



An
Bord
Pleanála

Inspector's Report

ABP-318722-23

Development

Construction of 3 houses and all associated site works. Alteration to existing dwelling to include: (i) construction of a ground floor level extension to front/rear/side and (ii) construction of a first-floor level extension to the front/side/rear. A Natura Impact Statement (NIS) was submitted with this application.

Location

Barbary, Strand Road, Sutton South, Dublin 13

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F23A/0587

Applicant(s)

Deirdre Burns.

Type of Application

Permission.

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Deirdre Burns.

Observer(s)

Hillwatch C/O Jacqueline Feeley

Kay Vaughan.

John Fogarty and Tony Stafford

Date of Site Inspection

20th June 2024.

Inspector

Lucy Roche

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1.0 Site Location and Description

- 1.1. The appeal site is on Strand Road in Sutton on the south-western side of the Howth peninsula approximately 2.2km southeast of Sutton Train station (as the crow flies).
- 1.2. The site, with a stated area of 0.3128ha, comprises 'Barbary' a detached dormer dwelling and its curtilage. 'Barbary' has a south-westerly orientation that overlooks the coast at Dublin Bay. The dwelling is set back approximately 28m from the boundary with Strand Road and is served by a parking area and landscaped garden / lawn to the front and private amenity area to the rear. The easternmost portion of the site is heavily overgrown and separated from the more formal rear garden area by timber fencing. The site slopes gently downwards from east to west towards Strand Road with a ground differential of approximately 2 meters.
- 1.3. The surrounding area is predominantly residential in nature. Existing residential development in the immediate vicinity of the site comprises:
 - Dunvegan, a detached dormer style dwelling and its curtilage to the north.
 - No.8 St, Fintan's Grove, a detached two-storey, gable fronted dwelling to the northeast. The side elevation of this dwelling faces the rear boundary of the appeal site.
 - 'Slieverue', a protected structure (RPS Nos. 929) to the south, fronting onto Strand Road.
 - 'Slieverue Lodge', a part single, part dormer style dwelling and its curtilage to the southeast. The front / primary elevation of this dwelling faces northwest, towards the appeal site and is set back approximately 4.5m from the boundary.

2.0 Proposed Development

- 2.1. The proposed development comprises:
 - (i) Alterations to the existing detached dormer style dwelling known as 'Barbary' comprising:
 - (a) partial demolition of the dwelling at ground/first floor level.

(b) construction of new ground floor level extension to the front/side/rear.

(c) construction of new first floor level extension to the front/side/rear.

The works to Barbary will result in the creation of a flat/green roofed five-bedroom dwelling with front-facing balcony at first floor level and 2 no. rooflights.

- (ii) Construction of 3 no. two-storey, with attic floor level (effectively three storey), five-bedroom dwellings to the rear of Barbary. The design of each dwelling incorporates dormer windows and rooflights at attic floor level. Each dwelling is served by private amenity space to the rear and 2 no. on-curtilage parking spaces.
- (iii) Access provided via a revised/relocated vehicular entrance off Strand Road; and
- (iii) All ancillary works, inclusive of boundary treatments, hardstanding areas, landscaping and SuDS drainage, necessary to facilitate the development.

2.2. The application is accompanied (inter alia) by:

- Planning Report
- Natura Impact Statement (NIS)
- Civil Engineering Infrastructure Report
- Daylight Analysis and Overshadowing Report
- Existing / Proposed Photomontage Imagery

2.3. As part of this first party appeal the applicants have submitted an alternative design option, 'Option B', for consideration by the Board. Option B includes the following 'optional' revisions to the development:

- Barbary: A reduction in the overall height, the removal of the balcony at first floor level to the front and the replacement of the clerestory at roof level with roof level skylight.
- House Type A: A reduction in the roof profile and floor levels to achieve an overall reduction in height of 600mm. A reduction in the size of dormer windows.

- House Type A1: A reduction in the roof profile and floor levels to achieve an overall reduction in height of 1000mm. A reduction in the size of dormer windows.
- House Type B: A reduction in the roof profile and floor levels to achieve an overall reduction in height of 600mm. A reduction in the size of dormer windows.

2.4. The gross floor areas (GFA), ground to ridge height and ridge levels of the existing / proposed development are set out in the table below. The applicants alternative design proposal, 'Option B', is also detailed for reference.

	Gross Floor Area	Ridge Height	Ridge Level
Barbary			
Existing	347sqm	6.752	17.670
Proposed	517sqm	7.725	18.925 <i>(17.825 excluding roof top clerestory window)</i>
Option 'B'	473sqm	6.625	17.825 (parapet level)
House Type A			
Proposed	269sqm	9.5m	20.800
Option 'B'	250sqm	9.1m	20.200
House Type A1			
Proposed	269sqm	9.5m	21.200
Option 'B'	250sqm	9.1m	20.200
House Type B			
Proposed	264sqm	9.5m	20.800
Option 'B'	282sqm	9.1m	20.200

3.0 Planning Authority Decision

3.1. Decision

Fingal County Council decided to refuse permission for the development for four reasons as follows:

1 *Having regard to the proposed mass and form of the proposed development at Barbary and the proposed infill dwellings adjacent to Slieverue and other residential development, the proposed development would present an incongruous*

and visually dominant development, would fail to be in harmony with the established character of the area, and would seriously injure the visual amenities of the area. The proposed development would conflict with Objective SPQH039 and Objective HCAO24 of the Fingal Development Plan, which seeks to protect the character of existing residential areas that are subject to infill or backland development and protect the settings of protected structures.

2 By reason of the scale and design of the proposed backland infill dwellings, and the significant alteration and positioning forward on site of the existing dwelling Barbary and in the absence of an adequate Landscape Visual Assessment and contiguous front and rear elevations to show the proposed development in the context of Strand Road and the adjoining properties and in particular the adjoining Protected Structures, it is considered that the proposed development will have a detrimental impact on the character this section of the Strand Road streetscape, which is located within the buffer zone of the Howth SAAO and where there is an objective along Strand Road 'To Protect Views'. The proposed development is considered to be contrary to Objective GINHO56 of the Fingal County Development Plan, 2023-2029 and is therefore, contrary to the proper planning and sustainable development of the area.

3 The cumulative proposed development by way of its prominent positioning, layout and mass in an area which maintains a distinct residential character is considered ad hoc and out of character. The proposed development would overlook, be overbearing, would detract from existing residential amenity. The proposed development is considered to materially contravene the RS zoning objective for the area, would contravene Objective SPQHO42 of the Fingal Development Plan 2023-2029 and would be contrary to the proper planning and sustainable development of the area.

