



An
Bord
Pleanála

Inspector's Report

ABP-321299-24

Development	Demolition of dwelling and removal of vehicular entrance; construction of a residential development of 41 homes; provision of vehicular entrance, internal access road, parking spaces and motorcycle parking spaces and all ancillary site and infrastructural works.
Location	Somerville, Thormanby Road, Howth, Co. Dublin, D13 Y773.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F24A/0794E
Applicant(s)	Winterbrook Homes (Somerville) Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party V Refusal
Appellant(s)	Winterbrook Homes (Somerville) Ltd.
Observer(s)	1) Tom & Frances Casey. 2) Colm Flanagan & Ann Brady. 3) Cllr David Healy. 4) Deirdre Mc Mahon & Gerry Mc Colgan.

- 5) Mariners Cove Action Group c/o Terry Mc Cauley.
- 6) Ian & Sarah Robertson.
- 7) Lesley Geoghan & Sean Murray, John & Ruth Hickey, Jim & Ann Kearney, Dick & Patricia Watson & Mary Deutz Ebeling Cahill c/o Armstrong Planning.
- 8) Edward and Mary Brennan.

Date of Site Inspection

12th February 2025

Inspector

Gerard Kellett

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1.0 Site Location and Description

- 1.1. The application site is located at Somerville, Thormanby Road, Howth, Co. Dublin, D13 Y773. The site extends to approximately 0.922 hectares (2.28 acres) and is situated on the eastern side of Thormanby Road. It is currently occupied by an existing two-storey five-bedroom habitable dwelling named 'Somerville' with various associated single-storey outbuildings and an extensive rear garden. The subject dwelling is not designated a protected structure nor is the site located within an Architectural Conservation Area (ACA).
- 1.2. The site is located in the Howth Special Amenity Area Buffer Zone and lies to the west of the Howth Special Amenity Area. There is a line of existing leylandii trees that currently divides the site behind the existing dwelling. The northern and southern boundaries of the site area defined by a stone wall approx. 1.5 metres in height. The eastern boundary is defined by a post and rail fencing. The site rises gradually west to east from Thormanby Road. The roadside boundary forms approx. a 1.2-metre-high stone wall with hedging behind. There are a cluster of mature trees site positioned into the front area garden area.
- 1.3. To the north is Saint Nesson's which is a residential apartment laid out in sets of two blocks, with a three-storey building fronting Thormanby Road and a two-storey building set behind. Further east behind Saint Nesson's is Mariners Cove which is a residential development of 13.no two storey units. To the south is Casana View which is a two-storey detached dwelling similar in design and appearance of the existing dwelling on site. The prevailing character is residential in nature. The site is located within the Coastal Landscape Character type which is of exceptional value and of high sensitivity.

2.0 Proposed Development

2.1. Permission is sought for the demolition of a habitable house known as ‘Somerville’ and the construction of 41 no. new residential units. The development includes:

- 1.no two-storey three-bedroom house,
- 28.no three-storey three-bedroom houses,
- 6.no three-bedroom duplex apartments atop 6.no two-bedroom ground floor apartments,
- Provision of a new vehicular entrance via Thormanby Road, an internal access road, 55 vehicular parking spaces (including accessible/visitor spaces), and 5 motorcycle parking spaces.
- All ancillary site and infrastructural works, including landscaped public open space (1,531 sqm), tree removal/planting, general landscaping, boundary treatments,
- Provision of new pedestrian/public access to the cliff walk via the eastern site boundary, bicycle parking stores, bin stores, ESB substation, foul/surface water drainage, SuDS, and attenuation areas.
- The site has a stated site area of 0.922 hectares.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority REFUSED permission on the 24th of October 2024 for the following reason:

1. Having regard to the details set out in the Heritage Impact Assessment Report which accompanies the application, the planning authority are not satisfied that adequate justification for the proposed demolition of the existing dwelling has been provided and in this instance, consider that this building should be retained given its contribution to the local built heritage of the surrounding area. The proposed development would not be in accordance with Objective DMSO256 of the Fingal Development Plan 2023-2029 and in the manner set out would be contrary to the proper planning and sustainable development of the area.

2. The development in its proposed form would fail to integrate appropriately within the surrounding sensitive context, being within the Buffer Zone of the Howth SAAO and adjoining the SAAO proper to the east without undue negative impact to the surrounding amenities by virtue of the proposed height, scale and dominance. The proposed development would not be in accordance with Objectives DMSO31 and DMSO32 of the Fingal Development Plan 2023-2029.
3. Having regard to the pattern of development in the area, it is considered the proposed development of 41no dwellings within the confines of the existing plot represents an inappropriate overdevelopment of the subject site with unacceptable provision of open space and would be visually obtrusive when viewed from the public road and surrounding area. The proposed development would not be in accordance with Objective DMSO31 and Objective DMSO32 of the Fingal Development Plan 2023-2029.
4. The proposed development would be contrary to Specific Objective- Protect & Preserve Trees, Woodlands and Hedgerows along Thormanby Road in addition to Policy GINHP21 – Protection of Trees and Hedgerows as set out in the Fingal Development Plan 2023-2029.
5. The applicant has failed to supply an up-to-date Confirmation of Feasibility from Uisce Eireann for the proposed connections to public water/wastewater. In the absence of this information, the development as proposed would be prejudicial to public health. Note: The Planning Authority are not opposed to some form of development on the subject site which addresses the concerns raised within this report.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planner's Report forms the basis for the decision to refuse permission. stating:
 - Inadequate justification for the demolition of the existing dwelling, which contributes to the local built heritage. The existing dwelling is not unique but is part of the historic building stock and should be retained and reused where possible.
 - Concerns expressed about overdevelopment, lack of integration with the surrounding area, and insufficient open space.
 - The proposed development fails to integrate appropriately within the surrounding sensitive context, being within the Buffer Zone of the Howth Special Amenity Area Order (SAAO) and adjoining the SAAO to the east.
 - The proposed height, scale, and dominance of the development would have a negative impact on the surrounding amenities.
 - Concerns about the removal of existing trees and the impact on trees to be retained, particularly along the eastern boundary and front roadside boundary.
 - Concerns raised with regard to an up-to-date Confirmation of Feasibility from Uisce Eireann for the proposed connections to public water and wastewater, which could be prejudicial to public health.

