



An
Coimisiún
Pleanála

Inspector's Report

ACP-323713-25

Development	Extension to existing dwelling, demolition of rear extension, construction of two dormer bungalows together with associated site works.
Location	35 Howth Road, Sutton, Dublin 13, D13 H2T9
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F25A/0646E
Applicant(s)	MKH PS Holdings Limited
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party v Refusal
Appellant(s)	MKH PS Holdings Limited
Observer(s)	Jim & Odette O'Dea;

Paul & Nicol Meagher;
Jim Kearney, General Manager,
Sutton Golf Club (per Keatley
Architects);
Patrick & Dolores Gilhooly

Date of Site Inspection

26 November 2025

Inspector

Paul Christy

Contents

1.0 Site Location and Description	5
2.0 Proposed Development	5
3.0 Planning Authority Decision	9
3.1 Decision: Refuse	9
3.2 Planning Authority Reports	9
3.3 Prescribed Bodies	10
3.4 Third Party Observations	11
4.0 Planning History.....	11
4.1 Subject site:.....	11
4.2 Other Plots on Howth Road:.....	11
5.0 Policy Context.....	12
5.1 National Policy	12
5.2 Development Plan: Fingal Development Plan, 2023-2029.....	13
5.3 Natural Heritage Designations	15
6.0 EIA Screening.....	15
7.0 Water Framework Directive (WFD) Screening.....	15
8.0 The Appeal	17
8.1 Grounds of Appeal	17
8.2 Planning Authority Response	22
8.3 Observations	22
9.0 Assessment.....	25
9.1 Overview	25

9.2.	Existing Dwelling (Renovation and Extensions)	25
9.3.	Proposed Semi-Detached Dwellings	29
9.4.	Revised Plans for Semi-Detached Dwellings Submitted With Appeal	38
9.5.	Other Issues	40
10.0	AA Screening	41
11.0	Recommendation	42
12.0	Reasons and Considerations	42

Appendix A – Form 1: EIA Pre-Screening

Appendix A – Form 2: EIA Preliminary Examination

Appendix B – Form 1: Water Framework Directive Screening

1.0 Site Location and Description

- 1.1. The subject site is located in the largely residential area of Howth Road, Sutton, Dublin on its northern side. The northern side of Howth Road is characterised by a row of detached dwellings set in generous front and rear gardens. The dwellings on either side of the subject dwelling follow the same building line and are generally of similar proportions, albeit No.36 to the east has had a box dormer added to the front. Sutton Golf Course is located to the north of the site and straddles the DART line between Sutton and Howth.
- 1.2. Some properties on this row have been sub-divided to enable the development of dwellings towards the rear of the original plot. No.36 to the east of the Appeal site was subdivided in this manner, and thus a single-storey dwelling (No.36A) is located immediately to the east of the proposed semi-detached dwellings on foot of a permission granted in 2002. The plot to the west, No.34, has not been subdivided.
- 1.3. The subject plot measures some 18m wide by 116m long. It is relatively flat, with the exception of the first c18m from the public road where there is a decline of c.1.3m from the road level. The existing dwelling is set back c.39m from the road. It is single-storey hipped roof dwelling and extends across almost the entire width of the plot. The finished floor level is c.0.75m below the level of the public road. The rear garden extends for c.55m from the rear elevation of the existing dwelling. All boundaries are formed of mature hedgerows with some trees also evident along the boundaries. A low wall is also provided to the front with pillars either side of, and defining, the existing access.

2.0 Proposed Development

- 2.1. The renovations and extensions to the existing dwelling include: (a) demolition of single storey extensions to rear and side (east) of existing house, and shed to rear; (b) a new single storey extension to the rear; and (c) modifications and extension to the roof including new attic storey with associated dormer windows to front and rear and skylights to the side elevations to provide two bedrooms centrally located within

the roof. Three skylights are proposed on the eastern roof plane, one skylight on the western roof plane, and new dormer window on the front and rear roof planes.

- 2.2. The demolitions on the eastern side will enable the development of the access route serving the proposed semi-detached dwellings.
- 2.3. The design of the proposed semi-detached dwellings is one-and-a-half storey with hipped roofs. A main module to the rear extends across almost the entire width of the plot and there is a slightly narrower module to the front of the main module. The total floor area (ground and first floors) is 163.5m² for each unit. The ground floor footprint for each unit is 101.2m². For further details please refer to paras. 9.3.9 – 9.3.10. It is proposed to raise the ground levels by 1.3m. The proposed ridge height measured from the existing ground level is identified as 7m and the height of the eaves is calculated as c.4m from ground level.
- 2.4. In terms of surface water disposal, the existing dwelling is to be connected to the mains surface water drain on Howth Road. The two proposed new dwellings will discharge to a soakaway located generally to the front of the dwellings. For effluent disposal, both the existing and proposed units are to connect to an existing foul sewer. Of note is that the said existing foul sewer traverses the width of the site in the centre of the plot. The Applicants advise that the sewer '*passes beneath the existing residence*'. The proposed works to the existing dwelling would also be built over the existing sewer.
- 2.5. With regards to water supply, the Applicants indicate on the application form that it is proposed to connect to an existing public mains supply.
- 2.6. Other elements included with the proposal include: a hammerhead/shared surface area between the existing and proposed dwellings; two parking spaces for the semi-detached dwellings; a 2.1m high wall along the entire eastern boundary; and, on the western boundary, 'unchanged' existing hedgerow from the public road for a distance of c.70m (ie. as far as the hammerhead turning area) and a 2.1m high boundary wall for the remainder of the western boundary.

2.7. The application is supported by: a 'Drainage Report and Flood Risk Assessment'; a 'Planning Statement' and an Architectural Statement, the latter contained in the cover letter submitted with the application.

2.8. Architectural Statement: The Architectural Statement includes, inter alia, the following key points:

- The proposed semi-detached houses are raised on a 1.3m plinth to mitigate the effects of flooding in the area as per OPW guidelines regarding freeboard required above the Malin Head Datum.
- As a result of the need for the 1.3m plinth, *'every effort has been made to reduce the visual impact of these proposed houses on their surroundings'*:
 - ~ The entrances have been recessed to provide privacy to the occupants and to reduce overlooking to the neighbours in 36A Howth Road.
 - ~ To the rear, there are 1.8m high privacy screens to the raised patio areas.
 - ~ The internal layout provides windows to the front and rear of the site, no windows are proposed to the sides of the development to minimise the impact on neighbouring developments.
 - ~ Planters have also been used to the front and rear of the properties to reduce the visual impact of the 1.3m high plinth and blend the development into the soft landscaping of the site.
 - ~ The proposed houses have also been located along the building line of the rear developments of Howth Road.
- A hammerhead has been designed into the development to allow fire trucks to access the site. This shared surface space creates a buffer zone between the proposed garden of the existing house and the new development to the rear. Due to the long nature of the site, there is a generous 39m between opposing first storey windows of the existing house and proposed development.
- Re the proposed "box" dormer window, several houses along Howth Road, namely 36 Howth Road (adjacent) have similar dormer windows to the front of their properties, so it is not out of character in the area.

2.9. Drainage Report and Flood Risk Assessment: This Report includes:

- A statement that the proposed development will be designed in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) as embodied in the recommendations of the Greater Dublin Strategic Drainage Study.
- An assessment of sources of potential flooding, including coastal, fluvial, pluvial, from public sewers, and from ground water sources. For all categories, the risk is concluded as being 'very low'. The 'coastal' flooding is considered as very low in the context of the proposed raising of the finished floor levels (of the semi-detached dwellings) by 1.3m.

2.10. Planning Statement: The Planning Statement includes a useful 'Executive Summary' at the start of the document. Among the points listed in the Executive Summary are the following:

- the site is close to public transport links, community, commercial, and retail services, and has the necessary drainage infrastructure;
- the type of development proposed – smaller infill bungalows that would suit as step down houses for aging owners in the general area – would be in keeping with the recent statements from Government and eschewed in the policies, objectives of the NPF for housing for the aged
- the increase in density, while modest at fifteen units per hectare, has been tempered by the existing density, character, and pattern of development in the area already, and as such is consistent with the exceptions to the residential densities set out in the Residential Guidelines;
- all of the applicable development control standards - as they apply to density, room sizes, storage space, private open space, car parking and bicycle parking spaces can be complied with in full, notwithstanding SPPR2 of the Residential Guidelines where smaller areas of private open space are permitted.

3.0 Planning Authority Decision

3.1 Decision: Refuse

- 3.1.1. The Local Authority refused the application on 28 August 2025 for three reasons.
- 3.1.2. Flood Risk: The site is in Flood Zone A. The Authority is therefore not satisfied that the development would comply with the 'Planning System and Flood Risk Management Guidelines' ('the Flood Risk Guidelines') and the recommendations of the Strategic Flood Risk Assessment ('the SFRA') prepared for the Development Plan.
- 3.1.3. Amenities and Value of Property in the Vicinity: The proposed development, by reason of its design, scale and mass would not be sympathetic to the surrounding character of the area and, as a result, would be overbearing, result in overlooking, would seriously injure the amenities and depreciate the value of property in the vicinity.
- 3.1.4. Water Supply and Foul Drainage: Based on the information submitted, the Authority is not satisfied that adequate arrangements would be in place to serve the proposed development.