4 The proposed development would set an undesirable precedent for other similar developments, which in itself and cumulatively would contribute to an erosion of the distinctive and attractive character of the area, be harmful to the visual and residential amenities of the area and 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 Planning Officer (Nov 2023) forms the basis of the Planning Authority's decision. The report has regard to the locational context and planning history of the site / surrounding area; to local and national planning policy and guidance and to the third-party submissions and departmental reports received. The following provides a summary of the main points raised in the assessment:

- The development is acceptable in principle as per the zoning objective.
- Given the nature and scale of works proposed to Barbary, the proposal is considered a replacement dwelling rather than an extension and should have been advertised as such.
- The proposed works to 'Barbary' are ad-hoc and out of context at the site given the character and established nature of the area at this location.
- The dwellings to the rear are considered 'three-storey' (attic accommodation). First floor and roof level windows will overlook Barbary and neighbouring properties.
- The three dwellings along with the altered 'Barbary' as presented and cumulatively are not considered acceptable at this location and the proposal is considered a form of overdevelopment which would impact negatively on the site and surrounding areas and views.
- Any infill development should be subservient in scale to the proposed house 'Barbary' and the changes to Barbary should not affect the setting of a protected structure.
- The proposal as presented would adversely affect the visual amenities of the area and sense of place, would set an undesirable precedent, is contrary to Objectives of the FDP.
- The report concludes with a recommendation to refuse permission as per FCC decision.

3.2.2. Other Technical Reports

Water Services: No objection subject to conditions re: surface water drainage.

Transportation: No objection subject to conditions: provision of additional landscape build outs on access road; no obstruction of sightlines; entrance design, relocation of underground / overhead power lines (as necessary), no stormwater onto public road; development to be completed to FCC's 'taking in charge' standard, submission of a traffic management plan.

Parks and Green Infrastructure: Recommends conditions in the event of a grant of permission: payment of financial contribution in lieu of public open space, landscaping and boundary treatment.

Conservation Office: Report raises concerns regarding the height, design and positioning of the proposed development and its impact on the protected structure of Slieverue. The Conservation Office would prefer for new build in rear plots/gardens to be subservient in scale to the main house to the front.

Ecologist: Recommends conditions in the event of a grant of permission: Mitigation measures outlined in the NIS to be implemented in full. Ecological survey of the garden area to ensure no impact on protected fauna.

3.3. Prescribed Bodies

Uisce Eireann: No objection

3.4. Third Party Observations

Third-party submissions were received. The issues raised in the submissions are similar to those set out in the observations received in response to this first party appeal and summarised in Section 6.3 of the report.

4.0 Planning History

F19A/0147 Permission granted (2020) for two dormer bungalows, each sited on 0.15-acre plots to the rear of Barbary, and all associated site and

development works. Floor areas to be 181sqm & 184sqm and ridge heights 6.45m and 6.4m. Access shall be provided by a new lane from Strand Road.

5.0 Policy Context

5.1. Fingal Development Plan 2023-2029 (FDP 2023)

5.1.1. Zoning:

The appeal site is zoned 'RS Residential' with the associated land use objective 'to *provide for residential development and protect and improve residential amenity*'.

The Vision for this land use objective is to *ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity*. Residential is listed as a use class that is 'permitted in principle' within this zoning objective.

5.1.2. Core / Settlement Strategy: Sutton is identified as part of the 'Dublin City and Suburbs Consolidation Area'.

5.1.3. Designations:

Barbary is not listed as a protected structure nor is it located within an ACA. It does however adjoin a group of Protected Structures of No. 41 to 43 Strand Road, Sutton, Co. Dublin, which consist of:

- RPS Nos. 929, Slieverue, No. 41 Strand Road immediately south of Barbary and then
- RPS No. 930 Gilmooss No. 42 Strand Road and
- RPS No. 931 Croxteth, No. 43 Strand Road.

A number of map-based specific objectives apply along the coastline directly southwest of the site, namely 'To Preserve Views' along Strand Road and the 'Greater Dublin Area (GDA) Cycle Network' (feeder route). The site is within the designated Buffer zone of the Howth SAAO and in an area designated as 'Highly Sensitive Landscape'.

The objectives for residential areas within the Buffer zone of the Howth SAAO are:

- 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.

5.1.4. Policy and Objectives:

The following policies and objectives of FCDP 2023-2029 are of note:

Objective SPQHO36 – Public Open Space

Public open space provision in new residential developments must comply with the quantitative and qualitative standards set out in Chapter 14 Development Management Standards.

Objective SPQHO37 – Residential Consolidation and Sustainable Intensification

Promote residential consolidation and sustainable intensification at appropriate locations, through the consolidation and rejuvenation of infill/brown-field development opportunities in line with the principles of compact growth and consolidation to meet the future housing needs of Fingal.

Objective SPQHO38 – Residential Development at Sustainable Densities.

Promote residential development at sustainable densities throughout Fingal in accordance with the Core Strategy, particularly on vacant and/or under-utilised sites having regard to the need to ensure high standards of urban design, architectural quality and integration with the character of the surrounding area.

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.

Objective SPQHO42 - Development of Underutilised Infill, Corner and Backland Sites

Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.

Objective GINHO56 – Visual Impact Assessments

Require any necessary assessments, including visual impact assessments, to be prepared prior to approving development in highly sensitive areas.

Objective HCAO24 – Alteration and Development of Protected Structures and ACAs
Require proposals for any development, modification, alteration, extension or energy retrofitting affecting a Protected Structure and/or its setting or a building that contributes to the character of an ACA are sensitively sited and designed, are compatible with the special character, and are appropriate in terms of the proposed scale, mass, height, density, architectural treatment, layout, materials, impact on architectural or historic features.

5.1.5. Development Management Standards

Chapter 14 sets out the Development Management Standards for residential development.

5.2. **National Planning Framework**

The National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains a number of policy objectives that articulate the delivery of compact urban growth, including:

- NPO 3 (b) aims to deliver at least 50% of all new homes targeted for the five cities within their existing built-up footprints.

5.3. **Ministerial Guidelines**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024),

Also, relevant - Quality Housing for Sustainable Communities: Design Guidelines, 2007.

