq m GFA) and single-storey garage, and all ancillary works, inclusive of landscaping and SuDS drainage. A domestic swimming pool is proposed at ground floor level.

The proposed dwelling at approximately 37m long, extends across much of the width of the site (generally 43m wide). The two-storey element is perpendicular to the road and is focused towards the western side of the site, while staggered single storey elements are located on the eastern side of the site and measure 8.5m long (accommodating a retreat) and 15m long (accommodating the swimming pool), respectively.

The building line along the western boundary (shared with Garryhill) extends 22.5m at ground floor level and includes the single storey rear extension accommodating the sitting room (4.5m wide) and a pitched roof workshop and garage to the front (9m wide). The gable of the pitched roof two-storey element extends for 9m wide along this building line and is 6.65m high. 5 no. Velux windows are also included at attic level primarily to the front.

Flat roofs are proposed over the single storey sitting room, retreat, and swimming pool. Balconies are also proposed at first floor mid-way along the rear of the building (9m from the western building line).

3.0 Planning Authority Decision

3.1. Decision

By order dated 19th June 2023, Fingal Co. Co decided to grant permission for the development subject to 14 no. conditions. Conditions of note are summarised below:

- Condition 5: Save for the balconies indicated on the plans submitted, the remaining flat roofs shall not be used for the purposes of a balcony or terrace or similar use without a prior grant of planning permission.
- Condition 6: The developer shall undertake a full record of Áistrá and adhere to the guidance set out in Appendix B of the Architectural Heritage Protection Guidelines for Planning Authorities and include the 20th century Irish Architecture experts evaluation submitted for the additional information request. The research and data gathered for the document should contain an annotated photographic survey of the exterior and interior, an analysis of mid- to late 20th century maps, a measured survey drawings of the property with floor plans, copy of any drawings from the Scott Tallon Walker Archive or other source (e.g. IAA), and any mid- to late 20th century photographs that can be sourced. The report shall be titled by both names for which the building was and is known as: Vailima and Áistrá.
- Condition 8: The developer shall comply with the following requirements of Uisce Eireann. (a) Prior to the commencement of the construction the developer shall liaise with Irish Water and agree the allowable maximum discharge rate of the pumping system relating to the swimming pool filtration / backwash system (b) The developer shall sign a connection agreement with Irish Water if required, prior to the commencement of the development and adhere to the standards and conditions set out in that agreement. All development shall be carried out in compliance with Irish Water Standards codes and practices.

3.2. Planning Authority Reports

Planning Report

The planning report is the basis of the Planning Authority's decision to grant planning permission.

The main issues considered in the Case Planner's initial report (dated 4th April 2023) included architectural heritage, residential and visual amenity and the potential to impact neighbouring properties (including overlooking and overshadowing). Further information was requested from the applicant on these issues, as follows:

1. Applicant to submit an architectural heritage assessment carried by an expert in 20th Century Irish Architecture on the significance of the existing building within the context of Irish 20th Century domestic architecture.
2. Applicant to submit an updated contiguous elevation which demonstrates the adjacent property Garryhill and the property to the west of Garryhill and demonstrates the principal heights of each dwelling. In the event the height of the proposed dwelling remains inconsistent with the established row, it is recommended that further consideration be given to reducing the overall height.
3. Applicant is requested to submit a revised site layout plan which demonstrates the following: (i) The proposed dwelling being set off the western boundary by 3m. In addressing this issue, the set back off the eastern boundary should not be less than 3m. Achieving this set back would likely require an amendment to the elevations and floor plans which should be updated accordingly. Any revisions to the proposed development should be mindful of retaining sufficient separation distances to the boundaries from proposed balconies. (ii) Further detail regarding the built footprint of the dwelling on the adjacent site to the west to determine the acceptability of building lines and potential residential impacts. The width of the laneway to the east should also be demonstrated.

