



An  
Bord  
Pleanála

## Inspector's Report ABP-321795-25

### Development

Retention: Demolition of part of north-facing elevation and construction of part-single part three storey extension together with all associated site works.

### Location

Tara Hall, Balscadden Road, Howth, Co. Dublin, D13 W304.

### Planning Authority

Fingal County Council

### Planning Authority Reg. Ref.

F24A/1034E

### Applicant

John Roe.

### Type of Application

Retention

### Planning Authority Decision

Refuse Permission

### Type of Appeal

First Party

### Appellant(s)

John Roe.

### Observer(s)

Jacqueline Feeley on behalf of Hillwatch.

### Date of Site Inspection

2<sup>nd</sup> April 2025.

### Inspector

Lucy Roche

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## **1.0 Site Location and Description**

- 1.1. The proposed development site is located on the northern side of Balscaddan Road, in Howth, c. 600m southeast of Howth Harbour and overlooking the coast. The site, with a stated area of 0.465ha. (1.15 acres), comprises an irregular-shaped tract of land that extends in a somewhat linear fashion between Balscaddan Road to the south at the coast to the north. The site slopes downwards in a northerly direction from Balscadden Road and is laid out in a series of terraced levels set out in grass. The northern boundary is delineated by an old stone wall.
- 1.2. The site accommodates Tara Hall, a large, detached, 19<sup>th</sup> Century, part two-storey, part three-storey dwelling with additional service under-croft that is accessed externally from the rear of the house. The dwelling has a stated GFA of 620.01 sq. m and currently undergoing renovation / extension. Existing development in the immediate vicinity comprises mainly detached dwellings on large sites.

## **2.0 Proposed Development**

- 2.1. This application is for the retention and completion of works at Tara Hall, Balscadden Road, Howth Co. Dublin comprising:
  - The retention of the demolition of part of the north-facing (rear) elevation of Tara Hall comprising the removal of a lower ground level wall and two rear projections (canted bays) on the ground and on the first floors. The stated area of demolition is 76.95 sq. m.
  - The retention and completion of a part-single, part three storey addition to the rear (north) elevation, to be used for domestic bar purposes, as a sitting / lounge area, as a dining facility and as en-suite bathroom accommodation. The extension is of a contemporary design with simple form and predominantly glazed exterior. The new addition for retention has a stated area of 121.57 sq. m.
  - The application includes all associated site works, including alterations to the fenestration pattern on the northern elevation of the building.
  - The development provides for an additional 44.52 sq. m of floorspace.

2.2. The application is accompanied by a Planning Report and Architectural Assessment

### 3.0 Planning Authority Decision

#### 3.1. Decision:

The planning authority REFUSED permission / retention permission on 21<sup>st</sup> of January 2025 for four reasons as follows:

- 1 Having regard to the information provided with the application and the proximity of the site to designated European (Natura 2000) sites, the applicant has failed to demonstrate that the development did not and would not significantly impact the Howth Head Special Area of Conservation and the Howth Head Coast Special Protection Area. The applicant has failed to provide sufficient information for the Planning Authority to make a screening determination for Appropriate Assessment, and the application contravenes Objective DMSO145 of the Fingal County Development Plan 2023-2029 as a result.
- 2 The development as proposed and constructed is excessively large, overbearing, and unsympathetic to and out of keeping with the existing house and the surrounding environment. The development therefore contravenes Objective 3.4 and Policy 3.4.2 of the Howth Special Amenity Area Order, objectives SPQHO45, GINHO67, and GINHO58 of the Fingal County Development Plan 2023-2029, and the HA zoning objective and vision.
- 3 The site is adjacent to 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 development by virtue of its scale and design is visually intrusive and out of keeping with the surrounding environment and interferes with views and prospects of special amenity value, natural interest, and beauty, each of which it is necessary to preserve, and consequently contravenes Objective 2.1 and Policy 2.1.1 of the Howth Special Amenity Area Order and Objective GINHO60 of the Fingal County Development Plan.

- 4 The development consists of substantial amendments to a prominent 19th century house which, while not a Protected Structure, positively contributes to the character of the surrounding area. The extensions by virtue of their scale and design, together with inappropriate changes to fenestration and external finishes, are highly unsympathetic to and out of keeping with the historic house, employ inappropriate designs and materials, fail to retain features of historic interest, and substantially harm the historic setting and character of Tara Hall. The development consequently contravenes Objective DMSO190 of the Fingal County Development Plan 2023-2029.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The report of the Local Authority Case Planner forms the basis of the planning authority decision. The following points are noted:

- The Case Planner considers that the development for retention and completion is completely at odds with the policies and objectives of the Fingal County Development Plans and the Howth Special Amenity Area Order. That the development is poorly designed, excessively large, visual intrusive and significantly out of keeping with the existing house. The development is wholly unsuitable intervention in a prominent 19<sup>th</sup> Century building which erodes the built heritage and character of Howth. Furthermore, the development has had no regard for its sensitive location adjacent to protected habitat.
- The report concludes with a recommendation to refuse permission for four reasons as outlined above.

#### 3.2.2. Other Technical Reports

- Conservation Office: Supports a recommendation to refuse permission. Considers Tara Hall, a 'historic building of Interest'. The report identifies and considers various changes to Tara Hall, including changes to the windows and roof which they consider has contributed to '*a sterile and sanitised exterior that reads more as a new build interpretation of a historic house, rather than it being an actual historic property*'. Regarding the works to the

north facing elevation, the subject of this application, the Conservation Office raises concerns regarding the scale of the extension in comparison to the demolished area, the extensive use of glazing and the enlargement of windows and alterations to the internal layout. They consider that contemporary design and materials of the extension has increased the visual impact rather than mitigating.