5.4. **Natural Heritage Designations**

The site is not located within a designated Natura 2000 site. The nearest Natura 2000 sites are North Bull Island SPA (Site code 004006) and North Dublin Bay SAC (Site code 000206), both of which generally adjoining the coastline on the opposite side of Strand Road (c. 5-10 metres away).

5.5. **EIA Screening**

See completed Form 2 on file. Having regard to the nature, size, and location of the proposed development and to the criteria set out in schedule 7 of the regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

This is a first party appeal, lodged on behalf of the applicant, Deirdre Burns against the decision of Fingal County Council to refuse permission for the proposed residential scheme in Sutton. The grounds of appeal can be summarised as follows:

- The proposed development is an appropriate contemporary architectural design which will not detract from the visual amenity of the immediate and wider area of strand Road.
- The proposed development has been carefully arranged to ensure no undue impact on the residential amenity of adjoining properties.
- The proposed development reflects an appropriate form of development which allows for the efficient use of zoned and serviced land within the metropolitan area of Dublin.
- The proposal does not detract from the character and setting of adjoining conservation buildings.
- The appeal documentation includes in Appendix B a Landscape and Visual Impact Assessment and in Appendix C an alternative design option (with supporting plans and elevations).

6.2. Planning Authority Response

The Planning Authority's response to the appeal can be summarised as follows:

- The application was assessed against the policies and objectives of the Fingal County Development Plan 2023-2029, and existing government policies and guidelines. The proposal was assessed having regard to the zoning objectives, residential and visual amenity and development management standards and the character of the area.
- Having reviewed the grounds of appeal and the proposed alternative design option, the PA remain of the opinion that the proposed three dwellings along with the altered Barbary presented and cumulatively are not acceptable at this location and the proposal is considered a form of overdevelopment which would negatively impact on the site and surrounding area.
- Any infill development to the rear of the site should be subservient in scale to the proposed Barbary and the changes to Barbary should not affect the setting of the protected structure.

- Concerns remain regarding the integration of the proposed development with the existing character of the area.
- It is considered that the proposal as presented would adversely affect the visual amenities of the area and sense of place, would set an undesirable precedent and is contrary to the objectives of the FCDP.

6.3. **Observations**

A total of 3 third-party observations have been received from the following:

- Mr John Fogarty and Mr. Tony Stafford, owners/occupiers of the neighbouring properties on Strand Road - Slieverue Lodge and Dunvegan, respectively.
- Kay Vaughan, 8 Saint Fintan's Grove (neighbouring dwelling to the rear / northeast).
- Hillwatch c/o Jacqueline Feeley

The issues raised in the observations can be summarised as follows:

- Procedural issues regarding the documentation submitted and the validity of the application.
- The proposed development would be contrary to the objectives and standards of the development plan.
- The development would detract from residential amenity of neighbouring properties by reason of overlooking, overshadowing, and overbearing impacts.
- The proposed driveway introduces traffic that would impact on the privacy of the adjoining property (Dunvegan) while also creating nuisance in terms of noise and fumes.
- The proposed development will result in a loss of views from No.8 Saint Fintan's Grove (existing residential property to the rear / northeast)
- Impact on property values.

- The proposal in terms of density, scale, height, and design represents an inappropriate form of infill development in an area that is poorly served in terms of road infrastructure, community, and commercial services.
- The proposal fails to have regard to the established pattern and character of the area and would detract from the streetscape.
- While quantitative standards for private open space are exceeded, the quality of the space is questioned.
- The proposal will result in additional traffic on a sub-standard road network impacting on the safety road users.
- Lack of parking.
- Regard is had to Section 132 of the Planning and Development Act. The right of the Board to consider the alternative design option presented without first allowing a full review of same by the Planning authority and third parties is questioned.
- No details on the location / design of bin storage or collection area.
- No evidence that the design of the access road complies with DMURS
- The proposal fails to demonstrate why the existing bungalow cannot be retained and retrofitted.

7.0 Assessment

7.1. Introduction

- 7.1.1. The application relates to 'Barbary' a detached dormer dwelling and its curtilage, on Strand Road in Sutton. The proposal is for alterations to the existing dwelling and for the construction of three detached houses to the rear. The proposal would be in lieu of an extant permission granted under FCC Ref No. F19A/0147, which allows for the construction of two dormer bungalows in the rear garden area. The principle of infill residential development on this site has therefore been established.

- 7.1.2. The Planning Authority as set out in their assessment of the application and in their decision to refuse permission, consider that the proposed development, and the precedent it would set for other similar developments in the area, would seriously injure the visual amenities and character of the area and would detract from the residential amenities of adjoining properties. Similar concerns have been raised in the Observations received.
- 7.1.3. As set out in Section 7.0 of the grounds of appeal, the applicants are seeking full planning permission for the proposal as originally submitted to Fingal County Council on the 29th of September 2023 and they ask that the Board consider this option in the first instance. However, in response to FCC decision to refuse permission, the applicants have submitted an alternative design option for consideration by the Board, if necessary.
- 7.1.4. Having examined the appeal details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:
- Impact on the Visual Amenities and Character of the Area
 - Residential Amenity – Future Occupants
 - Residential Amenity – Existing Residents
 - Access and Traffic
 - Other Issues
 - Appropriate Assessment

7.2. Impact on the Visual Amenities and Character of the Area

- 7.2.1. The appeal site is located on Strand Road in Sutton, an established residential area that overlooks the coast at Dublin Bay. Views along Strand Road are listed for preservation in the Fingal Development Plan 2023-2029 (FDP 2023) while the wider area is classified as a highly sensitive coastal area within the buffer zone of the Howth SAAO.

