



An
Coimisiún
Pleanála

Inspector's Report

PL-500098-DF

Development	Outline permission for demolition of extension, construction of dwelling and all associated site works
Location	51 Balkhill Park, Howth, Co. Dublin, D13 W593
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F25A/0688
Applicant(s)	Alan and Dympha Buckowski.
Type of Application	Permission.
Planning Authority Decision	To refuse outline permission
Type of Appeal	First Party
Appellant(s)	Alan and Dympha Buckowski.
Observer(s)	N/A.
Date of Site Inspection	05 th December 2025.
Inspector	R Taylor

Table of Contents

1.0	Site Location and Description	3
2.0	Proposed Development	4
3.0	Planning Authority Decision.....	4
4.0	Planning History	6
5.0	Policy Context	6
6.0	EIA Screening	13
7.0	The Appeal	13
8.0	Assessment.....	15
9.0	AA Screening	22
10.0	Water Frame Directive.....	22
11.0	Recommendation	24
12.0	Reasons and Considerations	24
13.0	Conditions	24
	Appendix A: Form 1 EIA Pre-Screening	29
	Appendix B: Form 2 EIA Preliminary Examination	31

1.0 Site Location and Description

1.1 The appeal site is located at 51 Balkhill Park, Howth and comprises a 2-storey semi-detached dwelling finished in brick at ground floor and rough finish painted render at first floor, with a pitched roof finished in concrete roof tiles. It is located at the end of a cul-de-sac and is broadly orientated west to east. There is a driveway and garden area to the front with walls to the southern and western/roadside boundaries. There is a single storey extension to the rear with garden area beyond broadly triangular in shape comprising hard and soft landscaping, narrowing in width towards the rear/eastern boundary. Rear boundary treatments comprise walls and timber fencing approximately generally 1.8m in height. There is a two-storey extension attached to the southern gable, comprising a kitchen and office at ground floor, with family room and balcony to the front. The extension projects forward of the main front elevation by approximately 2.3m. The area between the extension and southern balcony is elevated above the driveway and comprises timber decking. The topography of the site increases gently from the northern boundary towards the south to a point broadly level with the side extension before rising steeply toward the rear/southern boundary. This area is approximately 3.5m above the incut driveway, until a point broadly adjacent to the rear elevation of the dwelling. The increase in levels adjacent to the southern elevation reduces within the rear garden towards the rear boundary. The rear garden also slopes upwards from the rear of the dwelling toward the rear/eastern boundary and towards the southern boundary. The rear boundary is approximately 2.5m above the finished ground floor level of the rear of the dwelling.

1.2 The site is located within a row of semi-detached dwellings of similar design and layout, with further similar dwellings opposite to the west. Immediately adjacent to the western boundary is a pedestrian lane providing access to public lands further to the east. This area is elevated above Balkhill Park and results in sloping

topography downwards to this street. The wider area also mostly comprises semi-detached dwellings. Howth centre is approximately 780m to the north.

2.0 Proposed Development

- 2.1 The proposal seeks outline permission for demolition of the existing two storey gable extension (45 sqm) and replacement with a two storey 3-bedroom dwelling (88.8 sqm), driveway and parking area to the front with subdivision of the existing rear garden.
- 2.2 The supporting plans indicate that the dwelling would match the ridge (8.2m) and eaves (5.4m) height of the adjacent existing dwelling and also broadly align with the front elevation, save for a single storey projection. The plans indicate a stated distance of 10.5m between the western boundary and main/2storey front elevation, with a rear garden stated length of 17.5m and 78 sqm in area. 75sqm area of rear garden would remain for the existing dwelling, with distance of approximately 18.6m between the existing single storey extension and rear boundary. An access path 0.9m in width between the front and rear of the site is proposed between the two dwellings.

3.0 Planning Authority Decision

3.1 Decision

The Planning Authority refused permission in the notification dated 22nd July 2025 and includes 1 refusal reason as follows:

The proposed development would provide constrained vehicular access and car parking arrangements for both the existing and proposed houses and would not clearly demarcate the proposed shared access/driveway for the proposed house. The proposal therefore fails to demonstrate a safe means of access and egress to serve the existing and proposed dwellings, and as such would contravene materially Objective DMSO32 of the Fingal County Development Plan 2023-2029 and would seriously injure the amenities of the existing property and be contrary to the proper planning and sustainable development of the area.

3.1.2. Planning Authority Reports

3.1.2.1 In recommending a grant of permission, a single planning report notes the following:

No pre-planning consultation undertaken.