3.2.2. Other Technical Reports

- Conservation Officer – Recommends additional information: The proposed scheme should be revised and redesigned to incorporate the retention of the existing historic house within any redevelopment of the overall site.
- Transportation – Recommends additional information: Indicates that while the proposed vehicular access and car parking provisions are acceptable, there are concerns about the layout in terms of additional landscaping buildouts within the shared surface area and the need for clarification on bicycle parking provisions for the duplex and terraced units. The report also includes conditions in the event of a grant of permission.

- Drainage/Water Services – Recommended additional information: Relating to the infiltration tests and proposed soakaway design.
- Parks – Concerns raised about layout and impact on the adjoining Howth SAAO lands, the significant impact on existing trees located on and adjoining this site.
- Housing: No objection, subject to Part V.
- Environment – No objections subject to Construction and Demolition Plan.

3.3. Prescribed Bodies

- Dublin Airport Authority – No comment
- Uisce Eireann – No objection subject to an up-to-date Confirmation of Feasibility agreed.

3.4. Third Party Observations

Twenty number third-party submissions were made on the application making the following points:

- Design
 - Design, height and scale of the development deemed unsuitable and out of character with the existing residential area
 - Overdevelopment of the site
- Built Heritage
 - Concerns about the lack of justification for demolishing the existing two-storey five-bedroom dwelling
- Visual Impact
 - Impact on Howth SAA Buffer zone

- Residential Amenity
 - Overlooking and loss of privacy for neighbouring properties
 - Overbearing on neighbouring properties
 - Overshadowing
- Site Services
 - Impact on water pressure
 - Foul sewerage
- Traffic & Transportation
 - Inadequate Transport Assessment
 - Inadequate construction management plan
 - Sightline concerns
 - Parking layout concerns
- Other
 - Loss of trees
 - Surface Water
 - Reduction in property values
 - Noise

4.0 Planning History

No planning history attached to the subject site as per planning register.

5.0 Policy Context

5.1. National Policy

National Planning Framework – Project Ireland 2040

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 (2007).
- Climate Action Plan (2024).
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Design Manual for Quality Housing (2021).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023)

5.3. Regional Policy

Regional Spatial and Economic Strategy 2019-2031 – Eastern and Midland Region.

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 located within the Buffer Zone of the Howth Special Amenity Area Order (SAAO) of 1999 as detailed on Map A and adjoins the Howth SAAO proper to the east.

Land use zoning map No.10 shows two number ‘Tree Symbol’s’ on the immediate north and south of the subject site which is indicative of a County wide objective to protect and preserve trees, woodlands and hedgerows. The tree symbols on the maps may represent an individual tree or a cluster of trees and are not an absolute commitment to preserve every tree and hedgerows in the County.

Relevant Policies and Objectives

Policy CSP14 – Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people-intensive uses within the existing built-up area of Dublin City and suburbs.

Chapter 3 – Sustainable Placemaking and Quality Homes

Policy SPQHP36 – Private and Semi-Private Open Space: Ensure that all residential development within Fingal is provided with and has access to high quality private open space and semi-private open space (relative to the composition of the residential scheme) which is of a high-quality design and finish and integrated into the design of the residential development.

Objective SPQHO35 – Private Open Space: Require that all private open spaces for houses and apartments/duplexes including balconies, patios, roof gardens and rear

gardens are designed in accordance with the qualitative and quantitative standards set out set out in Chapter 14 Development Management Standards.

Objective SPQHO36 – Public open Space: Public open space provision in new residential developments must comply with the quantitative and qualitative standards set out in Chapter 14 Development Management Standards.

Objective SPQHO39 – New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.

Objective SPQHO42 – Development of Underutilised Infill, Corner and Backland Sites – Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.

Objective SPQHO44 – Encourage the retention and retrofitting of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement and encourage the retention of existing houses that contribute beneficially to the area in terms of visual amenity, character, or accommodation type.

Objective SPQHO44 – The Council will encourage the retention and retrofitting of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement and will also encourage the retention of existing houses, such as cottages, that, while not Protected Structures or located within an ACA, do have their own merit and/or contribute beneficially to the area in terms of visual amenity, character or accommodation type.

Chapter 9 – Green Infrastructure and Natural Heritage

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.

Objective GINHO61 – Landscape/Visual Assessment: Require a Landscape/Visual Assessment to accompany all planning applications for significant proposals that are likely to affect views and prospects.

9.6.16 Special Amenity Areas

Policy GINHP21 – Protect existing woodlands, trees, and hedgerows which are of amenity or biodiversity value and/or contribute to landscape character, ensuring proper provision for their protection and management in line with the adopted Forest of Fingal-A Tree Strategy for Fingal.

Chapter 10 – Heritage, Culture and Arts

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

Policy HCAP23 – Require that adaptative re-use of older buildings and historic centre heritage-led regeneration adheres to best conservation practice and principles. There will be a presumption against the demolition of older buildings where restoration or adaption is a feasible option.

Chapter 14 – Development Management Standards

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 – Applications for residential infill development on corner/side garden sites will be assessed against criteria including compatibility with adjoining structures, consistency with the character and form of development in the surrounding area, provision of satisfactory levels of private open space, and ability to safeguard the amenities of neighbouring residential units.

Objective DMSO52 – Public Open Space Provision – Public open space shall be provided in accordance with Table 14.12.

Objective DMSO256 – Support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible.

14.19.1.2 Existing Buildings/Structures – Where structures exist on a site their embodied carbon needs to form part of the considerations for any redevelopment to ensure the proposal adheres to sustainable development goals. Adaptive re-use and transformation of existing buildings should be the first consideration before demolition and replacement. The architectural or vernacular quality, style and materials of the buildings on the site should also form part of the evaluation as the Development Plan contains objectives to retain and re-use the historic building stock, vernacular structures and 20th century architecture of merit. An analysis of historic maps should be carried out where older buildings exist on a site to inform the assessment process (there are a number of online map viewers that have digital historic map layers).

Howth Special Amenity Area Order (SAAO)

The site is located within the Buffer Zone of the Howth Special Amenity Area Order (SAAO) 1999.

