



An  
Bord  
Pleanála

## Inspector's Report ABP-321200-24

### Development

Alterations to single-storey house and construction of part single, part two-storey house to the east and all associated site works.

### Location

Dromintee, Bailey Green Road,  
Howth, Co. Dublin, D13 NY00.

### Planning Authority

Fingal County Council

### Planning Authority Reg. Ref.

F24A/0743E

### Applicant(s)

Clare McKenna

### Type of Application

Permission

### Planning Authority Decision

Refusal

### Type of Appeal

First Party V Refusal

### Appellant(s)

Clare McKenna

### Observer(s)

None

### Date of Site Inspection

12<sup>th</sup> February 2025

### Inspector

Gerard Kellett

## **1.0 Site Location and Description**

- 1.1. The site is located to the southern side of Bailey Green Road, Howth, Dublin, D13 NY00. The site currently comprises a single-storey bungalow with a large area of private open space to the rear and southeastern side. The roadside boundary is defined by a 1.2-metre-high stone wall which extends around to the eastern portion of the site. The rear southern boundary forms a block wall for 22 metres and open post and rail timber fencing for the remaining portion. Mature hedging is planted inside all boundaries of the site. A public car park, which serves the Howth Summit cliff walk, is directly southeast of the site. The site is located approximately 2 km southeast of Howth's urban core, which provides various amenities and services. The surrounding area is characterised by a mix of single to storey and half dwellings on their own curtilages. The subject site has a stated site area of 0.184 hectares.

## **2.0 Proposed Development**

- 2.1. Permission is sought for:

- a) Alterations to the existing single storey dwelling 'Dromintee' comprising.
  - i. Partial demolition of the ground floor level (61 sqm) with associated internal revisions.
  - ii. Conversion and extension of the existing attic floor level to provide habitable accommodation, including an increase in roof height from 5.4 metres to 6.5 metres, removal of the chimney, new rooflight to the front, amendments to elevations, and construction of 4 dormer windows on the southern elevation at roof level.
  - iii. The proposed stated floor area for the existing dwelling is 308 sqm.
- b) Construction of a new dwelling comprising,
  - i. A 7.3-metre-high part single, part two-storey four-bedroom detached dwelling, situated to the side garden, east of 'Dromintee' house; 230 sqm
  - ii. A new vehicular/pedestrian entrance off Bailey Green Road.
  - iii. Private amenity space and on-curtilage car parking (2 spaces).
  - iv. The proposed stated floor area for the new dwelling is 230 sqm.

- v. Sustainable Drainage Systems drainage, landscaping, and boundary treatments necessary to facilitate the development.

2.2. It should be noted that an alternative design has been submitted as part of the appeal.

The amendments include:

- a) A reduction in the overall size and scale (450 mm) of the proposed rear dormers to 'Dromintee'.
- b) A reduction in proposed height of the existing dwelling 'Dromintee' from 6.5 metres to 6.2 metres (300 mm reduction).
- c) A reduction in height of the new dwelling from 7.3 metres to 6.8 metres.
- d) A reduction in size, scale and massing of proposed dwelling.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority REFUSED permission on the 7<sup>th</sup> of October 2024 for the following reason:

1. The site is located in the Howth Special Amenity Area. A density restriction of 5 units to the hectare for new residential development applies to the site. The proposed development would exceed this density restriction, and as a consequence would materially contravene Policy 3.1.1 of the Howth Special Amenity Area Order.
2. The proposed house by virtue of its design and excessive scale and massing would not be in keeping with other buildings in the vicinity and would not be subordinate to the surrounding environment. In addition, the proposed raising of the roof of the existing house, in combination with the proposed house, would be excessive in scale and out of keeping with the surrounding environment. As a result, the proposed development would contravene Policy 3.1.2 of the Howth Special Amenity Area Order and Objectives SPQH045, DMSO31 and DMSO32 of the Fingal County Development Plan 2023-2029.