- Parks and Green Infrastructure: Requests the submission of a landscape plan
- Water Services Department: No objection subject to condition.

### 3.3. Prescribed Bodies

- Dept. of Housing, Local Government and Heritage: Requests additional information in the form of an Appropriate Assessment Screening.

The Department notes that the proposed development is situated in a location likely to impact on the Natura 2000 Howth Head Special Area of Conservation (Site Code: 000202) and Howth Sea Cliffs Special Protection Area (Site Code: 004113). The Department considers that the information submitted does not allay concerns in relation to the potential impact on Vegetated Sea Cliff habitat and Kittiwakes for which the site is designated; the cumulative and or 'in combination' impacts of this proposal (when considered along with similar existing developments). Therefore, it is not possible to adequately assess the impact of the proposed development.

- Uisce Éireann: - No objection in principle, subject to condition.
- DAA: - No comment other than to recommend consultation with the A=IAA and AirNav Ireland.

### 3.4. Third Party Observations

The planning authority received one third-party submission from Jacqueline Feeley on behalf of Hillwatch. who are also observers to this appeal. The issues raised in the submission can be summarised as follows:

- This is an extremely sensitive and prominent site and any works in this area must be subject to strictest possible oversight and adherence to law.

- Extensive works carried out on site in the absence of planning permission.
- The proposed development would have a negative impact on designated sites, on local birdlife, on protected views and on the visual amenities of the area.
- No information surface water or foul water drainage
- Concerns raised regarding the planting of fast-growing Chinese Hawthorn on site.

## 4.0 Planning History

**FCC Ref: FS5/038/24** In response to a request for a declaration pursuant to Section 5 of the Planning and Development Act 2000 (as amended) and its associated Regulations, on the question of whether or not a two storey extension to the rear of Tara Hall was or was not exempted development, Fingal County council the issued a declaration (August 2024) stating that the proposal was not exempted development for the following reason:

“Having regard to Section 4(1)(h), Section 4(4) of the Planning and Development Act 2000 (as amended), Schedule 2, Part a, Class 1, 1(c) of the Planning and Development Regulations 2001 (as amended) and Section 4.5 of the Howth Special Amenity Area Order (1999)”.

## 5.0 Policy Context

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

#### 5.1.1. Map Based Objectives:

Zoning: The proposed development site is zoned ‘HA, High amenity. The objective for this area is to “protect and enhance high amenity areas”. the Vision for this area is to “protect these highly sensitive and scenic locations from inappropriate development and reinforce their character, distinctiveness and sense of place. In recognition of the amenity potential of these areas opportunities to increase public access will be explored”.

Landscape Character: Coastal, Highly Sensitive

Preservation of Views: It is map-based objective (Sheet 10 Baldoyle - Howth) to preserve views along Balcadden Road, along East Pier and along other sections of road around the coast around Howth.

#### 5.1.2. **Residential Extensions:**

##### Section 3.5.13.1 Extensions to Dwellings:

The need for people to extend and renovate their dwellings is recognised and acknowledged. Extensions will be considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area.

##### Section 14.10.2 Residential Extensions

The need for housing to be adaptable to changing family circumstances is recognised and acknowledged and the Council will support applications to amend existing dwelling units to reconfigure and extend as the needs of the household change, subject to specific safeguards.

##### Section 14.10.2.4 First Floor Extensions:

First floor rear extensions will be considered on their merits, noting that they can have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:

- Overshadowing, overbearing, and overlooking – along with proximity, height, and length along mutual boundaries.
- Remaining rear private open space, its orientation and usability.
- Degree of set-back from mutual side boundaries.
- External finishes and design, which shall generally be in harmony with existing.



### 5.1.3. Architectural Heritage

#### 14.19.5 Vernacular Heritage and Other Built Heritage Assets

The retention and reuse of vernacular buildings and other non-protected built heritage assets that contribute to the distinctive character of the rural or urban areas of Fingal is supported and encouraged by the Council. Table 14.26 provides direction on the development of vernacular buildings and other built heritage assets: The following points are of note:

- An assessment of the existing buildings on the site should be carried out through an analysis of historic maps and an appraisal of the building's fabric and features. Development proposals should seek to retain and incorporate existing older buildings of merit or character be they vernacular, historic or 20th century structures.
- Proposals affecting vernacular buildings need to be accompanied by a detailed measured survey, photographic record and written report carried out by a professional with appropriate conservation expertise, preferably with an understanding of vernacular buildings.
- Appropriate materials and methods are to be used to carry out repairs to the historic fabric of older buildings.
- Any proposed changes need to be sympathetic to the special features and character of the existing building by respecting the existing setting, form, scale and materials.
- Proposals for extensions to vernacular buildings or the historic building stock should not erode the setting and design qualities of the original structure which make it attractive and should be in proportion or subservient to the existing building.
- Original building features or materials should be retained including windows, doors, roof coverings, boundary treatments and site features (such as stone walls, hedges, railing, gates, gate piers, cobbles and courtyards)
- Direction for the design of new insertions in historic towns and villages or for extensions to existing older or vernacular buildings should be taken from the historic building stock of the area but can be expressed in a contemporary architectural language.