Consultation with Departmental water services and Transportation, conditions recommended. Dublin Airport Authority recommend full noise assessment as site is within Noise Zone D, however this is not necessary in this instance.

No third-party submissions received.

3.1.2.2 No site planning history.

3.1.2.3 The bedrooms on the submitted layout would only meet the floor area and dimension requirements for single bedrooms in the “Quality Housing for Sustainable Communities” guidelines. However detailed designs could be submitted in a consequent application. The house would meet requirements for floor areas and dimensions for a 3 bedroom-4-person house.

3.1.2.4 Private garden provision is acceptable and in excess of “Sustainable Residential Development and Compact Settlement” requirements. There are no dwellings to the rear and would not cause overlooking.

The design would broadly follow the existing adjacent house with same ridge height, pitched roof, and front building line. Design is acceptable and is relatively inconspicuous.

The dwelling would be set back from the road and visible from a southern approach from an adjacent public footpath leading to the Ben of Howth. These views are not protected in the Development plan. The site is adjacent to High Amenity zoned lands.

The house would not have a side passage and would leave 0.9m for the side passage rear access for the existing house, contrary to Objective DMSO26. A relaxation may be permitted however it is not clear that the scheme provides design quality or the lands are underutilised. The scheme could provide a wider passage with a more forward footprint, but this would impact on space for the proposed driveway.

The Transportation response is noted however the access and driveway would be tightly constrained with limited room for cars accessing both dwellings. Sufficient space would not be provided for in-curtilage manoeuvring and exit in forward gear, despite the proximity of the adjacent pedestrian laneway. It is unclear how the shared driveway would be managed as it does not show a clearly defined common laneway or drive with separate parking spaces.

3.1.2.6 Other Technical Reports

Biodiversity: no report received.

Water Services: no objections (surface water and flooding) subject to condition.

Transport Planning Section: no objections subject to conditions (visibility splay, widening of access to 4m between piers, and public carriageway works at applicant's expense). The response includes the following:

The area is accessible as defined in table 3.8: Accessibility of the Sustainable Residential Development and Compact Settlements and within 1.5km of Howth Dart Station. The applicant has proposed sufficient space for 1 car to park in-curtilage for each of the houses, manoeuvre and exit in forward gear. This is in line with Guidelines and Development Plan.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Planning History

4.1 The Authority report notes no history on the appeal site.

5.0 Policy Context

5.1 Development Plan

- The Fingal Development Plan 2023 – 2029 was made on 22nd February 2023 and came into effect on 5th April 2023. It has regard to national and regional

policies in respect of residential development. The following policy considerations are relevant based on the nature of the proposal:

- Zoning Objectives - RS – Residential: Provide for residential development and protect and improve residential amenity. Residential is detailed as ‘permitted in principle’ in this zoning.
- Chapter 3: Sustainable Placemaking and Quality Homes.
- Objective SPQHO9 – Consolidated Residential Development: Consolidate within the existing urban footprint, by ensuring of 50% of all new homes within or contiguous to the built-up area of Dublin City and Suburbs and 30% of all new homes are targeted within the existing built-up areas to achieve compact growth of urban settlements, as advocated by the RSES.
- Policy SPQHP20 – Adaptable and Flexible Housing: Promote all new housing to be designed and laid out in an adaptable and flexible manner to meet the needs of the homeowner as they age as set out in Section 5.2 Flexibility and Adaptability Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities 2007 published by the Department of Environment, Heritage and Local Government.
- Policy SPQHP35 – Quality of Residential Development: Promote a high quality of design and layout in new residential developments at appropriate densities across Fingal, ensuring high-quality living environments for all residents in terms of the standard of individual dwelling units and the overall layout and appearance of developments. Residential developments must accord with the standards set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG 2009 and the accompanying Urban Design Manual – A Best Practice Guide and the Sustainable Urban Housing; Design Standards for New Apartments (DHLGH as updated 2020) and the policies and objectives contained within the Urban Development and Building Heights Guidelines (December 2018). Developments should be consistent with standards outlined in Chapter 14 Development Management Standards.
- Objective SPQHO35 – Private Open Space: Require that all private open

spaces for houses and apartments/duplexes including balconies, patios, roof gardens and rear gardens are designed in accordance with the qualitative and quantitative standards set out set out in Chapter 14 Development Management Standards.