3. The site is adjacent to several paths and roads with protected views as designated by Map B of the Howth Special Amenity Area Order and by the Fingal County Development Plan 2023—2029. The proposed development by virtue of its scale and design would be visually intrusive and out of keeping with the surrounding environment and as a result would interfere with views and prospects of special amenity value, natural interest, and beauty, each of which it is necessary to preserve, and would consequently contravene Objective 2.1 and Policy 2.1.1 of the Howth Special Amenity Area Order and Objective GINHO60 of the Fingal County Development Plan.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

- The Planner's Report forms the basis for the decision to refuse permission. stating:
  - Non-compliance with Howth Special Amenity Area Order: The proposed development exceeds the density restriction of 5 units per hectare set by the Howth Special Amenity Area Order (SAAO), making it non-compliant with Policy 3.1.1 of the SAAO. To permit the development would be a material contravention of the Development Plan.
  - Design: The design and scale of the new house are considered excessive and not in keeping with the surrounding environment.
  - Visual Impact: The proposed development would be highly visible and intrusive, impacting protected views from surrounding paths and roads, and contravening Objective 2.1 and Policy 2.1.1 of the SAAO and Objective GINHO60 of the Development Plan.

#### **3.2.2. Other Technical Reports**

- Transportation – No objection, subject to conditions.
- Parks – No report received.
- Ecologist – Recommends additional information to ensure no impact on nesting birds or roosting bats as a result of works to the existing roof.
- Water Services: No objection, subject to conditions.

### 3.3. Prescribed Bodies

- Uisce Eireann – No report received

### 3.4. Third Party Observations

None

## 4.0 Planning History

### 4.1. Site

**PA REF: F93B/0067** – Refers to permission granted in 1993 to retain the conversion of a garage to a playroom.

**PA REF: 92B/0929** – Refers to permission granted in 1992 for extensions and alterations.

### 4.2. Notable planning history in the vicinity

**ABP 310194-21** – Refers to a grant of permission (4<sup>th</sup> August 2021) for a single storey dwelling approx. 120 metres to the northeast.

## **5.0 Policy Context**

### **5.1. National Policy**

National Planning Framework

National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

### **5.2. National Guidelines**

Sustainable Residential Development and Compact Settlement - Guidelines for Planning Authorities (2024).

Quality Housing for Sustainable Communities – Guidelines for Planning Authorities (2007)

### **5.3. Regional Policy**

Regional Spatial and Economic Strategy 2019-2031.

RPO 3.2: Local authorities, in their core strategies shall set out measures to achieve compact urban development targets of at least 50% of all new homes within or contiguous to the built-up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

RPO 3.3: Local authorities shall, in their core strategies, identify regeneration areas within existing urban settlements and set out specific objectives relating to the delivery of development on urban infill and brownfield regeneration sites in line with the Guiding Principles set out in the RSES and to provide for increased densities as set out in the 'Sustainable Residential Development in Urban Areas', 'Sustainable Urban Housing;

Design Standards for new Apartment's Guidelines' and the 'Urban Development and Building Heights Guidelines for Planning Authorities'.

#### 5.4. Development Plan

##### **Fingal County Development Plan 2023 – 2029**

The Fingal County Development Plan 2023 – 2029 is the relevant Development Plan for the subject site.

The subject site is zoned "RS – Residential" which has zoning objective, *"to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity"*.

The site is designated within the Howth Special Amenity Area Order (SAAO) of 1999 as detailed on Map A and sheet/map 10 of the Fingal Development Plan 2023-2029.

##### **3.5.13.1 Residential Extensions**

Objective SPQHO45 – Domestic Extensions: Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.

##### **9.6.15 Views and Prospects**

Objective GINHO60 – Protection of Views and Prospects: Protect views and prospects that contribute to the character of the landscape, particularly those identified in the Development Plan, from inappropriate development.

##### **14.10.1 Corner/Infill Development**

Objective DMSO31 – 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 DMSO32 – Infill Development on Corner / Side Garden Sites

Applications for residential infill development on corner/side garden sites will be assessed against the following criteria:

- Compatibility with adjoining structures in terms of overall design, scale and massing. This includes adherence to established building lines, proportions, heights, parapet levels, roof profile and finishing materials.
- Consistency with the character and form of development in the surrounding area.
- Provision of satisfactory levels of private open space to serve existing and proposed dwelling units.
- Ability to safeguard the amenities of neighbouring residential units.
- Ability to maximise surveillance of the public domain, including the use of dual frontage in site specific circumstances.
- Provision of side/gable and rear access arrangements, including for maintenance.
- Compatibility of boundary treatment to the proposed site and between the existing and proposed dwellings. Existing boundary treatments should be retained/ reinstated where possible.
- Impact on street trees in road-side verges and proposals to safeguard these features.
- Ability to provide a safe means of access and egress to serve the existing and proposed dwellings. Provision of secure bin storage areas for both existing and proposed dwellings.