3.2. Planning Authority Reports

- 3.2.1. [Planning Report]: The key considerations and conclusions of the report in relation to the reasons for refusal are set out below.
- 3.2.2. Flood Risk: Noted that:
- The site is located in its entirety within Flood Zone A (Coastal Flood Risk 0.5% AEP);
 - Whilst the proposed alterations to the existing property '*are considered permissible, the addition of the 2 x semi-detached dormer bungalows is contrary to the SFRA*';
 - The application does not address or comply with the Flood Risk Guidelines;

- The submitted Flood Risk Assessment is noted. However, the application has failed to appropriately account for flood risk, is unacceptable in principle, and must be refused.

3.2.3. Amenities and Value of Property in the Vicinity:

- Proposed design of the semi-detached dwellings is considered to be excessive in terms of massing, bulk and overall height; By virtue of its design, scale and massing, the proposed development fails to respond sympathetically to the established character of the surrounding area. It would introduce an intrusive built form that undermines the spatial quality and coherence of the existing residential environment;
- Therefore considered to be contrary to Objective SPQHO42 of the Development Plan (seeks to ensure that infill development is appropriately integrated and respectful of its setting) and would conflict with the RS (Residential) Zoning Objective of the Development Plan.

3.2.4. Water and Sewer: No confirmation of feasibility from Uisce Eireann has been submitted and refusal is recommended.

3.2.5. [Water Services Department Report - Flood Risk]: The contents of the Report are generally as per those set out at para. 3.2.2 above.

3.2.6. [Water Services Department Report - Surface Water Drainage]: No objections subject to standard conditions, plus a condition requiring that: *'Prior to commencement of construction the actual site-specific infiltration rate shall be confirmed by way of testing, and the soakaway design adjusted accordingly'*.

3.2.7. [Transportation Planning Section]: No objections, subject to standard conditions.

3.3. **Prescribed Bodies**

3.3.1. None.

3.4. Third Party Observations

- 3.4.1. Three of the submissions were received from residents of the area: Jim and Odette O'Dea; Patrick and Dolores Gilhooly; and Paul and Nicola Meagher. The fourth submission was made by Mr. Jim Kearney, General Manager, Sutton Gold Club, Strand Road, Sutton, (submitted on behalf of the Club by Keatley Architects). The issues raised in the submissions are generally as per those included in the observations submitted to the Commission. The issues raised, therefore, are addressed at Section 8.3.

4.0 Planning History

4.1. Subject site:

- 4.1.1. P.A. Ref. F25A/0475E Renovations and extensions to the existing single storey dwelling. 2025 Grant. Condition 4 required the submission of a Tree Protection Plan and Arboricultural Method Statement for the written agreement of the Planning Authority.

4.2. Other Plots on Howth Road:

- 4.2.1. I note the focus in the submission of Patrick and Dolores Gilhooly on the section of Howth Road between 33 Howth Road and the Burrow National School. This area does, in my opinion, present as a coherent section of Howth Road distinct from further stretches of the Road and I therefore address the history of this area below.

No. 36: P.A. Ref. F02A/0610 New 'bungalow' (details not available) to rear of existing dwelling. Condition 8 required the dwelling to be relocated to a position 9m south of the site's rear boundary. Condition 9 required the protection of the site's existing hedgerow.

No. 37: P.A. Ref. F96A/0121 'Single-storey' dwelling (details not available). 1996 Grant

No. 38: P.A. Ref. F15A/0315 Construction of a detached part dormer, part two-storey house to rear of existing dwelling. 2016 Grant. Condition 1 required an amended design to reduce the dwelling to single-storey and no residential occupation of the roof space. Condition 2 required that the dwelling is

positioned sufficient distance from the eastern and western boundaries such that the dwelling will not impact on the root system and retention of trees on this boundary. Condition 7 required that the finished floor level be amended to 0.150m above datum.

P.A. Ref. F16A/0192 ACP Ref. 246918 Increase previously approved finished floor level by 750mm to address flood risk and facilitate drainage. 2016 refusal on grounds of excessive height relative to surrounding buildings and its proximity to site boundaries, and thus that it would be visually obtrusive and out of character with the pattern of development in the vicinity and would seriously injure the amenities of adjoining residential properties.

No. 39: P.A. Ref. F03A/1315 ACP Ref. 205696 New bungalow and garage to rear of existing dwelling (ridge height 4.5m). 2004 Grant. Condition 1 required the reduction in length by 3m, revised to a 3-bedroom bungalow to be located 9m from the rear boundary. Condition 4 required an accurate tree survey to be undertaken prior to the commencement of development and adequate measures to be taken on the basis of the tree survey for the protection and pruning of trees.

No. 40: P.A. Ref. F22A/0125 ACP Ref. 314936-22 Sub-division of site and provision of single-storey infill dwelling (ridge height c.4.85m). June 2023 Grant. Condition 3 stipulated that a proposed boundary wall shall not exceed 2m in height.

No.42: P.A. Ref. F01A/0046 ACP Ref. 124400 Single-storey dwelling to rear of existing dwelling (6.26m 'overall height'). 2001 Grant. Condition 2 required that the roof space shall not be used as a habitable room or rooms (Reason: To preclude the possibility of overlooking of neighbouring properties and to protect residential amenities). Condition 5 required that the treatment of all boundaries shall be the subject of a scheme to be submitted to the Local Authority, and that the Scheme shall provide for the retention of trees and shrubs along the whole of the northern, western and eastern boundaries.

5.0 Policy Context

5.1. National Policy

- 5.1.1. The 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities'¹ (hereinafter referred to as 'the Residential Guidelines') contains the following detailed guidance of relevance:

- Separation distances - Specific Planning Policy Requirement (hereinafter referred to as SPPR) 1 requires *a minimum separation distance of at least*

¹ Department of Housing, Local Government and Heritage

16m between above ground floor opposing windows serving habitable rooms at the rear or side of houses;²

- Daylight - Section 5.3.7 states: *'In drawing conclusions in relation to daylight performance, planning authorities must weigh up the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision, against the location of the site and the general presumption in favour of increased scales of urban residential development'*.

5.1.2. The Planning System and Flood Risk Management – Guidelines for Planning Authorities (Nov. 09) ('the Flood Risk Guidelines') includes detailed guidance in relation to both policy and development management approach to proposed development in areas at risk of flooding. Specifically regarding the proposed development, residential development is categorised as being a 'Highly Vulnerable' use. The Flood Risk Guidelines also identify the need for planning applications in certain circumstances to be accompanied by a detailed Flood Risk Assessment and Justification Test.

5.2. Development Plan: Fingal Development Plan, 2023-2029

5.2.1. Zoning: Site is within an area zoned as 'RS Residential'.

5.2.2. Flood Risk:

~ The site lies within an area designated as Flood Zone A in the SFRA prepared for the Development Plan.

~ Objective IUO16 – *'Have regard to the OPW Flood Risk Management Guidelines 2009, as revised by Circular PL 2/2014, when assessing planning applications ...*

~ Objective IUO17 – All Flood Risk Assessments must comply with the recommendations of the SFRA.

² Habitable rooms are defined in the Glossary of Terms in the Guidelines (p.64) as 'Primary living spaces such as living rooms, dining rooms, studies and bedrooms.'

~ Objective IUO21 – *‘Require all developments in the County to be designed and constructed in accordance with the ‘Precautionary Principle’ as detailed in the OPW Guidelines...’*

5.2.3. Core Strategy (and Compact Growth/Consolidation): Policy CSP14 supports the consolidation and re-intensification of infill/brownfield sites.

5.2.4. Sustainable Placemaking and Quality Homes: Objective SPQHO34 encourages higher residential densities, where appropriate, and Objective SPQHO42 encourages the development of underutilised infill, corner and backland sites in existing residential areas. Both Objectives also seek to protect the character and environment of the area. Objective DMSO31 specifically provides that: *‘New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.’*³

5.2.5. Residential Extensions:

Policy SPQHP41 and Objective SPQH045 contain general support for residential extensions subject to the protection of residential and visual amenities. The Plan also contains specific Development Management Standards in relation to first floor, and dormer, extensions. A common theme in all the aforementioned provisions is that such projects will be considered subject to appropriate scale, and the protection of residential amenities and the environment.

5.2.6. Overlooking/Overbearance: Section 14.6.6.4: *‘Development proposals must assess levels of overbearance and potential to cause significant levels of overlooking to neighbouring properties....’*

5.2.7. Separation Distances:

~ Objective DMSO23 requires that: *‘A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy’.*

³ A similar policy, Policy SPQHP10, is contained in Chapter 3, Sustainable Placemaking and Quality Homes’.