Schedule 1 – Objectives for the enhancement of the area

Objective 1.3: To protect the special amenity area and to ensure that its resources are used in an effective and sustainable manner,

Policy 1.3.1: The Council will designate a Buffer Zone for the special amenity area in the County Development Plan (as shown in Map A).

In considering planning applications within the buffer zone, the Council's policy includes:

- Preserving prospects of the Special Amenity Area and open views from the Special Amenity Area.
- To preserve existing rights of way leading to the special amenity area and where appropriate, to create additional rights of way to allow development which utilises recreational, tourism and educational potential of the special amenity area, provided that such development does not have a significant negative visual impact and that it conforms with the zoning objectives and other development standards of the development plan.
- Protecting existing natural and semi-natural habitats and, where appropriate, encouraging the creation of new semi-natural habitats to enhance the habitat diversity of the peninsula.

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).

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.

5.5. Natural Heritage Designations

The site is not located within or adjacent to any designated Natura 2000 site. The closest European Sites are as follows:

- Howth Head SAC (Site Code: 000202) adjoins the site to the immediate east of the site.
- Rockabill to Dalkey Island SAC (Site Code: 003000) c.900 metres to the east of the site.
- North-west Irish Sea candidate SPA (Site Code: 004236) c.900 metres to the east of the site.
- Proposed Natural Heritage Area: Howth Head adjoins the site to the immediate east of the site.

6.0 EIA Screening

- 6.1. Refer to Form 1 in Appendix 1. Class 10 (b) (i) of Schedule 5 Part 2 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.
- 6.2. Refer to Form 2 in Appendix 1. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

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:

- Demolition justification of built heritage
 - The appellant considers the existing dwelling is not a protected structure, is not located within an Architectural Conservation Area, and has limited architectural and historical value.
 - The submitted Heritage Impact Assessment and Sustainability Report justify the demolition of the existing property, highlighting that retaining the building would undermine efforts to reduce carbon emissions and achieve long-term energy efficiency.
 - The proposal aligns with national and local policies (CSP14) promoting the redevelopment of brownfield sites to provide high-density housing.
 - Report submitted by Mesh Architects which responds to the Conservation Officer report.
 - The existing building is not of sufficient historical or architectural significance to warrant its retention. It is a typology and scale that is well represented throughout Ireland. The onus is on the Planning Authority to identify any specific factors that would support their focus for seeking retention of the building as this was not raised in pre-planning discussions.
 - Report submitted by Tent Engineering which responds to the Conservation Officer report.
 - The sustainability-focused findings of the report strongly support the demolition of the existing dwelling in favour of constructing a high-performance new-build. Retaining the current structure would undermine efforts to significantly reduce carbon emissions, achieve long-term energy efficiency, and deliver a high-quality living environment for future occupants.

- Visual Amenity/Integration with Surrounding Context
 - The appellant has submitted an alternate design option to address the concerns raised by the Planning Authority, including reducing the number of residential units (density), lowering building heights, and increasing public open space.
 - The revised proposed development respects the height and massing of existing residential units and retains the physical character of the area.
 - Due to the amendments the development is considered to be appropriately assimilated into the landscape and does not unduly detract from the natural landscape or the Howth Special Amenity Area Order (SAAO). This is supported by the amended LVLIA.
 - The development has been redesigned to minimise the impact on the character and appearance of the site when viewed from Thormanby Road.
 - The scale and massing of proposal is now very different from that refused.
 - The appellant considers adequate open space has been provided via the amended design.

- Tree Removal and Vegetation
 - The proposal retains over 55% of existing trees on site and includes additional native tree planting to mitigate the loss of vegetation.
 - Report submitted by Charles Mc Corkell Arboricultural Consultancy detailing the detailing the health of existing trees on site.

- Uisce Eireann - Confirmation of Feasibility
 - A Confirmation of Feasibility (COF) from Uisce Eireann has been submitted with the appeal and confirms that the proposed development can connect to both water and wastewater infrastructure.

- Other
 - Pre-planning was undertaken with the Planning Authority prior to submission of the application.
 - The appeal requests that An Bord Pleanála consider the application de novo and grant planning permission for the proposed development, with the option to consider the amended design by way of condition if necessary.

- The appellant refers to approved application by the Planning Authority 280 metres to the west under Reg: F21A/0386 which was for an apartment similar to this context.

7.2. Planning Authority Response

Response received dated 24th December 2024 requesting the Board to uphold the decision of the Planning Authority.

- Demolition justification of built heritage
 - The PA considers adequate reasoning for the proposed demolition of the existing dwelling has not been provided and should be retained given its contribution to the built heritage of the area.
- Design/Scale/Layout
 - The reduction in design, scale, layout is noted.
 - The reduction in height of the townhouses along the southern boundary and replacement of 2no. 3-storey apartment buildings with 2.no two storey townhouses is noted.
 - The PA stills have concerns with regard to the overall scale and design approach.
 - The PA is not opposed to some form of residential development on the site and should have regard to policies relating to infill development as per Objective SPQHO42.and DMSO31.
- Trees
 - The PA stated there is a specific objective to protect and preserve trees and hedgerows along Thormanby Road. The proposed entrance conflicts this objective.
- Uisce Eireann - Confirmation of Feasibility
 - The PA acknowledges the Confirmation of Feasibility (COF) letter from Uisce Eireann.

- The PA requests that the Board uphold the decision to refuse the application.
- In the event of a successful appeal conditions such as.
 - 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

Eight number observations have been received from local residents at Mariners Cove, Thormanby Road and from a local representative making the following points:

- Design
 - Design, height and scale of the development considered unsuitable and out of character with the existing residential area.
 - Overdevelopment and cramped nature of the site.
 - Density too high.
 - Revised drawings with pitched to flat roofs is architectural unbalanced Blandness and monotony.
 - Limited amount of private amenity space.
 - Failure to respect zoning transitions.
 - Development should be single storey further closer to the SAAO.
- Built Heritage
 - Concerns about the lack of justification for demolishing the existing two-storey five-bedroom dwelling.
 - Somerville is attractive building that is in with neighbouring properties.
- Visual Impact
 - Impact on Howth SAAO and SAA Buffer zone.
 - Visible from Ben of Howth.
- Residential Amenity
 - Overlooking and loss of privacy for neighbouring properties.