The applicant responded to the Request for Further Information to the satisfaction of the Council as set out in the updated Case Planners updated report (dated 19th June 2023). Key points being:

- The Conservation Officer agreed with the findings of an Architectural Assessment that the existing house is a minor house in the portfolio of Robin Walker’s architectural work, and while re-use and upgrading is preferable to demolition and redevelopment, there is no insistence of retaining the dwelling from an architectural heritage point of view.
- The Planner noted the contextual elevations provided and considered the height of the proposed replacement dwelling, while higher than Garryhill, would not be inconsistent with the established row (including Greenhead further to the west).
- The applicant submitted revised plans to show the proposed dwelling set back from the western boundary by 3m which was deemed acceptable by the Planner. The planner also noted that the separation distance to the eastern boundary would be less than 3m (i.e., less than what was requested as part of Item 3(i) of the RFI), notwithstanding this, the planner was satisfied there was sufficient separation from the adjacent dwelling to the east.

The application was screened for Appropriate Assessment and the screening showed no potential for significant effects. The application was also screened for Environmental Impact Assessment, and it was concluded at preliminary examination that there is no likelihood of significant effects.

Other Technical Reports

- Transportation Section – No objection subject to conditions
- Water Services – No objection subject to conditions.
- Parks - No objection subject to conditions.
- Conservation – Additional Information sought (to which Item no. 1 refers).
- Uisce Éireann - No objection subject to conditions.

3.3. Prescribed Bodies

None.

3.4. **Third Party Observations**

There were four observations from nearby residents submitted to the Planning Authority during its determination of the planning application. The concerns have also been raised in the grounds of the two appeals submitted to the Board.

4.0 **Planning History**

There does not appear to be any relevant planning history associated with the subject site.

Having regard to the well-established suburban location, some houses have been redeveloped or extended over the years. Those immediately adjoining the proposed development include:

- **PA Ref. F08A/0457 – Garyhill (immediately adjoining the subject site to the west).** Planning permission was granted for the demolition of an existing two-storey dwelling and construction of a new 5-bedroom dwelling, garage and associated development. This has been constructed.
- **PA Ref. F16A/0279- Seasmere (immediately adjoining the subject site to the south-east).** Planning permission was granted for the partial demolition of an existing dwelling and reconstruction to provide a two-storey, four-bedroom dwelling and associated development. The decision was upheld by An Bord Pleanála following an appeal.
- **F06A/0040- Site North of Censure House (south of the subject site).** Planning permission was granted for a split level two-storey dwelling, treatment plant and percolation area, garage, ha-ha, landscaping and all associated development. The decision was upheld by An Bord Pleanála following an appeal.

Other relevant nearby developments include:

- **PA Ref. F17A/0210 and PA Ref. F23A/0001 (ABP-317888-23) – Windward (further to the east along Ceanchor Road).** Permission was granted for demolition of an existing single-storey four-bedroom, detached dwelling and outbuildings and construction of a replacement single-storey four-bedroom, detached flat roofed dwelling and ancillary development. The existing dwelling

was subsequently demolished. The period to which the permission has effect was extended to 16th March 2025 under Reg. Ref. F17A/0210/E1. In addition, a new planning application for a single storey five-bedroom dwelling was lodged under PA Ref. F23A/0001. Permission was granted in August 2023. The decision is the subject of a current third-party appeal to An Bord Pleanála.

5.0 Policy Context

5.1. Fingal County Development Plan 2023-2029

The site is zoned Objective 'RS – Residential' to provide for residential development and protect and improve residential amenity. Residential development is 'permitted in principle' under this zoning objective, subject to compliance with the relevant policies, standards and requirements set out in the Development Plan. The site is also subject to a Housing Density of 2 dwellings per hectare.

Along Ceanchor Road there are views which it is an objective of the Development Plan to protect.

In the Development Plan's Landscape Character Assessment (LCA) the site is within the 'Coastal' Character Type which is categorised as having 'Exceptional' landscape value and 'High' sensitivity.

