



An
Bord
Pleanála

Inspector's Report

ABP 321059-24

Development

(i) Demolition of the existing two-storey three-bedroom dwelling (139m²); (ii) Construction of a new two-storey three-bedroom flat-roof detached dwelling (312m²) with roof lights, balcony/terrace and overhang canopies; and (iii) Modification and relocation to the existing pedestrian entrance off Carrickbrack Road. The development includes drainage, landscaping, boundary treatments and all ancillary works necessary to facilitate the development.

Location

Camelot, 43 Carrickbrack Road, Howth, Co. Dublin, D13 W212

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F24A/0678E

Applicant

Donal Breen

Type of Application

Permission

Planning Authority Decision

To grant permission with conditions

Type of Appeal

Third Party

Appellants

Michael McCarthy
Cheung Ka Percy Tse
Frank and Imelda Killeen

Observers

Roxanne White
Ciara Ní Laoi on behalf of Hillwatch

Date of Site Inspection

31st January 2025

Inspector

Trevor Rue

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1.0 Site Location and Description

- 1.1. The application site is located towards the southern end of the Howth Peninsula, about 2 kilometres to the south west of the town centre. It is on the northern side of Carrickbrack Road, a narrow single-carriageway road. The site has a stated area of 0.098 hectares and comprises a rectangular plot (about 15 metres wide by about 67 metres deep) occupied by a detached two-storey three-bedroom dwelling. The gross floor space of the existing dwelling is said to be 139 square metres.
- 1.2. Ground levels rise by about 18 metres from the public road to the rear of the site. The dwelling is set back by about 29 metres from the road and its ground level is about 11.3 to 11.9 metres above the road. Its ridge height is 7.81 metres. The dwelling is gable-fronted and has a pitched roof with terracotta roof tiles. A single-storey glazed extension is attached to the front elevation. The dwelling has a southerly orientation and commands extensive views across Dublin Bay.
- 1.3. There is a white line in the middle of Carrickbrack Road, which has a footpath only on its northern side. A dropped kerb and up-and-over door on the site frontage provide access to a roadside garage which extends nearly the full width of the site. The garage door is flanked on both sides by a white wall.
- 1.4. A separate pedestrian entrance at the eastern end of the frontage leads via a winding pathway through the tiered, heavily vegetated front garden to the existing dwelling. A detached shed is positioned adjacent to the rear, north-eastern corner of the dwelling. Steps lead up from the dwelling to a vegetated garden, which extends to the rear site boundary and is supported by a series of retaining walls.
- 1.5. The site is located within a mature residential area. Nos. 25 to 47 Carrickbrack Road, are substantial gable-fronted dwellings on sizeable plots, elevated relative to the adjoining road. The site is bounded to the west by a detached property, Number 42, known as Cuil na Gréine, and to the east by another detached property, Number 44, known as Ard na Rí.

2.0 Proposed Development

- 2.1. It is proposed to demolish the existing dwelling and the adjacent shed and to erect a new two-storey three-bedroom flat-roofed detached dwelling. Its walls would have

selected self-coloured render finishes (including one described as “darker”) and selected cladding. There would be extensive floor-to-ceiling glazing on the front elevation overlooking the bay.

- 2.2. The dwelling would have a floor space of 312 square metres. Its ground-floor level would be similar to that of the existing dwelling on the site. It would measure 7.0 metres from ground floor to parapet level. At upper-floor level its southern, road-facing elevation would be about 4 metres closer to the road than the front of the existing dwelling. The proposed dwelling would also extend about 2.5 metres further back.
- 2.3. Internally, the ground floor of the proposed replacement dwelling would consist of an entrance hallway, kitchen/living/dining area, open-plan kitchen, pantry, den, toilet, boot room and utility space. The first floor would have three bedrooms. The master bedroom would have *en suite* facilities and there would also be a shared bathroom, a gym with attached bathroom, a sunroom and storage space. The master bedroom would be cantilevered over a ground-floor front terrace surrounded by a glass balustrade. Ground levels would be cut and filled to support this part of the dwelling.
- 2.4. The existing garage would remain in place. The existing pedestrian entrance would be blocked up and a new entrance with inward-opening gates would be created at the western end of the site frontage with new steps on the western boundary leading up to the proposed dwelling. Ground levels to the rear of the dwelling would be cut to create a patio with access from the gym, beyond which new stairs are also proposed.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 19th September 2024, Fingal County Council decided to grant planning permission subject to 13 conditions.

- 3.1.2. Condition 4 reads as follows:

All windows serving bathroom, en-suite and the landing window on the eastern elevation etc shall be fitted and permanently maintained with obscure glass, use of film is not acceptable.

Reason: *In the interest of residential amenity.*

- 3.1.3. Condition 6(b) required all storm water to be disposed of to soakpits or drains within the site and not to discharge on to the public road. Condition 9 required the submission of a landscape plan prior to the commencement of development and stated that a complete tree survey was required. Condition 12 restricted the hours of construction.

3.2. Planning Authority Reports

Planning Report

- 3.2.1. A planning officer's report typed on 18th September 2024 provided the reasoning for the authority's decision. The main points were as follows:

- Replacement of an existing residential dwelling is acceptable in principle, subject compliance with all relevant policies and objectives. A demolition justification report supplied with the application advises that the existing dwelling is in structural disrepair requiring significant retrofitting works which would fail to achieve the energy efficiency and sustainability of a new building.
- The prevailing character of dwellings within this row is that of gable-roof profiles and terracotta roof finishes. However, precedent exists for flat-roof dwellings, most notably the dwelling to the east, Ard na Rí.
- The applicant's site and visual impact assessment demonstrates how the sensitive character of the site in its setting has been identified. The design elements including the flat roof would reflect those of the neighbouring dwelling, Ard na Rí whilst also displaying a consistent depth and lower ridge height. Having regard to the form and character of Ard na Rí, the proposed dwelling would not appear at odds with the surrounding area.
- In view of the plot size, the dwelling would not represent overdevelopment. There would be no direct overlooking between first-floor side facing windows with respect to primary living space. A window serving *en suite* facilities on the eastern elevation of the proposed dwelling could be obscurely glazed. Potential for some overshadowing of the neighbouring property to the west would occur during the morning and early afternoon but an acceptable relationship would exist in terms of residential amenity.

Other Technical Reports

- 3.2.2 The Council's Water Services Department noted that the applicant proposes to dispose of surface water to the existing connection via a sedum roof and rainwater planter, which it deemed acceptable. It had no objection to the proposed development, subject to standard conditions.
- 3.2.3. The Council's Transportation Planning Section also had no objection, subject to standard conditions.
- 3.2.4. The Council's Parks and Green Infrastructure Division stated that it was unclear from the site layout plans which trees and hedgerows were existing and which were proposed new plantings. The applicant would be required to provide a detailed landscape plan and planting schedule. A complete tree survey was required. A tree bond may be calculated on receipt of the tree survey documents. Of particular importance is retention of boundary vegetation and mature trees.

3.3. Prescribed Bodies

- 3.3.1 Uisce Éireann had no objection in principle, subject to standard conditions.

3.4. Third Party Submissions

- 3.4.1. The Council received submissions from all three appellants and from both persons who made observations at appeal stage, the substance of which was repeated in those appeals and observations.
- 3.4.2. Three other third parties made submissions to the authority, which included the following points of objection:
- The existing houses on Carrickbrack Road, fitting neatly into the hillside, are unobtrusive and uniform with their A-shaped roofing. The proposed development comprises a modern structure of excessive scale, protrusion, mass, height and width. It would be well over double the size of the current dwelling, one of a series of distinctive red-tiled houses. The design is devoid of architectural creativity. The proposed structure would be contrary to the character of the hillside, as it would be shouting out for attention. It would resemble an old 1960s television set dumped on the side of the hill. It would

sit high above the vast majority of the adjacent properties, tower significantly over the landscape and have a detrimental effect on views.