- 7.2.2. The site comprises 'Barbary' a dormer style dwelling and its curtilage. Barbary is not a protected structure nor is it within an ACA. It does adjoin a row of three Edwardian Houses, No's 41 to 43 Strand Road, each of which are listed for preservation in the FPD 2023. No. 41 Strand Road, known as 'Slieverue' (RPS Nos. 929), borders the appeal site to the south. The general character of residential development in the vicinity of the appeal site comprises predominantly large, detached dwellings on large plots and of differing design, form, and material finishes etc.
- 7.2.3. The impact of the proposed development on the visual amenities and character of the area and on the setting of the protected structure of 'Slieverue' are cited as reasons for refusal in the decision of the Planning Authority. Photomontages detailing the proposed development in the context of the site and surrounding areas were submitted with the application, however the Planning Authority considered that more detailed documentation and analysis, including the submission of a Landscape Visual Assessment was required to determine the level of impact the development may have on the streetscape and on the protected structure, 'Slieverue'.
- 7.2.4. A Landscape and Visual Impact Assessment (LVIA) has been submitted in support of this appeal. The LVIA considers 4 viewpoints from different locations along Strand Road. Having visited the site and the surrounding area I am satisfied that the appeal site would not be visible to any great extent from outside the identified study area and that the viewpoints identified in the LVIA are adequate for assessment purposes.
- 7.2.5. As evidenced by the LVIA and photomontages submitted, the altered 'Barbary' would be visible from Strand Road, primarily on approach from the northwest. The 3no. infill dwellings to the rear would also be partially visible. However, in my opinion, the proposed development would not have an unacceptable impact on the visual amenities of the area, on the character of the streetscape or on the protected structure.
- 7.2.6. The existing dwelling 'Barbary' comprises a detached dormer style structure with a stated gross floor area of 347sqm and a ground to ridge height of 6.752m, reaching a maximum ridge level of 17.67m. Its design incorporates a pitched roof with dormer windows to front and rear elevations, bay windows to front and a single storey flat

roofed addition to rear. It is setback c29m from the site boundary, positioning it behind the front building lines of the neighbouring dwellings, 'Dunvegan' to the north and 'Slieverue' to the South.

- 7.2.7. Permission is sought for alterations to Barbary comprising partial demolition at ground and first floor levels and the construction of new ground and first floor extensions to the front/side and rear. The proposed works would significantly alter the design of Barbary, converting it from a simple dormer style structure, that is akin to the four dwellings to the northwest, to a more contemporary style structure incorporating flat / green roof, roof level clerestory window, first floor balcony and extensive glazing to its front (west) elevation. The altered Barbary would be of a reduced width and increased depth relative to the existing dwelling. It would have a gross floor area of 517sqm and a ground to ridge height of 7.725m (max), reaching a ridge level 18.952m (17.825m excluding roof top clerestory window).
- 7.2.8. The altered Barbary would have a stepped front building line with a single storey projection to the southwest corner, bringing it closer to the road. However, the set back from the front building line of 'Slieverue' would be substantially retained and as detailed in the submitted photomontages, the altered structure would not block views of the protected structure.
- 7.2.9. Whilst I accept that the altered Barbary, due to its contemporary design and form, may be more 'visually prominent' than the existing structure and that it would likely 'draw the eye', I do not agree that it would be incongruous or out of character. The height, scale and mass of the proposed dwelling is comparable with that of existing development along Strand Road. In my opinion, the contemporary style of architecture proposed would contribute positively to the mix of house types /styles in the vicinity, would provide a clear distinction between it and the protected structure and is of a sufficiently high-quality design to contribute to rather than detract from the streetscape. The alterations to Barbary as originally presented to the Planning Authority are I consider acceptable in terms design quality and visual impact.
- 7.2.10. The 3no dwellings proposed to the rear of Barbary, while described as two-storey, with attic floor level are effectively three-storey. They each have a ground to ridge

height of 9.5m reaching ridge levels of 20.800m (House Type A and B) and 21.200m (House Type A1) and as such would exceed the height of the altered Barbary at 18.952m (max). This was raised as a concern by both the Planning Authority and the Conservation Office in their assessments of the application.

7.2.11. Having reviewed the plans and particulars submitted with the application and appeal, including the two sets of photomontages presented, and having inspected the site, I believe the proposed development would not, to any significant degree, detract from the visual amenities of the area. My opinion in this regard is based in the location of the dwellings to the rear of the site, the topography of the site and the surrounding landscape and the existing built environment. The fact that the proposed dwellings would be partially visible in views from Strand Road is not I consider sufficient reason for refusal. This is an established residential area, and in my opinion the proposed development would read effectively as part of the built environment at this location. Furthermore, the separation distances between 'Slieverue', and the proposed dwellings (+33m) are I consider sufficient to ensure that there is no significant negative impact on the character and setting of the protected structure.

7.3. Residential Amenity – Future Occupants

7.3.1. The proposal is for a residential scheme of four dwellings comprising alterations to the existing dwelling, 'Barbary' to provide for a detached, two storey, five bedroomed dwelling; and the construction of three new detached, two-storey plus attic floor level dwellings to the rear. All dwellings are substantial in size and meet the targets areas set out in 'Quality Housing for Sustainable Communities' in terms of floor area and room sizes.

7.3.2. Each dwelling is to be served by a private amenity area of between 130sqm and 175sqm, exceeding the required FDP standard of 75sqm for dwellings with four or more bedrooms. The Daylight Analysis and Overshadowing assessment submitted with the application includes an analysis of the private amenity areas serving the proposed development. The analysis shows that all proposed private amenity areas will receive levels of sunlight in excess of the approved BRE Standard. Separation

distances between the proposed dwellings exceed the required standard of 16m as set out in the new Compact Settlement Guidelines (SPPR1), ensuring an adequate level of privacy for future occupants.

7.3.3. I note that no usable public open space is proposed within the site. This was not raised as an issue by the planning authority, who were satisfied that the shortfall in public open space provision (0.03ha) can be addressed by way of a financial contribution in accordance with Section 48 of the Planning and Development Act 2000 and FCD Objective DMSO53. Given the infill nature and small scale of the development proposed, the quantum of private amenity space afforded to each dwelling and the proximity of the site to the coast, I am satisfied that the approach taken by the Planning Authority is acceptable in this instance.

7.3.4. Overall, I am satisfied that if permitted the proposed scheme would provide for an adequate level of privacy and amenity for future occupants.

7.4. Residential Amenity: Existing Residents

7.4.1. The Planning Authority, as set out in their assessment of the application and in their third reason for refusal, consider that the proposed development, would overlook, be overbearing and would detract from existing residential amenity. On this basis, they conclude that the proposal would materially contravene the 'RS Residential' zoning objective pertaining to the site.

7.4.2. On the issue of materiality, I note that the proposal is for a residential development on lands zoned for residential development. Whether or not the proposed development would detract from existing residential amenity and the degree of any such impact is a matter of judgement and would not in my view justify the use of the term "*materially contravene*" in terms of normal planning practice. The Board should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act.