Chapter 3 (Sustainable Placemaking and Quality Homes) of the Development Plan sets out sets out the strategy to guide successful placemaking and ensure quality housing within Fingal over the lifetime of the Plan and into the future. Relevant objectives include:

- **Objective SPQHO43 – Contemporary and Innovative Design Solutions:** Promote the use of contemporary and innovative design solutions subject to design respecting the character and architectural heritage of the area.
- **Objective SPQHO44 – Retention, Retrofitting and Retention of Existing Dwellings:** The Council will encourage the retention and retrofitting of structurally sound habitable dwellings in good condition as opposed to demolition and replacement and will also encourage the retention of existing

houses, such as cottages, that, while not Protected Structures or located within an ACA, do have their own merit and/or contribute beneficially to the area in terms of visual amenity, character or accommodation type.

Chapter 9 (Green Infrastructure and Natural Heritage) provides guidance in accommodating growth and expansion, while also retaining the intrinsic value of natural places / assets and proactively addressing relevant environmental issues. Section 9.6.15 of the Development Plan acknowledges the need to protect and conserve views and prospects throughout the County for future generations, including views over the seascape. In assessing views and prospects it is not proposed to give rise to the prohibition of development along these routes, but development, should not hinder or obstruct such views and prospects and should be designed and located to minimise their impact. Relevant objectives and policies include:

- **Objective GINHO59 – Development and Sensitive Areas:** Ensure that new development does not impinge in any significant way on the character, integrity and distinctiveness of highly sensitive areas and does not detract from the scenic value of the area.
- **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.
- **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).

Chapter 10 (Heritage Culture and Arts) confirms that the Council is committed to the protection and conservation of Fingal's heritage including buildings of architectural interest. Relevant policies include:

- **Policy HCAP8 - Protection of Architectural Heritage:** Ensure the conservation, management, protection and enhancement of the architectural heritage of Fingal through the designation of Protected Structures and

Architectural Conservation Areas, the safeguarding of designed landscapes and historic gardens, and the recognition of structures and elements with no specific statutory designation that contribute positively to the vernacular, industrial, maritime or 20th century heritage of the County.

- **Policy HCAP22 - Retention and Reuse of Existing Building Stock:** Seek the retention, appreciation and appropriate revitalisation of the historic and vernacular building stock, and 20th century built heritage of Fingal in both the urban and rural areas of the County by deterring the replacement of buildings with modern structures and by protecting (through the use of Architectural Conservation Areas and Records of Protected Structures and in the normal course of Development Management) these buildings where they contribute to the character of an area and/or where they are rare examples of a structure type, a distinctive piece of architecture or have an innate value.

Chapter 14 (Development Management Standards) sets out the development standards and criteria to ensure development occurs in an orderly and efficient manner, but also in terms of how it contributes to the achievement of the Core Strategy and related policies and objectives. Relevant objectives and standards include Objective DMSO256, to support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible.

5.2. **Howth Special Amenity Area**

The site is located within Howth Special Amenity Area in accordance with the Howth Special Amenity Area Order (SAAO) confirmed by the Minister for the Environment in 2000. The Order protects many of the special qualities of the area and aims to preserve and enhance the character and special features of Howth. In Map A of the SAAO, the site is in the 'Residential area' and in respect of new development, is subject to a housing density of 2 dwellings per hectare. In Map B of the SAAO, Ceanchor Road is identified as being a road / footpath from which views will be protected.

In the SAAO, Ceanchor Road and the subject site are identified as within the 'Built up area'. Schedule 3 of the SAAO includes objectives for the prevention and limitation of development. Schedule 3: Part 1 addresses development in residential areas and the following is noted as policy (Objectives 3.1, 3.2 and 3.3):

- To protect residential amenity.
- To protect and enhance the attractive and distinctive landscape character of these areas.
- To ensure that development does not reduce the landscape and environmental quality of adjacent natural, semi natural and open areas.

The Design Guidelines within the Order (Policy 3.1.2) address boundaries, entrances, and buildings of new development. In respect of new buildings, they are generally to be in keeping with the character of other buildings in the vicinity. However, favourable consideration may be given to buildings of contemporary design, provided that the design is of high quality and in visual terms, it subordinates to the surrounding natural environment.