#### 14.10.2.5 Roof Alterations including Attic Conversions and Dormer Extensions

Roof alterations/expansions to main roof profiles, for example, changing the hip-end roof of a semi-detached house to a gable/'A' frame end or 'half-hip', will be assessed against a number of criteria including:

- Consideration and regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures.
- Existing roof variations on the streetscape.
- Distance/contrast/visibility of proposed roof end.
- Harmony with the rest of the structure, adjacent structures and prominence.



Dormer extensions to roofs will be evaluated against the impact of the structure on the form, and character of the existing dwelling house and the privacy of adjacent properties. The design, dimensions, and bulk of the dormer relative to the overall extent of roof as well as the size of the dwelling and rear garden will be the overriding considerations, together with the visual impact of the structure when viewed from adjoining streets and public areas.

Dormer extensions shall be set back from the eaves, gables and/or party boundaries and shall be set down from the existing ridge level so as not to dominate the roof space.

The quality of materials/finishes to dormer extensions shall be given careful consideration and should match those of the existing roof.

The level and type of glazing within a dormer extension should have regard to existing window treatments and fenestration of the dwelling. Regard should also be had to extent of fenestration proposed at attic level relative to adjoining residential units and to ensure the preservation of amenities.

Excessive overlooking of adjacent properties should be avoided.

#### **Howth Special Amenity Area Order (SAAO)**

The site is located within the Howth Special Amenity Area Order (SAAO) 1999 which includes several key objectives and policies aimed at preserving the area's character and natural beauty. The site is located within a '*Residential area within the Special Amenity Area*' with new housing development is restricted to a density of no more than 5 dwellings per hectare.

#### ***Schedule 2 – Objectives for Preservation***

Schedule 2 of the Order sets out objectives for the preservation of the character or special features of the area, these include, to preserve views from public footpaths and roads shown on Map B.

Objective 2.1: To preserve views from public footpaths and roads.

Policy 2.1.1: The Council will preserve views from the network of footpaths and roads shown on Map B. Applications for planning permission must consider the visual impact on these views. The Council will not permit development that significantly negatively affects these views.

### *Schedule 3 – Development in Residential Areas*

Schedule 3 of the Order sets out objectives in respect of development in residential areas, as defined in Map A. These include to protect residential amenity, to protect and enhance the attractive and distinctive landscape character of the areas and to ensure that development does not reduce the landscape and environmental quality of adjacent natural, semi-natural and open areas.

Policy 3.1.1: The Order applies a development control policy which restricts new development within an acceptable range of land use activities. The following development is permitted in principle...residential development in accordance with specified density criteria. The site-specific objectives for this site as outlined in Map A of the SAAO states, *“development in the form of a new dwelling or dwellings, the overall density of the development shall not exceed the net density figure (dwelling units per hectare)”* which is 5 units in this case.

Policy 3.1.2: Design guidelines apply to new development in ‘residential areas’ as defined by Map A. These guidelines are set out specific guidelines for boundaries, entrances and buildings. With regard to new buildings and extensions, *“an extension to an existing building should generally match the character of the existing structure. Buildings are generally being keeping with the character of other buildings in the vicinity. However favorable consideration may be given to buildings of contemporary design provided that the design is of a high quality and that in visual terms it subordinates the building to the surrounding natural environment”*.

### *Howth Special Amenity Area Order Design Guidelines (SAAO)*

The Design Guidelines provide specific guidance to ensure that new developments within the Howth Special Amenity Area are in harmony with the existing environment and character of the area.

## **5.5. Natural Heritage Designations**

Howth Head SAC (Site Code: 000202) is c. 5 metres to the southeast of the site.

Rockabill to Dalkey Island SAC (Site Code: 003000) c. 5 metres to southeast.