7.4.3. The 'RS Residential' zoning objective seeks to *provide for residential development and protect and improve residential amenity*. The impact of the proposal on the

residential amenities of existing properties is therefore a key consideration in assessing the proposed development. Notwithstanding, it is to be expected that new development in established residential areas, will alter the context of the development site and the receiving environment with a degree of impact on adjoining properties. Therefore, I contend that any impacts identified should be balanced against the need to develop underutilised / infill sites at higher and more sustainable densities in accordance with national policies and guidelines.

Overlooking:

- 7.4.4. On the issue of overlooking, I consider that the proposed dwellings have been designed with the intention to avoid direct overlooking between opposing windows through a combination of internal layout, orientation and separation distance. I note that all above ground floor level windows in the side elevations of House Types A, A1 and B serve only non-habitable rooms and are to be fitted within obscure glazing. The altered 'Barbary' includes a large first floor window on its side (south) facing elevation. This window faces the access driveway serving 'Slieverue Lodge' and an amenity area serving 'Slieverue' beyond. However, this window is setback c14.2m from the opposing site boundary and I consider that this setback distance, together with the 2m high block wall proposed along the party boundary, is sufficient to mitigate undue overlooking.
- 7.4.5. All above ground floor windows to the rear of House Types A and A1 are set back +11m from the opposing site boundary (boundary with No.8 Fintan's Grove), this is I consider sufficient to maintain an adequate level of privacy for residents of both the existing and proposed dwellings.
- 7.4.6. The above ground floor windows to the front of House Types A and A1 will result in a degree of overlooking of the neighbouring properties to the north and south. However, any overlooking would be an acute angle and I consider that these windows are at a sufficient distance (+16m) from existing dwellings to mitigate significant overlooking impacts. Similarly, I consider that the separation distance between above ground floor windows in House Type B and Dunvegan is sufficient to

ensure no significant undue impact. The impact of overlooking / perceived overlooking from House Type B on 'Slieverue Lodge' requires further consideration.

- 7.4.7. House Type B incorporates first floor and attic level windows to the front and rear which will overlook 'Slieverue Lodge' and its private amenity area to the northeast. While overlooking from these windows would also be at an acute angle, their position and proximity to 'Slieverue Lodge' would in my opinion result in overlooking / perceived overlooking to a degree that would unduly impact the amenities of that property.
- 7.4.8. The proposed first floor balcony to the front of the altered 'Barbary' would facilitate overlooking of the amenity area to the side (north) and rear of 'Slieverue' a protected structure. While much of this area already experiences a degree of overlooking both from the public road to the south and from neighbouring properties, I consider the inclusion of this balcony, in its current form, provides an additional, unnecessary, intrusion on the amenities of 'Slieverue'. Therefore, I would recommend that the balcony as proposed, be omitted.

Overbearing:

- 7.4.9. In terms of overbearing, I am satisfied that the altered Barbary and House Types A and A1 are sufficiently separated from adjoining properties to prevent serious impacts. Likewise, I am satisfied that adequate separation exists between House Type B and the neighbouring property to the north 'Dunvegan'. However, given the height (9.5m) and mass of House Type B, its position on site relative to 'Slieverue Lodge', the design and orientation of 'Slieverue Lodge' and the limited separation distance between the two structures (c6.85m), I consider that House type B has the potential to create a significant and negative overbearing impact on the residential amenity of that property.

Overshadowing:

- 7.4.10. In addition to the concerns of overlooking and overbearing cited by the Planning Authority, some of the Observers have raised concerns regarding potential impacts

of overshadowing on adjoining properties. On this issue I note that a Daylight Analysis and Overshadowing Assessment was submitted with the application.

7.4.11. The assessment includes an analysis of the neighbouring amenity areas, in accordance with BRE's Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2022). The BRE guideline requirement for amenity overshadowing is that at least 50% of an amenity area receive 2 or more hours of sunlight on the 21st of March. If, as a result of new development, an existing garden or amenity area does not meet the above, and the area that can receive two hours of sun on 21st March is less than 0.8 times of former value, then the loss of sunlight is likely to be noticeable. In this instance, the study found that on the 21st of March, all garden spaces received higher than the minimum required amount of sunlight. demonstrating compliance with BRE recommendations.

7.4.12. A Vertical Sky Component (VSC) analysis was performed to investigate if windows of adjacent dwellings facing the proposed development achieve the BRE approved standard of 27% VSC or, if not, that the current VSC is not less than 0.8 times the existing value as a result of the proposed development. Of the 13no. windows analysed, 12no. were predicted to either surpass the 27% level or to not reduce to less than 0.8 times the existing value. This equates to a pass rate of 92.3%. The 1no window to fail the recommended BRE standard for VSC, Window No.8, comprises a ground floor window on the northwestern elevation of 'Slieverue Lodge'.

Traffic: Noise and Nuisance

7.4.13. The owner/occupier of 'Dunvegan' is concerned that the proposed access driveway would impact the privacy and amenity of Dunvegan. The proposed development includes for the retention / construction of boundary wall to a maximum height of 2m between the appeal site and Dunvegan. This is I consider sufficient to ensure an adequate level of privacy. Given the residential nature and limited scale of the development proposed, any nuisance in terms of noise / emissions arising from this aspect of the proposed development is unlikely to be significant or beyond what would normally be deemed acceptable in residential areas.

Conclusion:

7.4.14. In conclusion, I am of the opinion that the altered Barbary (subject to the omission of the first-floor balcony) and House Types A and A1 would not give rise to significant adverse impacts on the amenities of adjoining properties. However, I consider that House Type B, due to its height, mass, design and positioning on site would have an unnecessary, undue impact the amenities of 'Slieverue Lodge', by way of overlooking, overbearing, and overshadowing. I refer the Board to the applicant's alternative design proposal submitted as part of this first party appeal which includes optional design alterations for House Type B, comprising a reduction in the overall height of the structure by 600mm (from 9.5m to 8.9m) and a reduction in the size of the dormer window. However, I am not satisfied that these proposed amendments would be sufficient to address the concerns identified. On this basis I recommend, that House Type B be omitted from the scheme.