5.3. Natural Heritage Designations

The site is not located within a designated Natura 2000 site. The nearest designated sites are Howth Head SAC (Site Code 000202), Rockabill to Dalkey Island SPA (Site Code 003000) and the North Bull Island SPA (Site Code 004006).

5.4. EIA Screening

Having regard to the modest scale and nature of the proposed 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.

6.0 The Appeal

6.1. Grounds of Appeal

There are two appellants in this case. One appellant lives in the adjoining house to the west (Garyhill), and the other lives just off Ceanchor Road further towards the coast. Their main grounds of appeal are as follows:

- The scale, height and size of the proposed development would be detrimental to the visual amenity of the area, contiguous properties and to the protected views and prospects across the subject site.
- The design and proximity of the proposed development to the adjoining property has little regard to the character and pattern of development in the area and would block views and prospects from Ceanchor Road.
- The proposed development would have a negative overbearing, overshadowing, and overlooking impact on neighbouring Garryhill including potential impacts on daylight and sunlight.
- The proposed chimney could give rise to serious health and safety issues for neighbours depending on the prevailing wind.
- The unscreened balconies would detract from the residential amenity of Garryhill and adjoining properties contravening the residential zoning of the area and Objective CIOSO53.
- The development would be in contravention of the Howth SAAO and be at variance with the landscape character of the area.
- The connection of the proposed dwelling to the public sewage system, which discharges directly into Dublin Bay, would contravene Irish and European Law.
- The colour of the slates is different to the current local character of 'brown.'
- Impact of light pollution from the upper floors and skylights of the development.
- No contingency plan for emptying the swimming pool or the increase in water and energy consumption arising from same.

6.2. Applicant Response

The Applicant's response to the grounds of appeal were as follows:

- The proposed development is a replacement development and not an infill development and needs to be assessed against the relevant provisions of the Development Plan.

- The development accords to the criterion in the Howth Special Area Amenity Order.
- The design has sought to protect residential amenity in that undue overlooking of neighbouring properties will not occur and the presence of an existing mature tree in the neighbouring property will provide additional screening.
- There will be limited effects on sunlight of the neighbouring dwelling because of the orientation of the site and as the back garden faces south.
- The proximity issue relating to the western boundary was addressed by the revised site layout submitted in response to the Further Information Request, which included a 3m setback from this boundary.
- The proposed development will not impact views due to the retention of existing tree and vegetation as well as selected siting of the development which utilises the slope of the site. The existing boundary treatment will be retained and will provide adequate screening of the proposed development.
- The proposed development does not represent any undue departure from the height and scale of neighbouring property and responds appropriately to the evolution of the streetscape.
- The proposed chimney is located 0.5m further away from the appellants dwelling than the current one and the presence of a mature tree between the chimney and the neighbouring window will screen any potential smoke blown towards the property. A proposal was made by the applicant to raise the chimney by 200mm was made for consideration by the Board.
- Foul water from the proposed development will ultimately discharge to the existing public water sewer and will not create overcapacity on the public sewage system.
- The proposed dwelling was created in line with contemporary dwellings in the immediate vicinity and is in keeping with the architectural character of the area. The use of roof slates is not considered to detract from the visual amenity of the area allowing the structure to blend in with the surroundings.
- The proposal provides for an energy efficient replacement of an existing underutilised dwelling and does not propose additional light pollution on the area.

6.3. **Planning Authority Response**

The Planning Authority reiterated that the application was assessed against the policies and objectives of the Fingal Development Plan 2023 – 2029, the Howth Special Amenity Area Order, potential architectural heritage as well as the impact on adjoining neighbours and the character of the area and concerns set out in third parties were acknowledge and considered. The proposed development was considered to be consistent with the proper planning and sustainable development of the area.

6.4. **Observations**

There were no observations.

6.5. **Further Responses**

Not applicable.