## **6.0 EIA Screening**

- 6.1. The proposed development relates to two elements a) alterations/extension to the existing dwelling and b) a proposed new dwelling.
- 6.2. In terms of the alteration/extension to the existing dwelling, this proposed development is a project however is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1.
- 6.3. In terms of the proposed new dwelling, this proposed development is a project and is a class for the purposes of EIA as per the classes of development Class of Development, Class 10 (b) (i) as set out in Schedule 5 of the Planning and Development Regulations 2001, as amended, provides that mandatory EIA is required for a development comprising the construction of more than 500 dwellings. Refer to Form 1 in Appendix 1 of report.
- 6.4. Having regard to the nature, size and location of the proposed development (new dwelling) 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. Refer to Form 2 in Appendix 1.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

A first party appeal has been lodged against the Planning Authority's decision to refuse permission. The grounds of appeal can be broadly summarised as follows:

- Density
  - The applicant considers proposal to be an appropriate density for the site. Despite the density cap, the development is seen as a unique opportunity to provide an additional residential dwelling on zoned and serviced lands without setting a precedent.
- Design
  - An alternative design has been prepared by the applicant, reducing the height of both the existing dwelling 'Dromintee' and the proposed infill dwelling to address concerns about visual impact and scale.
  - The proposed infill dwelling and alterations to 'Dromintee' are deemed appropriate in terms of scale and massing, matching surrounding properties on Bailey Green Road. The alternative design further reduces the height of both dwellings.
- Visual Impact/Protected Views:
  - The applicant considers the proposal does not detract from the protected views on Bailey Green Road or Howth Summit. The high level of existing screening and the proposed materials and finishes ensure the development blends harmoniously with the surrounding area.
- Precedent
  - The applicant refers to precedent cases in the area.

## 7.2. Planning Authority Response

Response received dated 28<sup>th</sup> November 2024 requesting the Board to uphold the decision of the Planning Authority.

- Density
  - The Planning Authority outlines the proposed development breaches the density restriction of 5 dwellings per hectare as per policy 3.1.1 of the SAAO and considers that the restriction would be breached regardless of how density is measured. This is not disputed by the appellant.
  - To allow a clear and material contravention of the SAAO would set a seriously detrimental precedent and would undermine the statutory purpose of the Order.
  - The Planning Authority considers that local and national policy support for densification and infill housing does not override this statutory status of the SAAO.
- Design
  - The design of the proposed dwelling is not considered appropriate for the site and its sensitive location, contravening policy 3.1.2 of the SAAO. Furthermore, stating that the Planning Authority do not consider the amended design submitted with the appeal is sufficient to overcome reason for refusal no.2.
- Visual Impact
  - The Planning Authority consider the site is highly prominent, adjacent to significant viewpoints at Howth Summit and as such would be visually intrusive and would interfere with views and prospects of the SAAO and be contrary to objective 2.1 and policy 2.1.1. of the SAAO and objective GIN060 of the Development Plan.
- The Board is requested to uphold the decision of the Planning Authority.

- Conditions for Approval:
  - If the appeal is successful, provisions for financial contributions, bond/cash security of 2 or more units, tree bond, and contributions for play provision facilities should be included.

### 7.3. Observations

None

## 8.0 Assessment

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Density
- Design
- Visual Impact
- Other Matters

### 8.1. Principle of Development

- 8.1.1. The subject site is in an area zoned “RS – Residential” as per the Fingal County Development Plan 2023 – 2029 which has zoning objective, *“to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity”*. The site also has as a Special Amenity Area Order designation, under the Howth SAAO 1999. Residential development is permitted in principle under this zoning subject to compliance with the policies and objectives of the Development Plan and SAAO.

## 8.2. Density

- 8.2.1. Density has been raised as the first reason for the Planning Authority's refusal. The Planning Authority determined the proposed new dwelling to the side garden area/eastern part of Dromintee breaches a density restriction of 5 dwellings per hectare as per policy 3.1.1 of the SAAO.
- 8.2.2. Policy 3.1.1 of the SAAO restricts new residential development in accordance with the specified density as outlined yellow on Map A of the SAAO. The site-specific objectives for this site states, *“development in the form of a new dwelling or dwellings, the overall density of the development shall not exceed the net density figure (dwelling units per hectare)”* which is 5 units in this case. Furthermore, I note the Development Plan land use zoning map for the area too specifies a density of 5 units per hectare for this particular site as per sheet/map 10 of the plan.
- 8.2.3. The area highlighted in yellow on Map A of the SAAO where the site is located, contains 18.no individual dwellings already between Bailey Green Road and Thormanby Road. In calculating the quantum of density for the site I note a Board decision to grant permission under ABP-310194-21 (permission for a dwelling approx. 50 metres to the northeast), calculated density based on the overall area covered as highlighted yellow on Map A of the SAAO rather than calculating individual site areas. I note that permission for that site above was granted based on a density below the 5 units per hectare. I have applied the same approach in this case and calculated the total site area, highlighted yellow on Map A, to be approx. 2.2 hectares. This in my opinion equates to an already density of 8.1 units per hectare which would exceeds the density restriction in any case. The proposed dwelling would be the 19<sup>th</sup> dwelling within this area and in my view further exceeds the density restriction to 8.6 units per hectare which is unacceptable.
- 8.2.4. On that basis, it is clear there is a presumption against new residential development that exceed the site-specific density, as is the case with the current scenario before the Board. I note the appellant refers to the proposed dwelling would comply with the National Planning Framework and Compact Settlement Guidelines January 2024.