- Objective SPQHO39 – New Infill Development: New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.
- Objective SPQHO40 – Development of Corner or Wide Garden Sites: Favourably consider proposals providing for the development of corner or wide garden sites within the curtilage of existing dwellings in established residential areas subject to the achievement of prescribed standards and safeguards set out in Chapter 14 Development Management Standards.
- Objective SPQHO42 – Development of Underutilised Infill, Corner and Backland Sites: “Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.”
- Objective SPQHO43 – Contemporary and Innovative Design Solutions: Promote the use of contemporary and innovative design solutions subject to design respecting the character and architectural heritage of the area.
- Chapter 14 Development Management Standards:
 - 14.5 Consolidation of the Built Form: Design Parameters
 - Table 14.4: Infill Development: Infill Development presents unique opportunities to provide bespoke architectural solutions to gap sites and plays a key role in achieving sustainable consolidation and enhancing public realms.
 - Proposals for infill development will be required at a minimum to:
 - Provide a high-quality design response to the context of the infill site, taking cognisance of architectural form, site coverage, building heights, building line, grain, and plot width.

- Examine and address within the overall design response issues in relation to over-bearance, overlooking and overshadowing.
- Respect and compliment the character of the surrounding area having due regard to the prevailing scale, mass, and architectural form of buildings in the immediate vicinity of the site.
- Provide a positive contribution to the streetscape including active frontage, ensuring that the impacts of ancillary services such as waste management, parking and services are minimised.
- Promote active street frontages having regard to the design and relationship between the public realm and shopfronts of adjacent properties.
- 14.6 Design Criteria for Residential Development in Fingal:
- 14.6.6 External Factors for Consideration: 14.6.6.1 Daylight and Sunlight, 14.6.6.4 Overlooking and Overbearance.
- Objective DMSO23 – Separation Distance: A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over three-storeys in height, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs.
- 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.

(Note: This separation distance may be reduced on a case-by-case basis in relation to infill and brownfield development which provides for the regeneration of under-utilised lands and subject to the overall quality of the design and the schemes contribution to the streetscape. A statement demonstrating design mitigation and maintenance arrangements shall be submitted in such cases).
- Objective DMSO31 – Infill Development: New infill development shall respect the height and massing of existing residential units. Infill development shall

retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.

- Objective DMSO32 – Infill Development on Corner / Side Garden Sites:
Applications for residential infill development on corner/side garden sites will be assessed against the following criteria:
 - Compatibility with adjoining structures in terms of overall design, scale and massing. This includes adherence to established building lines, proportions, heights, parapet levels, roof profile and finishing materials.
 - Consistency with the character and form of development in the surrounding area. Provision of satisfactory levels of private open space to serve existing and proposed dwelling units.
 - Ability to safeguard the amenities of neighbouring residential units.
 - Ability to maximise surveillance of the public domain, including the use of dual frontage in site specific circumstances.
 - Provision of side/gable and rear access arrangements, including for maintenance. Compatibility of boundary treatment to the proposed site and between the existing and proposed dwellings. Existing boundary treatments should be retained/ reinstated where possible.
 - Impact on street trees in road-side verges and proposals to safeguard these features.
 - Ability to provide a safe means of access and egress to serve the existing and proposed dwellings.
 - Provision of secure bin storage areas for both existing and proposed dwellings.

5.1.2 Planning and Development Act 2000 (as amended):

37A.— (2)

(a) Subject to paragraph (b), the Board may in determining an appeal under this section decide to grant a permission even if the proposed development

contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates.

(b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that—

- (i) the proposed development is of strategic or national importance,
- (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or
- (iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

(c) Where the Board grants a permission in accordance with paragraph (b), the Board shall, in addition to the requirements of section 34(10), indicate in its decision the main reasons and considerations for contravening materially the development plan.

5.1.3 Sustainable and Compact Settlements Guidelines for Planning Authorities, Department of Housing Local Government and Heritage. Published on: 15 January 2024:

5.0 Development Standards for Housing

SPPR 2 - Minimum Private Open Space Standards for Houses:

It is a specific planning policy requirement of these Guidelines that proposals for new houses meet the following minimum private open space standards:

1 bed house 20 sq.m; 2 bed house 30 sq.m; 3 bed house 40 sq.m;
4bed+ house 50 sq.m.

SPPR 3 - Car Parking:

It is a specific planning policy requirement of these Guidelines that:

- (i) In city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling.
- (ii) In accessible locations, defined in Chapter 3 (Table 3.8) car-parking provision should be substantially reduced. The maximum rate of car-parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 1.5 no. spaces per dwelling.
- (iii) In intermediate and peripheral locations, defined in Chapter 3 (Table 3.8) the maximum rate of car-parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 2 no. spaces per dwelling.