7.0 **Assessment**

7.1.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the planning application, the Third Party Appeals, the response of the First Party, inspection of the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues on this appeal are:

- Principle,
- Visual and residential amenity.
- Impact on protected views and prospects and the landscape character of the area (including light pollution).
- Connection to the sewage system

7.1.2. Each of these issues is addressed in turn below.

Principle

- 7.1.3. The proposed development is for the demolition of an existing dwelling and its replacement by a much larger dwelling, and I consider it is acceptable in principle having regard to the RS Zoning Objective, subject to compliance with other policies and objectives of the Development Plan.
- 7.1.4. I note Policy Objective SPQHO44 which supports the retention and retrofitting of structurally sound habitable dwellings in good condition as opposed to demolition and replacement, and I consider this policy especially relevant where a building may have merit from an architectural heritage point of view.
- 7.1.5. While the existing dwelling is not included in the Protected Structure register, it is noteworthy as an early example of the architect Robin Walker. I have considered the architectural assessment submitted by the applicant in response to the RFI requested by Fingal County Council, and the assessment of the Conservation Officer, and I would concur with the findings of both that the house is of minor architectural importance and there is no compelling case for its retention from an architectural heritage perspective.
- 7.1.6. More generally, having regard to the age of the house (c.1945) and the lack of significant modernisation in the intervening years, I consider there is sufficient justification for its demolition and replacement to account for modern standards and expectations, including energy rating requirements.
- 7.1.7. I also note that proposals for improvements, alterations and extensions to existing dwellings will normally be permitted there they are in accordance with the principles of good design and protection of existing residential amenity. These issues are relevant to the subject appeal and are addressed below.

Visual and Residential Amenity - General

- 7.1.8. The residents of Garryhill (to the west of the proposed development) consider the proposed development will be overbearing, obtrusive and will negatively impact on the amenity of their property and other residents along Ceanchor Road.
- 7.1.1. I consider that the siting, orientation, and design of houses along Ceanchor Road are such that the potential for overbearance, obtrusiveness, and overlooking is minimised. They are generally large, detached dwellings with extensive gardens on

sloping sites and there is established vegetation including trees and hedges along front and shared boundaries and within each property.

- 7.1.2. In the case of the Áistrá, Garryhill, and Greenhead they are currently positioned on the same east-west axis / building line parallel to Ceachcor Road, their rear facades and gardens are oriented due south and there is no development along their southern (rear) boundary.
- 7.1.3. The proposed replacement dwelling does not materially change the established pattern of development.
- 7.1.4. However, while the footprint and general configuration are similar to the existing dwelling, it is acknowledged that the replacement dwelling is significantly larger and introduces a new two-storey element to the site, which needs to be considered in more detail from both a design and amenity perspective.
- 7.1.5. The proposed dwelling has two distinct elements. The single storey element accommodating the pool, will be lower than the existing dwelling but extends beyond the existing building line to the east. The two-storey element, while higher, is less wide than the length of the existing dwelling. The two-storey element, also has to be considered in terms of the established vegetation including trees and hedges along the front of the site, along shared boundaries and within the site and adjoining properties.
- 7.1.6. Furthermore, two-storey houses are not out of character with the immediate area and at 65.5m OD, while the proposed dwelling will be higher than Garryhill (also two-storey at 64.5m OD), it will be slightly lower than Greenhead which adjoins Garryhill to the west (also two-storey at 65.8m OD). I do not consider the proposed development to be inconsistent with established building heights in the area.
- 7.1.7. Furthermore, while not an especially innovative modern design, I consider the architectural approach to be a reasonable, contemporary take on the existing dwelling; one which will share similar characteristics to Greenhead to the west – including maintaining a long horizontal pitched roof profile for the two-storey element. As such I do not think it will be inconsistent with the character of other buildings in the vicinity.

- 7.1.8. Having regard to the above, I am satisfied that the proposed development will not result in an adverse effect on the amenities of existing adjacent properties by way of overlooking, overshadowing or overbearing appearance.