However, in my view the Howth Special Amenity Area Order (1999) is a statutory order made under the provision of the Planning and Development Act 2000 (as amended) where there are site specific policy objectives for this particular site which takes precedent regardless of overarching objectives outlined in the NPF and the Compact Settlement Guidelines.

8.2.5. Therefore, having regard to the density policies of the SAAO and land use zoning map sheet 10, I consider that the proposed dwelling does not comply with the density for the site and if granted would materially contravene the density restriction of 5 units to the hectare as per policy 3.1.1 of the Howth Special Amenity Area Order (1999) and the land use zoning map. As such permission should be refused for the proposed dwelling in this instance.

8.2.6. If the Board is of a mind to grant permission, I would refer to section 37(2)(b) of the Planning and Development Act 2000 (as amended), which states the Board may only grant permission even if the proposed development materially contravenes the Development Plan where it considers that one of the following circumstances/criteria of section 37(2)(b) of the Act apply. The criteria is set out below —

*(i) the proposed development is of strategic or national importance,*

*(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned,*  
*or*

*(iii) permission for the proposed development should be granted having regard to [regional spatial and economic strategy] for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or*



*(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.*

- 8.2.7. It is my view considering the nature the proposed new dwelling would not be of strategic or national importance, that there are no conflicting objectives in the Development Plan nor any similar types of development granted in the area that exceed the density restriction since the making of the Development Plan or the SAAO that I am aware of. Therefore, I do not consider a material contravention 37(2)(b) is justified in this instance.

### 8.3. Design

- 8.3.1. Design, excessive scale and massing of the proposed dwelling and the proposed height increase of the existing dwelling has been raised as the second reason for refusal by the Planning Authority. The Planning Authority determined the proposed alterations to the existing dwelling and proposed new dwelling would not be subordinate to the surrounding environment. I will address each element of the proposal under the following sub-headings.

#### *Alterations to existing dwelling 'Dromintee'*

- 8.3.2. In terms of the alterations to the existing dwelling, I note policy 3.1.2 of the SAAO outlines design guidelines for new development in residential areas as defined by Map A. These guidelines cover boundaries, entrances, and buildings. Extensions should generally match the existing structure's character and align with surrounding buildings. Contemporary designs may be considered if they are high-quality and visually subordinate to the natural environment.
- 8.3.3. Additionally, objective SPQHO45 of the Development Plan emphasises that domestic extensions should be sensitively designed to complement existing dwellings without negatively impacting the environment or neighbouring properties. Section 14.10.2.5 further specifies that roof alterations, including attic conversions and dormer

extensions, will be assessed based on factors such as the structure's character and size, streetscape position, roof variations, visibility, and overall harmony with adjacent structures.

- 8.3.4. I note the reason for refusal was based on the initial plans submitted for the existing single storey dwelling 'Dromintee'. This included the partial demolition of the ground floor level (61 sqm) and the conversion and extension of the existing attic floor level to provide habitable accommodation. This also involved increasing the ridge height from 5.4 metres to 6.5 metres, removal of the chimney, new rooflight to the front, amendments to elevations, and insertion of 4 dormer windows on the southern elevation.
- 8.3.5. The grounds of appeal have provided a revised design for the alterations to the existing dwelling for consideration. The amendments which I consider acceptable include a reduction in the overall size and scale by 450 mm of the proposed rear dormers to 'Dromintee' and a reduction in proposed height of the existing dwelling 'Dromintee' from 6.5 metres to 6.2 metres (300 mm reduction), The floor to ceiling height of the attic space in my view has an acceptable height of 2.4 metres for future habitants.
- 8.3.6. The existing dwelling forms a single storey A-gable ended pitched roof designed set along Bailey Green Road. The prevailing built environment is defined by single storey to storey and half dwellings to the northwest with each dwelling along the road of varying stepped heights. In that context, it is my view the proposed height increase of the existing dwelling from 5.4 metres to 6.2 metres (800 mm) is modest and would be subordinate to the surrounding built environment. This modest increase in height in my view aligns with the gradual transition of building heights along the road, ensuring a balanced streetscape.
- 8.3.7. In terms of the proposed rear dormers, have been reduced in size and scale which I consider acceptable and would be in proportion with the existing dwelling. The proposed materials would match the existing dwelling and the dormers have been set back from the eaves and are set down from the existing ridge level so as not to dominate the roof space in my view in accordance with section 14.10.2.5 (dormers) of