- A grant of permission would create a precedent for future damaging development in the area. It is disappointing that the applicant has made no attempt to propose a solution that provides him with the accommodation he desires, yet preserves the architectural heritage of the area.
- The lack of parking for many houses in the area presents a major traffic hazard. This section of Carrickbrack Road is quite narrow, so that cars can park only on the footpath. As the footpath, too, is quite narrow, prams, buggies and wheelchairs are forced on to the road. To gain access to the garage at Camelot, vehicles have to cross to the other side of the road, while to exit from the garage, they have to reverse on to the far side of the road. Added to this danger is the fact that Camelot is very close to a blind bend where oncoming traffic can be moving at fast speeds. The reversing car from the garage is also a danger to racing cyclists for whom Carrickbrack Road is popular.
- The applicant has not proposed any measures to protect motorists and vulnerable road users during the construction phase. In any planning permission for housing in this area, it should be a requirement to incorporate off-street parking with space for turning and safe exit.

4.0 Planning History

- 4.1. **F22A/0329:** On 22nd August 2022, the Council decided to grant planning permission for demolition of the existing dwelling on the present application site; construction of a new two-storey four-bedroom flat-roof detached dwelling with roof lights, balcony terrace and overhang canopies; modification and relocation of the existing pedestrian entrance off Carrickbrack Road; landscaping; and associated works.
- 4.2. On 7th November 2023, following appeals by Mr Cheung Ka Percy Tse and Frank and Imelda Killeen (**314632-22**), the Board refused permission for the following reasons:
1. *Having regard to the architectural merit of the existing building, its current condition and the contribution it makes to this section of Carrickbrack Road which has a unique and identifiable streetscape character, it is considered that the*

proposed development is contrary to Objective SPQHO44 of the Fingal County Development Plan, 2023-2029 which seeks to ‘...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.’ In the absence of a demolition justification report as required by Section 14.21.1 (Re-use of existing buildings) of the plan, the proposed development is also considered to be contrary to Objective DMSO256 (Retrofitting and Re-use of Existing Buildings) which seeks to ‘Support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible’. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. *Having regard to the location of the site within the Howth Special Amenity Area Order (SAAO) and where there is an objective along the Carrickbrack Road ‘To Protect Views’, the Board is not satisfied, in the absence of a Landscape Visual Assessment and contiguous side elevations to show the proposed development in the context of Carrickbrack Road and the adjoining properties (outlined on elevations), that the proposed development would not have a detrimental impact on the character of this section of the Carrickbrack Road. It is considered that the proposed development would be contrary to Objective GINHO56 of the Fingal County Development Plan, 2023-2029 in this regard and would, therefore, be contrary to the proper planning and sustainable development of the area.*

5.0 Policy Context

5.1. Development Plan

- 5.1.1. On Sheet No. 10 of the Fingal County Development Plan 2023 – 2029, the application site is shown within an area zoned **RS – Residential**. The zoning objective is to provide for residential development and protect and improve residential amenity. The vision for RS areas is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity. Lands to the

north and south are zoned HA, where the objective is to protect and enhance high amenity areas. Sheet No. 10 also shows the site within the Howth SAA.

- 5.1.2. **Policy CSP22** of the Development Plan is to consolidate the development and protect the unique identity of Howth, Sutton and Baldoyle. This includes protection against overdevelopment.
- 5.1.3. **Objective SPQHO39** of the Plan states that 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.
- 5.1.4. **Objective SPQHO43** is to promote the use of contemporary and innovative design solutions subject to design respecting the character and architectural heritage of the area.
- 5.1.5. **Objective SPQHO44** states that 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 [Architectural Conservation Area], do have their own merit and/or contribute beneficially to the area in terms of visual amenity, character or accommodation type.
- 5.1.6. **Section 5.5.2.1** of the Plan states that a key mitigation measure in relation to the built environment is to ensure that proposals for substantial demolition and reconstruction works can be justified having regard to the “embodied carbon” of existing structures as well as the additional use of resources and energy arising from new construction relative to the reuse of existing structures.
- 5.1.7. **Policy CAP8** of the Plan is to support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible. **Objective DMSO256** has identical wording.
- 5.1.8. **Policy CAP9** is to support high levels of energy conservation, energy efficiency and the use of renewable energy sources in existing buildings, including retrofitting of appropriate energy efficiency measures in the existing building stock.
- 5.1.9. **Section 9.6.14** of the Plan indicates that in the landscape character assessment for Fingal, Howth is located within the coastal character type, categorised as having

exceptional landscape value. **Policy GINHP25** is to ensure the preservation of the uniqueness of a landscape character type by having regard to the character, value and sensitivity of a landscape when determining a planning application.

5.1.10. **Objective GINHO56** is to require any necessary assessments, including visual impact assessments, to be prepared prior to approving development in highly sensitive areas.

5.1.11. **Objective GINHO59** is to 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. New development in highly sensitive areas shall not be permitted if it:

- Causes unacceptable visual harm.
- Introduces incongruous landscape elements.
- Causes the disturbance or loss of (i) landscape elements that contribute to local distinctiveness, (ii) historic elements that contribute significantly to landscape character and quality such as field or road patterns, (iii) vegetation which is a characteristic of that landscape type and (iv) the visual condition of landscape elements.

5.1.12. **Objective GINHO60** is to protect views and prospects that contribute to the character of the landscape, particularly those identified in the Development Plan, from inappropriate development.

5.1.13. **Policy GINHP28** is to protect High Amenity areas from inappropriate development and reinforce their character, distinctiveness and sense of place.

5.1.14. **Objective LO2** is to have regard to development in adjoining zones, in particular more environmentally sensitive zones, in assessing development proposals for lands in the vicinity of zoning boundaries.

5.1.15. **Section 14.2.3** of the Plan states that to minimise the waste (of) embodied energy in existing structures, the re-use of existing buildings should always be considered as a first option in preference to demolition and new build.

5.1.16. **Section 14.6.6.1** states that high levels of daylight and sunlight are essential to provide appropriate levels of residential amenity for residents. A daylight and sunlight assessment may be necessary to assess the impacts of the proposed development on surrounding properties and amenity areas outside the site boundaries of an

application. Development shall be guided by the principles of “Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice” (Building Research Establishment Report) 2011 and/or any updated guidance.

5.1.17. **Section 14.21.1** states that where demolition is proposed, the applicant must submit a demolition justification report to set out the rationale for the demolition having regard to the embodied carbon of existing structures as well as the additional use of resources and energy arising from new construction relative to the reuse of existing structures. Existing building materials should be incorporated and utilised in the new design proposals where feasible and a clear strategy for the reuse and disposal of the materials should be included where demolition is proposed.

5.1.18. **Objective DMSO23** states that a separation distance of a minimum of 22 metres between directly opposing rear first-floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over three storeys in height, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs.

5.2. The Howth Special Amenity Area Order 1999

5.2.1. **Map A** of the Howth SAAO shows the application site within a residential area known as Somali Village, which is subject to an overall density restriction of 2 dwellings per hectare. The stated objectives for residential areas are to:

- protect and improve residential amenity;
- protect and enhance the attractive and distinctive character of the area;
- ensure that development does not reduce the landscape and environmental quality of adjacent natural, semi-natural and other open areas in the SAA.

5.2.2. **Map B** identifies Carrickbrack Road and footpaths to the south west and south thereof as places from which views will be protected.