~ Objective DMSO26 – Separation Distance between Side Walls of Units ‘*Ensure a separation distance of at least 2.3 metres is provided between the side walls of detached, semi-detached and end of terrace units.*

5.3. Natural Heritage Designations

- 5.3.1. The site is located 0.36km to the north of: North Dublin Bay Special Area of Conservation (SAC) (Site Code 000206); North Bull Island Special Protection Area (SPA) (Site Code 004006); and North Dublin Bay Proposed Natural Heritage Area (pNHA) (Site Code 000206). The site is also 140m to the south of Baldoyle Bay SAC (Site Code 000199), and Baldoyle pNHA (Site Code 000199); and 255m to the south-east of the North-West Irish Sea SPA (Site Code 004236).

6.0 EIA Screening

- 6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Appendix A, Forms 1 and 2). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 Water Framework Directive (WFD) Screening

- 7.1. The subject site is located: c.1.58km to the west of the Howth_010 river; 380m north of Dublin Bay Coastal Water; 700m north-east of North Bull Island Transitional Water; 180m south of the Irish Sea Dublin Coastal Water and 660m south-east of the Mayne Estuary Transitional Water; and 280m south of Sutton, Burrow designated Bathing Water. The site also lies within/over the designated Dublin Ground Water.
- 7.2. The proposed development comprises: an extension to existing dwelling, demolition of rear extension, construction of two dormer bungalows together with associated

site works. Proposed connection to public mains sewer. Part discharge of surface water to public mains system and part discharge to on-site soakaway.

- 7.3. No water deterioration concerns were raised in the planning appeal.
- 7.4. I have assessed the proposed development at Howth Road and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water bodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 7.5. The reasons for this conclusion are as follows:
- Nature of works: the relatively small scale of the development and proposed connection to public mains services, save for a proposed soakaway to serve the proposed semi-detached dwellings;
 - Location of the site and its distance from the nearest surface water bodies and the lack of hydrological connections, save for a potential pathway from the proposed soakaway to the Dublin Ground Water;
 - The extent of the Dublin Ground Water area (825km²) and therefore the minimal impact the proposed development might have.
- 7.6. I also note that, whilst the Local Authority did not undertake a WFD screening, the section on Appropriate Assessment contained in the Planner's report included the following relevant conclusion: '*The proposed project site is not connected with any European site and there is no realistic pathway between the proposed project site and any European site.*' This is relevant to this WFD screening as there are water-based European designated sites to the north (Baldoye Bay SAC and North-West Irish Sea SPA), north-west (Baldoye Bay SPA) and south (North Dublin Bay SAC, and North Bull Island SPA).
- 7.7. Conclusion: I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes,

groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

8.0 The Appeal

8.1. Grounds of Appeal

- 8.1.1. One no. appeal was received from the Applicants. The Appeal consists of a cover letter, a report by 'O'Neill Town Planning' and a report and cover letter from 'Kavanagh Mansfield & Partners (Consulting Engineers)' (hereinafter referred to as 'KMP'). As well as addressing the three reasons for refusal, revised design proposals were also submitted with the Appeal. The contents of the Appeal may be summarised as follows.

Reason 1 – Flooding⁴:

- 8.1.2. The KMP cover letter notes, inter alia, that:

- through the correct application/procedural approach the flood risks can be reduced/mitigated in order for planning approval to be granted;
- under the previous Fingal East Meath Flood Risk Assessment and Management Study 2017-2023, the subject site and surrounding areas was shown to have no coastal flooding (Flood Zone C), during which time a similar development at No.40 Howth Road received planning permission, setting a precedence;

- 8.1.3. The KMP SSFRA:

- In a Section headed 'Flood Risk Identification, notes, inter alia:
~ 'Existing Hydrological Environment' – *'Due to its mostly level and coastal plains, Sutton's hydrological environment is characterised by (inter alia) poor natural drainage, (and) a shallow water table ...'*

⁴ The Report of O'Neill Town Planning also addresses the issue of flooding but does so by summarising the content of the KMS Report.

~ 'Site Geology' – *'...mapping shows areas of marine beach sands, which suggests that the wider area has, in the past, been subject to historical flooding.'*

~ 'Groundwater Flooding' – Site does not appear to be at risk from ground water flooding. However, on-site investigations show a water table some 900mm below ground level. As no basements or mass excavations are proposed the potential of groundwater flooding is not considered problematic.

~ 'History of Flooding' – A review of OPW mapping of historic flood events and database shows that there have no recorded instances of flooding on the subject site. One event is recorded some 400m south of the site at Strand Road.

~ 'CFRAMS Mapping' – According to the CFRAMS Coastal Flood Maps, the site is not affected by coastal flooding. According to CFRAMS Fluvial Flood Maps, the site is not affected by Fluvial flooding.

~ 'Pluvial Flooding' – From maps prepared for the Dublin City area by the Dublin Pluvial Study and the Flood Resilient Cities Project, the proposed site is not subject to fluvial flooding.

~ National Coastal Flood Hazard Mapping shows that the site is potentially at flood risk, placing the site in Flood Zone A.

- Includes a Justification Test as per Box 5.1 of the Flood Risk Guidelines. The Test includes the following points:

~ Concludes that the development will not increase flood risk elsewhere because the site is in Flood Zone A for coastal flooding. Displacement waters would simply be taken up by the Irish Sea. Furthermore, the site is to be retained at current ground level (no cut, nor fill) ensuring that there is no impediment to flow paths, which may affect neighbouring properties.

~ The methodology to determine the minimum ffl for the development follows the guidance of the SFRA. Concludes with a recommendation that the minimum ffl of the proposed housing is set at 4.53mOD.

~ The development includes measures to minimise flood risk including: the aforementioned ffl, and providing a SUDS and attenuation.

~ The development includes measures to ensure residual risks to the development can be managed to an acceptable level, namely all houses ffls are located above Flood Zones A and B. Full emergency access and egress for the site may not be available in the event of extreme flooding within the site. To address this, a Flood Emergency Response Plan has been prepared.

- Regarding Flood Mitigation Measures, as the ffl for the proposed new residence is to be above the extreme flood level, limited flood mitigation measures are advisable. Recommendations include minor internal design features and a Flood Emergency Response Plan.

8.1.4. The KMP Flood Emergency Response Plan includes, inter alia:

- recommendations re periodic monitoring of the site, relevant weather websites and the services provided by various noted organisations (eg. Met Eireann, An Garda Siochaan and Dublin Civil Service);
- details re Phase One (Stand-by) and Phase Two (Evacuation) procedures in the event of a flood event; and
- recommended Flood Contingency Measures including Emergency Flood kit, Precautionary Measures and Evacuation.

Reason 2 - Amenities and Value of Property in the Vicinity:

8.1.5. In the introductory paragraphs of the Report of O'Neill Town Planning, the following general points are made:

- *'We are of the opinion that the Planning Authority misinterpreted the overall development in terms of its compliance with national policy; Ministerial Guidelines, and the Development Plan, and therefore with the proper planning and sustainable development of the area.'*
- *Given the de nova ... (sic) nature of this appeal, it is important that the proposed development is examined in terms of National and regional*

guidelines, Ministerial Directives, and thereafter local guidelines which includes the statutory Development Plan...

8.1.6. Specifically with regards to Refusal Reason 2:

- Notes support in the NPF for the proposed development in National Strategic Outcome 1 re Compact Growth and National Policy Objective 35 *'which seeks to increase residential density in settlements through a range of measures including ... infill development schemes ...'*;
- Refers to supports in the Residential Guidelines for flexibility when tailoring density to the character of the site and the neighbourhood including:
 - ~ Promotion of the development of own door housing on sites in locations served by existing services and public transport and the facilitation of more flexible standards for rear gardens in order to achieve more own door housing.
 - ~ Section 3.3.6(c) of the Residential Guidelines also allows for exceptions to the general density ranges of 35 to 50 units per hectare. In referencing this provision, it is stated that: *'In the present instance the increase in density – from the density of the proposed development has been carefully refined to satisfy the character of the receiving environment and takes its lead from ... Section 3.4.2...'*
 - ~ Concludes that the application tries to marry the national guidelines on density; the local objectives around housing need, density, step down accommodation; and the character and pattern of development in the area. The increase in density, while modest at 15 units per hectare, has been tempered by the existing density, character, and pattern of development in the area already. This will ensure that proximate community and commercial services are sustained and supported; and that public transport will become more sustainable due to greater numbers being able to avail of the service. The development also aligns with national and local policies promoting age-friendly housing, independent living, and a variety of housing options for seniors.

- Re the Development Plan:

~ Notes support for the development in Objectives SPQHO42 (development of underutilised infill etc. sites) and SPQHO43 (contemporary and innovative design solutions).