the plan. Furthermore, given the limited increase in height, the orientation of the site facing southeast, position of the dormers from the gable end and the prevailing development pattern, it is my view there would be no adverse impact to neighbouring properties in terms of overshadowing, overbearing or overlooking.

- 8.3.8. Having regard to the foregoing I have no objection to the proposed alterations to the existing dwelling which in my view would not have a detrimental impact to design of the existing dwelling and complies with objective SPQHO45, section 14.10.2.5 of the plan and policy 3.1.2 of the SAAO.

*Proposed Dwelling to the side garden of 'Dromintee'*

- 8.3.9. Policy 3.1.2 of the SAAO does not preclude a contemporary design in residential areas provided that the design is of a high quality and is subordinate to the surrounding natural environment.
- 8.3.10. The Planning Authorities reason for refusal of the proposed dwelling was also based on the initial plans submitted. This being the construction of a 7.3-metre-high new part single, part two-storey detached dwelling to the side garden of Dromintee, with a stated floor area of 230 sqm.
- 8.3.11. The grounds of appeal have provided a revised design which I consider acceptable. This includes a reduction in the overall size, scale and massing by the proposed dwelling and a reduction in height from 7.3 metres to 6.8 metres. In the context of the existing property 6.5 metres and the built environment as referred to in section 8.3.6, it is my view the proposed dwelling at 6.8 metres high would align with the gradual transition of building heights along the Bailey Green Road. Furthermore, the finish floor levels of the proposed dwelling would be comparable to the existing dwelling on site and neighbouring dwelling opposite which I consider acceptable. As such in my view the proposed dwelling would not appear excessively dominant in the streetscape and could be reasonable assimilated due to the built character of the area.

- 8.3.12. The proposed dwelling would be a contemporary box shaped design, where I note policy 3.1.2 does not preclude such a design as referred to above. The materials are to be painted render walls which in my opinion are acceptable, of which are similar to the existing dwelling on site and other dwellings along Bailey Green Road. Moreover, the revised contextual street elevation submitted in my view is acceptable and provides an accurate view of the proposed development from the public road.
- 8.3.13. Objective DMSO31 and objective DMSO32 of the plan are applicable and refer to Infill Development on Corner / Side Garden Sites. Applications for residential infill development on corner/side garden sites will be assessed against various criteria such as the overall design, scale and massing; provision of satisfactory levels of private open space to serve existing and proposed dwelling units and ability to safeguard the amenities of neighbouring residential units.
- 8.3.14. The proposed dwelling sited to the side garden of the existing dwelling Dromintee in my opinion would be classed as an infill site opportunity. The revised design in my view would respect the height and massing of existing residential units in the area. Landscaping is proposed within the site which I consider acceptable and would aid integration of the site. The overall private amenity space is stated at 182 sqm and the existing dwelling would retain ample private amenity space of 599sqm which I consider acceptable in accordance with the Quality Housing for Sustainable Communities – Guidelines for Planning Authorities (2007). Furthermore, the proposed internal floor area in my view complies with the standards set out of the said guidelines.
- 8.3.15. In terms of impact on residential amenity, the proposed dwelling would be sited to the immediate east of Dromintee. No other properties adjoin the proposed dwelling to the immediate east. Given the siting which I consider respects the existing building line, the 6.8 metre height of the proposed dwelling comparable to Dromintee at 6.5 metres, the orientation of the proposed dwelling facing southeast, the satisfactory separation distances to the boundaries of the site of 2.4metres to the west, 7.8 metres to the south, 8.6 metres to the east and 4.7 metres to the north it is my view the proposed dwelling would not have an adverse impact to neighbouring properties in terms of overshadowing, overbearing or overlooking which I considered acceptable.