#### 5.1.4. **Noted Policy / Objectives:**

##### Policy SPQHP41 – Residential Extensions

Support the extension of existing dwellings with extensions of appropriate scale and subject to the protection of residential and visual amenities.

##### 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.

##### Objective DMSO145 - Screening for Appropriate Assessment

Ensure that sufficient information is provided as part of development proposals to enable Screening for Appropriate Assessment to be undertaken and to enable a fully informed assessment of impacts on biodiversity to be made.

##### Objective GINHO67 – Development and High Amenity Areas

Ensure that development reflects and reinforces the distinctiveness and sense of place of High Amenity areas, including the retention of important features or characteristics, taking into account the various elements which contribute to its distinctiveness such as geology and landform, habitats, scenic quality, settlement pattern, historic heritage, local vernacular heritage, land-use and tranquillity.

##### Objective GINHO58 – Sensitive Areas

Resist development such as houses, forestry, masts, extractive operations, landfills, caravan parks, and campsites, and large agricultural/horticulture units which would interfere with the character of highly sensitive areas or with a view or prospect of special amenity value, which it is necessary to preserve

##### Objective GINHO60 – Protection of Views and Prospects

Protect views and prospects that contribute to the character of the landscape, particularly those identified in the Development Plan, from inappropriate development.

#### Policy HCAP22 – Retention and Reuse of Existing Building Stock

Seek the retention, appreciation and appropriate revitalisation of the historic and vernacular building stock, and 20th century built heritage of Fingal in both the urban and rural areas of the County by deterring the replacement 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. (See also Table 14.26)

#### Objective DMSO190 – Structures Contributing to Distinctive Character

Where development is proposed for a site that contains a vernacular or historic building, 20th Century building of merit and/or structures that contribute to the distinctive character of the rural or urban areas of Fingal then the scheme should have regard to the direction in Table 14.26

### **5.2. Howth Special Amenity Area Order, 1999**

The site is located within the Howth Special Amenity Area Order (SAAO) 1999, in an area classified as 'Other area within the SAA'. The Howth Special Amenity Area Order protects many of the special qualities of the area and aims to preserve and enhance the character and special features of Howth. It covers a total of 547 hectares, including Ireland's Eye and the heathland, woods, cliffs, shingle beaches and wooded residential areas of the south-eastern half of the Howth peninsula.

Schedule 2 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 road network of footpaths and roads shown on Map B. Applications for planning must take into account the visual impact of proposals on the views from these paths and roads. Applicants must state whether there would be an impact and describe and illustrate the impact. Where there would be an impact, an application for planning permission must be accompanied by a cross-sectional drawing at a suitable scale showing the proposed development and the altered path or road. The council will not permit development which it considers would have a significant negative effect on the view from a footpath or Road. The Council, at its discretion, may require an applicant to erect a flagpole or poles on site corresponding to the heights the proposed structure in order to assist in the assessment of an application.

Schedule 3 sets out objectives for the prevention and limitation of development Part 2 development in Other Areas (as defined by Map A).

Objective 3.4: To preserve the beauty and distinctive character of the natural semi natural and other open spaces within the special amenity area.

Policy 3.4.2: Design guidelines apply to new development.

An extension to an existing building should generally match the character of the existing structure.

### 5.3. Natural Heritage Designations:

The appeal site is not designated for any nature conservation purposes. The coast immediately to north of the appeal site, comprises part of Howth Head SAC (000202), Howth Head pNHA and Howth Head Coast SPA (004113). Other sites in the wider area include Baldoyle Bay SAC (000199), Rockabill to Dalkey Island SAC (003000) North-west Irish Sea SPA (004236 and Irelands Eye SPA (004117) and SAC (002193).

## 6.0 The Appeal

### 6.1. Grounds of Appeal

This is a first party appeal lodged on behalf of the applicant against the decision of Fingal County Council to refuse permission for the retention and completion of works to Tara Hall, Balcadden Road, Howth, Co. Dublin. The grounds of appeal can be summarised as follows:

#### Refusal Reason No. 1: Ecological Impact

- The appeal submission is critical of the planning authority's approach in accessing the ecological impact of the proposal. It is contended that the planning authority failed to have regard to the fact that the ecological sites referenced abut an urban area and that they failed to specify the information that is required or to address the issue by way of further information.
- The case is made that the planning authority did not require additional information to make a determination in respect of appropriate assessment. The appeal notes the separation of the site from ecological areas, the fact that the land has accommodated a house for 200 years and the limited scale of the works proposed. The appeal cites precedent cases where a decision on AA was made without extra information. The Board are requested to follow the approach set out in these cases or, otherwise to utilise S.132 of the Act to direct the preparation of such a study.

#### Refusal Reason No. 2: - Scale and Design:

- It is contended that the planning authority in their assessment of the application and in their conclusions on the height, scale and design of the development for retention, failed to consider the proposal in the context of the existing dwelling on site and other properties in the vicinity.
- The existing dwelling has a floor space of 620 sq. m. The proposal would result in a net increase in floor area of c44sqm. The planning authority's assessment of the application fails to explain the basis for concluding that this is unacceptable.
- It is accepted that the development extends over several floors; however, as the existing building contains four identifiable floors it is contended that this feature would not be untrue to scale.
- The development proposal would not be out-of-character with the varied architectural styling of existing dwellings in this general location.

