



An
Coimisiún
Pleanála

Inspector's Report

PL-500547-DF-26

Development	Extension and all associated site works
Location	Edgehill, 12A Claremont Road, Howth, Co. Dublin, D13 E959.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F25A/0734E
Applicant(s)	Lee & Louisa Owens
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Mary Cannon and David Cotter Colman and Maria Lydon
Observer(s)	None
Date of Site Inspection	15 th March 2026
Inspector	Jennifer McQuaid

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The subject site (0.048ha) is an existing three storey dwelling with a red tile hipped roof located along Claremont Road, Howth, Co. Dublin. The subject dwelling is set back from the public road behind an existing single/storey and half type dwelling. The site drops from the access road and is built into the existing ridge. The subject site is located approximately 30 metres from Burrow Beach/Sutton estuary.

2.0 Proposed Development

- 2.1. The proposed development consists of:
- Construction of part 3-storey, part 2 storey extension (240sqm) to existing 3 storey dwelling (75sqm).
 - All associated site works.

3.0 Planning Authority Decision

3.1. Decision

Grant subject to 10 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The site is zoned "RS". Residential development is permitted in principle subject to compliance with relevant development plan policies and objectives.
- The proposal is similar to previous planning references F10B/0225 and F05B/0779, however, the proposal is larger than previously approved. The applicant now proposes to remove the existing red-tiled hipped roof. The garage structure appears to date to at least the mid-20th century and adds character to the streetscape, as well as providing a remnant of the original house on the site. The applicant shall be requested to retain this roof if

possible. Details required in relation to the existing site plan and dwelling plans.

- A tree survey was carried out and appears to be from 2011; this is not sufficient as site conditions and tree coverage appear to have changed. The applicant shall submit an updated tree constraint plan, tree protection plan and arboricultural method statement, based on an up-to-date survey, to allow a full assessment. A landscaping plan shall also be submitted.
- A full site-specific flood risk assessment is required due to its location (in a historic quarry) and levels.
- Required confirmation of feasibility from Uisce Eireann and details of the proposed foul water pump.
- The site is located within an area identified as being vulnerable to coastal erosion. Objective DMSO163 – Coastal Erosion in the CDP advises “Prohibit new development outside urban areas within the areas indicated on Green Infrastructure Maps, which are within 100m of coastline at risk from coastal erosion, unless it can be objectively established based on the best scientific information available at the time of the application, that the likelihood of erosion at a specific location is minimal taking into account, inter alia, any impacts of the proposed development on erosion or deposition and the predicted impacts of climate change on the coastline. Applicant is requested to submit further information to demonstrate the proposed development would not be at a significant risk of coastal erosion.
- The Appropriate Assessment screening shall be updated to include sufficient information on foul water drainage.

Planner Further Information Report

- Further information submitted, the drawings submitted of the existing dwelling indicated a derelict dwelling does exist on site and the public notices are accurate.
- The retention of the existing, red-tiled hipped roof to the existing garage/upper-level structure is welcome and has resulted in the reduction of the roof height by 370mm and the circulation block alongside by 500m.

- The Arboricultural documentation is acceptable; however, the submitted proposed landscaping plan is not considered acceptable and lacks detail and does not take into consideration the submitted arborist report findings and recommendation, it will be conditioned to submit a comprehensive landscape plan if granted.
- A Flood Risk Assessment was carried out, and the site is within flood zone C and in accordance with section 6.5.3.1 Coastal/Tidal Flooding of CDP Strategic Risk Assessment and Table 6.4 – The minimum design level requirement for coastal/tidal flooding, the minimum finished floor level based on 0.1% AEP HEFS plus 250mm freeboard is $4.28 + 0.25 = 4.53$ AOD. It is noted that the ground level of the new two-storey extension has been raised to 4.53 from 4.15 and as a result of raising the floor level the proposed extension is 180mm higher than previously, however considered minimal and acceptable on site.
- A letter of confirmation submitted from Uisce Eireann, and the foul water pump will be installed as per Uisce Eireann Code of Practice.
- In relation to coastal protection measures, the applicant considered the proposal is for an extension to an existing dwelling and are located approximately 60m from the shoreline, with the extension set no closer to the shore than the current dwelling. Comparison to neighbouring dwellings is raised which are located at distances of 25m and 40m from the shoreline. It is submitted that current coastal defences safeguard both neighbouring properties and the main foul sewer situated within the zone of existing erosion protection. It is noted that the planned extension does not impact these coastal protection measures which is considered acceptable.
- The proposal is not likely to have significant effects on any European site during the construction or operation of the proposed development, therefore no issues in regard to appropriate assessment.