The Design Manual for Urban Roads and Streets (DMURS)

5.2. Natural Heritage Designations

The site is not within or immediately adjacent to a designation. The closest Natural Heritage designations are as follows:

Special Protection Areas:

North-west Irish Sea SPA	Sitecode	004236	c. 825m to north
Howth Head Coast SPA	Sitecode	004113	c. 885m to north
North Bull Island SPA	Sitecode	004006	c. 2km to the southwest
Ireland's Eye SPA	Sitecode	004117	c. 2.17km to northwest
Baldoyle Bay SPA	Sitecode	004016	c. 2.75km to northwest

Special Area of Conservation:

Howth Head Coast SAC	Sitecode	000202	c. 245m to southwest
Rockabill to Dalkey Island SAC	Sitecode	003000	c. 2km to south

North Dublin Bay SAC	Sitecode	000206	c. 2km to the southwest
Ireland's Eye SAC	Sitecode	000203	c. 2.17km to northwest
Baldoyle Bay SAC	Sitecode	000199	c. 2.75km to northwest

Natural Heritage Areas (NHA) – none in close proximity to the site.

Proposed Natural Heritage Areas:

Howth Head pNHA	Site Code	000202	c. 245m to south.
North Dublin Bay pNHA	Sitecode	000206	c. 2km to the southwest
Ireland's Eye SAC	Sitecode	000203	c. 2.17km to northwest
Baldoyle Bay	Sitecode	000199	c. 2.75km to northwest

6.0 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). 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 The Appeal

7.1.1 Grounds of Appeal

7.1.1 The applicant is the appellant, and the grounds of appeal are submitted by O'Neill Town Planning on their behalf.

7.1.2 The proposed house is 159sqm is on a site that is adequate in size, design and juxtaposition. Adequate private open space and single parking spaces can be provided for each house in a shared communal parking area to the front of the site.

7.1.3 The proposal complies with 9 of the 10 criteria of objective DMSO32. The perceived failure of the applicants to deal with the criteria relating to provision of safe means of access and egress to serve existing and proposed dwellings could have been dealt with by an Additional Information request.

- 7.1.4 It is highlighted that the transport section had no objections and details their response. In response to the commentary in the planning report, a plan revising the space to the front of the dwelling is appended designating this area as communal space and including two parking spaces (ref: DRW 002-Block plan – July 2025). Cars can enter and exit the site in forward gear and allows full access and egress from the site. The recommendation by the Transport section to widen the access should be included in any favourable decision as a condition.
- 7.1.5 The Planning Authority cites a material contravention to the development plan in the decision under Section 37 (2) of the Planning And Development Act 2000 as amended. In response the agent considers the decision falls within category (ii) i.e. there are conflicting objectives within the development plan, or *the objectives are not clearly stated, insofar as the proposed development is concerned*. The proposal complies with 9 of the 10 criteria of the stated objectives. It is not reasonable that the development would materially contravene the objective based on one criterion and given the Transport section positive response. The solution presented satisfies the plan requirements. Insufficient explanation is provided within the refusal reason.
- 7.1.6 A grant of outline permission is requested subject to any conditions An Coimisiún Pleanála deem appropriate.

7.2. Planning Authority Response

- 7.2.1 A single response from the Authority was submitted to ACP and is dated 6th November 2025.
- 7.2.2 The Authority remain of the opinion that the proposal materially contravenes objective DMSO32 of the Plan and An Coimisiún Pleanála are respectively requested to uphold the Authority decision.
- 7.2.3 In the event of a successful appeal, provision should be made for the following:
- a). contributions in accordance with the Authority Development Contributions Scheme;
 - b). Condition for a tree bond should be included.

7.4. Observations

None.

7.5. Further Responses

None.

8.0 Assessment

8.1. Having examined the application details and all other documentation on file, including the submission received in relation to the appeal, site inspection and having regard to the relevant policies, objectives and guidance, I am satisfied that the main issue to be considered is that raised in the First Party grounds of appeal, being the Planning Authority (PA) reason for refusal and I am satisfied that no other substantive issues arise. The main issues in determining this appeal are as follows:

- Site Access Traffic Safety and Parking;
- Remaining criteria of DMSO32;
- Side/gable access arrangements;
- Material Contravention;

Site Access Traffic Safety and Parking;

8.2 The PA have determined that the proposal fails to satisfy the 9th criterion of Objective DMSO32 which states the following:

- Ability to provide a safe means of access and egress to serve the existing and proposed dwellings.