~ Refers to Objective DMSO31 – Infill Development (refer para. 5.2.4 for text of Objective). States that the proposed development *‘is in keeping with both old and new residential units in the area. In this regard the plot ratio ... while increasing the number of units on these sites by one, is still comparable to the existing plot ratios of existing bungalows to the rear.’*

8.1.7. Reason 3 – Water Supply and Sewer Connection: Advises that *‘A confirmation of feasibility (sic) has been submitted to Irish Water and a favourable response is anticipated.’*

8.1.8. Alternative Design: The submission of a revised design is introduced in the context of the following comment: *‘While we are of the opinion that the designs submitted are acceptable and fully in compliance with all national, regional and local objectives and policies, the development has also been carefully articulated to reflect the character and pattern of development in the area already, we are willing to further amend the drawings to deal with the specific concerns of the Planning Authority and the observers regarding overlooking and overbearance.’*

8.1.9. In the aforementioned context, the Applicants submit revisions to the semi-detached dwellings and the following is noted:

- *‘The two dormer bungalow’s size has been reduced by 10 metres, which result in a reduced footprint⁵. This has been achieved by setting back the proposed dormer bungalows to the rear from the common boundaries by 1.6m and 1.45. As the dwellings are dormer dwellings the roof apexes are already set back 5m from the boundaries’;*

⁵ The revised design does not provide for such a reduction in length or width. The only amendments in terms of dimensions are as per those set out in the subsequent sentence.

- *‘Furthermore, in order to mitigate any perceived impact from overlooking the revised plans have set the windows further into the roof and included louvers to mitigate any direct overlooking of the private open spaces of adjoining neighbours.’*
- *‘The rooflights are on the side of the dormer dwelling are approximately 2m above the ffl so there is no overlooking from the rooflights over adjoining properties.’*

8.2. Planning Authority Response

- 8.2.1. The proposal is not acceptable in terms of the location within Flood Zone A and the sequential approach to flood risk management as set out in the Flood Risk Guidelines. Concerns also remain regarding the intensity of development proposed, which is considered to be out of character with the pattern of development in the area, and the impact on the amenities of the area and adjoining property.
- 8.2.2. Noted that the Applicant has made a pre-connection enquiry to Uisce Eireann. It does not appear that a confirmation of feasibility has been obtained.
- 8.2.3. The Commission is requested to uphold the decision of the Authority. In the event that the Appeal is successful, the Authority also includes a standard comment re the imposition of development contributions and bonds.

8.3. Observations

- 8.3.1. Four observations were received from: Patrick Gilhooly; Paul and Nicola Meagher; Jim and Odette O’Dea; and Jim Kearney.

Proposed Works to Existing Dwelling

- 8.3.2. Three of the four submissions advise of no objection to this element, whilst the fourth submission is silent on the matter. Two of the submissions expressing no objection do so provided that: it is a modest sized single storey house with a low ridge height; it maintains the same building line as the permitted houses; and the existing boundary trees and hedgerows are maintained.

Semi-Detached Dwellings (Residents' Comments)

8.3.3. The residents express strong opposition to the proposed semi-detached dwellings.

The key reasons provided include:

- the dwellings would be out of character with the pattern of development and character of this part of Howth Road;
- the foot print of the houses are significantly larger than other backland houses in the area;
- the houses would be: highly visible and overbearing, particularly from neighbouring properties at Nos. 34, 36, 36A and 37 Howth Road;
- the proposed raising of ground levels and the ridge height;
- proximity to party boundaries;
- proposed removal of hedgerow and erection of 2.1m high walls;
- the planning history for this area clearly sets out the parameters for back land development: all permitted houses have been single-storey with low ridge heights; they follow a consistent building line; boundary vegetation has been retained in all cases; proposed for raising of ground levels have been rejected;
- non-compliance with National Planning Guidelines and Development Plan;
- the reference to the proposed semi-detached dwellings as being 'Step Down' for people living in larger properties is questioned with reference to the proposed floor area of the dwellings;
- provision of one parking space per house is challenged; and
- undesirable precedent for future two-storey extensions to existing backland houses.

8.3.4. Specifically in relation to the revised designs for the proposed semi-detached dwellings submitted with the Appeal, the following observations are noted:

- Only minor/insignificant changes are proposed to the design and layout (eg. window design, setting back houses by 500mm) which do not address the core objections of the Local Authority's reasons for refusal and do not in any way alleviate or mitigate original concerns. The additional set back *'does nothing to address the overbearing problem and is significantly less than the minimum recommended distance of at least 2.3m'*.
- There is a discrepancy in the finished floor levels, noting that drawings show a ground floor level of +4.0m OD, but the FRA recommends +4.53OD *'further worsening the impact on neighbouring properties'*.
- In response to the Agent's referencing a plot ratio of 19.7% as a rationale for refuting comments the Local Authority's concerns re scale and mass, that: *'Plot ratio drawn on a 2-dimensional map is very different to an actual 3-dimensional development in its constructed form. The scale and height of the proposed development is not consistent with the established pattern of development in the area.'*
- In addition to the previously-referenced non-compliance with Residential Guidelines and Development Plan Zoning Objectives, non-compliance with Development Plan Objectives SPQH042, DMSO32 and DMSO33 are also referenced.

Semi-Detached Dwellings (Comments of General Manager, Sutton Golf Club)

- 8.3.5. This submission is primarily concerned with health and safety issues arising from the juxtaposition of the proposed semi-detached houses and stray balls from the golf course.
- 8.3.6. The submission also refers to flooding and states that: It has been noted that serious flooding issues have arisen in some similar bungalow (sic) along the road. There is a large stream to the rear of the site that causes water to ingress into the basements.

9.0 Assessment

9.1. Overview

9.1.1. Having examined the application details, and all other documentation on file including the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local policies and guidance, I consider that the substantive issues in this appeal to be assessed are as follows:

- Existing Dwelling (Renovation and extension of):
 - ~ design;
 - ~ impact on amenities of neighbouring properties;
 - ~ servicing arrangements; and
 - ~ flood risk.
- Erection of semi-detached dwellings:
 - ~ principle, and pattern of, development;
 - ~ detailed design and impact on amenities of neighbouring properties;
 - ~ flood risk;
 - ~ servicing arrangements; and
 - ~ interaction with adjacent golf course.

9.2. Existing Dwelling (Renovation and Extensions)

Design

9.2.1. The only potential consideration, in my opinion, arises from the proposed front and rear dormers. Development Plan Development Management Standard 14.10.2.5 provides, inter alia, that: *'Dormer extensions will be evaluated against the impact of the structure on the form, and character of the existing dwelling house and the privacy of adjacent properties. The design, dimensions, and bulk of the dormer*

relative to the overall extent of roof as well as the size of the dwelling and rear garden will be the overriding considerations, together with the visual impact of the structure when viewed from adjoining streets and public areas'.

- 9.2.2. The existing dwelling is a hipped roof, single-storey dwelling. The area is not within a Conservation Area, nor is the dwelling on the Record of Protected Structures. The dwelling sits in an extensive rear garden, and would do so even after development of the proposed semi-detached dwellings. Whilst the introduction of the proposed dormer windows will have an impact to some extent on the form and character of the existing dwelling, this impact does not warrant any intervention, in my opinion, particularly having regard to the architectural integrity of the overall design, the immediate context inclusive of a front dormer on the dwelling to the east of the subject site, and the fact that there shall be only fleeting views from the public road.

Impact on Amenities of Adjacent Properties

- 9.2.3. Development Plan Policy SPQHP41 and Objective SPQHO45 provide general support for residential extensions, subject to the protection of residential and visual amenities (in the case of the former) and not negatively impacting on the environment or on adjoining properties or area (in the case of the latter).
- 9.2.4. Potential issues to be considered, in my opinion, arise from the proposed front and rear dormers, and the proposed erection of a 2.1m high wall on the eastern boundary.
- 9.2.5. Given that both dormers are modestly proportioned relative to the roof plane and comfortably below the ridge line in each case, and given also that the subject site is located within a suburban area where modernisation of dwellings must be expected, I am satisfied that they are acceptable in the context of strong policy support for facilitating compact growth and the consolidation of infill sites.
- 9.2.6. With regard to the proposed 2.1m wall on the eastern boundary, I would share the concerns expressed in some of the submissions/observations on the file. The plot boundaries in the area are largely defined by planting (trees and hedgerows) and this forms an important part of the character of the area. In my opinion, the proposed 2.1m wall at this part of the site would be an incongruous departure from the

established character, could potentially inadvertently cause damage to existing planting, and would be detrimental to the residential amenities of No.36 to the east, contrary to the provisions of the aforementioned Policy SPQHP41 and Objective SPQHO45. This issue could be addressed by condition.

- 9.2.7. Otherwise, I note that there was no objection in the submissions made to the Local Authority and the observations in response to the Appeal subject, in some cases, to conditions re: the dwelling being a modest sized single storey house with a low ridge height; maintenance of the same building line as the permitted houses; and maintenance of the existing boundary trees and hedgerows. I have addressed the issue of boundary trees and hedgerow in the preceding paragraph. The building line remains unchanged. It is proposed to provide accommodation at first floor level but the ridge line remains unchanged. For the reasons set out in the preceding paragraphs, I have no objections to this proposed arrangement.