Visual and Residential Amenity – Neighbouring Property (Garyhill)

- 7.1.9. More locally, the relationship between the proposed replacement dwelling and Garyhill requires specific consideration.
- 7.1.10. Excluding an existing shed which abuts the western boundary to the south, the current separation distance between Áistrá and the shared western boundary with Garryhill varies between 1m and 5m (accounting for various extensions and protrusions from the main house). These different elements are visible across the front garden of Garyhill from Canchor Road.
- 7.1.11. The proposal as originally submitted would result in a separation distance between 1m and 2.1m from the western boundary. The elevation along this boundary will be expressed through a variety of single and two storey elements along its 22m length to include: new boundary wall / single storey garage with pitch roof, two storey gable with pitched roof (no windows at first floor), and chimney and single storey living room.
- 7.1.12. I would share some of the original concerns of the neighbours in Garryhill that the footprint and two storey element of the proposed new dwelling was overly concentrated along the western boundary especially when compared to the existing dwelling. I would also agree that this is the more sensitive boundary given the relative proximity to Garryhill, whereas the eastern boundary is shared with the entrance driveway to Seamere, Canchor Road.
- 7.1.13. I consider this matter was carefully considered by Fingal County Council as per the Request for Further Information and I note the applicants proposal to push the main building / accommodation (excluding the single storey workshop and garage) further eastwards thereby increasing the set back to 3m along much of this boundary. This would increase the separation distance between the two properties and I consider this to be an appropriate response to the concerns raised.
- 7.1.14. The appellants also raise concerns of potential overlooking from the first storey balconies. However, the nearest balcony (to the master bedroom) is located mid-way

along the rear of the building and is in a set-back position relative to the rear building line of Garryhill and I consider there to be sufficient intervening distance to ensure no direct overlooking of their property. I also note from photographs that there is a mature tree within the grounds of Garryhill which will provide additional screening.

7.1.15. Having regard to the position and location of the other two balconies (bedroom 2 and the study) I also consider there to be sufficient intervening distance to ensure no direct overlooking of Seamere, notwithstanding moving the building footprint further towards this boundary.

7.1.16. A planning condition ensuring that the other flat roofs cannot be used for the purposes of a balcony or terrace or similar use without a prior grant of planning permission can provide additional assurances in respect of potential for overlooking.

7.1.17. I see no reason why the location of the proposed chimney (which is in a similar position as the existing chimney) will present a health and safety issue.

7.1.18. Having regard to the above, I am satisfied that the proposed development will not result in an adverse effect on the amenities of Garryhill in terms of overlooking, overshadowing or overbearing appearance and health risk.

Protected Views and Prospects and Landscape Character

7.1.19. I note that along Ceanchor Road there are designated footpaths and roads from which views will be protected and applications must consider the visual impact of proposals.

7.1.20. Having visited the area, I consider there to be limited open views across the headland and out to Dublin Bay from along this part of Ceanchor Road. Such views are obscured by houses, boundary vegetation and tree cover. I am also mindful that notwithstanding protected views, the Howth SAAO identifies existing properties along the southern side of Ceanchor Road as being within the 'Built up area.'

7.1.21. Having regard to the scale and nature of the proposed development, i.e., a single replacement dwelling and ancillary works on a serviced site, and given the current density of houses along this road, existing vegetation and tree cover and the proposed height of the new dwelling I am of the opinion it will not have significant negative impact on the preserved views and thus the proposal complies with the requirement of the Development Plan and the Howth Special Area Amenity Order.

Sewage System

- 7.1.22. One of the appellants raises concerns about the long-standing discharge of untreated effluent into Doldrum Bay from the residential area of Carrickbrack Road, Ceanchor Road and St Fintan's Road, and the increase in discharge which would arise from the proposed development, inclusive of swimming pool.
- 7.1.23. The current dwelling connects to the existing public sewer located to the southeast of the site. It is proposed to retain the existing connection for foul wastewater generated by the replacement dwelling. A separate surface water network and soakaway will cater for surface water discharge using sustainable drainage systems (SuDS).
- 7.1.24. Having regard to the fact the proposed development is replacing an existing property, catering for a population equivalent of 7PE, I do not consider it would result in any material change in the capacity of the public sewage system. I note there were no objections to the proposal from either the Water Services Section within Fingal County Council or from Uisce Eireann.
- 7.1.25. The acceptability of the swimming pool is also specifically addressed by Uisce Eireann and its recommendation to include a condition requiring agreement of the allowable maximum discharge rate. I therefore consider that any issues specifically relating to the proposed swimming pool can continue to be addressed by way of planning condition and compliance with the requirements of Uisce Eireann.
- 7.1.26. Once foul wastewater is discharged to the existing public water sewer, how it is subsequently treated is a matter for Uisce Eireann and is beyond the scope of this planning appeal. However, I do note that in January 2023, Fingal granted planning permission for the 'Doldrum Bay Wastewater Network' development which is intended to divert sewage discharge to the public sewer main in Howth where it will be redirected to Ringsend WwTP for final treatment prior to being discharged into Dublin Bay. The decision was appealed by several residents in the area and a decision by An Bord Pleanála is pending (F22A/0659 / ABP-315902-23).