The report acknowledges the positive response from the Transportation section but considers that insufficient space is provided within the site for vehicles to manoeuvre and exit in forward gear and how the shared driveway would be managed for both dwellings, as a clearly defined common laneway with separate parking spaces is not shown.

- 8.3 In response, the appellant's grounds of appeal include a revised drawing which is argued designates the parking area as communal and includes two parking spaces. It is considered that the drawing demonstrates vehicles can enter and exit the site in forward gear. They further state that the Transportation section recommendation to widen the entrance should be included in any favourable decision.
- 8.4 The block plan drawing, submitted with the application, indicates a parking space adjacent to the front elevation of the existing dwelling, located in place of an existing lawn area. This area scales at a width of approximately 3m, with a length of c. 4.8m. A landscaping strip is indicated between the parking space and the front elevation of the dwelling. A second parking space is indicated in the southwestern corner of the site, to the front of the new dwelling. Scale measurement indicates this space is approximately 2.4m in width and 5m in length.
- 8.5 The appended revised block plan to the grounds of appeal, relocates the second space for the new dwelling to a position broadly in front of the proposed passageway between the existing and proposed dwellings. The front access to the proposed dwelling is also relocated south to a broadly central location relative to the front elevation. It also removes the majority of proposed planted areas along/adjacent to the western site boundary and proposes a continuous landscaping strip along/adjacent to the southern boundary. The area to the front of both dwellings has a dimensioned width of approximately 10.5m. Scaled measurements indicate that the front section of the site is approximately 14.8m in length adjacent to the western boundary, increasing to approximately 15m from the meeting point of the front site boundary and boundary with the adjacent dwelling at no. 48 Balkhill Road due south to the southern boundary, and narrowing to approximately 13.2m between the site boundary with no 49 due south along the front elevations of the existing and proposed dwellings to a point intersecting with the southern boundary.
- 8.5 There is dispute between the parties regarding parking and sufficient manoeuvring space for vehicles to allow in-curtilage turning to facilitate exiting the site in forward gear. The operative development plan appears to be silent in relation to minimum

sizes/dimensions for parking spaces, manoeuvring of vehicles, and related access/parking dimension requirements. None of the parties or the PA Transport Section have referred to published requirements within the plan or elsewhere. I therefore consider that these details require consideration against the Design Manual for Urban Roads and Streets (DMURS). This specifies minimum dimensions for spaces of 2.4m in width and 5m in length. Two spaces are indicated on the submitted and revised block plans which meet or exceed this requirement and there is sufficient space with the front area of the site to accommodate these spaces. In line with the PA Transportation response, adequate parking spaces are demonstrated.

- 8.6 In relation to manoeuvrability with the front parking area, the appellant states that sufficient space has been demonstrated on the revised/appended block plan. The planning report does not explain how the proposed layout arrangements are unacceptable.
- 8.7 A vehicle tracking/manoeuvring drawing has not been provided. As discussed above, the proposed parking area is approximately 10.5m in width at the widest point, reducing to approximately 6m at the narrowest point between front access steps to the dwellings and the western boundary. The parking space as indicated would leave a clearance distance of approximately 5m directly to the rear of space 1 to the western boundary. This provision would be 0.5m less than the required width of a 'local street' as discussed in DMURS. There is sufficient space provided to facilitate a reversing manoeuvre towards the southern boundary and exit the site for this parking space. There would also be sufficient clearance to allow vehicle to enter/exit the site with a vehicle parked at space 1. Parking space 2 would have an approximate clearance distance of 2.5m directly to the rear to the western boundary, which would provide a more restricted manoeuvring space to the rear of the indicated space location, however there is no evidence to suggest this is unacceptable. The revised block plan appended to the grounds of appeal includes a larger parking and manoeuvring area than that assessed under the application and deemed acceptable by the PA Transportation section. I consider this Transportation response is a significant material consideration that supports the proposal.