Servicing Arrangements

- 9.2.8. [Foul Drainage]: As noted in the Applicant's 'Drainage Report & Flood Risk Assessment', an existing 225mm diameter clay foul sewer traverses the property, passing beneath the existing residence. The sewer would also pass beneath the remodelled house and it is proposed to connect to this sewer by collecting effluent to a manhole to the north of the dwelling and connecting to the mains sewer close to the western boundary where the sewer would not be built over.
- 9.2.9. The Local Authority refused the application partly on the grounds that it was not satisfied that adequate arrangements for foul drainage would be in place to serve the proposed development (Reason 3). The rationale for this refusal contained in the Planner's report was that: *'No confirmation of feasibility from Irish Water has been submitted. A refusal is recommended.'* On the Local Authority file for the previous application, I note that no prescribed bodies were consulted.
- 9.2.10. I have examined planning history in the area to ascertain if there were any previous examples of such a proposal to develop over the existing sewer. I was unable to identify any such examples.

- 9.2.11. In the absence of either a report from the responsible statutory body, or a precedent case in the vicinity where Uisce Eireann did report on a similar proposal, and notwithstanding that the existing sewer is already built over and that the Local Authority has already granted a recent permission for similar works to the existing dwelling, I am unable to support the proposed means of foul effluent.
- 9.2.12. [Surface Water]: There would appear to be inconsistencies in the proposals for surface water drainage submitted with the application. In the 'Foul & SW Drainage Site Layout Plan', a new collection system is identified around the existing house and extending to a point adjacent to the public road but inside the property boundary. On the same Plan, the notation refers to an 'Ex 100 diameter SW drain'. The Drainage Report submitted by the Applicant focuses on the semi-detached dwellings. In respect of the existing dwelling, only a simple reference is made to an existing 225mm diameter surface water sewer on Howth Road. Notwithstanding, I note the report of the Local Authority's Water Services Department and the recommendation therein of no objection subject to standard conditions.
- 9.2.13. [Flood Risk]: With the exception of a very narrow strip immediately adjacent to the public road, the entire subject site is within Flood Zone A as identified in the SFRA that accompanies the Development Plan. The Flood Risk Assessment submitted with the application to the Local Authority would appear to be concerned primarily, if not entirely, with the proposed semi-detached dwellings. Notwithstanding, I would refer also to the section in the Flood Risk Guidelines entitled: 'Assessment of minor proposals in areas of flood risk' wherein it is advised that: 'Applications for minor development, such as small extensions to houses ... are unlikely to raise significant flooding issues, unless they obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail the storage of hazardous substances.' I am satisfied that the proposed works to the existing dwelling will not give rise to any of the aforementioned issues. Therefore, the proposed works to the existing dwelling are acceptable from a flood risk perspective, in my opinion, and I note the advice contained in the Local Authority's Water Services Report note that: 'the proposed alterations to the existing property is considered permissible'.

9.3. **Proposed Semi-Detached Dwellings**

Principle, and Pattern, Of Development

- 9.3.1. The Development Plan policy framework is generally to support the principle of infill development such as the proposed semi-detached dwellings, but also to balance this against protecting the visual and residential amenities of the area concerned. This balance is apparent in the chapters on: 'Sustainable Placemaking and Quality Homes' ('Compact Growth , Consolidation and Regeneration' Objective SPQHO34 and SPQHO42); and 'Development Management Standards' ('Infill Sites' Objective DMSO31), Separation Distances Between Side Walls (DMSO31), and 'Overlooking and Overbearance' (Section 14.6.6.4). I also note the Applicants' references to the availability of nearby public transport and the development's alignment with policy in this regard.
- 9.3.2. The principle of backland development in the area, and the pattern of development in terms of the formation of a consistent building line, is clearly established in the area on foot of the development of Nos. 36A, 37A, 38A, 39A and 42A to the east of the site. From this perspective, a development in this backland site at a position consistent with the established building line is acceptable, in my opinion, subject to consideration of detailed issues arising.
- 9.3.3. Notwithstanding the clear policy support for the principle of infill development, particularly when located in proximity to public transport services, and the precedents for a pattern of backland development in the area, the proposed semi-detached dwellings must also be considered against the twin policy objective of preserving visual and residential amenities.
- 9.3.4. The application seeks permission for a pair of semi-detached dwellings incorporating upper floor bedroom accommodation to be served by dormer windows to the front and rear. I note the supportive commentary submitted with the Appeal as set out at Section 8.1, particularly the Appellants' emphasis on the support for the development as contained in the NPF and Residential Guidelines for infill development, own-door housing, exceptions to general density ranges and step-down accommodation. I also

note the continued opposition of the Local Authority and those who made submissions/observations.

- 9.3.5. As well as establishing a consistent building line, the aforementioned pattern of development is also characterised by single dwellings only, with the design of these dwellings being single-storey, or single-storey only with no upper floor accommodation permitted. This approach has been maintained by both the Local Authority and the Commission in order to preserve the character of the area and to protect the privacy and amenities of adjacent properties.
- 9.3.6. The proposed development of a pair of semi-detached dwellings with an effective ridge height of 7m from the existing ground level in the backlands of No.35 would clearly be a significant departure from the developments (single dwellings, single-storey or single storey in character) permitted in other backland sites in the vicinity to date. In my opinion, therefore, the proposed development would be contrary to the evinced aim of the aforementioned policy framework of striking the appropriate balance between supporting infill development whilst protecting residential and visual amenities.

Detailed Design, and Impact on Neighbouring Amenities

- 9.3.7. The policy framework for the consideration of detailed design issues is generally as per that set out at para. 9.3.1.
- 9.3.8. The commentary contained in some of the submissions to the Planning Authority states that planning history clearly sets out the parameters for backland development in the area. At Section 4.0 of this report I set out my own review of relevant planning history. From this review, a clear pattern can be identified of both the Local Authority and the Commission consistently restricting development to 'low-impact' single dwellings between No.33 and the Burrows National School:
- 9.3.9. The proposed development would result in a ridge height of 7m over the existing ground level. This arises from the combined effects of the proposed raising of ground levels by 1.3m (from the existing 2.70OD to 4.00OD) and a proposed dwelling height of 5.7m (from the proposed ffl of 4.00OD to the ridge height of 9.7OD). The rationale for the proposed raising of ground levels in order to mitigate against flood risk is set

out in both the Planning Statement and Engineer's Report submitted with the application.

- 9.3.10. The main module of the dwellings are 11.1m in length and are set back from the party boundaries by distances ranging from 0.92m to 1.14m on the eastern side, and 0.965m to 1.145m on the western side. The narrower front modules of the dwellings are set back 2.65m from the eastern boundary, and 2.63m from the western boundary respectively. Boundary walls measuring 2.1m in height are proposed on the western and eastern boundaries. A skylight measuring 2.9m x 1.9m is proposed within the side hipped roof (and therefore facing towards the adjacent properties on either side) of each semi-detached dwelling. On the submitted floor plans, the skylights are identified as serving the ground floor dining rooms of each unit.
- 9.3.11. Impacts on No.36A: In their submission, Patrick and Dolores Gilhooly (of No.36A located immediately to the east of proposed semi-detached dwellings) refer to Site-Section A-A submitted with the application. This cross-section (contained on the drawing entitled 'Existing & Proposed Contextual Elevations, Boundary Treatment & Material Elevations') illustrates the ridge and eaves levels of the proposed dwellings relevant to the ridge height of No.36A. Whilst the referenced cross-section does not specify the ridge height of No.36A, it can be deduced from the height of the proposed semi-detached dwellings from ridge to eaves ie. 3m (where the eaves level is given as +6.70D and the ridge level +9.70OD) that the proposed difference in ridge level will be close to +3m. The cross-section also illustrates that the eaves level of the proposed dwellings will be slightly below the ridge height of the existing dwelling.
- 9.3.12. At my site inspection, as well as inspecting the subject property, I also gained access to the adjacent No.36A. At No.36A, I noted: the single-storey design, significant living-room fenestration on the western elevation (ie. adjacent to the party boundary with No.35) and vegetation rising approximately to the eaves height of No.36A.
- 9.3.13. Having regard to the height, mass and scale of the proposed semi-detached dwellings, inclusive of the proposed raising of ground levels by 1.3m, and the

proximity of the proposed structure to No.36A, the proposed development would have an unacceptably detrimental impact on the privacy and amenities of No.36A by reason of overbearance, in my opinion, particularly given the single-storey design of this dwelling and the (living accommodation) fenestration on its western elevation. From this perspective, therefore, the proposed development would be contrary to the Development Plan policy framework as set out at para. 9.3.1. With specific reference to the proposed raising of ground levels, I would refer the Commission to its 2016 decision relating to a proposal to raise ground levels by 750mm at No.38 Howth Road (ACP Ref. 246918) where the proposed ridge height was c.6.5m measured from ground level. The Commission's decision was to refuse on the grounds of excessive height relative to surrounding buildings, the proximity to site boundaries, and thus that it would be visually obtrusive and out of character with the pattern of development in the vicinity and would seriously injure the amenities of adjoining residential properties.