- Overbearing on neighbouring properties.
- Overshadowing.
- Noise pollution.
- Daylight Sunlight Assessment is deficient.

- Flooding
 - Historical flooding in the vicinity

- Traffic & Transportation
 - Inadequate Transport Assessment.
 - Inadequate construction management plan.
 - Sightline concerns.
 - Parking layout concerns.
 - Construction management plan inadequate.
 - Increase in traffic.
 - Car parking inadequate.

- Other
 - Loss of trees.
 - Right of light.
 - Reference made to error in accuracy of height measurements of proposed development in relation to neighbouring properties.
 - Urge the Board to consider a full sustainability analysis for the site and have regard to the RICS standard, whole life carbon assessment for the built environment.
 - Application should not be considered by the Board by virtue of section 132 of the Planning and Development Act 2000 and article 37 of the Planning and Development Regulations 2001.
 - Ecological Impact and habit for foxes, badgers, squirrels, bats.
 - Inadequate drainage.

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
- Built Heritage
- Visual Amenity & Residential Amenity
- Density & Open Space
- Trees
- Uisce Eireann
- 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 is also within the buffer zone of the Howth Special Amenity Area Order (SAAO), designated in 1999. Residential development is permitted in principle subject to compliance normal planning considerations.

8.2. Built Heritage

- 8.2.1. Impact on the local built heritage was a reason for refusal by the Planning Authority. The Planning Authority considered the existing Somerville House on site should be retained as it contributes to the local built heritage.
- 8.2.2. The proposed development seeks permission to demolish the existing habitable two-storey five-bedroom dwelling and removal of existing vehicular entrance from Thormanby Road and construct 41.no residential units on the site which extends further east bordering the Howth SAAO. The subject dwelling is not designated a

protected structure nor is the site located within an Architectural Conservation Area (ACA) nor recorded by the National Inventory of Architectural Heritage.

- 8.2.3. The Heritage Impact Report submitted with the application, which I note, concludes, the house features rendered brick and stone masonry, a slated hipped roof, timber sash windows, and a simple design with minimal embellishments. Internally, it has smooth plaster walls and ceilings, simple plaster coving, good quality joinery, and a timber staircase. These features contribute to the house's overall character. The site includes mature trees, a stone boundary wall, and wrought iron gates. Somerville House was built between 1890 and 1905 as part of a suburban estate. The area developed into a community of similar houses during the late 19th and early 20th centuries. The report states the Somerville House is one of the last remaining properties from its era within its original site. Somerville House is considered locally significant but not regionally noteworthy. Furthermore, I note the conservation officer of FCC recommended additional information seeking a revised design and layout that incorporates the retention of the existing house within any redevelopment of the overall site. The Conservation report of the FCC refers to an entry in the 1890 edition of Thom's Official Directory for County Dublin that shows Somerville was constructed by 1890 and occupied by an Edmund McClure. The property is not noted within the 1875 Directory. Somerville was therefore built sometime in the late 1870s or 1880s.
- 8.2.4. Objective SPQHO44 of the Fingal County Development Plan, 2023-2029 supports retaining and retrofitting habitable dwellings over demolition, including non-protected houses that enhance visual amenity, character, or housing mix and objective DMSO256 of the plan seeks to support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible. Furthermore, I note the heritage policies HCAP22 and HCAP23 of the plan promote retaining, revitalising, and adapting Fingal's historic, vernacular, and 20th-century buildings. They discourage demolition, favouring conservation and heritage-led regeneration where feasible.
- 8.2.5. In inspecting the appeal site, I observed the dwelling to be generally in a good state of repair and was currently occupied. Whilst I note that the appeal site is not a Protected Structure nor is it located within an Architectural Conservation Area, the dwelling itself

in my opinion has architectural merit originally built around 1870's with vernacular features such as a double fronted two storey hipped roof design house with quoins on the corners, chimney set through the ridge, slate roof, two-storey bay window, painted render and sash windows and a single panelled entry door, with a small glazed transome above. The appeal site is located along Thormanby Road. This section of the road in my view has a distinctively sylvan unique character, whereby large dwellings have large setbacks from the public road, with matures trees and landscaped gardens to the front. I also note the existing building is referenced on the 25 Inch mapping series which was surveyed between 1863 and 1924. The existing dwelling was set within a row of other large, detached dwelling such as Heath House, Ashbourne House to the south, St Nesson's House, Rock Mount to the north. All such dwellings appear to have been demolished for residential developments on the elevated sites to the north and south of the site. Somerville House is one of the last of the earlier properties that stands within its entire original site from 1870's as referenced in the heritage report. In that context, it is my view having regard to the heritage report, the existing dwelling provides a valuable local contribution to the existing streetscape character and as stated in the heritage report as a locally significant structure and in my opinion should be retained with a suitable scaled residential development sited behind.

- 8.2.6. Further to this, I am conscious of the objective DMSO256 (Re-use of existing Buildings section 14.21.1) of the plan which, *"Support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible"*. Where demolition is proposed, the applicant must submit a demolition justification report to set out the justification 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. In addition, I note section 14.19.1.2 (Existing Buildings/Structures) of the plan refers adaptive re-use and transformation of existing buildings should be the first consideration before demolition and replacement. The architectural or vernacular quality, style and materials of the buildings on the site should also form part of the evaluation as the Development Plan contains objectives SPQHO44 and heritage policies HCAP22, HCAP23 to retain and

re-use the historic building stock, vernacular structures and 20th century architecture of merit.