- 8.8 Notwithstanding this, the proposal seeks outline permission for the principal of development. As such alternative detailed layout arrangements could be demonstrated at a subsequent application stage. A revised/reduced floorplan layout for the proposed dwelling, for example, would further increase available space within the parking area for turning and manoeuvring of vehicles. I therefore conclude that there is sufficient space provided in principle for the manoeuvring of vehicles. Furthermore, this area would be within the confines of the site on private lands. Whilst there is potential for limited conflict between vehicles parking within the site, it would be clear of the public road and not result in a public safety issue in my opinion. In addition, there is sufficient space/frontage along the public roadside boundary to provide a widened access of 4m as recommended by the PA Transportation Section. Accordingly adequate visibility and access arrangements can be provided.
- 8.9 I would highlight that the remaining dwellings within Balkhill Park do not have any in-curtilage turning facilities and, if permitted, the appeal site would be the only one with such facilities. The site is located at the end of a cul-de-sac road and traffic movements at this location are limited. Three adjacent dwellings access from/to the terminus of the public road in addition to the appeal site. The addition of a further dwelling and 1 parking space would not result in a significant increase in vehicle movements or impact road safety and no evidence to the contrary has been highlighted by the PA in the supporting report or documentation.
- 8.10 The front garden areas of a large number of the properties within Balkhill Park are mostly hard-surfaced and therefore the indicated details of the parking area would not be out of character with the area. In addition, views of the site frontage would be limited to short distance views from within the cul-de-sac which also mitigates impact on character of the area.
- 8.11 The PA also consider that the proposal is insufficiently clear in how the parking spaces / shared driveway would be managed. The revised block plan indicates spaces in front of each dwelling, and I consider this is sufficiently evident to establish which space is allocated to each dwelling. I consider that the management of this area is an issue that could be addressed at subsequent detailed application stage and there is no evidence to suggest that appropriate

arrangements could not be facilitated at the site to the extent that permission should be withheld on this basis. A planning condition could also ensure appropriate details are provided.

Remaining criteria of DMSO32

8.12 The PA considers that the proposal complies with the remaining criteria of DMSO32. For clarity I also consider that the proposal is compliant with these criteria:

- The indicated design, scale, and massing match the adjacent dwelling and those in the locality. Accordingly, the proposal is also acceptable in relation to the character and form of development in the area.
- Private open space provision for each dwelling exceeds requirements in the plan and guidance.
- The location of the proposed dwelling is such that there would be no adverse impacts in terms of overshadowing or loss of privacy due to the separation distances available to the closest dwellings to the appeal site.
- The new dwelling would not provide direct surveillance of the adjacent public road due to the layout/alignment relative to the public road; however, it would provide a degree of surveillance of the adjacent pedestrian access lane and public lands to the rear of the site and is therefore acceptable.
- A proposed dividing boundary wall is annotated along/between the existing and proposed dwellings within the rear garden areas. This is consistent with such treatments in the area and is therefore acceptable. Existing boundary treatments remain unaltered and satisfies this requirement.
- Street trees and verges would be unaffected by the proposal and is therefore acceptable.
- There is sufficient scope/space within the site to provide secure bin storage. Adequate details can be provided at a subsequent detailed application stage.

Side/gable access arrangements

8.13 A criterion of DMSO32 requires “provision of side/gable and rear access arrangements, including for maintenance.” The PA report also refers to 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.”

- 8.14 The decision does not refuse permission based on DMSO26 and this requirement not being satisfied. It is not cited in the refusal reason. The PA report acknowledges that a relaxation of the 2.3m separation requirement is permissible for development of under-utilised lands subject to quality of design and contribution to the streetscape.
- 8.15 The report states that the “design is acceptable and relatively inconspicuous.” The submitted details indicate a house type/design that broadly mirrors the scale, massing and design of the existing dwelling and those in the area. I therefore conclude that design quality and contribution to the streetscape is sufficient to meet this aspect of the exception test in DMSO26.
- 8.16 In relation to underutilised land, I consider that this must be read in conjunction with broader policy requirements within the plan to facilitate additional dwellings within urban areas including DMSO31, DMSO32, and Table 14.4: Infill Development. Furthermore, this is reinforced by policies and the approach to facilitate additional development within urban areas advocated in “Sustainable and Compact Settlements Guidelines for Planning Authorities” published on 15 January 2024. This post-dates the adoption of the current Fingal Development Plan. This is evidenced by policies SPPR 1 which reduces minimum separation distance to 16 metres (previously 22 metres), SPPR 2 which reduces Minimum Private Open Space Standards for Houses, and SPPR 3 which emphasises reduced and minimised Car Parking. It is noted that the planning report assessment refers to SPPR 1 and 2 but does not reference SPPR 3 despite being cited by the Transportation Section in their response.
- 8.17 Turning to the separation distances between the dwellings, an access path is indicated 0.9m in width. It is unclear from the submitted layout drawing if this relates solely to the existing dwelling or is a communal facility for use by both properties. Notwithstanding this, the proposal is for outline permission and final details are required for consideration. There is sufficient scope within the site to provide adequate facilities.