#### Refusal Reason No. 3: - Impact on protected views

- It is contended that the report of the planning authority fails to explain how the visual amenities of the area would be adversely affected.
- The appeal document refers to the applicants planning report that was submitted in support of the application, referencing the photographs contained within and the assessment on visual amenity contained in section (v). Reference is also made to the fact that the development is partially completed.
- It is contended that the proposed development, due to its location to the rear of a very large dwelling would not comprise a conspicuous feature when viewed from Balscadden Road.

#### Refusal Reason No. 4: Heritage Value

- The proposal comprises an extension to an existing house which is not included on the Record of Protected structures, not in an ACA, not listed in the NIAH and not in a Natura 2000 site.

- It is contended that the planning authority in their assessment of the application and in the making of the decision considered the proposal as if it relates to a protected structure.
- The planning code makes provision for two types of buildings, those that are statutorily protected and those that are not. It is inappropriate for councils to introduce a third category of protection without completing the process set out in legislation.
- The Board are requested to recognise the unlisted status of the dwelling and to only apply the policies which relate to such properties.

## 6.2. Planning Authority Response

The response of the planning authority can be summarised as follows:

- The site is zoned 'HA- High amenity' and is in Other Areas of the Special Amenity Area, which comprise the County's most sensitive planning designations.
- The development has taken place with no regard for the sensitivities of the site. The extensions are excessive in scale and height and are wholly out of character with the existing house contrary to relevant policy in the development plan and Howth SAAO.
- The development is clearly visible from multiple viewpoints along Balscadden Road and does not visually integrate into the landscape.
- The applicant has denied the clear ecological sensitivities of the site and has not provided sufficient information or justification to screen out the development for appropriate assessment.
- The planning authority request that the decision to refuse permission be upheld.

## 6.3. Observations

One observation was received from Jacqueline Feeley on behalf of Hillwatch. The submission can be summarised as follows:

- It is contended that despite being subject to an Enforcement letter etc construction on site continued, without the benefit of planning permission, until the application for retention was lodged in November, by which time the development was almost completed.
- Due to the important and sensitive location of the site, within the Howth SAA and proximity to the Howth SPA, there are additional specific requirements. It is contended that it is the responsibility of the applicant, not the planning authority, to demonstrate no ill effects to surrounding ecology.
- The conservation report submitted with the application was carried out after substantial works were done. It makes no reference to the changes made to the dwelling, including the replacement of windows and roof tiles.
- The area is subject to protected views from several locations, including East Pier, Howth. These are clearly marked on Sheet 10 of the Fingal Development Plan.
- Significant ground works were undertaken, no details of which have been provided.

## **7.0 Assessment**

### **7.1. Introduction**

7.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal and the reports of the planning authority, having regard to relevant local/regional/national policies and guidance and having inspected the site, I consider that the main issues in this appeal relate to the reasons for refusal. I proposed to address these issues on the following headings:

- Principle of Development
- Design and Visual Impact
- Appropriate Assessment



## 7.2. Principle of Development:

- 7.2.1. The application relates to Tara Hall, a large, detached period dwelling on a prominent site overlooking the coast at Howth. It is evident from the information on file, my observations during site inspection and a review of publicly available imagery that works of alteration, extension etc have been carried out Tara Hall in recent times, this includes changes to all external elevations. The proposal currently before the Board is for the retention and completion of works to the rear, north elevation of the dwelling, comprising (in brief) the demolition the lower ground floor level wall and a two-storey canted bay projection at ground and first floor and their replacement with a new part single, part three storey addition, along with alterations to the fenestration pattern on the northern elevation.
- 7.2.2. The proposed development site is located on lands zoned “HA – High Amenity” in the Fingal Development Plan 2023-2029 (FDP), the objective for this zone is to “*protect and enhance high amenity areas*”. The site also has as a Special Amenity Area Order designation (within an area classified as ‘Other Areas’), under the Howth SAAO 1999. Residential development is permitted in principle under the HA zoning subject to compliance with the policies and objectives of the Development Plan. Residential development is ‘Open for Consideration’ in ‘Other Areas’ of the SAA.
- 7.2.3. The Fingal Development Plan 2023-2029 (FDP) recognises the need for people to extend and renovate their dwellings and this is supported by the policies and objectives of the plan namely Policy SPQHP41 and Objective SPQHO45. Essentially, extensions etc will be considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area. Policy 3.4.2 of the SAAO states that an extension to an existing building should generally match the character of the existing structure. In this instance, I am satisfied, given the site context and the nature, scale, and location of the works for retention / completion that no impacts on residential occur. Impacts of the development on the surrounding area will be discussed further below.

## 7.3. Design and Visual Impact

- 7.3.1. The planning authority as set out in their assessment of the application and in their decision to refuse permission (Refusal Reasons 2, 3 and 4) are of the opinion that the new rear addition, due to its height, scale and design is out of keeping with the original 19<sup>th</sup> century house, that it would have a negative impact on the visual amenities and character of the area, having regard to its location within the Howth SAA and, that it would detract from views and prospects of special amenity value. The planning authority's decision to refuse permission is supported by the Conservation Office who took the view that while Tara Hall is not included in the Record of Protected Structure or within an ACA, it is '*historic building of interest*' that contributes to the character of the area.
- 7.3.2. The Fingal Development Plan (FDP) supports the retention and reuse of non-protected built heritage assets that contribute to the distinctive character of Fingal and includes, under Table 14.26, direction on the development of such structures. Objective DMSO190, referenced in refusal reason 4 of the planning authority's decision, states that where development is proposed for a site that contains a historic building and/or structures that contribute to the distinctive character of the rural or urban areas of Fingal then the scheme should have regard to the direction in Table 14.26. I have considered the relevant sections of the FDP, and it is my view that Objective DMSO190 requires only that development 'have regard to' the direction/guidance set in Table 14.26 and does not require strict adherence to same. On this matter, I would agree with the argument put forward in the grounds of appeal, that it would be inappropriate for the Council to place a protected status on a property without completing the prescribed statutory process for doing so. That being said, I also agree with in the planning authority / conservation officer, that Tara Hall, is an attractive period property that, due to its scale and prominent position, contributes to the character of the area and I think that it would be reasonable to ensure that any alterations / extensions to this property are carefully considered so that they are, at least, compatible with the existing building and that they do not seriously detract from the visual amenities of the area. In the following sections of this report, I will consider the extensions / alterations for retention and completion in terms their compatibility with Tara Hall and with the surrounding landscape having regard to the policies and direction set out in the FDP and the provision of the Howth SAAO.