3.2.2. Other Technical Reports

- Water Services: Further information required in relation to coastal flooding. Further information received and no objection subject to conditions.

- Parks: Further information required in relation to Arboricultural Impact Assessment and landscaping proposal. Further information received, the Arboricultural Assessment report is acceptable. The proposed landscaping plan lacks details and does not appear to take into consideration the submitted arborist report. In the event of a grant of permission, a condition shall be attached to submit a revised landscaping plan.

3.2.3. Conditions

Condition 3. The developer shall comply in full with the following:

- (a) Prior to the commencement of works on site, a comprehensive landscape plan including details of hard and soft landscape features as well as boundary treatment proposals shall be submitted to and agreed in writing with the Planning Authority. This plan shall be carried out by a suitably qualified professional and shall take full cognisance of the submitted arborist report and recommendations in particular in relation to works within the Root Protection Areas of trees shown for retention on the Tree Removal & Protection Plan drawing no: TS-TPP-25-10-25.
- (b) To ensure the protection of trees to be retained as shown on the Tree Removal & Protection Plan drawing no: TS-TIPP-25-10-25, the developer shall implement all the recommendations pertaining to tree retention as outlined within the submitted arborist's report in particular in relation to Tree no. PT5892.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

Condition 4: Prior to the commencement of any development on site, a tree bond of €15,000 shall be lodged with Fingal County Council in order to ensure that the trees proposed for protection in the submitted documents are protected and maintained in good condition throughout the course of development. This bond will be held by Fingal County Council for a period of two years post construction which may be extended in the event of possible construction related defects. For the tree bond to be released, a post construction report on the condition of the trees and hedges shown for retention on Tree Removal & Protection Plan drawing no: TS-TPP-25-10-25 shall be undertaken by the project Arborist and all recommendations made within

this report shall be carried out. On completion of this, the report and a Certificate of Effective Completion signed by the project Arborist shall be provided to the Planning Authority.

Reason: To protect existing trees and the amenities of the area.

3.3. Prescribed Bodies

- DAA: No comments to make.

3.4. Third Party Observations

Submissions received from local residents; the following concerns were raised:

- Visual impact on public road and beach.
- The existing structure was historically an ancillary structure/garage to serve the original house at "Carrick". The house is derelict. No drawings of structure, site was a quarry.
- The Appropriate Assessment is generic and inadequate. No bat survey.
- Tree survey dates from 2011, trees removed from site.
- The drainage strategy is not adequate. The proposed pump is not sustainable.
- The proposal will overlook and be overbearing and out of character with the surrounding area.
- Inadequate sightlines and negative impact on traffic/pedestrian safety.
- Overdevelopment of the site.

4.0 Planning History

PA Reg. Ref: F14B/0104: Permission granted for construction of a two-storey extension to side of existing split level/two storey dwelling.

PA Reg. Ref: F10B/0225: Permission granted for three storey extension to the side of the main dwelling.

Adjacent site:

PA Reg. Ref: F23A/0037: Retention permission refused for existing prefabricated timber structure/log cabin located to the rear of the site, which is to be repositioned on site for use as summer house at 12A Claremont Road, Howth, Co. Dublin.