7.5. Access and Traffic

- 7.5.1. Access to the site is proposed via a revised / relocated entrance off Strand Road. The proposal includes for the lowering of the existing roadside boundary wall to a height of 1m to facilitate the provision of adequate sightline distances. The proposal is considered acceptable in this regard.
- 7.5.2. The proposed development would be accessed via a new 4.8m wide access road, which would be a 'shared surface' with no dedicated footpaths. Access arrangements are acceptable in principle; however, Fingal's Transportation Section have requested that the layout be further developed with consideration given to the possibility of including some landscaped buildouts at appropriate locations. This issue may be addressed by way of standard condition in the event of a grant of permission. The proposal accommodates 2 car-parking spaces per dwelling and adequate turning area for vehicles.
- 7.5.3. Observers have raised concerns regarding the additional traffic movements that would be generated by the proposed development and the ability of Strand Road to

accommodate same, given the lack of pedestrian facilities in the immediate vicinity. Strand Road in the vicinity of the appeal site is subject to a 50km speed limit. The area is primarily residential with multiple entrances / junctions which naturally encourage slower traffic speeds. The appeal site has an established residential use and has the benefit of an extant permission for the construction of two houses. The proposed development, which includes for the construction of three houses (in lieu of the extant permission) would not result in a significant intensification of existing or permitted traffic levels in the area. I note that traffic safety was not raised as a concern by the Planning Authority or the Transportation Department of Fingal County Council.

7.6. Other Issues:

- 7.6.1. The planning authority in their assessment of the application raised concerns regarding the description of the development as it relates to the existing dwelling 'Barbary'. They contend that given the nature and extent of the works proposed, that the project comprises a replacement dwelling and that it should have been advertised as such. While I note position of the Planning Authority and I accept that the proposed development would significantly alter the scale and appearance of 'Barbary', it is my opinion that the development as described in the public notices provides a sufficient and reasonable explanation of the nature of the works proposed.
- 7.6.2. Observers have raised concerns in relation to the lack of information in the submitted drawings (separation distances between existing and proposed houses) and in relation to the details provided with respect to the ownership of the land. In response, I note that the Planning Authority deemed the application to be valid in accordance with the Planning and Development Regulations 2001 (as amended). I am satisfied that there is sufficient detail in the application to assess the full extent of the proposed development and to make a determination. On the issue of land ownership, it would appear from the information on file that the applicant, Deirdre Burns, is part owner of the lands. A letter of consent from the co-owner, Liam Burns,

was submitted with the application. This is I consider sufficient to permit the making of a valid planning application.

7.7. Concerns have also been raised about the inclusion of alternative design proposals 'Option B', as part of the appeal. Given that these optional revisions reduce the overall height and mass of the proposal, I do not consider that there is potential for third parties to be significantly affected by their inclusion. The alternative design proposals have, therefore, been considered in the interests of completeness.

7.7.1. In terms of density, the proposed scheme at c13dph is low particularly given its location within the suburban area of Dublin City and the standards set out in the 'Sustainable Residential Development and Compact Settlement Guidelines, 2024' which promotes residential densities in the range 40dph to 80dph (net) in such areas. However, given the infill nature and context of the site and the prevailing pattern of development in the area, the density of development is I consider acceptable in this instance.

8.0 Appropriate Assessment

8.1. The Habitats Directive deals with the conservation of Natural Habitats and of wild fauna and flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site.

8.2. Following the screening process (set out in Appendix 3 attached) it has been determined that Appropriate Assessment is required as it cannot be excluded, on the basis of objective information, that the proposed development individually will have a significant effect on the following European sites:

- North Dublin Bay SAC (site Code 000206)
- North Bull Island SPA (site Code 004006).

- 8.3. The possibility of significant effects on other European sites has been excluded on the basis of objective information.
- 8.4. The application was accompanied by an NIS. I am satisfied that this document provides adequate information in respect of the proposed project and the baseline conditions, that it clearly identifies the potential impacts, and is based on best scientific information and knowledge. Overall, I am satisfied that the information is sufficient to allow the Board to carry out appropriate assessment of the proposed development.
- 8.5. The NIS examines and assesses potential adverse effects of the proposed development on North Dublin Bay SAC and North Bull Island SPA. The NIS identifies the main potential impact from the proposed development as impacts on water quality as a result of construction related pollutants (suspended sediments, concrete residues, hydrocarbons etc.) reaching nearby coastal waters during the construction phase.
- 8.6. Given the nature and scale of the development proposed, significant effects on the qualifying interests of the North Dublin Bay SAC and North Bull Island SPA are I consider unlikely; however, having regard to the proximity of the site to the SAC and SPA and having regard to the precautionary principle, the applicants, have incorporated what they term as non-standard pollution control measures into the scheme. As such measures are intended specifically to avoid impacts on European Sites, a Stage 2 Appropriate Assessment is required.
- 8.7. Section 4.1 of the NIS describes the mitigation measures proposed to avoid or minimise any negative impacts on the qualifying interest of the SAC or SPA by preventing fine sediments, concrete/cement, hydrocarbons or any other pollutants from reaching coastal waters. The report notes that all measures are standard pollution control measures that are regularly used in construction and that confidence in their success is high. The implementation and monitoring of all mitigation measures is to be the responsibility of the site foreman.
- 8.8. The proposed mitigation measures can be summarised as follows:
- Suspended sediment:
- The installation of a silt fence along the south-western boundary of the site.
 - Works to be suspended during periods of high rainfall

- If any excavations need dewatering, contaminated waters will be pumped to a settlement pond / holding tank and discharged at greenfield rates to a soakaway.
- Stockpiles will be stored in the north-east of the site. They will be levelled, compacted and covered with thick plastic membrane
- Dust suppression and road cleaning measures will be implemented.

Concrete and cement

- Concrete pouring /mixing will only take place in dry weather conditions.
- Any on-site mixing will be carried out in the northeast corner of the site. Cement based products will be kept in a sheltered area to the north-east of the site and covered.
- No site wash-out facilities for concrete will be provided.

Hydrocarbons and chemicals

- Any fuel, oil or chemical will be kept in the north-east corner of the site and stored in a designated bunded area of sufficient capacity.
- Any re-fuelling will take place to the northeast of the site
- While in operation diesel pumps, generators etc will be placed on drip trays to catch any leaks.
- A spill kit is to be kept on site.

8.9. On foot of the employment of the mitigation measures no adverse effects on the qualifying interests of North Dublin Bay SAC and North Bull Island SPA are anticipated. The risk of in-combination effects can also be ruled out.

8.10. Having reviewed the information submitted by the applicant, I am satisfied that potential impacts from the proposed development on water quality during the construction phase have been adequately addressed in the NIS. I am therefore satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of the European sites in light of their conservation objectives.

AA Conclusion

8.11. I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment,

that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the North Dublin Bay SAC and North Bull Island SPA, or any other European site, in view of the sites' Conservation Objectives.