5.2.3. **Policy 2.1.1** of the Howth SAAO states that the Council will preserve views from the network of footpaths and roads shown on Map B. Applications for planning permission must take into account the visual impact of proposals from these paths and roads. **Policy 2.2.1** states that the Council will not permit development which significantly changes either the skyline or the rural character of the slopes of the SSA, which are visible from the roads beside Dublin Bay and the Baldoyle Estuary.

5.2.4. **Objective 2.7** is to conserve existing hedgerows because they are attractive elements of the landscape and valuable wildlife habitats.

5.2.5. **Policy 3.1.2** states that new buildings should generally be in keeping with the character of other buildings in the locality. However, favourable consideration may be given to buildings of contemporary design, provided that the design is of high quality and that, in visual terms, it subordinates the building to the surrounding natural environment.

5.3. **National Publications**

5.3.1. The **National Retrofit Plan** aims to achieve the equivalent of 500,000 homes retrofitted to a building energy rating of “B2” or cost optimal level (or carbon equivalent) and the installation of 400,000 heat pumps in existing premises to replace older, less efficient heating systems by the end of 2030. This aim is reiterated in the **Climate Action Plan 2024**.

5.4. **Natural Heritage Designations**

5.4.1. The application site is not within any European site of nature conservation importance. However, its rear boundary adjoins the Howth Head Special Area of Conservation (SAC), designated for its vegetated sea cliffs and European dry heaths. The Rockabill to Dalkey Island SAC, designated for reefs and harbour porpoise, is about 600 metres to the south, while the Howth Head Coast Special Protection Area (SPA), designated for the bird species kittiwake, is about 1.5 kilometres to the east. The conservation objective for the European sites is to maintain (or in the case of the SPA, to restore) the favourable conservation condition of the features for which it was designated.

6.0 Environmental Impact Assessment Screening

- 6.1. Please see Appendix 1, EIA pre-screening and Appendix 2, preliminary examination. I have concluded that there is no real likelihood of significant effects on the environment and that EIA is not required.

7.0 The Appeals

7.1. Grounds of Appeal

- 7.1.1 The arguments presented by **Mr Michael McCarthy**, writing from an address on Carrickbrack Road, may be summarised as follows:

- This country is already suffering a severe housing shortage. It would not be feasible for all houses over 30 years old to be demolished and rebuilt to an “A” rating to meet carbon targets. The new owner should have considered refurbishing and remodelling the existing structurally sound house. External cladding of old houses, especially with sand and cement rendering, have been shown to reduce heat loss.
- The applicant has tried to justify his modern design by referring to examples of modern design in the area. The comparator buildings are individual houses mostly on larger plots and very few are in such a visually distinctive and sensitive streetscape as the Somali Village. There are still 19 similarly designed houses that date back to 1910. If this application is approved, the retention of many of these houses would be in jeopardy.
- The proposed development is similar in size and style to that which was refused by the Board. The applicant has presented visual impressions of the new build, which demonstrate that this box-like structure would be jarring, visually obtrusive and out of character with the existing houses on the road.

- 7.1.2. The arguments presented on behalf of **Chung Ka Percy Tse**, Ard na Rí, 44 Carrickbrack Road may be summarised as follows:

- The applicant has failed to provide drawings sufficient to enable residents and the planning authority fully and properly to evaluate the impact of the proposed

development on neighbouring properties. The application should have been invalidated on this basis alone.

- There are protected views and prospects to the front of the site towards Dublin Bay, as well as from behind and to the north of the site, which could be affected by development on the site. Since no visual assessment was submitted, as required by the Development Plan, the impact of the proposed development on these views and prospects could not be determined.
- The applicant should have provided contiguous front and rear elevations and plans to show all appropriate dimensions and levels, and sight lines between the proposed balcony and neighbouring private open space, balconies, windows and gardens. The proposed ground floor plan fails to provide a distance to the site boundary, which is estimated to be 1.7 metres. A daylight/shadow study should also have been provided and a road safety audit should have been submitted with the planning application.
- A request for additional information should have been made, seeking a detailed tree survey, a landscape plan and a construction method statement outlining measures to protect existing trees and shrubs, particularly those which share a common boundary with the appellant's property.
- Rock breaking and fixing of foundations would have an impact on boundaries and tree retention. A post-decision design would be contrary to the approach suggested in the High Court judgement on the application for judicial review by *Balscadden Road SAA Residents' Association* [2020] IEHC 586. That case concerned a planning permission granted by the Board's for housing development at the former Bally Court Hotel, Main Street and to the south of the Martello Tower on Balscadden Road, Howth **(305828-19)**. The finding that sheet-piling details were necessary at the outset contributed to that decision being quashed rather than remitted. In the present case there is a need to assess impacts of excavation on soil erosion or undermining retaining walls.
- Of huge importance to the assessment of the proposal is the fact that the SAA affects not only the HA-zoned lands but also the RS-zoned lands, both of which require special consideration and protection. The existing house contributes

beneficially to the visual amenity and character of the area and the applicant's justification for demolition is self-serving, weak and insufficient.

- The overall contemporary design approach proposed remains unchanged from the previous planning application. While the proposal is attractively modelled and might be considered of some architectural merit in more urban areas, the massing, scale and height of the proposed development relative to adjoining houses are worrying. The new plans represent a slightly smaller replacement house than that which was refused but they are still at variance with the character and pattern of development in the immediate area.
- The exotic character of the area derives from a distinctive row of vernacular houses. The purported precedents for the development are large houses on large sites in the Baily area, up to 2 kilometres from the application site. The applicant has given no example of a similar house in Somali. In the event of a favourable decision by the Board, the scale and design of the house should be modified better to reflect the architectural style of the area.
- Good planning is said to occur when all negative impacts of a development are internalised, in other words kept within the site. In the present instance, many of the negative impacts would be externalised, thereby creating problems for residents and the general public. When the appellant's residence was built, it was designed NOT to interfere with the amenity of neighbouring properties. The same cannot be said of the proposed development.
- The proposal fails to obey the rules of architectural good manners. The development would have negative impacts on the residents of adjoining properties. As well as the main balcony and side terrace at first-floor level on the eastern side, the applicant is also proposing fenestration within 3 metres of the appellant's bedroom and television-room windows. This causes concern about overlooking and loss of privacy. While the appellant is seeking refusal of planning permission, in the event of a grant he would ask for a clearly worded condition requiring removal of the balcony and any associated fenestration. High-level obscure glass could possibly be allowed on this elevation if necessary, which would protect the appellant's residential amenity.

- The footpath on the Somali Village side of Carrickbrack Road is used for car parking. This creates dangers for pedestrians, cyclists and motor vehicles and makes it impossible for cars travelling south-eastwards towards Howth Summit to remain on their side of the road. Sightlines to the east and west are severely constrained due to parked cars, the camber of the road, and bends.
- By not providing a turning circle within the property, the existing and proposed access arrangements represent a serious hazard for other road users. This is particularly galling given the Transportation Planning Section's resistance to any vehicle reversing on to a small residential estate road. The proposed development would generate some additional traffic which would necessitate off-street parking. As the applicant is proposing massive earth works as part of the development, it seems irresponsible to ignore the opportunity to increase the size of the garage to ensure that all vehicles exit the site going forward. This gross and material contravention of the zoning objective to protect and improve residential amenity is the overriding issue to be commented on.
- The proposed development would seriously erode the desirability and saleability of properties in the area. It would set an undesirable precedent for similar developments which in itself and cumulatively would be contrary to the proper planning and sustainable development in the area.