PA Reg. Ref: F22A/0531: Retention permission refused for continued use of existing prefabricated timber structures/log cabin located to the rear of the site, as long-term letting property.

PA Reg. Ref: F06B/0785: Permission granted for extension to front, change of external finished and associated site works.

PA Reg. Ref: F05B/0779: Permission granted for three storey extension.

5.0 Policy Context

5.1. Development Plan

Fingal Development Plan 2023-2029 (CDP)

The subject site is zoned “RS”, the objective is to “provide for residential development and protect and improve residential amenity”.

The site is located in Dublin Airport Noise Zone D.

The site is within 100m of a soft coastline vulnerable to coastal erosion.

Policy SPQHP41 – Residential Extensions

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

Objective SPQHO45 – Domestic Extensions

Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.

Section 14.10.2.4 First Floor Extensions

First floor rear extensions will be considered on their merits, noting that they can have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the Planning Authority is satisfied that there will be no

significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:

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

Objective IUO16/DMS0212 – OPW Flood Risk Management Guidelines.

Having regard to the OPW Flood Risk Management Guidelines 2009, as revised by Circular PL2/2014, when assessing planning applications and in the preparation of statutory and non-statutory plans and to require site specific flood risk assessments be considered for all new developments within the County. All development must prepare a Stage 1 Flood Risk Analysis and if the flooding risk is not screened out, they must prepare a Site-Specific Flood Risk Assessment (SSFRA) for the development, where appropriate.

Objective IUO18 – SFRA Recommendations

All Flood Risk Assessments must comply with the recommendations from the SFRA Report.

5.2. National and Regional Policies

- Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2023)
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023)
- National Planning Framework (NPF) 2040
- Regional Spatial and Economic Strategy for the Southern Region (RSES) 2018.

5.3. Natural Heritage Designations

The subject site is not located within a natura 2000 site. The following are located within close proximity:

- Baldoyle Bay SAC (site code: 000199) is located approximately 60m to the north of the subject site.
- Baldoyle Bay pNHA (site code: 000199) is located approximately 60m to the north of the subject site.
- North-West Irish Sea cSPA (site code: 004236) is located approximately 60m to the north of the subject site.
- Baldoyle Bay SPA (site code: 004016) is located approximately 900 metres northwest of the subject site.
- North Bull Island SPA (site code: 004006) is located approximately 900 metres to the southwest of the subject site.
- Howth Head pNHA & SAC (site code: 000202) is located approximately 1.2km east and south of the subject site.
- Ireland's Eye SPA (site code: 004117) is located approximately 2.2km northeast of the subject site.
- Ireland's Eye pNHA (site code: 000203) is located approximately 2.2km northeast of the subject site.

5.4. EIA Screening

- 5.4.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix A of report.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal have been received from local residents. The following concerns were raised:

- **Overbearance:** The proposal will be overbearing as there is a distance of 1m between the new dwelling and the west side neighbour's house and situated a few metres from the property to the south.
- **Overdevelopment:** The dwelling shall be reduced in scale or repositioned a few metres back, more in keeping with the CDP observed separation distances. The proposal is overdevelopment of the site.
- **Overlooking:** The proposed porch entryway is elevated, 7m above and directly overlooking the appellant private open space, primary recreation area, bedroom, bathroom and daughter's bathroom. The proposed landscaping is unreliable to avoid overlooking. Due to the location of the dwelling on the highest position and in effect (and from the perspective of the house at Goodwood) presents a 3 storey form with an overbearing presence to private areas of their house including patios, bathrooms and bedrooms which will not be directly overlooked from staircase areas and the parking areas and the congregation areas at the front door. It extends the current height of the garage block roof to run 6 times its current length. Any development should be sensitively sited on the lower lands as a two-storey structure distinct from the garage block. No remediation or screening for additional car movements overlooking all private areas of the houses at Goodwood.
- An infill dwelling shall fall under the following objectives of the CDP:
 - Objective PM44 requires the encouragement of infill sites subject to the character of the area and environment being protected.
 - Objective DMS29 requires a separation distance of at least 2.3m between the side walls of detached, semi-detached and end of terrace units. The proposal is located 1060mm to the west from the nearest dwelling (Ballynoe).