9.3.14. Impacts on No.36: In their submission, Paul and Nicola Meagher (of No.36 Howth Road) refer to the statement made in the application documents that particular attention has been paid to the floor plans and the location of windows, which have been located, orientated and sized so as to prevent and mitigate overlooking and that there are no opening windows overlooking adjoining properties at first floor level. The residents take issue with this statement and contend that not only will the first floor dormer bedroom windows *'overlook our private garden space, but additionally, due to the aspect and fenestration of our home, and contrary to National Planning Objective SPPR1, will provide a clear line of sight into our primary internal living space. We therefore assert that there most definitely will be unacceptable overlooking and an invasion of our right to privacy within our own home'*.

9.3.15. At my site inspection I gained access to the rear of No.36 and noted: a contemporary rear extension with floor to ceiling windows, a patio and maintained garden, and extensive vegetation forming the boundary with the subject site (I noted similar vegetation on the rear and eastern boundaries). The distance between the proposed rear dormers and the nearest part of the maintained garden of No.36 would be

c.18m. The distance between the proposed dormers and the nearest part of the contemporary rear extension would be c.36m.

9.3.16. While the separation distances noted above are in excess of minimum distances for opposing first floor habitable room windows as set out in the Development Plan (22m) and SPPR1 (16m) respectively, and while the proposed dormer windows and No.36 are not directly opposing, the most important consideration, in my opinion, should be the prevailing character of the area and the privacies and amenities enjoyed by the residents of the 'primary' dwellings on Howth Road as reflected and respected in other planning decisions in the area. In this context, any backland development must be sensitive to the established environment and notwithstanding the presence of the existing vegetation along the party boundary, I would share the overlooking concerns of the residents of No.36, particularly given the proposals to raise ground levels and construct a 2.1m high wall along the entire eastern boundary of the subject site (discussed in para. 9.3.17 below). The proposed development, therefore, would be contrary to the Development Plan policy framework as set out at para.9.3.1, in my opinion.

9.3.17. A 2.1m high wall is proposed along the entire party boundary with Nos. 36 and 36A. Whilst I note that the Commission permitted a similar 2m wall at No.40 Howth Road in 2023 (ACP Ref. 314936), I would share the concerns expressed in the third party submissions ie. that the area is characterised by the hedgerows and trees forming the boundaries of properties, and that the proposed removal of existing mature hedgerow/trees would have a detrimental impact on the character of the area and that construction of the wall could also risk undermining trees and hedging with the third party properties. This concern is heightened in this particular case by the absence of detailed information regarding both the precise location of the proposed wall, and vegetation to be removed, and the proximity of the proposed wall to the adjacent No.36A. Were a permission to be forthcoming, there are other options for the formation of a boundary that would be less imposing, and potentially less damaging to immediately adjacent vegetation.

9.3.18. Impacts on No.34: No.34 has not been sub-divided and so the rear garden of No.34 extends all the way to the northern boundary. Otherwise, the circumstances are

similar to No.36 in that there is mature foliage between No.34 and the subject property, and a 2.1m high wall is proposed along the entire extent of plot for the westernmost of the two semi-detached dwellings. Accordingly, I would have the same concerns in relation to No.34 as those set out at paras. 9.3.16 and 9.3.17.

Flood Risk

- 9.3.19. I would firstly address the commentary in the submissions and observations of residents contending that there is no flood issue at this site. Whilst this may have been the policy position previously, this scenario changed with the coming into effect of the Development Plan and associated Strategic Flood Risk Assessment (SFRA) on 5 April 2023 wherein the subject site was identified as being within an area designated as Flood Zone A.
- 9.3.20. For this Flood Zone-A located site, the policy framework as contained in Objectives IUO16, IUO17 and IUO21 effectively requires that the application must be supported by a Site Specific Flood Risk Assessment (SSFRA) and a Justification Test. A document entitled 'Flood Risk Assessment' was submitted with the application to the Local Authority. However, the Local Authority concluded that the application did not comply with the requirements of the Flood Risk Guidelines or the SFRA and this was reflected in the refusal reasons. A more detailed SSFRA, inclusive of a Justification Test, was submitted as part of the Appeal.
- 9.3.21. Since the coming into effect of the Development Plan and SFRA, there have been applications for backland development on two plots in the vicinity of the site, both of which are also within the Flood Zone A designation. Three applications have been considered at No.28, including one appealed to ACP (Ref. 322501). All three were refused. The refusals, including the decision of ACP, included flood risk as a reason. In the Inspector's report, it was noted that the site was in Flood Zone A and that the applicant had not provided a suitable justification test. This was reflected in the Reason 1 of the Commission's decision. One application was considered at No.40. This was granted on appeal by ACP (Ref. 314936). The issue of flood risk was not addressed.

9.3.22. The SSFRA submitted with the Appeal identifies potential sources of flood risk and, to some degree, the likelihood of flood risk. The Assessment concludes:

- that the site is not at risk from fluvial or pluvial flooding;
- *'the study area is located within Flood Zone A for coastal flooding';* and
- *'From a review of the available information, there is no identifiable risk of groundwater flooding on the site. On-site investigations show a water table approximately 900mm below ground level. Rising coastal flood waters may significantly raise the water table in the area or produce a perched water table.'*

9.3.23. The SSFRA includes a Justification Test prepared in accordance with the structure and criteria as set out at para. 5.15 of the Flood Risk Guidelines. In the said para. 5.15 it is stated that the planning authority *'must be satisfied that the development satisfies all of the criteria'*. In this context, the contents of the Justification Test are considered below.

9.3.24. Question 1 of Box 5.1 requires that the subject lands have been zoned for the particular use of the development. The proposed development meets this criterion.

9.3.25. Question 2 addresses four matters [items (i) – (iv)] to be demonstrated in the SSFRA.

9.3.26. Question 2(i) requires demonstration that the proposed *'will not increase flood risk elsewhere...'* In the response to this question, it is stated in the SSFRA that *'the development will not increase flood risk elsewhere because the site is located in Flood Zone A for Coastal Flooding. Coastal flooding does not follow similar displacement rules as would be the case in fluvial flooding, where the flood extent is limited by the land surrounding. Displacement waters would simply be taken up by the Irish Sea. Furthermore, the site is to be retained at current ground level (no cut, nor fill) ensuring that there is no impediment to flow paths, which may affect neighbouring properties'*. The response then includes details re how the finished floor level of the semi-detached dwellings was calculated and that the ffl should be set at 4.53OD. This equates to a raising of ground levels by c.1.83m. This response

is silent on the proximity of adjacent residential properties, including No.36A located immediately to the east of the proposed semi-detached dwellings. There would also appear to be an inconsistency in the response in that it both states there shall be '*no cut, nor fill*', but also states that the ffl should be set at 4.53OD (this equates to a raising of the ground levels by 1.83m). Therefore, notwithstanding the conclusions in the response that '*Displacement waters would simply be taken up by the Irish Sea...*', I am not satisfied that the Applicant has demonstrated that the development will not give rise to flood risk elsewhere.

9.3.27. Question 2(ii) requires demonstration of measures to minimise flood risk to, inter alia, people and property. It is reasonable to assume that 'people' and 'property' in this context should include consideration of adjacent people and properties, in addition to the subject property and its occupants. In response to this question, the proposed raising of ground levels of the proposed semi-detached dwellings is referenced, together with the proposed SUDS storm water collection system. Again, this response is silent on measures to minimise risk to people and properties adjacent to the subject site. My conclusions in para. 9.3.26 therefore apply equally to the response to Question 2(ii).

9.3.28. Question 2(iii) requires demonstration, inter alia, that the development addresses provision for emergency services. In the Applicants' SSFRA response, it is stated that: '*Full emergency access and egress ... may not be available in the event of extreme flooding within the proposal site, to address this a Flood Emergency Response Plan has been prepared.* Para. 5.16 of the Flood Risk Guidelines provides that: 'Where development has to take place in areas at risk of flooding following the application of these Guidelines, '*the risks should be mitigated and managed through the location, lay-out and design of the development to reduce such risks to an acceptable level*'. By the Applicants' own admission, they are unable to mitigate and manage the risks through the layout and design of the development. Accordingly, the proposed development has failed to demonstrate that the development addresses provision for emergency services as required under Item 2(iii)⁶.

⁶ Question 2(iv) refers to matters of urban streetscape and is not relevant to this case, in my opinion.

Services

- 9.3.29. [Foul Drainage]: It is proposed to connect the semi-detached dwellings to the existing mains sewer traversing the site. This gives rise to the same issues and, therefore, concerns as set out at paras. 9.2.8 to 9.2.11 above.
- 9.3.30. [Surface Water]: It is proposed that surface water from the semi-detached dwellings will be collected and disposed of via an on-site soakaway. A permeable gravel surface is also proposed for the access driveway. I note that the on-site investigations of the Applicants' engineering consultants (KMP) identified a water table of 900mm below ground level. I also note the expert report of the Local Authority and the recommendation of no objection, subject to standard conditions including of construction that the actual site-specific infiltration rate shall be confirmed by way of testing, and the soakaway design adjusted accordingly prior to commencement of development. Notwithstanding, while infiltration may be adequate generally, it may not be available as a means of disposing of run-off in periods of rising coastal waters. In these circumstances, it would be more prudent if these matters were investigated in more detail. In the absence of such detail, the Commission cannot be satisfied that adequate surface water drainage arrangements are in place.