- 8.2.7. I note the grounds of appeal have submitted to a sustainability report assessing the environmental impact of a proposed deep refurbishment versus new-build options for a residential development. I note the planners report did not comment about this report and I believe there is no specific policy requirement in the plan for this report. Nevertheless, I have reviewed the report which concludes, deeply refurbishing the existing home will emit over 5.7 times more CO₂ per year than constructing a sustainable new build. Deep refurbishment and extension of the existing property would also contribute to more than 58% of the embodied carbon emissions associated with a new build. The report states from a carbon emissions perspective, demolishing the existing E1-rated building and constructing four new A1-rated buildings is a more sustainable long-term solution than refurbishing the existing building.
- 8.2.8. I note the conclusions of the report, however in the context of the above policies and objectives SPQHO44, DMSO256 HCAP22 and HCAP23 and the Climate Action Plan which highlights that buildings represent a significant resource of 'sunk' or embodied carbon and their retention and reuse will be critical to avoiding unnecessary emissions associated with demolition and replacement. It is my view from the policies and objectives SPQHO44, DMSO256 HCAP22 and HCAP23 that there is clear presumption against the demolition of existing housing stock. Furthermore, I note no structural engineering report has been provided with the appeal to justify demolition which is a requirement of DMSO256 (Re-use of existing Buildings) and section 14.21.1 of the plan. In my opinion the existing habitable dwelling appears to be in sound condition. Given the architectural merit of the existing habitable dwelling, the areas distinctive character, it is my view the adaptive re-use and transformation of existing building should be the first consideration which is supported by various policies and objectives of the plan before demolition and replacement.
- 8.2.9. Having regard to the foregoing, I consider the proposed demolition of the existing habitable dwelling would be contrary to objectives SPQHO44, DMSO256 and section 14.21.1 of the plan which promote retention and retrofitting over demolition.

Furthermore, contrary to heritage policies HCAP22, HCAP23 and 14.19.1.2 of the plan, which seek to preserve historic and vernacular buildings. As such permission should be refused for the proposed development in this instance.

8.3. Visual Amenity & Residential Amenity

8.3.1. The Planning Authority as the second reason for refusal determined the proposed development by reason of its design, height & massing would fail to integrate appropriately within the surrounding sensitive context, being within the Buffer Zone of the Howth SAAO and adjoining the SAAO proper to the east without undue negative impact to the surrounding visual and residential amenities.

8.3.2. It should be noted the grounds of appeal submitted an alternative design to address the reasons for refusal. The amendments include:

- Removal of 3 terraced houses at the site's eastern boundary, adjacent to the Howth SAAO ecological buffer, and creation of an additional public open space/pocket park.
- Modification of the south-western most terrace of 3 three-storey townhouses (fronting Thormanby Road) to provide an external terrace on the western elevation at the second-floor level.
- Reduction in height of 3 three-storey townhouses adjoining the southern boundary and 2 opposing terraces of 3 three-storey townhouses adjoining the northern boundary (9 units total) to two-storey height with flat roofs.
- Replacement of the southern terrace of 4 three-storey duplex apartment buildings with 2-part single, part two-storey Courtyard Houses.
- Omission of the external terrace at the second-floor level for the northern terrace of 4 three-storey duplex apartment buildings.

These amendments result in:

- a) Reduction of residential units from 41.no to 36.no.
- b) Reduction of residential density from 44.5 units per hectare to 39 units per hectare.
- c) Increase in the number of two-storey buildings from 1 to 10.

- d) Reduction in the number of three-storey buildings from 34 to 22.
- e) Increase in the quantum of public/communal open space from 1,531 sqm to 1,834 sqm.

8.4. I note the revised drawings and the Board can have regard to these revised drawings if deemed appropriate. I will assess the revised drawing below.

Visual Amenity

- 8.4.1. Policy 1.3.1 of the Howth SAAO designated in 1999 refers to when considering applications in the buffer zone which this site is located, seeks to preserve prospects of the Special Amenity Area, open views from the Special Amenity Area and development that does not have a significant negative visual impact are key considerations. Policy 2.1.1 of the Howth SAAO also seeks to preserve views from the network of footpaths and roads shown on Map B and development will not permit development that significantly negatively affects these views.
- 8.4.2. The prevailing character of the surrounding area, forms large, detached two-storey dwellings along Thormanby Road, with low density two storey detached dwellings to Mariners Cove to the northeast and two storey detached dwelling at Casana View to the southeast. The proposed development includes a mix of 2-3 storey townhouses and duplexes/apartments varying in heights from 9.6 metres along the eastern site boundary and 10.9 metres in height to the middle section of the site and a similar height proposed for the apartments fronting Thormanby Road.
- 8.4.3. In that context, I have had regard to map B of the SAAO has designated the Upper Cliff Road/footpath to the east from which views will be protected. I viewed the proposed development from various locations along this road/footpath. In my opinion the proposed townhouses by reason of their height at 9.6 metres would be clearly visible along the entire eastern/highest portion of the site immediately adjacent to the SAAO proper which I consider is unacceptable in the context of policy 2.1.1, map B of the SAAO and would have a detrimental impact to the visual amenity which policy 1.3.1 seeks to preserve prospects from roads and footpaths of the SAAO. I note the

initial application submitted to FCC by the applicant contained visual photomontages of the proposed development from various viewpoints in the vicinity. The photomontages taken from Upper Cliff Road referred to in map B in my opinion is of particular concern and showed the roof profiles of the units along the eastern highest portion of site which I believe was unacceptable and heightens the visual impact of the proposed development contrary to policy 1.3.1 and policy 2.1.1.

- 8.4.4. Notwithstanding the above, I note the grounds of appeal have submitted revised plans to address the Planning Authorities reasons for refusal regarding visual amenity. The changes, which I consider to be acceptable, include the eastern-most terrace of 7 three-storey townhouses replaced with a terrace of 4 two-storey two storey townhouses. The south-western most terrace of 3 three-storey townhouses (fronting Thormanby Road) have been modified to provide an external terrace on the western elevation at the second-floor level. The 3 three-storey townhouses adjoining the southern boundary have been reduced to two-storey height with their pitched roofs replaced by flat roofs. The 12 three-storey townhouses adjoining the northern boundary have had their pitched roofs replaced by flat roofs. The southern terrace of 2 three-storey duplex apartment buildings are replaced with 2 two-storey townhouses. The northern terrace of 4 three-storey duplex apartment buildings have had their external terraces at the second-floor level omitted. Furthermore, I note the revised Visual Impact Assessment (VIA) and photomontages submitted as part of the grounds of the appeal, which I consider acceptable. It concludes the reduction in height and massing of the visible dwellings, in conjunction with their positioning and material finish, ensure that the scheme, while visible, is appropriately assimilated into the landscape.
- 8.4.5. Having regard to the revised drawings which include a reduction in height and massing of the units, it is my opinion that the scheme, while visible, is appropriately assimilated into the landscape in accordance with policy 1.3.1 and policy 2.1.1 of the SAAO.