- Objective DMS39 requires all new infill developments to respect the height and massing of existing residential units and reflect the character of the area. The proposal is bound by single storey and two storey dwellings in a mature setting.
- Objective DMS44 protect areas with a unique and identified character with a design which respects this character. The expression of the house is abstracted and poorly resolved. Its fenestration and materials are at odds with the local expressive languages.
- Road Safety: The proposed entrance is inadequate and unsafe; the CDP calls for assessment of a subdivision's ability to provide a safe means of access and egress to serve the existing and proposed dwellings and the upholding of standards outlined in the Design Manual for Urban Roads and Streets 2019 (DMURS). No such assessment or survey was included.

Previous refused under F23A/0037 for a cabin (34m²) and reason cited as "No sightline drawing has been provided for the proposed development. The provision of sightlines in compliance with the Design Manual for Urban Roads and Streets would require works to the front boundary. The Transportation Planning Section would not support the proposed development due to the proposed intensification of use of an existing entrance with substandard sightlines, which would be considered a traffic hazard". Recent similar neighbouring subdivision (F23A/0480) were bound by conditions for the developer to conduct a survey of the entrance in consultation with the local authority's Transport Planning Section, in the interests of traffic safety. No condition added to this application. The proposal undermines the local authority's commitment to support An Taisce's Safe Routes to School programme and commitment to Policy CMP15, to encourage a modal shift to walking and cycling for school journeys and to foster independent cycling among children.

- Principle of Development: The structure is not a dwelling but an ancillary structure to the primary dwelling at Edgehill. Research indicates that the building was historically an ancillary garden structure (a motor home) serving the original house which existed prior to subdivision which now incorporates

Edgehill and comprises a garage and service spaces, which supported the primary dwelling. It was never used as an independent dwelling, nor has any permission been granted for change of use. The drawings submitted show the primary use of the structure of a garage with lower levels as support to this primary function.

The site at Edgehill has had numerous planning submissions since the date of this map which have involved its subdivision and the construction of a number of adjoining houses along Claremont Road. None of these have ever sought the reclassification of this garage structure as a separate dwelling.

The proposal should be considered as a new-build house rather than an “extension”. The application and associated notices should therefore be re-lodged to reflect this.

- The proposal is more a demolition rather than an extension.
- The design is not in keeping with the character of the area and breaks an established building line and presents precedent for overlooking and impacts to residential amenity.

6.2. Applicant Response

The applicant has submitted the following response:

- The Planner assessed the proposed development as an extension to an existing dwelling house. The Planners did not rely on the previous planning permissions but established the correct description of the status of the existing building as a dwelling house by a request for further information from the applicant.
- The floor plans clearly demonstrate that the dwelling has been in use as a dwelling house. The three-level building shows the existing use on the lower level (ground floor) to be living room and kitchen, the middle floor (first floor) bedrooms and the upper level (second floor) to be a self-contained domestic garage. Each of the rooms in the existing building have windows and the rooms are accessed independently from the garage structure through a front door which is placed at the ground floor level of the building. The existing

rooms are fitted out with wastewater pipes and water taps as the house was served previously by connections to the water and wastewater systems.

These connections were only severed when development took place on the adjoining site “Ballynoe”, and the vacant state of the house did not require reconnection.