- 8.18 I would further highlight that a limited separation distance between the existing and proposed dwellings would not result in unacceptable impacts to character. The indicated siting would have a negligible impact on the streetscape and any such separation distance would only be perceptible from the site frontage and adjacent public pedestrian access lane adjacent to the western boundary. Of further note, a large number of the existing dwellings within Balkhill Park do not have any dedicated side access provision, with built form extending to the common boundary. Therefore, a reduced access width would not be out of character with the context.
- 8.19 In addition, I am satisfied the proposed works and alterations to the existing dwelling are acceptable in relation to relevant policy requirements, design, and would not adversely impact on the amenity of prospective residents of the proposed dwelling adjacent or existing properties in the locality due to the nature and location of the works.

Material Contravention

- 8.20 The PA, in its refusal reason, put forward that the proposal “fails to demonstrate a safe means of access and egress to serve the existing and proposed dwellings, and as such would contravene materially Objective DMSO32 of the Fingal County Development Plan 2023-2029 and would seriously injure the amenities of the existing property and be contrary to the proper planning and sustainable development of the area.”
- 8.21 Objective DMSO32 is set out above and relates to “Infill Development on Corner / Side Garden Sites”. It includes 10 criteria that proposals must satisfy. The report and refusal reason considers the proposal fails the 9th criterion relating to access and egress to the site. The PA consider the proposal complies with all of the remaining criteria.
- 8.22 The appellant/agent considers the decision falls within 37A.— (2) (b) (ii) of the Planning and Development Act, *there are conflicting objectives within the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned*. They state that the proposal complies with 9 of the 10 criteria of the stated objectives. It is not reasonable that the development would

materially contravene the objective based on one criterion and given the PA Transport section positive response.

- 8.23 As set out in the assessment above, having examined the facts and the relevant material considerations, I consider that the proposal, both as submitted and the amended block plan appended to the grounds of appeal, complies with Development Plan requirements including Objective DMSO32 for adequate access arrangements and is acceptable in relation to road safety. The plan is silent on dimensions and related requirements, and such details fall to be considered under Regional Guidance including the DMURS. The PA Transport section consider the details acceptable subject to, *inter alia*, an increased access width and have attached conditions. They do not indicate any road safety issues in their response. In addition, a reduced separation less than 2.3m, as discussed above, would not result in a material contravention of DMSO26 or DMSO32 as the circumstances of the site and character of the area supports a reduced separation distance. Therefore, in my opinion, the use of the term “materially contravene” is not justified in this case in terms of normal planning practice.
- 8.24 I conclude that the proposal would not materially contravene the Development Plan and the Board should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act.

9.0 AA Screening

- 9.1. I have considered the proposed access and associated works in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.2 The subject site is located within an urban area of Fingal and 825m to the nearest European Site.
- 9.3 The proposed development comprises alterations and works within the curtilage of an existing dwelling within a suburban residential area as described at section 2.0 above.
- 9.4 No nature conservation concerns were raised in the planning appeal.

9.5 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 reason for this conclusion is as follows:

- small scale alterations to an existing dwelling with an additional dwelling adjacent within a suburban residential estate;
- distance from nearest European site and lack of connections.

9.6 I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

9.7 Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

10.1. The subject site is located within an urban area of Fingal. There are no water bodies within or adjacent to the appeal site, however, the area adjoins the Irish Sea.

10.2 The proposed development comprises alterations to an existing dwelling and an additional dwelling as discussed at section 2.0 above.

10.3 No water deterioration concerns were raised in the planning appeal.

10.4 I have assessed the development 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 & ground water waterbodies 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.

10.5 The reason for this conclusion is as follows:

- Small scale and nature of works within a suburban residential area;
- The location of the site and distance from nearest Water bodies and lack of hydrological connections.

10.6 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.

11.0 Recommendation

- 11.1. I recommend that outline permission for the development be GRANTED, subject to conditions, for the reasons and considerations as set out below.

12.0 Reasons and Considerations

Having regard to the provisions of the Fingal County Development Plan 2023-2029, the pattern of development in the area, the infill nature of the application site and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, or of property in the vicinity, and would be acceptable in terms of traffic safety, access and parking and would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. This grant of outline permission is in respect of development as indicated in the plans and particulars lodged with the application as amended by block plan drawing 02 appended to the grounds of appeal date stamped received by An Coimisiún Pleanála on the 20th day of October 2025 except as may

otherwise be required in order to comply with the following conditions. No development is authorised on foot of this grant of outline permission and no development shall be undertaken until a grant of approval consequent on this outline permission is received.