Residential Amenity

- 8.4.6. Objective's DMSO31, DMSO32 and SPQHO42 of the plan also refer to applications for infill and backland development must safeguard the amenities of neighbouring residential units. I note the Planning Authority raised concerns about the separation distance in the proposed development. Specifically, the proximity of the three-storey townhouses (Type T01) to existing dwellings in the Mariners Cove residential estate was noted. I have reviewed the initial layout plan and, I note the minimal separation distance at 2.1 metres of the 3-storey Type T01 units to the northern boundary with Mariners Cove and a separation distance of 3.1 metres of the 3-storey Type T04 units (height at 9.6 metres) from northeastern boundary of 'Coleridge' which is a single storey dwelling, is in my opinion unacceptable. I consider this results in overdevelopment of the site and would lead to an overbearing impact and loss of privacy, which would not be conducive to a good standard of amenity for both existing and future occupants.
- 8.4.7. Notwithstanding the above, I note the grounds of appeal have submitted revised plans to address the Planning Authorities reasons for refusal regarding residential amenity. To address concerns regarding residential amenity, several changes have been made to the proposed development which I considered to be acceptable. The changes include the 7 three-storey townhouses (Type 3 units) replaced with a terrace of 4 two-storey two storey townhouses (Type 4 units) with a reduction in height from 9.6 metres to 7.3 metres. These units would have an improved separation distance of 15.5 metres from the existing neighbouring property at Coleridge reducing the potential for overbearing and enhancing privacy. Furthermore, the 3-storey Type T01 units to the northern boundary with Mariners Cove have now been reduced in height from 11.5 metres to 10.2 metres further reducing the potential impact for overbearing to Mariner Cove. Additionally, the Type 1 (townhouses) units along the southern boundary have too been reduced in height to 6.7 metres. These reductions in height of the units in my view is comparable to the building's height of neighbouring properties in Mariners Cove to the north and Casana View to the south. In my view, I consider these revised plans address the Planning Authorities second reason for refusal. In the appeal

response from the Planning Authority notes the reduction in the height of the townhouse along the southern boundary.

- 8.4.8. Having regard to the foregoing, I consider the proposed development would be in line objectives DMSO31, DMSO32 and SPQHO42 of the plan. However, having regard to the substantive reason for refusal recommended above in section 8.2 where I have considered there is a fundamental issue with the demolition of original building, it is my view that the application must be refused in this instance.

8.5. Density & Open Space

- 8.5.1. Density and open space have been raised as the third reason for the Planning Authority's refusal. The Planning Authority concluded that a development of 41no. units within the confines of the existing plot represents an inappropriate overdevelopment of the subject site with unacceptable provision of open space. The grounds of appeal have submitted revised plans which include a reduction of residential units from 41.no to 36.no; reduction of residential density from 44.5 units per hectare to 39 units per hectare and increase in the quantum of public/communal open space from 1,531 sqm to 1,834 sqm.

Density

- 8.5.2. Policy CSP14 of the plan supports the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built-up area of Dublin City and suburbs. Furthermore, the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024) which supersede the Sustainable Residential Developments in Urban Areas – Guidelines for Planning Authorities 2009 set outs a requirement for densities need to comply with the national standards.
- 8.5.3. The site is located at Howth Head and in my opinion the subject site falls within a Dublin 'City – Suburban/Urban Extension' category as set out per table 3.1 of Sustainable Residential Development and Compact Settlements Guidelines for

Planning Authorities. These areas are the lower density car-orientated residential suburbs constructed at the edge of cities in the latter half of the 20th and early 21st century. I note it is a policy and objective of these guidelines that residential densities in the range 40 dph to 80 dph (net) shall generally be applied at suburban and urban extension locations in Dublin. Furthermore, I note there are no site-specific density restrictions for this site having regard to the SAAO zoning map.

- 8.5.4. In that context, the proposed development consists of 41no. units on a site area of approximately 0.922 hectares, resulting in a density of about 44.4 dwellings per hectare. The density in my view would be in accordance with the density range set out in the Compact Guidelines. Additionally, I note the revised drawings reduce the number of units to 36no. units which would result in a density of 39.1 dwellings per hectare which in my view would be an acceptable density range as per the Compact Settlement Guidelines.
- 8.5.5. Having regard to the foregoing, I consider that both the proposed development and revised plans as indicated above would represent an acceptable density range of as set out in the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024) and in line policy CSP14 of the plan. However, having regard to the substantive reason for refusal recommended above in section 8.2 where I have considered there is a fundamental issue with the demolition of original building, it is my view that the application must be refused in this instance.

Open Space

- 8.5.6. The refusal reason by the Planning Authority also refers to unacceptable provision of open space. The Planning Authority in my opinion is not clear if this relates to private or public open space. However, I will set out below sub-headings with regard to private and public open space. The grounds of appeal have submitted revised plans which include have increase in the quantum of public/communal open space from 1,531 sqm to 1,834. An additional public open space has been created to the northeastern portion of the site.

Private Open Space

- 8.5.7. Objective SPQHO35 of the plan refers to private open space which should be designed in accordance with the qualitative and quantitative standards set out set out in Chapter 14 Development Management Standards which states private open space requirements for apartment and duplex units is as follows, studio 4 sqm, 1 bed 5 sqm, 2 bed 7 sqm. 3 bed 9 sqm and for 3-bedroom houses or less 60 sqm and 4 or more bedrooms at 75 sqm. Furthermore, SPPR 2 (Minimum Private Open Space Standards) of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024) set out apartments and duplex units shall be required to meet the private and semi-private open space requirements set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2023 (and any subsequent updates) which is as follows, studio 4 sqm, 1 bed 5 sqm, 2 bed 7 sqm. 3 bed 9 sqm and for a 1 bed house 20 sqm, for a 2-bed house 30 sqm, for a 3-bed house 40 sqm and for a 4-bed + house 50 sqm.
- 8.5.8. In the context of the above, each residential unit is provided with private open space ranging from 28.43 sqm to 100.51 sqm which in view is in line with the requirements of SPPR 2 of the Compact Settlement Guidelines. The FCC planners report acknowledges the fact the applicant has met the on-site minimum requirement for private open space.