- The garage is a domestic garage and not connected to the rooms below it. The building may have served as an ancillary garden structure to the original house as outlined by the appellants, however, the original house has long been demolished and the site has been subdivided to provide not only the house known as “Edgehill” (no. 12A, Claremont Road) but also nos. 1 and 2, Claremont Road.
- Previous permission granted on site for the same development with the same development description i.e.:
 - F05AB/0779: A 178sqm 3 storey extension to side of existing 75sqm 3 storey dwelling to side of the main house.
 - F10B/0225: a 178sqm 3 storey extension containing carport, master bedroom, living room, utility room, kitchen/dining/family room, to side of existing 75sqm 3 storey dwelling to side of the main house.
- The structure will not be demolished and the description of the proposed development as an extension is therefore correct.
- Letters of evidence submitted from those who lived in the building.
- The development is a three-storey extension, the living accommodation is two storeys high while the three-storey element is confined to a staircase linking the proposed extension to the existing building which is three storeys in height.
- The design makes use of the existing topography of the steeply sloping site and is based on the design of the existing dwelling house, where the location close to the southern site boundary will minimise the visual impact of the proposed development as seen from adjoining sites and where the use of an existing vehicular entrance minimises the need for additional access points on a narrow road.
- The proposed development is in close proximity to the western site boundary at one metre at the closest point, the adjoining house “Ballynoe” is even

closer to this boundary. The distance to the southern site boundary (ranging between 5.3m and 7.1m) is again further from the site boundary than the adjoining house "Goodwood". In terms of the distance of the proposed extension and the existing houses, the distance to the main house "Ballynoe" is ca. 5.4 metres and the distance to the house to the south "Goodwood" is ca. 8.1 metres. The separation distances are in compliance with the CDP.

- The minimum private open space requirement for a three-bedroom dwelling is 60sqm as per CDP and the garden space that is attached is not overlooked and is significantly in excess of the requirement. Therefore, the proposal is not overdevelopment of the subject site.
- The pattern of housing along the Claremont Road is a variety of styles and building periods. The existing dwelling and proposed extension are in line with the established building of houses to the west and east of the site. Therefore, the proposed extension is compatible with the existing pattern of development in the area.
- In regard to overbearance, the proposed extension is a minimum of 8.1 metres from the house of the appellants and between 5.3 and 7.1 metres from the joint site boundary. The height of the proposed extension is no more than 2.2 metres above the ridge height of the adjoining house. The height is below the height of "Ballynoe".
- In relation to overlooking from the proposed porch entry way and additional car movements along the access driveway, it is noted that no overlooking issues from the proposed extension is raised. The proposed design ensures that any south facing windows are high level windows with a window cill height of 2 metres above the floor. As a result, no overlooking will occur. No overlooking will occur of the adjoining site to the west "Ballynoe" as there are no windows proposed in the west facing elevation of the proposed extension. In regard to the porch entrance, it is situated in a location where there is an existing driveway. No changes in the ground levels will be made. The applicants are prepared to accept a condition requiring this porch entrance to be relocated to a point near the car port i.e. on the north side of the existing garage structure. Any potential overlooking from the staircase is prevented as the windows will be permanent screening as per the plans. Due to the

restricted width of the existing driveway, it is difficult to provide a landscaping buffer along the driveway to reduce overlooking of private amenity areas of the house Goodwood. However, the applicant would accept a condition required such landscaping or screening to be provided subject to feasibility.

- The appellant's claim the proposal will create a traffic hazard. It is noted that the use of an existing vehicular entrance is always preferable to the creation of a new vehicular entrance to avoid the creation of multiple access points. The existing entrance has been in existence for a long number of years without difficulty. Claremont Road is a narrow carriageway approximately 5metres with a footpath along the side of the road that is opposite the site entrance. As traffic speeds are slow and as a result of the lack of vehicular access points on the opposite side of the road, traffic safety concerns are misplaced.
- A reference to a nearby planning application reference F23A/0480 is not relevant as the proposed development was an infill detached house served by a proposed new site entrance which requires planning permission, whereas the currently proposal does not propose such a new site entrance.
- Adequate off streetcar parking provision is made, and it is noted that the transport department has not expressed any concerns in relation to the proposed development, and two previous planning permissions have been granted without such concerns being an issue at the time.
- The applicant is prepared to accept conditions attached by the Planning Authority including full compliance with the recommendations for tree protection made in the arborist report, but it is requested in the event of a permission to omit conditions 3 and 4 in relation to a comprehensive landscaping plan and a tree bond of €15,000 as the site forms a private garden.