- 7.3.3. Regarding, the direction set out in Table 14.26, I note that an Architectural Assessment of Tara Hall was included as part of the application documentation. As per the direction, this document was prepared by a Conservation Architect and includes cartographical analysis and photographic record of the property. I note that the Conservation Architect was satisfied that the works being carried out are in line with Fingal County Councils policies for extensions to the rear.

Height, Scale and Design:

- 7.3.4. I have reviewed the plans submitted in with the application and inspected the site and I note that the development, the subject of this application is substantially complete. My observations regarding the height, scale and design of the extension, are as follows. The proposed works when completed would provide c44.52 sq. m of additional floor space over three floors, I do not consider this excessive in the context of the development site or the existing dwelling. The footprint of the building at lower ground floor level has been increased by c26 sq. m, with the new extension extending approximately c1.95m beyond the original north elevation of the dwelling. The extended area is located wholly to the rear of the existing dwelling and its height does not exceed the eaves level of the original dwelling. In my opinion, the extension does not distort the height, scale or mass of Tara Hall. In terms of its design, I accept that the new addition, by way of its contemporary form and material finish, represents a departure from the more traditional style architecture of the original dwelling; However, in my opinion the extension is subservient to and does not detract in any material way from the character of Tara Hall, which retains its original form and grandeur. The extension of a period property by way of a contemporary addition, is I consider accepted practice.
- 7.3.5. I have no objection to the retention and completion of the extension to the rear of Tara Hall. The alterations to the fenestration pattern on the northern elevation of the building are, I consider, relatively minor and do not significantly impact the character of the property.

## Visual Impact

- 7.3.6. The planning authority, in their assessment of the application and in their decision to refuse planning permission (refusal reasons 2 and 3) considered that the development for retention and completion would have a negative impact on the character and visual amenities of the area. They determined, with reference to Objectives SPQHO45, GINHO67, and GINHO58 of the Fingal County Development Plan 2023-2029 and the policies and Objectives of the Howth SAAO that the extension would be visually intrusive and out of keeping with the surrounding environment and would interfere with existing views and prospects in the area.
- 7.3.7. I have considered Map B of the Howth SAAO and Sheet 10 the FDP, and I note that both documents identify protected views along the Balscadden Road and at Howth Harbour, East Pier.
- 7.3.8. After visiting the site and surrounding area, my observations are that the extension to the rear of Tara Hall is visible, in parts, from limited sections of Balscadden Road and in long distance views from East Pier. However, in my opinion the extension, due to its limited height and scale relative to Tara Hall, is visually subordinate to the main dwelling and does appear overly dominant or incongruous in the landscape. Furthermore, it is my opinion that the extended dwelling does not impede or detract, in any material way, from the visual amenities or distinctive character of the area or from views or prospects of special amenity value.
- 7.3.9. Having regard to the foregoing I consider that the proposed works for retention / completion would accord, in principle, with the policies or objectives of the FDP and the Howth SAAO. I therefore do not recommend that the Board uphold refusal reasons 2 and 3 of the planning authority's decision.

## **7.4. Appropriate Assessment**

- 7.4.1. The planning authority, in their screening for appropriate assessment, had regard to the proximity of the site to Howth Head Coast SPA and Howth Head SAC. The Howth Head SAC has two Qualifying Interest's, 'Vegetated Sea Cliffs of the Atlantic and Baltic Coasts' and 'European Dry Heaths'. The site directly adjoins the

‘European Dry Heaths’ but lies downhill and to the north/northwest of heathland at Kilrock and is not connected to these Heaths. The conservation objectives for the vegetated sea cliffs include preserving the length and distribution of the habitat and protecting the physical and vegetational structure of the habitat.