Interaction with Adjacent Golf Course

- 9.3.31. The submissions from the Golf Club Secretary raises concerns in relation to health and safety issues arising from the juxtaposition of the proposed semi-detached houses and the golf course, particularly the tee box and fairway of Hole No. 4. These concerns presumably refer to stray golf balls. The submission notes that there is no agreement or consultation on the installation of safety netting etc. with Sutton Golf Club and this could involve serious legal action should it arise in the future.
- 9.3.32. The Commission has previously considered various appeals for similar backland development on plots in the vicinity of the site and also adjacent to the golf course (refs. 322501, 307298, 246598, 246918 and 314936). None of the Commission's decisions, whether to grant or refuse, identified this issue as a significant concern, presumably due to the extensive screening vegetation along the rear boundaries of

these properties and also the capacity of the occupants to erect their own safety netting should it be required. Such issues could be addressed by condition were a permission to be forthcoming.

9.4. Revised Plans for Semi-Detached Dwellings Submitted With Appeal

- 9.4.1. In their Appeal, the Appellants submit revised design proposals for the semi-detached dwellings. While the eaves and ridge height, and the set back distances of the front modules remain unchanged, the following amendments are introduced:
- the separation distances from the footprint of the main module of the dwellings to the party boundaries have been increased: on the western side from 0.965m to 1.465m; and on the eastern side (adjacent to No.36A) from 0.92m to 1.42m.
 - the dormer windows to both the front and rear elevations have been recessed, and privacy louvers have been incorporated '*to limit views to adjacent properties*'.
- 9.4.2. Also in support of the revised plans, the application architects address plot ratio. In doing so, they advise that concerns regarding scale and mass are not substantiated '*as the proposed development achieves a plot ratio of 19.7%, which is consistent with neighbouring properties where neighbouring properties range from 11% to 19.7%*'. A map is attached identifying the referenced plot ratios of the subject and neighbouring properties.
- 9.4.3. More generally, the architects conclude that with these revisions: '*the development responds more appropriately to the character of the surrounding area and aligns more closely with Objective SPQHO42 of the Development Plan*'; '*no longer result in significant overbearing or overlooking impacts*'; and '*ensure that the proposal would not set an inappropriate precedent...*'.
- 9.4.4. In its observations on the revised proposals, the Local Authority retains its concerns regarding the intensity of development proposed, which is considered to be out of character with the pattern of development in the area, and the impact on the

amenities of the area and adjoining property. In their observations, the Local Residents advise that the revised proposals do not address their concerns.

- 9.4.5. In paras. 9.3.1 - 9.3.6 of Section 9.3 'Proposed Semi-Detached Dwellings' above, I set out my fundamental concerns in relation to the proposal for a pair of semi-detached dwellings in the context of the pattern of development in the area. As the revised plans are unchanged in that they retain the fundamental elements of the proposed semi-detached dwellings (ridge and eaves height) and propose only minor reductions to the set-backs from the adjacent party boundaries, the aforementioned fundamental concerns also remain, therefore.
- 9.4.6. In paras. 9.3.7 – 9.3.18 of Section 9.3, I set out my detailed concerns in relation to the impact of the proposed semi-detached dwellings on the amenities of the neighbouring Nos. 36, 36A and 34. I note the proposed increases in set back of c.1.4m from the dwellings to the party boundaries on either side in the context of Development Plan Objective DMSO26. This Objective addresses minimum separation distances between the side walls of adjacent dwellings and requires that a separation distance of at least 2.3 metres is provided between the side walls. The revised proposals would achieve more than 50% of the required separation distances between side walls. However, the revised proposals do not, in my opinion, address my concerns in relation to overbearance as set out in the aforementioned paragraphs, and as referenced in the observations of the local residents. Similarly, whilst I also note the proposed adjustments to the dormer windows, and whilst I would acknowledge that the revised design restricts the potential for overlooking to some extent, the revised design will still continue to allow for overlooking. Therefore, in the context of the proposed backland development giving rise to an element of overlooking of long-established 'primary dwellings' in a long-established residential area, the revised proposals do not, in my opinion, overcome my concerns as set out in the aforementioned paragraphs.
- 9.4.7. The revised plans submitted with the Appeal continue to show the ground level being raised by 1.3m to achieve a ffl of +4.00OD. However, I note that in the SSFRA submitted with the Appeal, a recommendation for a minimum ffl of 4.53OD is

included (refer response to Item 2(i) of Box 5.1 of the Flood Risk Guidelines). This discrepancy only serves to underline the concerns of adjacent residents.

9.5. Other Issues

- 9.5.1. No.37 Howth Road: Whilst I note concerns expressed in the submissions regarding the potential impacts of the proposed semi-detached dwellings on the amenities of No.37 Howth Road, such concerns are unwarranted in my opinion having regard to: the obliqueness of the angle from the proposed dwellings to No.37, and the distance and vegetation between the two.
- 9.5.2. Access/Parking: The submissions/observations of residents include cynicism over the level of parking proposed for the two semi-detached houses ie. one space per house and advise that much greater parking provision will be required for dwellings of the size proposed. However, as advised in the Authority's Transportation report, the proposal for one space per dwelling is in accordance with the standards for houses with 3 or more bedrooms as contained in the Development Plan (Table 14.19, Chapter 14).
- 9.5.3. The safety of the proposed access arrangements was also questioned in the observations of the local residents with key comments including that: *'This is a very busy main road...'*; and *'It also has become more dangerous now with the narrow cycle lane where cars in-practice must come out onto the cycle path to see traffic'*. With regard to such issues, I note the expert technical report of the Local Authority Transportation Planning Section. In the Report, bicycle parking, access and sightlines, and emergency vehicle access are referenced and it is advised that all relevant standards have been met.
- 9.5.4. Airport Noise Zone D: I note the reference in the Local Authority Planner's report to the site being located within Airport Noise Zone D for noise assessment purposes. However, I also note that in Table 8.1: 'Aircraft Noise Zones' of the Development Plan it is specified that it is only for large residential developments (50 units or more) that an applicant may be required to demonstrate that a good acoustic design has been followed in Zone D.

- 9.5.5. Bedroom sizes: 'Quality Housing for Sustainable Communities, 2007' stipulates that bedroom sizes should be at least 7.1m² (single room) and 11.4m² (double room). All proposed bedrooms either meet or exceed these standards.
- 9.5.6. Open Space: Development Plan Objective DMSO27 identifies a requirement of a minimum of 75m² of private open space located behind the front building line of houses with 4 or more bedrooms, and 60m² for 3-bedroom units. The renovated existing dwelling would have four bedrooms and private open space of 170m². The proposed 3-bedroom semi-detached each would have private rear open space of c.65m². All three dwellings, therefore, meet the required standards.

10.0 AA Screening

- 10.1. I have considered the proposed extensions to the existing dwelling, demolition of rear extensions, construction of two dormer bungalows together with associated site works at No.35 Howth Road, Sutton, Dublin in light of the requirements S177U of the Planning and Development Act 2000 as amended. I have also considered the proposed servicing arrangements comprising connection to the mains foul sewer, disposal of surface water from the existing dwelling to the surface water mains sewer on Howth Road, and from the proposed two new dwellings via an on-site soakaway.
- 10.2. The subject site is located 0.36km to the north of: North Dublin Bay Special Area of Conservation (SAC) (Site Code 000206); and North Bull Island Special Protection Area (SPA) (Site Code 004006). The site is also 140m to the south of Baldoyle Bay SAC (Site Code 000199); and 255m to the south-east of the North-West Irish Sea SPA (Site Code 004236).
- 10.3. No nature conservation concerns were raised in the planning appeal. In the Planning Authority's assessment of the application, it was concluded that there was no likelihood of significant effects on any European site during construction or operation of the proposed project.
- 10.4. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reasons for this conclusion are as follows:

- the scale of the works: small scale extension and proposed infill to provide two dwellings; to an existing dwelling with existing connections to public services;
- the absence of any realistic pathway between the site and European sites, having regard to the proposed connection to the mains foul sewer, part connection to the mains surface water drain, and part disposal of surface water via an on-site soakaway.

10.5. I conclude that on the basis of objective information, the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

11.0 Recommendation

11.1. I recommend that permission for the development be refused for the reasons and considerations as set out below.

12.0 Reasons and Considerations

(1.) Objective SPQHO42 of the Fingal County Development Plan 2023-2029 encourages and promotes ‘the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected’. It is considered that the impact of the proposed semi-detached dwellings as proposed in both the plans submitted to the Local Authority and the revised plans submitted with the Appeal, by virtue of: the number of units proposed; the ridge and eaves height of the structure and the proximity of its footprint to the adjacent party boundaries; the first floor dormer windows, and the proposed 2.1m high wall along each party boundary would create a discordant feature that would have an unacceptably detrimental impact on the character and environment of the area. The proposed development would therefore be contrary to the aforementioned

objective of the Fingal Development Plan and would thereby be contrary to the proper planning and sustainable development of the area.