6.3. Planning Authority Response

The Planning Authority have made the following response:

- The application was assessed against the policies and objectives of the CDP and existing government policy and guidelines.

- The Planning Authority remain of the opinion that the proposed development will not detract from adjoining residential amenity, nor will it impact negatively on the site or surrounding area, subject to compliance with conditions.
- Overall, the proposal is considered acceptable and would not give rise to any undue levels of negative impact upon the visual and residential amenity of the surrounding area or sites, therefore is considered to be in accordance with the proper planning and sustainable development of the area.
- In the event of a grant of permission, the following should be applied.
 - A financial contribution and/or any Special Development Contributions required in accordance with Fingal County Council's Section 48 Development Contribution Scheme.
 - Conditions should also be included where a tree bond is required.

6.4. Observations

- None

6.5. Further Responses

A further observation was received from one of the appellants, the following concerns were raised:

- The subject building has been mischaracterised as a dwelling; it is rather a mixed-use garage and garden structure.
- The proposed development is more akin to a new dwelling of 315sqm rather than an extension and should be treated accordingly in the planning process.
- It should be noted that on January 23rd, 2026, a second post box and on February 1st, 2026, a second house name plaque at the road entrance to the Edgehill site was installed.
- Giving the timing of the embellishments, there is a concerns that these and possible other embellishments or staging could potentially mislead or undermine the integrity of An Coimisiún Pleanála's unbiased transparent and fact-based assessment of the case.

- Photos submitted illustrating evidence of the newly mounted post box and name plaque. The absence of the second post-box and name plaque can be verified via historic Google Street View images

7.0 **Assessment**

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

- Principle of Development
- Design, Overdevelopment, Overlooking & Overbearance
- Traffic Safety
- Other Issues
- Appropriate Assessment
- Water Framework Directive

7.2. **Principle of Development**

7.3. There is an existing three storey building on the subject site. The subject site was historically a quarry, and this historic activity created steep changes in levels on the site, therefore the upper floor of the subject building is a domestic garage and is level with the access road, the two lower levels of the building are below the road level and within the private garden space of the subject site. The lower levels of the building are a vacant dwelling and the upper level a domestic garage. The site is zoned RS; the objective is to provide for residential development and protect and improve residential amenity.

7.4. The grounds of appeal have stated the structure is not a dwelling but an ancillary structure to the primary dwelling at Edgehill. It was never used as an independent dwelling, nor has any permission been granted for change of use. The drawings submitted show the primary use of the structure of a garage with lower levels as support to this primary function. No Eircode or services to the subject building. The

proposal should be considered as a new-build house rather than an “extension”. The application and associated notices should therefore be re-lodged to reflect this.

- 7.5. The applicant has responded and states that the Planner assessed the proposed development as an extension to an existing dwelling house as per existing site plan and floor plans, elevations and sections of the existing structure on site with the garage situated at upper floor level, two bedrooms and a bathroom at middle floor level and kitchen/dining and living room at lower-level floor. The drawings submitted are considered acceptable and demonstrate that the public notices were accurate and that the structure is in part a vacant dwelling. The existing rooms are fitted out with wastewater pipes and water taps as the house was served previously by connections to the water and wastewater systems. These connections were only severed when development took place on the adjoining site “Ballynoe”, and the vacant state of the house did not require reconnection. The garage is a domestic garage and not connected to the rooms below it.
- 7.6. I have carried out a site visit and reviewed the documentation submitted with the planning application and I can confirm that I am satisfied that the subject building is a vacant dwelling. The upper floor is a domestic garage with a garage door opening to the roadway. The lower floors have external windows along with a ground floor door. I have viewed the internal of the building and I can confirm there is a derelict kitchen and bathroom in the subject building, which are consistent with the drawings submitted. I note the upper floor consists of a garage and there is no direct internal access to the lower floors. I further note that two previous planning permissions were granted on site for a similar extension to the existing dwelling under planning reference F05AB/0779 and F10B/0225. I note the applicant has stated that evidence has been submitted from previous residents by way of letters, however, these have not been submitted.
- 7.7. Having regard to the zoning of the subject site within an existing residential area and the existing vacant dwelling on site, I consider there is an existing vacant dwelling on site and the principle of an extension to the existing vacant dwelling is acceptable in principle subject to compliance with policies and objectives of the CDP.
- 7.8. **Design, Overdevelopment, Overlooking and Overbearance**