7.1.3. The arguments presented on behalf of **Frank and Imelda Killeen**, Cuil na Gréine, 42 Carrickbrack Road may be summarised as follows:

- The design of the proposed development is similar in many respects to the previously refused scheme. Such changes as there are do not ameliorate the damaging impact that the development would have on the character of the area or on the appellants' enjoyment of their house and garden.
- The historic value of the existing property has been understated in the application documentation as regards its potential to meet contemporary living needs and its contribution to the character of the area. The architectural value of the existing building far outweighs the value attributed to the investment associated with achieving a more energy-efficient structure.
- The existing building is a good example in scale and form of an Edwardian dwelling in the Arts and Crafts style. While some features, such as original

windows, have been lost, the original floor plan is intact. The rooms are well proportioned and larger than contemporary size standards set out in the Department of the Environment, Heritage and Local Government's 2007 publication "Quality Housing for Sustainable Communities". The proposed dwelling is grossly oversized; it is three times the minimum floor-area requirements for a standard three-bedroom dwelling.

- The Royal Institute of the Architects in Ireland guide to conservation and renovation "Old House New House" provides case studies demonstrating the value and quality of homes that can be achieved through the re-use of historic structures. The existing dwelling has the potential to be renovated sustainably and adapt and evolve to create a high-quality contemporary home that retains intrinsic historic characteristics. If permission were granted for demolition, the special quality of this building in this context would be lost for ever.
- Camelot is one of a number of similar dwellings constructed in the early 1900s known as the Somali Village. Typically, the dwellings have a gable frontage and pitched roof with red roof tiles. Camelot is the most intact dwelling of this type. Cuil na Gréine, a contextual addition, and the dwelling beside it, No. 41, occupy a lower position, which ensures they integrate with the landscape. These dwellings have evolved and benefitted from upgrading and increased floor areas while respecting the historic scale and materials.
- When seen from Carrickbrack Road, the historic roof profiles create a strong sense of place and identity and connection to the era of the original structures. There is a consistency of architectural language between Camelot and the dwellings to the west.
- It is understood that Ard na Rí replaced a dwelling similar in type to Camelot. That dwelling was removed prior to permission being required for demolition. Ard na Rí is an incongruous addition, an anomaly and exception to the dominant scale and form of buildings in the area. It is not an appropriate precedent. The demolition of Camelot and its replacement with a monolithic dwelling form would irreversibly erode the character of the area and diminish its distinctiveness.

- The floor area of proposed dwelling would be 312 square metres, 224% larger than that of the existing. According to the 2007 guidelines, the standard four-bedroom, seven-person two-storey dwelling comprises 110 square metres. What is proposed represents overdevelopment of a site that does not have sufficient capacity to absorb a dwelling of this scale. It does not respect the height and massing of existing residential units.
- Camelot has an elevated position and is set back from the front building line of Cuil na Gréine. Given the topography of the area, the appellants rely on the front of their property as the principal area of accessible private open space. This area is secluded and free from overlooking.
- No attempt has been made to fit the proposed building into the site and integrate it with the surrounding landscape. The many excellent examples provided by the applicant show how this can be done sensitively by cutting into the site. As the examples were used to make the case for the application, then at least some of the same treatments should have been considered. The new house would be crudely dropped on to the site and would stick out. Given the narrowness of the site, additional care should have been taken to avoid impacts on the surroundings and the neighbours.
- Little or no regard has been paid to the Inspector's view in the previous appeal **(314632-22)** that the potential impact could be significantly reduced by shifting the footprint of the dwelling further to the rear of the site and reducing the floor area of the first-floor level so that it is set back from the ground-floor level and nestled into the hillside.
- The overall height of the proposed flat-roofed dwelling would be equivalent to the ridge line of the existing house. The dwelling would be positioned slightly forward of the appellants' dwelling with a cantilevered front balcony. It would have clear views towards the front of their property that would result in a serious and irreversible diminution of their privacy. It would seriously undermine the enjoyment of their property, particularly in their retirement years when they anticipate having more time at home. The dwelling would be a looming and overbearing presence. The mass of the large two-storey blank wall on the

western elevation would dominate views from the front and rear of the appellants' property and overshadow the property.

- While the appellants cannot contemplate how the Board would grant permission, they request that in that eventuality conditions are attached to require significant alterations. They request that the proposed dwelling is set further back on the site and that any areas of open space or terraces to the front of the property are screened to obscure views towards their property.
- The application proposes that the pedestrian access be realigned to the boundary with Cuil na Gréine. It is likely that the existing boundary wall acts as a retaining wall. There is a hedge on the inside of the party wall. Reconfiguration of the path would significantly alter site conditions, the integrity of the wall, and the hedge. As ground levels on the application site are higher level than those on the Cuil na Gréine site, the path realignment could also lead to significant overlooking of the appellants' front garden.
- The application provides insufficient information on the treatment of the boundary between the application site and Cuil na Gréine. The Council should have issued a request for further information to clarify this matter before making its decision. Planning permission should be refused due to the insufficiency of information. Even if the Board were minded to grant permission, this issue could not be addressed by way of condition, as that would remove the opportunity for the appellants to make their own assessment.
- In the absence of a construction management plan, there is a risk that works will be prolonged and poorly planned. This information should have been submitted with the application and an opportunity offered for third parties to review it. Planning permission should be refused due to the potential negative impact of the C on the adjoining neighbours.
- Insufficient information was submitted about landscape and infrastructure design, including engineering, drainage and traffic, as well as potential impacts on flora and fauna. The three-dimensional impact of the proposed dwelling in its immediate and wider contexts is inadequately illustrated. The absence of this information undermines the robustness of the decision-making process.

7.2. Applicant Response

7.2.1. The arguments presented on behalf of the applicant may be summarised as follows:

- The proposed replacement dwelling has been designed to overcome the Board's previous refusal reasons. The building line has been pulled back significantly and the ridge reduced. The current proposal ensures protection of amenities of adjoining residential properties and resembles a harmonious alteration of the streetscape. An architectural conservation report, demolition justification report and landscape and visual assessment have been prepared.
- The existing dwelling has severely deteriorated over time and has passed its useful life, requiring extensive upgrades to bring it up to modern standards. The justification for seeking planning permission to demolish the dwelling is further based on the energy performance and the long-term cost associated with sustaining a comfortable standard of accommodation.
- The **conservation report** addresses the architectural quality and heritage significance of the existing house. It notes that the houses on Carrickbrack Road generally do not read as a unified street frontage in the traditional manner, and the streetscape is instead dominated by the wide doors of the detached car garages at pavement level, interspersed with narrow pedestrian gateways.
- The current structure is NOT included on the Record of Protected Structures, nor is it included on the National Inventory of Architectural Heritage, nor is it in an Architectural Conservation Area. The building is of no significance under any of the eight categories set out in the Heritage Protection Guidelines for Planning Authorities.
- The author of the conservation report respectfully disagrees with the assessment of the inspector in his report on the previous appeal (**314632-22**) that the house is of architectural quality. There is no single aspect of this architectural composition which is worthy of praise. The house type is not rare and does not contribute positively to the character of the area.
- The rooms, on at least four levels, do not interrelate meaningfully. While a pleasant view may be obtained from the living room through a sub-standard, sun room, the east- and west-facing kitchen and office are dark unpleasant

spaces. The narrow top-lit stair hall is poorly laid out, while the upper floor comprises three bedrooms with sloping ceilings, restricted headroom and poor layouts. The second and third bedrooms have windows facing only eastwards and westwards, overlooking the sides of adjoining buildings.