- 7.4.2. The Howth Head SPA has one Qualifying Interest, the Kittiwake. The report of the planning authority references bird surveys undertaken in 2019 and submitted under a separate planning application (FCC Ref: F21A/0368), and states that the surveys found significant numbers of kittiwakes present along the Coast to the north of the application site. The report of the planning authority suggests that works on the subject property commenced / were carried out during the Kittiwake breeding season (May to August).
- 7.4.3. The report cites potential impacts from the development on kittiwake colonies by way of noise and visual disturbance and on vegetative sea cliffs, by way of damage to the physical and vegetational structure of the habitat due to discharge of dirt, dust and construction materials via air or surface water runoff. Potential impacts on the North-west Irish Sea SPA through obstruction of flight routes and bird strikes are also raised as a concern.
- 7.4.4. The planning authority concluded that the applicant had failed to provide sufficient information for the Planning Authority to make a screening determination for Appropriate Assessment, contrary to Objective DMSO145 of the Fingal County Development Plan 2023-2029 and recommended that permission be refused on this basis. Refusal reason No. 1 relates.
- 7.4.5. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. I refer the Board to the Screening for Appropriate Assessment in Appendix 2. I conclude that the proposed development (alone) would not result in likely significant effects on the Howth Head Coast SPA (004113), the Howth Head SAC (000202), the North-west Irish sea (004236) or any other European site, in view of the Conservation Objectives of those site and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The nature, scale, design and location of the development
- The confined nature and established use of the site for residential purposes
- No ex-situ impacts on wintering birds
- Possible impacts identified, would not be significant in terms of site-specific conservation objectives for the Howth Head Coast SPA (004113), the Howth Head SAC (000202) or the North-West Irish sea and would not undermine the maintenance of favourable conservation condition or delay or undermine the achievement of restoring favourable conservation status for those qualifying interest features of unfavourable conservation status.

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

## **8.0 EIA Screening**

The proposed development is not of a type listed under Part 1 or 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended) nor is it considered a sub-threshold development for the purposes of Schedule 7 of the Planning and Development Regulations. An EIAR is not therefore required.

## **9.0 Recommendation**

I recommend that permission / retention permission be granted subject to condition.

## **10.0 Reasons and Considerations**

- 11.0 Having regard to the nature, scale, location and design of the development for retention and completion, it is considered that, subject to compliance with the conditions set out below, the proposed development would accord with the objectives for the area as set out in the Fingal County Development Plan 2023-2029, and the Howth Special Amenity Area Order (SAAO) 1999 and would not seriously injure the visual amenity or character of the area, or the natural environment or detract from views or prospects of special amenity value, which it is necessary to

preserve, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

- 1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be retained in accordance with the agreed particulars

**Reason:** in the interests of clarity

- 2 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 ABP-321200-24 Inspector's Report Page 24 of 33 phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

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Lucy Roche  
Planning Inspector

12<sup>th</sup> May 2025



## Appendix 1 - Form 1

### EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	321795-25		
<b>Proposed Development Summary</b>	Retention: Demolition of part of north-facing elevation and construction of part-single part three storey extension together with all associated site works.		
<b>Development Address</b>	Tara Hall, Balscadden Road, Howth, Co. Dublin, D13 W304.		
<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>	<b>X</b>
		<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>		State the Class here.	Proceed to Q3.
<b>No</b>	<b>X</b>		No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
<b>No</b>			Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>		State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

**5. Has Schedule 7A information been submitted?**

<b>No</b>	<b>X</b>	<b>Pre-screening determination conclusion remains as above (Q1 to Q4)</b>
<b>Yes</b>		Screening Determination required

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

## Appendix 2 - Screening for Appropriate Assessment

### Step 1: Description of the project and local site characteristics

<b>Brief description of project</b>	<p>This application is for the retention and completion of a development at Tara Hall, Balscadden Road, Howth Co. Dublin comprising the demolition of part of the north-facing elevation of the existing dwelling and its replacement with a new, part-single, part three storey rear addition. The application includes all associated site works, including alterations to the existing fenestration pattern on the northern elevation of the building.</p>
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The project site has a stated area of 0.465ha and comprises the site of an existing detached dwelling and its curtilage. The site is located on the northern side of the Balscadden Road, c650m east of Howth Harbour - East Pier, overlooking the coast. The site is not designated for any nature conservation purpose nor does it contain significant in-situ feeding sites. However, the coast immediately to north of the appeal site, comprises part of Howth Head SAC (000202) and Howth Head Coast SPA (004113). Other designated European sites in the wider area include Baldoyle Bay SAC (000199), Rockabill to Dalkey Island SAC (003000) North-west Irish Sea SPA (004236 and Irelands Eye SPA (004117) and SAC (002193).</p>
<b>Screening report</b>	<p>No</p>
<b>Natura Impact Statement</b>	<p>No</p>
<b>Relevant submissions</b>	<p><u>Third Party Observations:</u> the observers to this appeal note the sensitive location of the site and its proximity to Howth SPA.</p> <p><u>Report from DAU of the Dept. Housing Local Government and Heritage to the planning authority:</u></p> <p>The report notes that the proposed development is situated in a location likely to impact on the Natura 2000 Howth Head Special Area of Conservation (Site Code: 000202) and Howth Sea Cliffs Special Protection Area (Site Code: 004113). The Dept. considers that the information submitted does not allay concerns in relation to the potential impact on Vegetated Sea Cliff habitat and Kittiwakes for which the site is designated; the cumulative and or 'in combination' impacts of this proposal (when considered along with similar existing developments. It recommends that the applicant be requested to provide additional information in the form of an Appropriate Assessment screening to address the concerns outlined above.</p>
<p><b><u>PA Assessment / Decision:</u></b> The planning authority, in their screening for appropriate assessment, had regard to the proximity of the site to Howth Head Coast SPA and Howth Head SAC. The report references bird surveys undertaken in 2019 and</p>	

submitted under a separate planning application (FCC Ref: F21A/0368), and states that the survey found significant numbers of kittiwakes present along the Coast to the north of the application site.

The report suggests that works on the property commenced / were carried out during the Kittiwake breeding season (May to August). The report cites potential impacts from the development on kittiwake colonies by way of noise and visual disturbance and on vegetative sea cliffs, a qualifying interest of the Howth Head SAC by way of damage to the physical and vegetational structure of the habitat due to discharge of dirt, dust and construction materials via air or surface water runoff. Potential impacts on the North-west Irish Sea SPA through obstruction of flight routes and bird strikes was also raised as a concern.