- 7.9. The proposed development consists of a part two storey and part three storey extension to an existing three storey vacant dwelling. The subject site is an old quarry and consists of a depression from the access road, therefore, the third floor of the existing vacant dwelling is directly accessed from the access road with the two lower levels beneath the road level and are accessed via a concrete stairway into the garden. The proposed extension is contemporary in style with flat-roof appearance. The overall height of the existing vacant dwelling from the lower ground level is 8.465metres, the proposed extension is slightly lower with the lower point of 6 metres. The proposed extension will be finished in selected brick and timber cladding; the existing dwelling will be finished in smooth plaster. The red tiled roof on the existing dwelling will be retained. The subject site is set back from Claremont Road behind a neighbouring dwelling to the south and set into the old quarry site and therefore views from the public road will be limited. In addition, views from the beach will be intermittent due to the topography, existing dwellings and landscaping on site.
- 7.10. The grounds of appeal state the dwelling should be reduced in scale or repositioned in keeping with the CDP observed separation distances and avoid overbearance as there is a distance of 1m between the proposed dwelling and the existing dwelling to the west. The proposed porch entryway is elevated, 7m above and directly overlooking the appellant private open space, primary recreation area, bedroom, bathroom and daughter's bathroom. The proposed landscaping is unreliable to avoid overlooking. Due to the location of the dwelling on the highest position and in effect (and from the perspective of the house at Goodwood) presents a 3 storey form with an overbearing presence to private areas of their house including patios, bathrooms and bedrooms which will not be directly overlooked from staircase areas and the parking areas and the congregation areas at the front door. The proposed extension is almost 6 times larger than the existing structure and clearly represents an over development at this sensitive back lot site with serious impact on adjoining houses amenity. The design is not in keeping with the character of the area and breaks an established building line. The proposal should be assessed under objective PM44, DMS29 and DMS39 and DMS44 of the CDP as an infill dwelling.
- 7.11. I have assessed the plans and drawings submitted with the application, and as stated above, I am satisfied that the proposed development is an extension to an existing vacant dwelling and shall be assessed under section 14.10.2 Residential

Extension of the CDP and in particular section 14.10.2.2 Side Extensions which states side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation) and impacts on residential amenity. First floor extensions built over existing structures and matching dwelling design and height will generally be acceptable. In certain cases, a setback of the extension's front façade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape and avoid a "terracing" effect. External finishes shall generally match the existing.

- 7.12. I note section 14.8.2 of the CDP relates to Separation Distances and objective DMSO26 relates to Separation Distances between side walls of units which states a separation distance of at least 2.3 metres is provided between the side walls of detached, semi-detached and end of terrace units. The objective further notes that this distance can 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. In this particular case, I note the western elevation is located 1 metre at the closest point to the adjacent boundary and I further note that the adjacent dwelling to the west is located almost directly adjacent to the site boundary for a distance of approximately 4 metres. There are no side windows on the western elevation of the proposed extension. Therefore, I consider given the limited reduced distance of 1 metre for an approximately 4 metres and given the extensive separation distance elsewhere on the site, the proposed separation distance of 1 metre to the western boundary is acceptable. I note the dwelling and proposed extension are in excess of 2.3 metres separation to the north, south and east boundaries.
- 7.13. In regard to minimum separation distance of 22 metres between directly opposing rear first floor windows as per CDP, I note the separation distance between the lower ground floor and the existing dwelling to the south is 8.1 metres, however, due to the ground levels and topography, there will be no direct overlooking between the lower ground floor and the existing dwelling to the south. In regard to the first-floor level, there is a separation distance of 8.1 metres, however, I note there are high level cill windows proposed at two metres high, and this would not lead to overlooking of the neighbouring property to the south. There is a window facing southwest at the upper