- (2.) Objective IUO21 of the Fingal County Development Plan 2023-2029 requires all developments in the County to be designed and constructed in accordance with the 'Precautionary Principle' as detailed in the 'Planning System and Flood Risk Management – Guidelines for Planning Authorities (DEHLG, and OPW, 2009). Having regard to: the proposed raising of ground levels in close proximity to properties on either side and the absence of any consideration of adjacent properties in the Site Specific Flood Risk Assessment (SSFRA) and Justification Test submitted with the Appeal; the discrepancy in the finished floor level identified on submitted plans and that recommended in the submitted SSFRA and Justification Test; confirmation in the Justification Test that it cannot be ensured that full emergency access and egress will be available in the event of extreme flooding within the proposal site; and the identified water table level of 900mm below ground level at the site and the accompanying statement contained in the submitted SSFRA that 'Rising coastal flood waters may significantly raise the water table in the area or produce a perched water table', it is considered that the proposed development has not been designed in accordance with the 'Precautionary Principle'. Accordingly, to permit the proposed development would be contrary to the aforementioned Objective and Guidelines, could give rise to a flood risk, and would thereby be contrary to the proper planning and sustainable development of the area.
- (3.) Development Management Standard 14.6.6.4 'Overlooking and Overbearance' of the Fingal County Development Plan 2023-2029 requires that development proposals must assess levels of overbearance and potential to cause significant levels of overlooking to neighbouring properties. Having regard to the raising of ground levels, ridge and eaves heights, and depth of the semi-detached dwellings and their proximity to the adjacent Nos.34 and 36A Howth Road as proposed in both the plans submitted to the Local Authority and the revised plans submitted with the Appeal, it is considered that the said semi-

detached dwellings would have an unacceptable level of overbearance on the aforementioned properties. Accordingly, to permit the proposed development would be contrary to the proper planning and sustainable development of the area.

- (4.) Having regard to the proposal to build over existing public infrastructure (mains sewer line) as part of the proposed works to the existing dwelling, and to the information available on file, the Commission is not satisfied that the proposed works would not be prejudicial to the operation and maintenance of the said facility. Accordingly, to permit the proposed development would be contrary to the proper planning and sustainable development of the area.
- (5.) Having regard to: the proposed site being located within Flood Zone A (Coastal Flooding) as identified in the Fingal Development Plan 2023-2029 and accompanying Strategic Flood Risk Assessment (SFRA); and the water table of 900mm below ground level identified in on-site investigations undertaken for the Site-Specific Flood Risk Assessment submitted with the Appeal to the Commission, it is considered that the soakaway proposed as the means of surface water drainage for the proposed semi-detached dwellings may not have adequate filtration in periods of rising coastal waters. Accordingly, to permit the proposed development may give rise to flooding and would thereby 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.

Paul Christy

Planning Inspector

30th December 2025

Appendix A: Form 1 EIA Pre-Screening

Case Reference	ACP-323713-25
Proposed Development Summary	Extension to existing dwelling, demolition of rear extension, construction of two dormer bungalows together with associated site works. Proposed connection to public mains sewer. Part discharge of surface water to public mains system and part discharge to on-site soakaway.
Development Address	35 Howth Road, Sutton, Dublin 13, D13 H2T9
IN ALL CASES CHECK BOX /OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	Yes, it is a 'Project'. Proceed to Q2.
<p>(For the purposes of the Directive, "Project" means:</p> <ul style="list-style-type: none"> - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources) 	
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in <u>Part 2</u>, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	<u>Class 10(b), Part 2: Construction of dwelling units</u> Threshold = more than 500 dwelling units. Proposed development is for 2 new units.
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Paul Christy

Date: 30th December 2025

Appendix A: Form 2 - EIA Preliminary Examination

Case Reference	ACP-323713-25
Proposed Development Summary	Extension to existing dwelling, demolition of rear extension, construction of two dormer bungalows together with associated site works. Proposed connection to public mains sewer. Part discharge of surface water to public mains system and part discharge to on-site soakaway.
Development Address	35 Howth Road, Sutton, Dublin 13, D13 H2T9
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
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).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. The proposed development is for two new semi-detached dwellings and part-demolition and extension of an existing dwelling with foul effluent to be connected to the public sewer, and storm water to be collected and discharged via the public mains system (in the case of the existing dwelling) and via an on-site soakaway (in the case of the semi-detached dwellings). It has a modest footprint, comes forward as a standalone project, includes only modest demolition works, 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.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones,	Briefly comment on the location of the development, having regard to the criteria listed The development is situated in an urban area, albeit in relative proximity to Dublin Bay to the south and the North-West Irish Sea/Baldoye Bay to the north. The site is removed from any sites of archaeological importance. It is within an area designated as 'Highly Sensitive Landscape' and a 'Coastal Landscape Character Type' in the Fingal Development Plan, 2023-2029. However, having regard to the relatively modest scale and location

<p>nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>of the proposed development within an established urban area, it is anticipated that the area has the capacity to absorb the development. While the site could impact on the amenities of properties in the immediate vicinity, it is not anticipated that there will be any significant impacts on the wider population of the wider area due to the relative small scale of the project. Similarly, while: Baldoyle Bay SAC and pNHA is located 0.14km to the north of the site, and the North-West Irish Sea SPA 255m to the north-west of the site; and the North Dublin bay SAC and pNHA, and North Bull Island SPA are located 360m to the south of the site, the proposed works shall not impact on the conservation objectives of these designated site owing to (a.) the nature of the works and associated services including connection to the public sewer; and (b.) the distance of the site from the nearest designated sites and the absence of any connections/pathway between the two.</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 characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</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. Elsewhere in this Report I have noted the potential for localised flood risk. I do not consider such risk to be 'significant' in the context of EIA.</p>
<p>Conclusion</p>	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>

Inspector: Paul Christy **Date:** 30th December, 2025

Appendix B: Form 1 Water Framework Directive Scoping

Table 2 WFD: Scoping			
Step 1: Nature of the Project, the Site and Locality			
An Comm. Pleanála ref. no.	ACP-323713-25	Townland, address	35 Howth Road, Sutton, Dublin 13, D13 H2T9
Description of project		Extension to existing dwelling, demolition of rear extension, construction of two dormer bungalows together with associated site works. Proposed connection to public mains sewer. Part discharge of surface water to public mains system and part discharge to on-site soakaway.	
Brief site description, relevant to WFD Screening,		<p>The subject site is in a relatively narrow 'strip' of the mainland that connects the City of Dublin with Howth Head. The coast is therefore in reasonable proximity to the site both to the north (c280m from the site) and south (c. 380m from the site). The coastal area to the north includes: the Mayne Estuary Transitional Water Body; the Irish Sea (Dublin) Coastal Water Body; and Sutton Burrow Beach. The coastal area to the south is formed of the Dublin Bay Coastal Water Body.</p> <p>The site is located c.1.58km to the west of the Howth_010 river.</p> <p>The site lies within the area of the Dublin IE_EA_G_008 groundwater body. This groundwater covers a 825km²-wide area.</p> <p>Almost the entire plot falls within the area identified as Flood Zone A in the Strategic Flood Risk Assessment prepared for the Fingal County Development Plan, 2023-2029.</p>	
Proposed surface water details		<p>A hybrid solution is proposed comprised of:</p> <ul style="list-style-type: none"> a. Discharging surface water from the existing dwelling to the public mains system; and b. Discharge the proposed semi-detached dwellings to a soakaway within the site. 	
Proposed water supply source & available capacity		Mains supply.	
Proposed wastewater treatment system & available capacity, other issues		Mains sewer.	
Others?			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection			

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River	1580	Howth_010 river	Moderate	Review	None	None
Ground water	n/a	Dublin IE_EA_G_008	Good	Review	None	Discharge of sediment etc. to groundwater?
Transitional	660	Mayne Estuary IE_EA_080_010 0	Moderate	Review	None	None
Transitional	700	North Bull Island IE_EA_090_010 0	Moderate	Review	None	None
Coastal	180	Irish Sea Dublin IE_EA_070_000 0	Good	Not at Risk	None	None
Coastal	380	Dublin Bay IE_EA_090_010 0	Good	Not at Risk	None	None
Bathing	280	Sutton, Burrow Beach	Not available			None

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.

CONSTRUCTION PHASE

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screen. Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination ** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Overall dev'ment.	Dublin Ground water IE_EA_G_008	Discharge of siltation etc.	Low (having regard to small scale of development and extent of body - 825km ²	n/a	No	No

OPERATIONAL PHASE							
1.	Soakaway	Dublin Ground water IE_EA_G _008	Discharge of siltation etc.	Low (having regard to small scale of development and extent of body - 825km ²	n/a	No	No
DECOMMISSIONING PHASE							
1.	None anticipated.						

Inspector: Paul Christy Date: 30th December 2025