Light Pollution

7.1.27. I do not consider that the proposed development will add significantly to light pollution given that it replaces an existing property, is on a site that slopes away from the road, and will be surrounded by mature trees, hedges, and vegetation.

Appropriate Assessment Screening

7.1.28. 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.

8.0 Recommendation

8.1. I recommend that planning permission be granted for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the residential land use zoning of the site; the nature, scale and design of the replacement dwelling; and the provisions of the Fingal County Development Plan 2023 – 2029 including policies relating to development within Howth Area Special Amenity Area Order, it is considered that, subject to compliance with the conditions set out below the proposed development would not adversely impact on the character and visual amenity SAAO, and would not seriously injure the visual or residential amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out in its entirety in accordance with the plans, lodged with the application on 13 th February 2023, as amended by Further Information received on 23 rd May 2023, except as may otherwise
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	<p>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>Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to a single dwelling house (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.</p> <p>REASON: In the interest of protection of residential amenity.</p>
3.	<p>Details of the materials, colours, and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>REASON: In the interests of visual amenity.</p>
4.	<p>Save for the balconies indicated on the plans submitted, the remaining flat roofs shall not be used for the purposes of a balcony or terrace or similar use without a prior grant of planning permission or following an appeal from An Bord Pleanála.</p> <p>REASON: In the interest of the proper planning and sustainable development of the area.</p>
5.	<p>A full architectural survey of the existing house to be demolished shall be carried out and shall be submitted to the planning authority prior to commencement of development. Archive standard drawings and a photographic survey shall be prepared in accordance with the requirements of the planning authority.</p> <p>REASON: In order to facilitate the conservation, preservation and/or recording of the architectural heritage of the site.</p>

6.	<p>The following requirements in relation to Uisce Éireann shall be complied with:</p> <p>(a) The developer shall enter into water and wastewater connection agreements with Uisce Éireann.</p> <p>(b) Prior to the commence of construction the developer shall liaise with Uisce Éireann and agree the allowable maximum discharge rate of the pumping system relating to the swimming pool filtration/backlash system.</p> <p>REASON: In the interest of public health.</p>
7.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 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>
8.	<p>The construction of the proposed development shall be managed in accordance with a Construction Management plan, which shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of the development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and offsite disposal of construction/demolition waste. The storage removal of all rubble and material associated with the demolition of the existing house on site shall be carried out by a licensed and competent contractor to an approved waste disposal site.</p> <p>REASON: In the interest of environmental protection</p>
9.	<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</p>

or on behalf of the authority in accordance with the terms of the Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

REASON: It is a requirement of the Planning and Development Act 2000, as amended, 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.

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.



Leah Kenny
Planning Inspector

28th January 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP317581-23		
Proposed Development Summary	Demolition of the existing L-shaped single storey dwelling and garage (160.40 sq m GFA) and construction of a replacement T-shaped five-bedroom one and two-storey dwelling (476.2sq m GFA) and single-storey garage, and all ancillary works, inclusive of landscaping and SuDS drainage. A domestic swimming pool is proposed at ground floor level.		
Development Address	Áistrá, Ceanchor Road, Howth, Co. Dublin.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	
		No	X
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No			Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No		N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required



Inspector: _____

Date: 28th January 2024