8.3.16. Having regard to the foregoing I have on objection to the proposed dwelling which complies with policy 3.1.2 of the SAAO and objectives DMSO31 and DMS032 of the plan. However, given the quantum of density on this site has been exceeded, it is considered that the permission be refused in this instance.

#### **8.4. Visual Impact**

8.4.1. Visual impact has been raised as the third reason for the Planning Authority's refusal. The Planning Authority determined the proposed development would be visually intrusive and out of keeping with the surrounding environment and as a result would interfere with existing views and prospects in the area.

8.4.2. I note policy 2.1.1 of the SAAO seeks to preserve views from the public footpaths and roads as shown on Map B and objective GINHO60 of the Development Plan further refers to protected views and prospects that contribute to the character of the landscape from inappropriate development.

8.4.3. I have considered Map B, which outlines an indicative protected view starting mid-way along Bailey Green Road. After visiting the site and assessing the proposed development from Bailey Green Road and various other vantage points, I note that the area's built character is predominantly residential. In my opinion, the protected view along Bailey Green Road as highlighted on Map B of the SAAO is indicative, with its primary focus is south to eastward from the summit car park overlooking Dublin Bay. Given this, the siting within the established residential area, the amended design provided, including reduced building heights and finished floor levels of both proposed developments which in my view would enhance integration with the surrounding built environment. As such it is my view there would be no significant visual impact on any protected views.

8.4.4. Having regard to the foregoing I consider that the proposed dwelling would be in comply with policy 2.1.1 of the SAAO and objective GINHO60 of the Development Plan. However, as previously indicated there is a fundamental concern about the

quantum of density on this site, as such it is considered that the permission be refused in this instance.

## **8.5. Other Matters**

- 8.5.1. Precedent has been raised by the appellant. It is my view the application referenced by the appellant under ABP-310194-21 which is to the northeast relates to a different site context and was within the density range. Therefore, I consider that all applications are assessed on their own merits having regard to the specifics of the proposed development.

## **9.0 Appropriate Assessment Screening**

- 9.1. Refer to Appendix 3. Having regard to nature, scale and location of the proposed development and proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **10.0 Recommendation**

- 10.1. I recommend permission is granted for *“Alterations to the existing single storey dwelling ‘Dromintee’”* for the reasons and considerations (1) and subject to the conditions as set out below.
- 10.2. I recommend permission is refused for *“Construction of part single, part two-storey house”* for the reasons and considerations (2) set out below.

## **11.0 Reasons and Considerations (1)**

- 11.1. Having regard to the nature, scale, location and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with the zoning objectives for the site, as set out

in the Howth Special Amenity Area Order (SAAO) 1999 and Fingal Development Plan 2023 – 2029, would not seriously injure the visual or residential amenity of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The development shall be retained 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 and the development shall be retained in accordance with the agreed particulars.

**Reason:**           **In the interest of clarity.**

2. The site development and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, between 0800 to 1400 hours on Saturdays and not at all on Sundays and Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:**           **In order to safeguard the residential amenities of adjoining property in the vicinity.**

3. 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.

## **Reasons and Considerations (2)**

Having regard to the location of the site set in the designated Howth Special Amenity Area Order (SAAO) 1999, where there is a site specific policy 3.1.1 to restrict the number of units to 5 per hectare for new residential development and the land use zoning sheet 10 as delineated in the Fingal Development Plan 2023-2029 which provides for residential development at a density per of 5 units hectare, it is considered that the proposed development would be in excess of the density restriction for this site and if permitted would materially contravene policy 3.1.1 of the Howth Special Amenity Area Order and the land use zoning map. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Gerard Kellett  
Planning Inspector  
24<sup>th</sup> February 2025