- Internally, the spaces are virtually unusable, being of such small size that it would be a challenge to furnish them properly. The main living room and primary bedroom above, for example, measure 4.9 metres by 2.9 metres. The principal rooms are smaller than the minimum areas now permitted for some apartments and are entirely inappropriate for a high-quality house on a site with as high an amenity value as this.
- While there are fundamental deficiencies in building performance, for example resistance to moisture, thermal insulation, daylighting and ventilation, these could, however uneconomically, be addressed. What cannot be achieved is the alteration or extension of the building to form a contemporary home worthy of the site. The site offers an opportunity to construct an exemplary residence for the 21st century, requiring little or no energy to use, using sustainable, recyclable, materials in a residence of outstanding spatial quality.
- The **demolition justification report** drew on work carried out by an engineering consultancy but was produced by the applicant's architects. In June 2024, the existing dwelling underwent a building energy rating assessment and was found to have a rating of "G", which is the least efficient category. It was submitted that while the house may be described as liveable in structural terms, a poor energy rating can be more detrimental to sustainability in the long term.
- According to the engineering consultants, the property, with significant upgrades, could be brought only to a rating of "C2". A "C2" rating would leave the operational carbon still poor, notwithstanding the significant cost to the applicant and the embodied carbon associated with any retrofitting works.
- A document titled "Your Guide to Renovating an Older Home" published by Sustainable Energy Ireland outlined that for early 1900s dwellings common defects include no damp-proof course in walls, no damp-proof membrane under floor, no roof or wall insulation, single-glazed windows and doors, no draught

sealer, no central heating and open fires. Having regard to these issues, remedial works to improve the energy rating would be cost-prohibitive.

- The applicant is committed to building a sustainable home and dedicated to ensuring the design solutions include as a minimum an “A2” building energy rating. The proposed dwelling would comply with the Building Regulations 1997, Technical Guidance Document L: Conservation of Fuel and Energy, as well as with the Fingal Development Plan and the National Retrofit Plan.
- According to the Sustainable Energy Authority of Ireland’s guide to energy rating for homeowners, a detached house with a floor area of 200 square metres and a “G” rating will generally produce 22.7 tonnes of carbon dioxide each year at a running cost of €7,900. The same house with a “C2” rating will produce 7.4 tonnes at a cost of €2,600. A large house with a floor area of 300 square metres and an “A1” rating would produce 1.6 tonnes at a cost of €600.
- The proposed development should be favourably considered as the energy and environmental benefits of constructing a new building far outweigh the downsides of attempting remedial works and upgrades to the existing building when long-term and life-cycle building costs and benefits are fully considered. The proposed dwelling would emit about 93% less carbon dioxide than the existing dwelling currently does and about 78% less than the existing dwelling would following renovation works.
- Carrickbrack Road is made up of two-storey detached dwellings in long, substantial plots. There is a mix of styles, plot widths, heights, massing, materials and finishes. The houses are typically individual in design. The character is not uniform and has further diversified over the years as buildings were modernised and extended. The varied streetscape is more than capable of handling the introduction of modern architecture such as that proposed.
- There is no distinct building line in the vicinity of the site. The development would provide a more uniform building line between the application site and adjoining property. It would be suitably scaled, through recognition of separation distances, to avoid appearing obtrusive and would have a high standard of finishing materials. It would significantly increase architectural

quality in the area and promote excellence. It would create an interesting and representative illustration of the evolution of residential building over time.

- The **landscape and visual impact assessment** (LVIA) concentrated on four viewpoints, all on the southern side of Carrickbrack Road. From Viewpoint 1 to the west, opposite No.41, the application site is somewhat screened by neighbouring dwellings and landscaping but the existing house is visible. The proposed dwelling would be partially visible in this view. By reason of its scale and colour, it would be more sympathetic than the previously refused dwelling. The effect of the development on visual change would be moderately beneficial as compared to the existing situation. With proposed planting in place, there would be no perceptible change one year and 15 years after construction.
- Viewpoint 2 is opposite Ard na Rí, a contemporary architect-designed, split-level dwelling of 291 square metres. It is laid out over several floors hovering above a spectacular elevated site with a lift from the front garden which rises by four storeys. From Viewpoint 2, views of the site are impeded due to the slope of the ground and mature planting on the boundary. The current view shows the top of the existing dwelling Camelot. Whilst the replacement dwelling would be more visible than the existing, it would be a modern dwelling typical of the area and, given the revised boundary treatment, it would sit comfortably beside its ultra-modern neighbour. The visual change would be moderate one year and 15 years after construction and its significance would be beneficial.
- From Viewpoint 3 to the east, opposite No.45, the top portion of the application site and adjacent properties are seen over the existing boundary treatment of Ard Na Rí and a boundary wall. The top portion of the proposed dwelling would be visible and, with its revised boundary treatment, would present a high standard of architecture. The visual change would not be perceptible one year and 15 years after construction and would not be significant.
- From Viewpoint 4 further to the east, opposite No.46, views would also be limited to the top portion of the application site and adjacent properties. The roofline of the proposed dwelling would be partially visible within this view. The visual change would not be perceptible one year and 15 years after construction and would not be significant.

- The planning authority states there would be no direct overlooking. It has imposed a condition requiring an *en suite* window to be glazed. This is accepted. In its assessment of overshadowing, the planning authority notes that an acceptable relationship would exist in terms of residential amenity.
- The proposed development would not set a precedent as it comprises the simple replacement of a pre-existing structure. There is precedent for more significant footprint in the area. In 2014, the Council granted permission for the demolition of a three-storey partially complete dwelling and the construction of a contemporary-style three-storey dwelling house with a gross floor area of 814 square metres at 64 Carrickbrack Road (**F13A/0177**). In September 2023, it granted permission for a two- and three-storey five-bedroom contemporary-style dwelling and the demolition of a single-storey three-bedroom dwelling referred to as “The End”, Carrickbrack Road (**F22A/0321**).
- The Council has also granted permission for large replacement houses at Thormanby Road, Howth, a majority of which were in a contemporary style (**F98A/0179; F10A/0265; F15A/0045; and F20A/0046**). Following appeals, the Board granted permission for large contemporary-style replacement houses on the same road (**247722; 309279-21; and 311186-21**). The Council granted permission for a replacement split-level, five-bedroom dwelling of 595 square metres at Windgate Road, Howth (**F19A/0099**) and the Board subsequently approved a 307 square metre extension to this dwelling (**307964**).
- A **services report** is attached to the applicant’s evidence. It states that the application site has an existing connection with the 225-millimetre foul sewer on the near side of Carrickbrack Road and this would be retained. The storm and foul sewerage on the existing property appear to be combined. The topography of the site is not suitable for a soakaway and it is therefore proposed to provide a sedum roof with an area of about 140 square metres and to locate a rainwater planter at the front of the new building. It is also proposed to separate storm and foul water until the final connection. Runoff from the new building should be similar to that from the existing, although a connection could be made to an existing storm sewer on the other side of the road if required.

- Camelot's garage fits today two cars comfortably and is sufficient for the needs of the replacement dwelling without any changes.

7.3. Planning Authority Response

- 7.3.1. The application was assessed against the provisions of the Fingal Development Plan and having regard to the impact on adjoining neighbours and the character of the area. The assessment considered the site location within the Howth SAA. Concerns set out in third party objections were acknowledged and considered. In response to the Board's reasons for refusal relating to the previous application, the applicant supplied a demolition justification report and visual impact assessment, which were considered as part of the assessment of the application.
- 7.3.2. The planning authority requests the Board to uphold its decision to grant permission, in which case provision should be made for a financial contribution and/or provision for any shortfall in open space and/or any special development contributions required in accordance with the Council's Development Contributions Scheme. Conditions should also be included where a tree bond or a contribution in respect of a shortfall of play provision facilities is required.

7.4. Observations

- 7.4.1. The observations of **Ms Roxanne White**, writing from an address in Baily, Howth, may be summarised as follows:
- No engineering report has been presented to show that the existing Camelot is not structurally sound. The report justifying demolition lists common problems of houses built in the early 1900s but fails to identify or confirm such defects at Camelot. It calls the building structurally unsound as it does not have "enough" insulation. The report does not say what insulation the building has but it implies that it lacks a building energy rating of "A". Insulation has nothing to do with structural soundness.
 - Only 5% of homes in Ireland have an "A" rating. That does not mean that the other 95% should be demolished and rebuilt. Camelot is located in one of the sunniest, warmest and driest parts of Ireland according to Met Éireann records. It is in one of the places where an "A"-rated house is least needed.