My conclusion is based on:

- Detailed assessment of all aspects of the proposed development that could result in significant effects or adverse effects on European Sites within a zone of influence of the development site.
- Consideration of the conservation objectives and conservation status of qualifying interest species and habitats.
- Application of mitigation measures designed to avoid adverse effects on site integrity and likely effectiveness of same.
- The proposed development, alone and in combination with other plans and projects, would not undermine the favourable conservation condition of any qualifying interest feature or delay the attainment of favourable conservation condition for any species or habitat qualifying interest for these European sites.

9.0 Recommendation

I recommend that permission for the proposed development be granted subject to condition as outlined below.

10.0 Reasons and Considerations

Having regard to

- (a) National and local policy objectives which support the development of infill sites in achieving compact growth,
- (b) Section 28 Ministerial Guidelines on Sustainable Residential Development and Compact Settlements (2024)
- (c) The residential zoning objective pertaining to the site, as set out in the Fingal Development Plan 2023-2029.
- (d) The planning history of the site

- (e) The nature, scale and design of the proposed development
- (f) The pattern of existing and permitted development in the area

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not detract from the streetscape or from the character / setting of protected structures, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. 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.

Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

3. The proposed development shall be amended as follows:

(a) House Type B shall be omitted. The housing plot associated with House Type B may be the subject of a revised future planning application for a dwelling that has due regard to the adequate protection of the amenities of neighbouring residential properties.

(b) The first-floor balcony to the front of the altered 'Barbary' shall be omitted.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity

5. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

6. Prior to the commencement of development, the developer shall enter into a Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

7. Prior to the commencement of development, the developer shall submit to and for the written agreement of the Planning Authority detailed design

proposals for the internal road network to serve the proposed development (including junctions, footpaths and kerbs). The design shall comply with the detailed standards of the planning authority for such road works and shall comply with all relevant aspects of the Design Manual for Urban Roads and Streets.

Reason: In the interests of amenity and of traffic and pedestrian safety.

8. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual and residential amenity.

10. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

11. Ducting shall be provided for all in-curtilage car parking spaces, to facilitate the installation of electric vehicle charging points. Details in this regard shall be submitted to, and agreed in writing with, the planning authority before making available by the developer for occupation of any of the residential units in the proposed development.

Reason: In the interest of sustainable transportation

12. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of any works associated with the development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection.

13. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

14. An ecologist shall be engaged to monitor the impact of site / development works on wildlife including checking vegetation / garden area for wildlife such as bats, nesting birds and mammals. Any wildlife present shall be managed to best practice standards and where necessary notification shall be made to the NPWS of the presence of any protected species.

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

15. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- a. A plan to scale of not less than [1:500] showing –
 - i. Existing trees, hedgerows, shrubs, stone walls, specifying which are proposed for retention as features of the site landscaping
 - ii. The measures to be put in place for the protection of these landscape features during the construction period
 - iii. The species, variety, number, size and locations of all proposed trees and shrubs be in accordance with Howth SAAO Design Guidelines
 - iv. Details of screen planting
 - v. Details of roadside/street planting
 - vi. Hard landscaping works, specifying surfacing materials and finished levels.
- b. Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment
- c. A timescale for implementation

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased,

within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

16. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer

or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

18. 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, 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.

Lucy Roche
Planning Inspector
6th September 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	318722-23		
Proposed Development Summary	Alterations (demolition and extension) of existing dwelling and the construction of 3 houses.		
Development Address	Barbary, Strand Road, Sutton		
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	X
		No	
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			EIA Mandatory EIAR required
No	X		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)
No		N/A	
Yes	X	10 (b)(i): Construction of more than 500 dwelling units 10 (b)(iv): Urban Development which would involve an area	Proceed to Q.4

		greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere		
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4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: _____

Appendix Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-318722-23	
Proposed Development Summary	Alterations (demolition and extension) of existing dwelling and the construction of 3 houses.	
Development Address	Barbary, Strand Road, Sutton	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<ul style="list-style-type: none"> The subject site is located within the built-up area of Sutton. The site is served by public mains, water and sewerage. Development within the immediate vicinity of the site is primarily residential. Development on this site would read as part of the built-up area. The proposed residential scheme would not be exceptional in the context of the existing environment. Localised construction impacts will be temporary. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other residential development in the area. 	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p>	<ul style="list-style-type: none"> Permission is sought for the construction of 3 additional residential units on an overall site area of 0.31ha. The size of the development is not exceptional in the context of the existing built-up urban environment. Given the nature, scale and location of the proposed within an established urban area, no significant cumulative impacts are anticipated. 	no

Are there significant cumulative considerations having regard to other existing and/or permitted projects?		
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<ul style="list-style-type: none"> The subject site is not located with a designated site. There are several designated sites within wider geographic area. Any issues arising from the proximity /connectivity to a European Site can be adequately dealt with under the Habitats Directive. 	no
Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>		

Inspector: _____

Date: _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

**Screening for Appropriate Assessment
Screening Determination**

I have considered the proposed residential scheme in light of the requirements of S177U of the Planning and Development Act 2000 as amended. An NIA including Stage 1 Screening for Appropriate Assessment has been prepared by *NM Ecology* on behalf of the applicant and the objective information presented in that report informs this screening determination.

I have provided a description of the site and the proposed development in my report (Sections 1 and 2) and detailed specifications of the proposal are provided in the AA screening report and other planning documents provided by the applicant.

In summary: The subject site is located on Stand Road in Sutton, on the south-western side of the Howth Peninsula. It currently comprises a detached dormer style dwelling on a large plot. The rear of the site is currently overgrown and separated from the former garden area by a wooden fence. Strand Road adjoins the southwestern boundary of the site. On the far side of the road is the coastal waters of the Irish Sea. There is a vertical bank / retaining wall of approx. 5m-10m in height between the high-water mark and Strand Road.

Geology: the underlying geology is limestone which is a locally important aquifer. Subsoils are limestone till, and soils are made ground.

Hydrology: no watercourses have been identified within the vicinity of the site. Given the topography of the site and surrounding lands surface water is expected to flow south-west towards the coast.

Habitats: Habitats identified on site comprises: BL3 -buildings and artificial surfaces; GA2 – amenity grassland; WS3 ornamental / non-native shrub (boundary); GS2 – dry meadow and WS1 Scrub.