# Appendix 1 – Form 1

## EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	ABP-321200-24		
<b>Proposed Development Summary</b>	A) Alterations to single-storey house B) Construction of part single, part two-storey house to the east and all associated site works.		
<b>Development Address</b>	Dromintee, Bailey Green Road, Howth, Co. Dublin, D13 NY00.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓ Proceed to Q2.
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	✓	Class 10 (b) (i) – Dwelling	Proceed to Q3.
<b>No</b>	✓	Alteration/extension to the existing dwelling is not specified as a Class of Development as per the regulations	No further action required in relation this element of the development.
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	✓	Proposed dwelling does not equal or exceed any threshold.	Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	√	Class 10 (b) (i) - Construction of more than 500 dwelling units	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	√	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix 2 – Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP-321200-24
<b>Proposed Development Summary</b>	Construction of part single, part two-storey house to the east and all associated site works.
<b>Development Address</b>	Dromintee, Bailey Green Road, Howth, Co. Dublin, D13 NY00.
<p><b>The Board carried 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.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<p><b>Characteristics of proposed development</b></p> <p>(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).</p>	<p>The development has a modest footprint, does not require the use of substantial natural resources, or 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, or is vulnerable to climate change. It presents no risks to human health.</p>
<p><b>Location of development</b></p> <p>(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</p>	<p>The development is situated in an urban area and is removed from sensitive natural habitats and designated sites and landscapes of identified significance in the County Development Plan</p>

sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).		
<b>Types and characteristics of potential impacts</b> (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).		Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
<b>Conclusion</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.	
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

**Inspector:**

**Date:**

**DP/ADP:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

### **Appendix 3 – Appropriate Assessment Screening**

I have considered the proposed development of a storage warehouse in light of the requirements of S 177S and 177U of the Planning and Development Act 2000 as amended.

A screening report for Appropriate Assessment was not submitted with this planning appeal case. An Appropriate Assessment Screening was undertaken by the Planning Authority as part of their planning assessment and a finding of no likely significant effects on a European Site was determined. The Planning Authority concluded the proposed development would not require the preparation of a Natura Impact Statement and Appropriate Assessment was not carried out.

A detailed description is presented in Section 2 of my report. In summary, permission is sought for the Partial demolition of the ground floor level (61 sq.m) with associated internal revisions; Conversion and extension of the existing attic floor level to provide habitable accommodation; Construction of a part single, part two-storey four-bedroom detached dwelling (230 sqm), situated to the side garden/east of 'Dromintee' on a stated site area of 0.184 hectares. Foul drainage is proposed to drain to the public main and surface water is proposed to drain to a soak pit within the site. There are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area.

The proposed development site is not located within any European site. The closest European site is sites being:

- Howth Head SAC (Site Code: 000202) is c. 5 metres to the southeast of the site.
- Rockabill to Dalkey Island SAC (Site Code: 003000) c. 5 metres to southeast.

A summary of European Sites is presented in the table below.

European Site (code)	List of Qualifying interest /Special conservation Interest	Distance from proposed development (Km)	Connections (source, pathway receptor)
Rockabill to Dalkey Island SAC (IE0003000)	Habitat <ul style="list-style-type: none"> <li>• Reefs</li> </ul> <u>Species</u> <ul style="list-style-type: none"> <li>• Harbour Porpoise - Phocoena phocoena</li> </ul>	5 metres	No direct connection
Howth Head SAC (IE0000202)	<u>Habitat</u> <ul style="list-style-type: none"> <li>• Vegetated sea cliffs of the Atlantic and Baltic Coasts</li> <li>• European dry heaths</li> </ul> <u>Species</u> <ul style="list-style-type: none"> <li>• Fulmar - Fulmarus glacialis</li> <li>• Kittiwake - Rissa tridactyla</li> <li>• Guillemot - Uria aalge</li> <li>• Razorbill - Alca torda</li> </ul>	5 metres	No direct connection

Due to the enclosed nature of the development site and the presence of a significant buffer area (urban lands) between the site and the designated sites, I consider that the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.

The proposed development would not have direct impacts on any European site. During site clearance, demolition and construction of the proposed dwelling and site works, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water.

The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites.

The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the SAC. Due to lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related emissions or disturbance.

There will be no direct or ex-situ effects from disturbance on mobile species construction or operation of the proposed development. There will be no significant disturbance to any wintering birds (ex-situ) that may occasionally use the amenity grassland area adjacent to the proposed development site.

The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area. No mitigation measures are required in this case.

Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites, namely:

- Dalkey Islands (SPA) (004172) within 2km to the east of the site.
- Rockabill to Dalkey Island (SAC) (003000) within 2km to the east of the site.

or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.



This determination is based on:

- The separation distance between the subject site and the European and the absence of a direct hydrological connection between the sites.

DRAFT