- The only option mentioned in the report, after demolition, is to build a larger house. If sustainability is important, the smaller the home the better. It would cost an enormous sum of money, perhaps €2 million, to build the proposed house. According to the report, it would cost €7,000 extra per year to heat the existing house, if no improvement were made to insulation. Even after 50 years, the cost of retaining the existing house would be less, on these figures.
- Somali Village is famous for being a line of houses built on stilts, inspired by the Irish International Exhibition of 1907. The existing Camelot breaks up the building line of Ard na Rí, a large three-floor house. Camelot is one of the least modified buildings in Somali Village. It a key feature which anchors the eastern end of the village into the Shielmartin hillside. It is an example of everything the SAAO and the Development Plan are trying to encourage and retain.
- The applicant has presented no evidence as to why Camelot cannot be retrofitted or expanded. The existing bedrooms could be considered enormous by average new-build standards. The other Somali houses with the same footprint and gable design have each developed in different but attractive and functional ways which maintain the charm and distinctive linear feature of the “village”, which is visible from south Dublin and the Dublin Mountains. Somali Village serves as a transition that pleases the eye, parallel to and above the green fields and below the skyline of heather and gorse.
- Precedent-setting decisions have been made in respect of other local houses within Howth SAA that are not protected structures or included within the national inventory of architectural heritage. The Council refused permission for the demolition of Carraigbreac House, Old Carrickbrack Road, Baily **(F12A/0037)**. The Board refused permission for the demolition of St Joseph’s at Stella Maris, Carrickbrack Road **(312176-21)**
- The existing house has terracotta roof tiles, a feature of the area which was recognised and mandated to be retained in other local houses. For example, in granting planning permission for alterations to a dwelling on Canchor Road, The Baily, Howth, whose roof was finished in red terracotta-style tiles, the Council attached a condition requiring all external finishes including roof tiles to harmonise in colour and texture with the existing premises **(F17A/0378)**.

Though green roofs meet other sustainability criteria, they do not comply with normal planning practice in this part of the SAA.

- The existence of a flat-roofed modern house next door to Camelot does not provide a precedent. Ard na Rí was built decades ago at a time when the Development Plan had fewer constraints. Only two out of approximately 50 houses in the Somali Village area have flat roofs. Two placed side by side and close together would look incongruous in this sensitive coastal landscape.
- The applicant's landscape visual assessment provides evidence that the development would have a detrimental impact on the locality. The building would not be visually subordinate to the surrounding natural environment. When viewed from the opposite side of Carrickbrack Road, it would look too big, the overhang would look bulky and incongruous, and the horizon and skyline would be blocked. When viewed from public places with protected views, the balcony and overhang would appear to be forward of the building line for Cuil na Gréine and Ard na Rí, perhaps due to the perspective of the slope and relative heights of different floors. There is no precedent for overhanging balconies in this area.
- Information about contours and contiguous buildings is not provided in the application. No landscaping plans were submitted showing boundary treatments, details of the new steps and their relationship to the boundary, vegetation to be removed, and details of new planting. There is no site assessment for bats and lizards. Members of the public are entitled to comment on all aspects of the proposal.
- There is no detailed plan of structural work on the application site near the Ard na Rí parking area where there is a significant retaining wall, or of the boundary position and the proposed topography adjacent to it. The boundary with Cuil na Gréine has not been marked on the ground or in any documents to Land Registry standards. It is unclear when looking at the site how much hedge is to be removed. There is no clarity as to where the rootstock is or to which houses they belong. Hedge removal impacts on wildlife. The site is a direct link and vegetation corridor, between the Howth Head SAC to the north and the farmland to the south; and an indirect link to the Rockabill to Dalkey Island SAC.

- The new proposed walkway from the road to the dwelling must have bright lights to ensure safety, yet no information has been provided about lighting. A condition should be attached to any permission to ensure that no lighting is allowed to pollute into or disturb the Howth Head SAC or the farmland to the south. Another condition should require use of low-glare glass in all south-facing windows for reasons related to ecology and protected views.
- This is a narrow steep site with relatively shallow soil in an area of springs and streams, some underground. Water runoff is a potential cause of erosion and slides. Excavation works can directly cause or indirectly contribute to erosion. The Somali houses had an S-shaped line of steps when built. There are no drainage plans for the proposed new steps. A long straight line of steps could allow water to overrun and pour on to the pavement and road. Howth is now subject to high-intensity rainfall events. Readings of up to 5 centimetres in one day were recorded near this site in the summer of 2023. Previous owners had sandbags which were put in place to protect the garage.
- Sewage from Howth passes in pipes through the Sutton Cross area, which in places is only 1 metre above sea level. These pipes were not built to withstand coastal erosion, storm floods, high tides or increases in sea level. Electricity, sewerage, water mains and fixed telephone lines are all vulnerable at Sutton Cross. Though this problem is outside the responsibility of the applicant, a contingency solution should nevertheless be put in place for sewage if planning permission is granted for this new house.
- While the old garage looks authentic and attractive, the existing arrangements for entering and exiting the site are not safe. There is only one parking space from which it is necessary to reverse on to a 60 kilometre per hour road, which is fairly narrow and subject to flooding. There is a bend nearby to the east. This area has many cyclists and there is a pavement on one side of the road only. The Council refused permission for a new garage at 39 Carrickbrack Road in part because a vehicle using the structure would have to reverse in or out, exacerbating the possibility of collisions (**F18A/0419**).

7.4.2. The observations of Ciara Ní Laoi on behalf of **Hillwatch**, with an address in Strand Road, Sutton, may be summarised as follows:

- The existing house is a valuable part of Howth's architectural and cultural heritage, a fact recognised by the Board in its previous decision. Its replacement by a larger building of contemporary style, forward of the current footprint with a substantial cantilever, would result in a jarring intervention in the landscape and would impact on protected views along Carrickbrack Road.
- While the building currently proposed would be set back slightly compared to the rejected proposal, it would be overly dominant in the streetscape, which is still relatively intact, and would be an incongruous intrusion into the clear rhythm of development along the road.
- There are numerous points from which the proposed building would be clearly visible and from which the loss of vernacular heritage would be very striking. These include views from the footpath and from Dublin Bay.

8.0 Assessment

8.1. Issues

8.1.1. Having inspected the site and considered in detail the documentation on file for these Third Party appeals, it seems to me that the main planning issues are:

- the validity of the planning application;
- the acceptability of demolishing the existing house;
- the effect of the proposed development on the character of the area;
- its impact on the amenity of neighbouring dwellings; and
- its impact on road safety and public health.

Validity of the Application

8.2.1. Articles 22, 22A and 23 of the Planning and Development Regulations 2001, as amended, set out requirements for the contents of a planning application. Where the proposed development consists or mainly consists of works on, in, over or under land, the application shall be accompanied by such plans (including a site or layout plan and floor plans, elevations and sections) and such other particulars as are necessary to describe those works. The plans shall show the level or contours of the land and the proposed structures relative to Ordnance Survey datum or a temporary local

benchmark. Elevations of any proposed structure shall show the main features of any buildings which would be contiguous to it if it were erected. Floor plans, elevations and sections shall indicate in figures the principal dimensions (including overall height) of any proposed structure and the site, and site or layout plans shall indicate the distances of any such structure from the boundaries of the site.