Public Open Space

- 8.5.9. Objective SPQHO36 of the plan refers to public open space, which are to be designed in accordance with the qualitative and quantitative standards set out in Chapter 14 Development Management Standards which states New residential development on infill/brownfield sites shall provide 12% of site area. Furthermore, policy and objective 5.1 (Public Open Space) of Compact Settlement Guidelines set outs public open space provision of not less than a minimum of 10% of net site area and not more than a minimum of 15% of net site area save in exceptional circumstances should be provided.

8.5.10. In that context, I note the development includes three areas of public open space, cumulatively amounting to 1,505 sqm (13.5%) which in my view is acceptable and in line with the above provision of policy and objective 5.1. The public open spaces are distributed in three areas, public space number 1 of 829 sqm at the western part of the site fronting Thormanby Road, both public space number 3 of 317 sqm, and public space number 4 of 360 sqm which are site sited to the middle section of the site. The public open fronting residential units would act as passive surveillance which I consider acceptable. Furthermore, the grounds of appeal have increased the overall quantum of public/communal open space from 1,531 sqm to 1,834 with an additional public open space which I considered to be acceptable been created to the northeastern portion of the site.

8.5.11. Having regard to the foregoing, I am satisfied the proposed development would be in line with the qualitative and quantitative standards of public and private open space. The proposed development is acceptable as set out in the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024) and in line with objectives SPQHO35, SPQHO36, and policy CSP14 of the plan. However, having regard to the substantive reason for refusal recommended above in section 8.2 where I have considered there is a fundamental issue with the demolition of original building, it is my view that the application must be refused in this instance.

8.6. Trees

8.6.1. Impact on trees was the third reason for refusal by the Planning Authority. The Planning Authority stated the proposed development would be contrary to Specific Objective- Protect & Preserve Trees, Woodlands and Hedgerows along Thormanby Road in addition to Policy GINHP21 – Protection of Trees and Hedgerows as set out in the Fingal Development Plan 2023-2029. I note grounds of appeal have submitted an Arboricultural Report, dated August 2024, a Tree Removals Plan Dwg. No: 240102-P-11, a Tree Protection Plan Dwg. No. 240102-P-12 and a Tree Survey & Constraints Plan Dwg. No. 240102-P-10 which I consider robust and acceptable. This documentation proposes the removal of 26 trees, 1 group of cypress trees to the middle section of the site, 5 ornamental hedgerows and 5 groups of shrubs.

- 8.6.2. As referenced in 5.4, land use zoning map No.10 shows two number 'Tree Symbol's' to the north and south of the subject site which is indicative of a County wide objective to protect and preserve trees and woodlands. The Board should note that is not an absolute commitment to preserve every tree in the County and does not preclude development of the site.
- 8.6.3. The Parks and Green Infrastructure Section report raises specific concerns about the removal of existing trees on the site and the impact on trees to be retained, particularly due to the proposed entrance and front boundary works along Thormanby Road. It is also stated that trees along the eastern boundary may not be viable given the lack of separation from the proposed dwelling units. It is my view a balance should be sought with regard to retaining trees whilst also maximising density in line with national policy.
- 8.6.4. In my opinion many of the trees to be removed are of low value and fair/poor quality and their removal is acceptable. Many of the trees fronting Thormanby Road would be kept in any case which in my view retains the character along Thormanby Road. Furthermore, I note additional planning proposed would support continued biodiversity in the area in accordance with best practice.
- 8.6.5. Therefore, in the context of achieving increasing residential densities and urban consolidation on zoned residential lands (which these subject lands are), on balance, I consider the loss of 26 number trees to accommodate a balanced higher density is acceptable. Tree mitigation measures as outlined in the Arboricultural Report could be dealt by way of condition if the board is minded to grant permission. However, having regard to the substantive reason for refusal recommended above in section 8.4 where I have considered there is a fundamental issue with the demolition of original building, it is my view that the application must be refused in this instance.

8.7. Uisce Eireann

- 8.7.1. Failure to supply an up-to-date Confirmation of Feasibility from Uisce Eireann was the final reason for refusal by the Planning Authority. I note the grounds of appeal have now submitted a Confirmation of Feasibility (COF) from Uisce Eireann which I consider

to be acceptable and confirms that the proposed development can connect to both water and wastewater infrastructure.

8.8. Other Matters

'Right to Light'

- 8.8.1. I note 'Right to Light' has been raised by an observer. As the issue of determining rights to light is a matter for the Courts, I do not consider that the Board is in a position to draw any conclusions in relation to the matters raised.

Flooding

- 8.8.2. Flooding has been raised as a concern by an observer. The observer has submitted no evidence in support of this claim that the site has been subject to a flood event. The proposed development is not located beside any water course. Having viewed the OPW flood maps it is my view the site is located within Flood Zone C which has a low risk of flooding. The Planning Authority have not raised any issue with flood risk in their assessment. Therefore, it is my view the proposed development is acceptable and would not pose any adverse flood risk.

Surface Water Drainage

- 8.8.3. I note the concerns raised by the observers with regard to surface water drainage. A report dated 5th September 2024 from the FCC Water Services Section requested further information with regard to infiltration tests and proposed soakaway design. I note the above was not a reason for refusal and it is my view that surface water drainage could be address by way of a new application should the applicant pursue. Additionally, if the board is minded to grant permission, this in my view could be dealt by way of condition.

Traffic & Transportation

- 8.8.4. Various traffic and transport concerns have been raised by observers. I note a report dated 5th September 2024 from the FCC Transportation Section raised no objection subject to conditions. I note the site is within circa 200 metres walking distance of the H3 and 6 Bus Connects routes, which provides a frequency of 30 minutes; and circa 1.8 km walking distance of the Howth Dart Station. Adequate sightlines required from the Design Manual for Urban Roads and Streets (DMURS) for this location has been provided at 49 metres visibility to the near-side edge of the road on both sides of the entrance, viewed from a 2.4 metre setback from the edge of the road at the entrance which I consider is acceptable. Lack of car parking has too been raised by the observers. Each residential unit will be served by vehicular parking, with a minimum of one vehicular space provided per dwelling, and an extent of visitor parking spaces will also be provided (55 in total). This in my view aligns with the Compact Settlement Guidelines.