The proposal comprises amendments to the existing house (including works of demolition and extension etc) and the construction of 3no dwellings to the rear.

Foul water will be discharged to the foul sewer network and treated in the Ringsend WWTP. Surface water outflow from roofs and paved surfaces is to be disposed of within the site via a proposed soakaway system.

FCC's Ecologist, as set out in their report to the Planning Authority (09/11/2023) determined that, following the implementation of the mitigation measures intended to avoid or reduce any harmful effects on European sites, the project is not likely to have a significant effect on any European Site, either alone or in combination with other plans or projects. The Ecologist also recommended that prior to the commencement of development, the garden area be surveyed by a suitably qualified Ecologist to ensure that no protected fauna (under the Wildlife Act) such as nesting birds and roosting bats, are present.

European Sites

Two European sites have been identified as potentially within a zone of influence of the proposed development (see Table 1 below). These are the North Dublin Bay SAC and the North Bull Island SPA, the boundaries of which lie, c5m and c15m respectively, to the west of the development site, on the opposite side of Strand Road. Given the proximity of the site to the SAC/SPA and the difference in elevation, it is considered that direct pathways from the site to North Dublin Bay SAC and North Bull Island SPA exist via surface and ground water.

I note that the applicant considered a further three sites in a wider area, namely the Rockabill to Dalkey Island SAC, the North-West Irish Sea SPA and the Howth Head SAC. The Rockabill to Dalkey Island SAC and North-west Irish Sea SPA are separated from the site by 1.2km and 2.1km of coastal waters, respectively. Due to the dilution capacity of intervening coastal waters, there is no risk that any pollutants generated at the site could reach these sites at perceptible concentrations. The Howth Head SAC was designated to protect terrestrial habitats and is located c250m from the site. There is no surface water or land pathway to this SAC.

In addition to the five European sites identified in the applicants Stage 1 Screening; I note that there is potential for an interrupted and distant hydrological connection between the subject site and other the designated sites in Dublin Bay due to the foul water pathway, namely the South Dublin Bay and River Tolka Estuary SPA, and South Dublin Bay SAC.

Table 1			
European Site	Qualifying Interests	Distance	Connections
North Dublin Bay SAC (site Code 000206)	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] Petalophyllum ralfsii (Petalwort) [1395]	5-10m S	yes - Proximity and surface / rainwater runoff
North Bull Island SPA (site code 004006).	Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052] Pintail (Anas acuta) [A054] Shoveler (Anas clypeata) [A056] Oystercatcher (Haematopus ostralegus) [A130]	10-15m S	Yes- Proximity / surface water runoff

	<p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>			
South Dublin Bay and River Tolka Estuary SPA	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p>	5km southwest	Yes – indirect connection via foul water connection	

	Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Wetland and Waterbirds [A999]		
South Dublin Bay SAC	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]	6km Southwest	Yes – indirect connection via foul water connection

Likely impacts of the project alone or in combination with other plans and projects:

The site is not within any European site and does not contain the qualifying interests of any nearby European site, therefore the proposed development poses no risk of direct impacts on any European sites. However, due in particular to the proximity of the proposed development to the North Dublin Bay SAC and North Bull Island SPA, impacts generated by the construction and operational phases of the residential development require further consideration.

- Construction phase impacts include: – Deterioration of water quality due to the release of silt and sediment from the site / development area during site clearance/preparation and construction and the release of construction related compounds such as hydrocarbons to surface water. Wet conditions / periods of heavy rainfall are likely to contribute to increased sediment load etc. to receiving water.
- Operational phase: Foul and surface water discharge from the development resulting in changes to environmental conditions such as water quality/ habitat degradation.

Consideration of Potential Impacts:

Construction works typically generate a range of pollutants (suspended sediments, concrete residues, hydrocarbons etc.). Given the proximity of the site to the coast and the difference in elevation, it is possible, that runoff from the construction site

could carry pollutants to the SAC and SPA. However, there are several factors that would prevent 'likely significant effects' on the SAC or SPA.

- Given the nature and scale of the development proposed, the quantities of pollutants reaching the coast would likely be small (if any).
- It is likely that pollutants would rapidly be diluted to negligible concentrations by the coastal waters in Dublin Bay.
- Furthermore, the qualifying interests of the SAC and SPA (intertidal habitats and birds) are considered to have relatively low sensitivity to suspended sediments or other pollutants, and their conservation objectives would not be compromised in the event of a minor release.
- For the case of the proposed development, it is expected that standard best-practice pollution -prevention measures will be incorporated into the project.

In light of the above, significant effects on the qualifying interests of the SAC / SPA are I consider unlikely.

During the operational phase, foul discharge from the proposed development would drain via the public sewer to the wastewater treatment plant at Ringsend for treatment and ultimately discharge to the Irish Sea. There is potential for an interrupted and distant hydrological connection between the subject site and the designated sites in Dublin Bay due to the wastewater pathway. The Ringsend WWTP is currently operating under an EPA licencing regime that was subject to AA Screening. Additional discharge from the proposed development would equate to a very small percentage of the overall licenced discharge and would not therefore have a significant impact on the water quality within Dublin Bay.

Surface water runoff from roofs and hard surfaces will be channelled to soakaways within the site boundary. Surface water management during the operation of the development poses no risk to the coastal waters or associated European sites. Habitats within the site are unsuitable for the qualifying interests of any nearby SPAs, so there is no risk that the development of the site would have any effect on them. Construction work will generate some noise, but this will be subject to standard restrictions to avoid impacts on surrounding residences, so it would be of low intensity. The surrounding suburban area has a background level noise and

human activity to which nearby birds have become habituated. Therefore, noise and visual disturbance during construction works are not expected to have any impact on SCI species within the adjacent North Bull Island SPA.

In combination effects:

The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area.

Mitigation:

The applicants, having regard to the proximity of the site to North Dublin Bay SAC and North Bull Island SPA, consider that in the event of a large scale or sustained release of pollutants, that it is theoretically possible that there could be localized impact on qualifying interests of one or both sites. They therefore have included what they term as nonstandard pollution prevention measures to prevent pollutants reaching designated sites, e.g. a silt fence. As these measures have been included specifically to avoid impacts on European sites, a Stage 2 Appropriate Assessment is required.

Screening Determination

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the North Dublin Bay SAC and North Bull Island SPA in view of the conservation objectives of a number of qualifying interest features of those sites.

It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.

Inspector: _____

Date: _____