8.2.2. The following information was provided with the present application:

- existing and proposed site plans;
- existing and proposed floor plans, elevations and sections;
- an existing topographical survey with contours marked;
- site sections showing existing ground, floor and ridge levels and proposed ground, floor and parapet levels, all relative to the level of Carrickbrack Road at an identified place on the site frontage; and
- existing and proposed contextual front and rear elevations showing contiguous buildings on both sides of the application site.

8.2.3. It would have been helpful had more information been provided to illustrate matters such as relationships between the proposed dwelling and its neighbours, daylight and sunlight, tree and shrub removal, landscaping, construction methods, ground works and longer-distance views, but there was no specific statutory requirement to do so. The planning authority could have sought further information pursuant to Article 22A but the application would not have been invalidated had the applicant failed to submit such information.

8.2.4. Concern has been expressed about the absence of site assessments for bats and lizards but no evidence has been provided as to the likelihood of these species being present on the application site.

8.2.5. The High Court judgement on the *Balscadden* case concerned a proposal under the strategic housing development procedures for demolition of existing structures, construction of 177 apartments and associated site works. There were no proper drawings for five largely subterranean sheet-piling structures up to 15 metres high, an omission which was held to be of critical importance. The court explicitly stated that its judgement would not invalidate other planning applications where no subterranean structures are proposed – see Paragraph 72. I am not persuaded that in this case the

dearth of information about ground works is so fundamental as to render the application invalid, but I shall return to this matter when assessing the impact of the proposed development on the amenity of neighbouring dwellings.

- 8.2.6. The present application is not one to which the strategic housing development procedures apply. Under Article 26 of the 2001 Regulations, the planning authority was responsible for determining the validity of this application. In my opinion, its decision to accept this application as valid was not unreasonable.

Demolition of the Existing House

- 8.3.1. I inspected the existing property externally and internally. The site is badly overgrown. The dwelling, which is currently inhabited, has a shabby, rundown and neglected appearance, with peeling wallpaper and some damp. However, I saw nothing to suggest that it is structurally unsound; indeed, the applicant's demolition justification report acknowledges that it may be described as liveable in structural terms. I am satisfied that the dwelling is capable of being repaired, refurbished and remodelled. I have no doubt that it could be appropriately altered and extended to provide an attractive and charming home that takes full advantage of its magnificent outlook.
- 8.3.2. Demolishing the existing dwelling would facilitate the construction of a more energy-efficient house. However, this approach is in conflict with the County Development Plan which states in four places (Objective SPQHO44, Policy CAP8, Section 14.4.3 and Objective DMSO256) that it supports the retrofitting and reuse of existing buildings where possible rather than their demolition and reconstruction. It seems to me that the rationale for preferring retrofitting to demolition is that traditional buildings represent a significant resource of embodied carbon and their retention and reuse avoid unnecessary emissions associated with demolition and replacement.
- 8.3.3. The policy preference for reuse of existing buildings in the Development Plan is consistent with the Climate Action Plan 2024 and the National Retrofit Plan. It is incorrect to claim that the proposed development would comply with the National Retrofit Plan which, as its name suggests, aims to improve the energy efficiency of existing homes. It is not disputed that the existing dwelling could be retrofitted and its energy efficiency upgraded. I am not persuaded that its demolition would be justified.

Effect on the Character of the Area

- 8.4.1. The existing dwelling is comfortably enclosed by the surrounding landscape. Its gable frontage and red-tiled roofs are characteristic of the area. While it is not a protected structure or an architectural masterpiece and while it is not in an ACA, it has design features redolent of the early 20th century when it was erected. It is not an attention-seeking building but one that blends in well with its neighbours.
- 8.4.2. The proposed development would introduce an assertive, flat-roofed, rectangular, cantilevered structure, with rendered finishes, cladding and a large front window, into the hillside of the Somali Village. In my judgement, the scale, massing, form and materials of the building would be entirely out of keeping with the established character of the area. Figures 15.0, 17.0, 20.0 and 22.0 of the applicant's LVIA illustrate how unsympathetic the structure would be in this distinctive area when seen from Carrickbrack Road, which is a protected view.
- 8.4.3. The proposed development does not comply with Objective SPQHO43 of the Development Plan, which promotes contemporary and innovative design solutions, subject to the design respecting the character and architectural heritage of the area. It does not comply with Policy 3.1.2 of the SAAO, which states that favourable consideration may be given to buildings of contemporary design, provided they are visually subordinate to the surrounding natural environment. The proposal fulfils neither of these important caveats.
- 8.4.4. The neighbouring dwelling, Ard na Rí, is an incongruous feature in the run of buildings that together constitute the Somali Village. In my opinion, it is an anomaly that should not be replicated. The appellant has drawn attention to numerous large dwellings and contemporary designs on the Howth Peninsula for which permission has been granted in recent years. However, none of these is in the Somali Village or seen in the same context as the application site. I do not accept that these approvals constitute a compelling precedent for the current proposal. I consider that the development would not only be seriously injurious to the character of the surrounding area but that it would also create an unwelcome precedent for other detrimental interventions in the vicinity.

Residential Amenity

- 8.5.1. The inspector who reported on the previous appeal (**314632-22**) referred several times to the need for contiguous side elevations but the applicant has not supplied same. A

drawing showing the relationship between openings on the eastern elevation of the proposed dwelling and openings on the western elevation of Ard na Rí has not been provided. The not-to-scale architect impressions unhelpfully show the adjoining site as if it were an open field devoid of buildings. An appreciation of the three-dimensional relationship between the existing dwelling and Ard na Rí can however be gained by looking at Figure 18.0 of the LVIA.

- 8.5.2. Ard na Rí has a tiered design that follows topography. Height increases as the building steps back from the road. It is evident from the front contextual elevation that the western side of the building comes close to the property boundary. Comparison of the existing and proposed site plans indicates that the distance between the dwellings would be more than halved to 2.1 metres. The parapet of the proposed dwelling would be at a similar level to the second highest ridge line of Ard na Rí. There would be a terrace/balcony to the front of the proposed dwelling at roof level. It would be bounded by screening planting, the height and details of which are not provided. Planting which would be effective in protecting the privacy of neighbouring property would also significantly reduce the residents' enjoyment of the terrace.
- 8.5.3. The proposed first-floor plan shows an *en-suite* bathroom, a sunroom window and a large landing window on the eastern elevation. It seems that obviolation measures, the details of which are not specified, would be used to avoid overlooking from the sunroom. The landing window would be recessed behind a flat roof over the ground floor. The proposed ground-floor plan shows a 36 square metre terrace to the front bounded by a glass balustrade and screening planting. The height of the planting as indicated on the front elevation would be about 1.5 metres but the standing man illustrated on the elevation drawing would be able to see over it. Several of the architect impressions submitted with the application show a woman on the terrace with planting to both sides but no planting at all to the front.
- 8.5.4. The planning authority's rather vague Condition 4 would require obscure glass to be installed in the *en-suite* and landing windows but would not secure the provision and retention of screen planting or obviolation measures. In the absence of details of the proposed planting at roof and first-floor level and of the proposed obviolation measures relating to the sunroom, I am not confident that the development would not result in unreasonable overlooking or undue loss of privacy to the occupants of Ard na Rí.