Ecological Impact Assessment

- 8.8.5. I note a 'Ecological Impact Assessment report has been submitted by the applicant which I considered to be robust and acceptable. It concludes that no field signs of badgers or other large terrestrial mammals were identified at the site. A bat survey was carried out, but no bats were recorded roosting within the buildings, and foraging / commuting activity was low. The scrub habitat is considered to be of local importance for small mammals such as hedgehog, pygmy shrew and stoat. Some common and widespread bird species were recorded at the Site, but no species of conservation importance. To avoid impacts on small mammals and nesting birds it is recommended that site clearance works take place outside the nesting / breeding season, or that a pre-clearance survey is carried out. I consider these measures reasonable and can be secured by way of condition if the board is minded to grant permission.

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 that permission should be REFUSED for the reasons and considerations as set out below.

11.0 Reasons and Considerations

Built Heritage

1. Having regard to the architectural merit of the existing habitable building, its condition, and its contribution to the unique streetscape of Thormanby Road, the proposed demolition would be contrary to the Fingal County Development Plan 2023–2029. Specifically, it conflicts with Objectives SPQHO44 and DMSO256, which promote retention and retrofitting over demolition, as well as Heritage Policies HCAP22 and HCAP23, which seek to preserve historic and vernacular buildings. Therefore, the proposed development would set an undesirable precedent and 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.

Gerard Kellett
Planning Inspector
20th March 2025

Appendix 1 – Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321299-24		
Proposed Development Summary	Demolition of dwelling and removal of vehicular entrance; construction of a residential development of 41 homes; provision of vehicular entrance, internal access road, parking spaces and motorcycle parking spaces and all ancillary site and infrastructural works.		
Development Address	Somerville, Thormanby Road, Howth, Co. Dublin, D13 Y773.		
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	√ Proceed to Q2.
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	√	Class 10 (b) (i)	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	√	Proposed development 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

An Bord Pleanála Case Reference	ABP-321299-24
Proposed Development Summary	Demolition of dwelling and removal of vehicular entrance; construction of a residential development of 41 homes; provision of vehicular entrance, internal access road, parking spaces and motorcycle parking spaces and all ancillary site and infrastructural works.
Development Address	Somerville, Thormanby Road, Howth, Co. Dublin, D13 Y773.
<p>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.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
Characteristics of 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).	The development has a modest footprint, comes forward as a standalone project, 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>Location of development</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 sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</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>								
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>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.</p>								
<p>Conclusion</p>									
<p>Likelihood of Significant Effects</p> <p>There is no real likelihood of significant effects on the environment.</p> <p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>There is a real likelihood of significant effects on the environment.</p>	<table border="1"> <thead> <tr> <th data-bbox="655 1352 1155 1397">Conclusion in respect of EIA</th> <th data-bbox="1155 1352 1461 1397">Yes or No</th> </tr> </thead> <tbody> <tr> <td data-bbox="655 1397 1155 1509">EIA is not required.</td> <td data-bbox="1155 1397 1461 1509"></td> </tr> <tr> <td data-bbox="655 1509 1155 1845">Schedule 7A Information required to enable a Screening Determination to be carried out.</td> <td data-bbox="1155 1509 1461 1845"></td> </tr> <tr> <td data-bbox="655 1845 1155 2031">EIAR required.</td> <td data-bbox="1155 1845 1461 2031"></td> </tr> </tbody> </table>	Conclusion in respect of EIA	Yes or No	EIA is not required.		Schedule 7A Information required to enable a Screening Determination to be carried out.		EIAR required.	
Conclusion in respect of EIA	Yes or No								
EIA is not required.									
Schedule 7A Information required to enable a Screening Determination to be carried out.									
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 demolition of the existing dwelling on site; and construction of a residential development comprising 41 units; provision of vehicular entrance, internal access road, parking spaces and motorcycle parking spaces and all ancillary site and infrastructural works on a stated site area of 0.92 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 slope of the site falls to the west away from the SAC.

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

- Rockabill to Dalkey Island SAC (Site Code: 003000) c.900 metres to the east of the site.
- Howth Head SAC (Site Code: 000202) adjoins the site to the immediate east of the site.
- North-west Irish Sea candidate SPA (Site Code: 004236) c.900 metres to the east of the site.

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	<p>Habitat</p> <ul style="list-style-type: none"> • Reefs <p><u>Species</u></p> <ul style="list-style-type: none"> • Harbour Porpoise - Phocoena phocoena 	900 metres	No direct connection
Howth Head SAC	<p><u>Habitat</u></p> <ul style="list-style-type: none"> • Vegetated sea cliffs of the Atlantic and Baltic Coasts • European dry heaths <p><u>Species</u></p> <ul style="list-style-type: none"> • Fulmar - Fulmarus glacialis • Kittiwake - Rissa tridactyla • Guillemot - Uria aalge • Razorbill - Alca torda 	Adjoins the site to the east.	No direct connection
North-west Irish Sea cSPA	<p>Non-breeding Species</p> <ul style="list-style-type: none"> • Red throated Diver • Great northern Diver • Common Scoter • Blackheaded gull, • Common Gull • Great Black-backed Gull 	900 metres	No direct connection

	<ul style="list-style-type: none"> • Little Gull. <p>Breeding seabirds include.</p> <ul style="list-style-type: none"> • Fulmar, • Manx Shearwater, • Cormorant, • Shag, • Lesser Black-backed Gull • Herring Gull, • Kittiwake, • Roseate Tern, • Common Tern, • Artic Tern, • Little Tern, • Guillemot, • Razorbill, • Puffin. 		
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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:

- Rockabill to Dalkey Island SAC (Site Code: 003000) c.900 metres to the east of the site.
- Howth Head SAC (Site Code: 000202) adjoins the site to the immediate east of the site.
- North-west Irish Sea candidate SPA (Site Code: 004236) c.900 metres 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.