Reason: In the interest of clarity.

2. At the permission consequent stage, the proposed dwelling shall be designed to accord with the following requirements:

- (i) The ridge and eaves heights shall not exceed the ridge and eaves heights of the adjoining residential property to the north, 51 Balkhill Park.

Reason In the Interest of visual amenity.

3. At the permission consequent stage, the proposed dwelling access, parking and manoeuvring area shall be designed to accord with the following requirements:

- (i) The existing vehicular access shall be widened to a minimum of 4m wide between piers;

- (ii) No objects, structures, landscaping or planting shall be placed or installed within the visibility splays (as defined by TII DN GEO-03060 (current edition) exceeding a height of 0.9m; which would interfere or obstruct (or could obstruct over time) the required visibility splays.

- (iii) Parking spaces shall comprise minimum dimensions of 2.5m x 5m.

- (iv) An access and egress area of minimum dimensions of 5m in width and 6m in length within the site abutting the site access shall be provided and kept clear.

- (v) A plan at not less than 1:200 demonstrating that vehicles can enter and exit the site in forward gear.

- (vi) A plan for the management and maintenance of the parking area within the site.

Reason: In the interests of road safety and provision of adequate facilities for vehicles.

4. This outline permission relates solely to the principle of the development on this site. The plans and particulars to be lodged for permission consequent on this grant of outline permission shall include the following:

(i) Full design details of the proposed development including the proposed dwelling.

(ii) Contiguous elevations to demonstrate the proposed dwelling and how it will relate to adjoining properties, particularly the adjoining residential units in Balkhill Park.

(iii) Details of the materials, colours and textures of all the external finishes to the existing and proposed dwelling.

(iv) A landscape plan prepared by a suitably qualified landscape professional shall be provided to include high quality boundary treatments and landscape finishes including tree, shrub and any other planting within the site, the full details of boundary walls and means of enclosure and protection measures for any retained vegetation.

(v) A comprehensive site survey, to a scale of not less than 1:200, including contours at intervals of 0.5 metres, showing all existing trees, boundaries and other features.

(vi) A site layout plan to a scale of not less than 1:200 showing the layout of the existing and proposed houses, driveways and private amenity areas.

(vii) The finished ground floor level of the existing and proposed houses and ground levels of external amenity areas by reference to existing site levels and road level at the proposed entrance.

(viii) Provision of access facilities to the rear of existing and proposed houses to allow for maintenance purposes.

Reason: To enable the application for permission consequent to be fully assessed.

5. At the permission consequent stage, drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

6. At the permission consequent stage, the design of the pedestrian and vehicular access, parking areas, shared surfaces and footpaths and kerbs shall comply with the requirements of the planning authority for such works.

Reason: In the interests of amenity and pedestrian and traffic safety.

7. The developer shall enter into water and wastewater connection agreements with Irish Water prior to commencement of development.

Reason: In the interest of public health.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting the development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

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

10. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: To secure the protection of trees on the site.

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.

R Taylor
Planning Inspector

16th December 2025

Appendix A: Form 1 EIA Pre-Screening

Case Reference	PL-500098-DF
Proposed Development Summary	Outline permission for demolition of extension, construction of dwelling and all associated site works
Development Address	51 Balkhill Park, Howth, Co. Dublin, D13 W593
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?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
(For the purposes of the Directive, "Project" means: - 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 type="checkbox"/> Yes, it is a Class specified in Part 1 . EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<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 checked="" 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	
<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)	Part 2, Class 10(b)(i) Infrastructure – dwelling units – 500 units. Proposal is for 1 no. dwelling unit.
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)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: R Taylor Date: 16/12/2025

Appendix 2 - Form 2
EIA Pre-Screening [EIAR not submitted]

Case Reference Number	PL-500098-DF
Proposed Development Summary	Outline permission for demolition of extension, construction of dwelling and all associated site works
Development Address	51 Balkhill Park, Howth, Co. Dublin, D13 W593
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The development has a modest footprint, comes forward as a standalone project, does not require significant 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.</p>

<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The development is situated in an urban area. The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes of identified significance in the County Development Plan.</p>	
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>	
<p>Conclusion</p>		
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>	<p>Yes or No</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>	<p>Yes</p>