- 8.5.5. Figure 18.0 of the LVIA also shows the existing three-dimensional relationship between Camelot and Cuil na Gréine. Cuil na Gréine sits lower in the landscape than Camelot and is further away from it than Ard na Rí is. The proposed rear contextual elevation shows that the ground level of the proposed dwelling would be slightly higher than the eaves level of Cuil na Gréine. The cantilevered front balcony of the proposed dwelling would be well forward of the rear elevation of Cuil na Gréine.
- 8.5.6. I assume that a principal function of the balcony would be to facilitate views out to sea and such views would inevitably take in the appellants' property. If that assumption is correct, then effective screen planting is unlikely to be provided and the degree of overlooking that would occur would be unacceptable. Depending on the boundary treatment, there is also potential for overlooking of Cuil na Gréine's front garden from the proposed pedestrian steps that would run close to the site boundary with.
- 8.5.7. The parapet of the proposed dwelling would be 13.45 metres higher than the ground level of Cuil na Gréine. Its massive western elevation would loom over the side of the appellants' property at a distance of 10 to 11 metres (see Figure 15.0 of the LVIA). The planning officer noted the potential for some overshadowing to occur during the morning and early afternoon but the authority did not ask for a daylight and sunlight assessment pursuant to Section 14.6.6.1 of the Development Plan. In the absence of such an assessment, I cannot confirm the planning officer's assessment that an acceptable relationship would exist in terms of residential amenity.
- 8.5.8. The applicant's existing topographical survey indicates that the eastern and western boundaries of the application site are undefined and there is a retaining wall just inside each of the neighbouring plots. The positions of some hedges and trees in and adjoining the site are also shown.
- 8.5.9. The proposed development entails the construction of new pedestrian steps as well as new stairs to the rear of the property. Proposed works are not confined to the area round the dwelling. Although existing and proposed site sections were provided with the application and there are some contour lines on the proposed ground floor plan, a comprehensive proposed contour map for the entire site has not been produced.
- 8.5.10. Several architect impressions show the site bounded on both sides by what appear to be new or reconstructed walls but it is unclear how such walls, if indeed they are being proposed, would relate to neighbouring properties. It is unclear how the neighbours'

retaining walls and the boundary hedges would be affected. The Council's Parks and Green Infrastructure Division, highlighting the need for a complete tree survey and landscape plan, stressed the importance of boundary vegetation and mature trees.

- 8.5.11. The Council's Condition 9 has the effect of deferring the requirement for submission of a landscape plan until after planning permission is granted. That is an approach often taken but in this instance some elements of the landscaping strategy are of such importance that permission should not be granted until they are known and can be fully assessed. In the absence of greater clarity about ground works and landscaping, there is unacceptable uncertainty as to the applicant's intentions.
- 8.5.12. The Council's Condition 12 regulates working hours during the construction period but not the construction process. It seems to me that in view of the proximity of the works to both adjoining properties, a condition should be attached to any planning permission requiring the submission of a construction environmental management plan prior to the commencement of development. Matters for inclusion in the plan would include noise, dust and vibration control.

Road Safety and Public Health

- 8.6.1. The current arrangements for access to and egress from the application site are inherently dangerous as they necessitate reversing movements close to a sharp bend. Redevelopment provides an opportunity to create a turning facility within the site but the current proposal does not offer any improvement to road safety. It is fair to say, however, that the proposal would not make the access arrangements worse than they already are. In my opinion, the absence of betterment does not in itself warrant rejection of the proposal. If road safety were the only issue in this appeal, it would not cause me to recommend the withholding of planning permission.
- 8.6.2. The appeal proposal is distinguishable from the proposal for a new garage at 39 Carrickbrack Road for which the Council refused planning permission (**F18A/0419**), in so far as that development, if permitted, would have increased the number of in-curtilage parking spaces above Development Plan standards.
- 8.6.3. Concern has been expressed about water runoff from the proposed new steps. The Council's Water Services Department deemed the applicant's proposals for surface water disposal to be acceptable. The Council's Condition 6(b) prohibits the discharge of storm water on to the public road. A condition could be attached to any permission

requiring the developer to submit specific proposals for the disposal of surface water from the steps for the written agreement of the planning authority. This, in my view, would allay this particular concern.

- 8.6.4. While it has been suggested that sewerage and other infrastructure in the Sutton Cross area are vulnerable to changes in climatic conditions, it has also been acknowledged this problem is outside the responsibility of the applicant. The proposed replacement dwelling is unlikely to add materially to any such vulnerability.

9.0 Appropriate Assessment Screening

- 9.1. The designation features of the Howth Head SAC are vegetated sea cliffs and dry heaths, while those of the Rockabill to Dalkey Island SAC are reefs and harbour porpoise. I am not persuaded that there is any realistic likelihood that hedge removal or lighting on the application site would hinder the maintenance of the favourable conservation condition of these features.
- 9.2. Having considered the nature, scale and location of the proposed development, the nature of the foreseeable emissions therefrom, the nature of the receiving environment as a built-up area and the availability of public piped services to accommodate the foul effluent arising, I am content on the basis of objective information that the development is not likely to have a significant effect on any European site, either alone or in combination with other plans or projects. I therefore conclude that the carrying out of an AA under Section 177V of the Planning and Development Act 2000 is not required.

10.0 Recommendation

- 10.1. I recommend to the Board that planning permission be refused.

11.0 Reasons and Considerations

- 11.1. Having regard to Policy CAP8 and Objectives SPQHO44 and DMSO256 of the Fingal County Development Plan 2023-2029, it is considered that the existing dwelling is capable of being retrofitted and reused and that its demolition would not be justified.
- 11.2. Having regard to Policy GINHP25 and Objectives GINHO59 and GINHO60 of the Fingal County Development Plan 2023-2029 and to Policies 2.1.1 and 2.2.1 of the

Howth Special Amenity Area Order, it is considered that in protected views from Carrickbrack Road the proposed building would appear out of keeping with the existing dwellings in Somali Village, that it would seriously injure the character of the surrounding area, and that it would create an unwelcome precedent for other detrimental developments in the vicinity.

- 11.3. The RS zoning objective for this area set out in the Fingal County Development Plan 2023-2029 is to provide for residential development and protect and improve residential amenity. In the absence of crucial details of planting and screening measures, ground works, boundary treatments and landscaping, and a daylight and sunlight assessment, it is not possible to be confident that the proposed development would not cause unacceptable overlooking and overshadowing of neighbouring properties and consequent loss of residential amenity.

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.



TREVOR A RUE

Planning Inspector

15th February 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	321059-24		
Proposed Development Summary	Demolition of existing dwelling, construction of new dwelling and modification and relocation to the existing pedestrian entrance		
Development Address	43 Carrickbrack 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	✓
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	✓	Part 2, Class 10(b)(i)	Proceed to Q3.
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
No	✓		Proceed to Q4.
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	✓	<i>Threshold: More than 500 dwelling units</i> <i>Size of development: One dwelling unit</i>	Preliminary examination required
5. Has Schedule 7A information been submitted?			
No	✓	Please see preliminary examination below.	

Trevor A Rue

TREVOR A RUE

Planning Inspector

15th February 2025

Appendix 2 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	321059-24
Proposed Development Summary	<i>Demolition of existing dwelling, construction of new dwelling and modification and relocation to the existing pedestrian entrance</i>
Development Address	43 Carrickbrack Road, Howth, Co. Dublin
Characteristics of the Proposed Development (in particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health)	<i>The proposed development involves the demolition of an existing building which is not a protected structure and is not in an Architectural Conservation Area. It also involves the construction of a single dwelling. The development would have a modest footprint and comes forward as a standalone project. It would not require the use of substantial natural resources, and is unlikely to give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, and would not be vulnerable to climate change. It presents no risks to human health.</i>
Location of Development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance)	<i>The development would be situated in a built-up area and surrounded by existing dwellings. The site is already serviced and the development would not place any additional strain on natural resources. It would be readily absorbed into the natural environment.</i>
Types and Characteristics of Potential Impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation)	<i>Having regard to the modest nature of the proposed development, the likely limited magnitude and spatial extent of effects and the absence of in-combination effects, there is no potential for significant effects on the environmental factors listed in Section 171A of the Planning and Development Act 2000.</i>

Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
<i>There is no real likelihood of significant effects on the environment.</i>	<i>EIA is not required.</i>



TREVOR A RUE

Planning Inspector

15th February 2025