The planning authority concluded that the applicant had failed to provide sufficient information for the Planning Authority to make a screening determination for Appropriate Assessment, contrary to Objective DMSO145 of the Fingal County Development Plan 2023-2029 and recommended that permission be refused on this basis. Refusal reason No. 1 relates.

## Step 2. Identification of relevant European sites using the Source-pathway-receptor model

[List European sites within **zone of influence** of project in Table and **refer** to approach taken in the AA Screening Report as relevant- there is no requirement to include long list of irrelevant sites.

European Site (code)	Qualifying interests <sup>1</sup> Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections <sup>2</sup>	Consider further in screening <sup>3</sup> Y/N
Howth Head Coast SPA (004113)	Kittiwake ( <i>Rissa tridactyla</i> ) <a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004113.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004113.pdf</a>	Adjacent	Yes, direct proximity	Y
Howth Head SAC (000202)	<ul style="list-style-type: none"> <li>Vegetated sea cliffs of the Atlantic and Baltic coasts</li> <li>European dry heaths</li> </ul> <a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000202.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000202.pdf</a>	Adjacent	Yes, direct proximity	Y
North-west Irish sea (004236)	<ul style="list-style-type: none"> <li>Red-throated Diver (<i>Gavia stellata</i>)</li> <li>Great Northern Diver (<i>Gavia immer</i>)</li> <li>Fulmar (<i>Fulmarus glacialis</i>)</li> <li>Manx Shearwater (<i>Puffinus puffinus</i>)</li> <li>Cormorant (<i>Phalacrocorax carbo</i>)</li> <li>Shag (<i>Phalacrocorax aristotelis</i>)</li> <li>Common Scoter (<i>Melanitta nigra</i>)</li> <li>Little Gull (<i>Larus minutus</i>)</li> </ul>	c120m (NW)	No direct connection.  Weak connection via air and offshore waters	Y

	<ul style="list-style-type: none"> <li>• Black-headed Gull (<i>Chroicocephalus ridibundus</i>)</li> <li>• Common Gull (<i>Larus canus</i>)</li> <li>• Lesser Black-backed Gull (<i>Larus fuscus</i>)</li> <li>• Herring Gull (<i>Larus argentatus</i>)</li> <li>• Great Black-backed Gull (<i>Larus marinus</i>)</li> <li>• Kittiwake (<i>Rissa tridactyla</i>)</li> <li>• Roseate Tern (<i>Sterna dougallii</i>)</li> <li>• Common Tern (<i>Sterna hirundo</i>)</li> <li>• Arctic Tern (<i>Sterna paradisaea</i>)</li> <li>• Little Tern (<i>Sterna albifrons</i>)</li> <li>• Guillemot (<i>Uria aalge</i>)</li> <li>• Razorbill (<i>Alca torda</i>)</li> <li>• Puffin (<i>Fratercula arctica</i>)</li> </ul> <p><a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004236.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004236.pdf</a></p>			
Baldoyle Bay SAC (000199),	<ul style="list-style-type: none"> <li>• Mudflats and sandflats not covered by seawater at low tide</li> <li>• Salicornia and other annuals colonising mud and sand</li> <li>• Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>)</li> <li>• Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</li> </ul> <p><a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000199.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000199.pdf</a></p>	1.4km	Very weak connection via offshore waters	N
Rockabill to Dalkey Island SAC (003000)	<ul style="list-style-type: none"> <li>• Reefs</li> <li>• <i>Phocoena phocoena</i> (Harbour Porpoise)</li> </ul> <p><a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO003000.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO003000.pdf</a></p>	350m	Very weak connection via offshore waters	N
Ireland's Eye SPA (004117)	<ul style="list-style-type: none"> <li>• Cormorant (<i>Phalacrocorax carbo</i>)</li> <li>• Herring Gull (<i>Larus argentatus</i>)</li> <li>• Kittiwake (<i>Rissa tridactyla</i>)</li> <li>• Guillemot (<i>Uria aalge</i>)</li> <li>• Razorbill (<i>Alca torda</i>)</li> </ul> <p><a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004117.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004117.pdf</a></p>	1.1km	Very weak connection via offshore waters	N

Irelands Eye SAC (002193).	<ul style="list-style-type: none"> <li>Perennial vegetation of stony banks</li> <li>Vegetated sea cliffs of the Atlantic and Baltic coasts</li> </ul> <p><a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002193.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002193.pdf</a></p>	1.6km	Very Weak connection via offshore waters	N
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Due to the nature of the development site (established residential use / serviced) and its proximity to the built-up area of Howth, I consider that the proposed development would not be expected to generate impacts that could significantly affect anything but the immediate area of the development site, thus having a limited potential zone of influence on any ecological receptors.

### Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

#### AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*		
	Impacts	Effects	
<b>Howth Head Coast SPA (004113)</b>  Kittiwake ( <i>Rissa tridactyla</i> )	<p><u>Direct:</u> No risk of habitat loss of fragmentation</p> <p><u>Indirect:</u></p> <p>Localised, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water during construction.</p> <p>Localised, low magnitude impacts from human activity / occupation, noise, lighting, glare (glazing) etc during operational phase</p>	<p>As no works took place within the SPA boundary or along the cliff top / cliff face there is no potential that a direct disturbance could have occurred and therefore conservation targets related to breeding population, productivity, numbers and spatial distribution would not be affected.</p> <p>Similarly, the development would not have any effect on the marine waters supporting Kittiwake.</p> <p>A temporary increase in noise and human activity during construction phase would have increased the background noise levels if such works occurred during summer months, coinciding with breeding season.</p>	

		<p>However, given distance from the cliff face combined with the buffering by the cliff wall such temporary impacts are unlikely to result in any significant increase in disturbance levels. Kittiwakes are known to be highly tolerant of human activities and noise with breeding colonies along coastal cliffs and manmade structures where human presence is high. This is also the case for Howth Head SPA which has extensive cliff side walking trails within the SPA. Studies undertaken for Kittiwake in relation to the provision of artificial nesting structures show that the species is highly tolerant to human activity (<a href="#">EN010079-004541-The-Norfolk-Projects-KIMP-Annex-3-Kittiwake-Nesting-Success-on-Artificial-Structures-document.pdf</a>)</p> <p>Given the well-established use of the site for residential purposes, the nature, scale, location and northern aspect of the development for retention and completion and its proximity to the built-up area of Howth, additional disturbance attributed to the proposed protect during operational phase is unlikely.</p>
	Likelihood of significant effects from proposed development (alone): <b>No</b>	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>No</b>	

	Impacts	Effects
<b>Howth Head SAC (000202)</b> <ul style="list-style-type: none"> <li>The site directly adjoins Vegetated Sea cliffs of the Atlantic and Baltic coasts</li> <li>European dry heaths – the site is downhill and to the north / northwest of heathland at Kilrock and is not connected to these heaths.</li> </ul>	Direct: None  Indirect:  Localised, low magnitude impacts from dust, soil and construction related materials via air or surface water drainage.	Given the contained nature of the site (serviced site with defined boundaries); the established use of the site for residential purposes, the nature and scale of the proposed development, it is highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the QIs listed.
	Likelihood of significant effects from proposed development (alone): <b>No</b>	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>No</b>	
	Impacts	Effects
<b>North-west Irish sea (004236)</b> <ul style="list-style-type: none"> <li>Red-throated Diver (<i>Gavia stellata</i>)</li> <li>Great Northern Diver (<i>Gavia immer</i>)</li> <li>Fulmar (<i>Fulmarus glacialis</i>)</li> <li>Manx Shearwater (<i>Puffinus puffinus</i>)</li> <li>Cormorant (<i>Phalacrocorax carbo</i>)</li> <li>Shag (<i>Phalacrocorax aristotelis</i>)</li> <li>Common Scoter (<i>Melanitta nigra</i>)</li> <li>Little Gull (<i>Larus minutus</i>)</li> <li>Black-headed Gull (<i>Chroicocephalus ridibundus</i>)</li> <li>Common Gull (<i>Larus canus</i>)</li> <li>Lesser Black-backed Gull (<i>Larus fuscus</i>)</li> <li>Herring Gull (<i>Larus argentatus</i>)</li> <li>Great Black-backed Gull (<i>Larus marinus</i>)</li> <li>Kittiwake (<i>Rissa tridactyla</i>)</li> </ul>	Direct: None  Indirect:  Localised temporary low magnitude impacts from noise, dust and construction related emissions to surface water during construction  Localised, low magnitude impacts during operational phase from human activity, noise, lighting, bird strikes etc	Having regard to: <ul style="list-style-type: none"> <li>The long-established use of the site for residential purposes</li> <li>The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways).</li> <li>The distance from receiving features connected to the SPA</li> <li>The nature, scale, location of the development proposed.</li> <li>Its proximity to the built-up area of Howth</li> </ul> <p>It is highly unlikely that the proposed development could generate impacts of a magnitude that could affect</p>



<ul style="list-style-type: none"><li>• Roseate Tern (<i>Sterna dougallii</i>)</li><li>• Common Tern (<i>Sterna hirundo</i>)</li><li>• Arctic Tern (<i>Sterna paradisaea</i>)</li><li>• Little Tern (<i>Sterna albifrons</i>)</li><li>• Guillemot (<i>Uria aalge</i>)</li><li>• Razorbill (<i>Alca torda</i>)</li><li>• Puffin (<i>Fratercula arctica</i>)</li></ul>		habitat quality within the SPA for the SCI listed.
	Likelihood of significant effects from proposed development (alone): <b>No</b>	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>No</b>	
<b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b>		
I conclude that the proposed development (alone or in combination with other plans and projects) would not result in likely significant effects on European sites. No further assessment is required for the project. No mitigation measures are required to come to these conclusions.		
In accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that the proposed development (alone) would not result in likely significant effects on the Howth Head Coast SPA (004113), the Howth Head SAC (000202) ,the North-west Irish sea (004236) or any other European site, in view of the Conservation Objectives of those site and Appropriate Assessment (and submission of a NIS) is not therefore required.		
This determination is based on:		
<ul style="list-style-type: none"><li>• The nature and scale of the development</li><li>• The confined nature and established use of the site for residential purposes</li><li>• No ex-situ impacts on wintering birds</li><li>• Possible impacts identified would not be significant in terms of site-specific conservation objectives for the Howth Head Coast SPA (004113), the Howth Head SAC (000202), the North-West Irish sea and would not undermine the maintenance of favourable conservation condition or delay or undermine the achievement of restoring favourable conservation status for those qualifying interest features of unfavourable conservation status.</li></ul>		
No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.		