floor level and serving a stairwell which will have a louvred wooden screen and this will prevent any potential overlooking of the adjacent dwelling to the south. There are no windows proposed on the western elevation, and therefore there will be no overlooking to the existing dwelling to the west. Therefore, the proposed development is in accordance with the required separation distance as per section 14.8.2 of the CDP.

- 7.14. I note the appellants have raised further concerns in relation to the location of the proposed front porch at the existing front garage doors on the upper floor level of the existing vacant dwelling. However, I consider given the location of the front in the existing vacant dwelling and its orientation facing southeast will not significantly overlook the adjacent property located southwest of the proposed front porch and therefore, I do not consider it is necessary to alter the location of the proposed front porch.
- 7.15. In addition, I note the proposal provides over 60sqm private open space in accordance with table 14.8 and Objective DMSO27 – Minimum Private Open Space Provision of the CDP.
- 7.16. In regard to the size and visual harmony with existing (especially front elevation) and impacts on residential amenity. The proposed extension is a contemporary style flat roof extension consisting of part two and three floors and a floor area of 240sqm to an existing vacant dwelling of 75sqm. The proposal is set on existing residential site with a total area of 0.048ha and is set back from all side boundaries and located at a lower level compared to the surrounding dwellings. The overall height of the proposed extension at approximately 6.5 metres is lower than the existing vacant dwelling at approximately 8.5m and the proposed mixture of finishes consisting of selected brick and selected timber screen will complement the existing vacant dwelling which will be finished in selected plaster. I consider given the separation distance, the design proposed and located of the proposed extension at a lower ground level compared to the adjacent dwelling will complement the site and will not appear oversized or out of character with the adjacent dwellings which consist of a mixture of designs and heights and therefore will not appear as overbearance on the existing dwellings.

- 7.17. I note the appellant has reference objectives in the CDP; however, they are not noted in the current CDP and are not applicable to the subject development.
- 7.18. Having regard to the proposed design of the proposed extension, the separation distance, the proposed mitigation measures to avoid overlooking including the use of timber screening to avoid overlooking from the stairwell window and due to the topography of the site, it is my opinion that the proposed extension complies with section 14.10.2 Residential Extension of the CDP and in particular section 14.10.2.2 Side Extensions of the CDP.
- 7.19. **Traffic Safety**
- 7.20. There is an existing entrance to the subject site from the Claremont Road, this entrance currently serves another dwelling on this access road.
- 7.21. The grounds of appeal state the proposed entrance is inadequate and unsafe, the CDP calls for assessment of a subdivision's ability to provide a safe means of access and egress to serve the existing and proposed dwellings and the upholding of standards outlined in the Design Manual for Urban Roads and Streets 2019 (DMURS). Previous planning refusal under F23A/0037 for a cabin (34m²) and reason cited as no sightline drawing has been provided for the proposed development.
- 7.22. I note the existing vacant dwelling currently shares a driveway with an additional existing dwelling. I note that no sightlines were indicated on the site layout plan provided, however, I carried out a site visit, and I note the sightlines provided are adequate and I do not consider an extension to an existing vacant dwelling will negatively impact on traffic safety in the area. I further note no concerns by the Transportation section of Fingal County Council.
- 7.23. Having regard to the proposed development of an extension to an existing dwelling along with the existing shared entrance accessed of a local roadway I consider the existing entrance is acceptable and will not create a traffic hazard or safety issue in the area.
- 7.24. **Other issues**
- 7.25. I note in the applicant's response to the appeal submitted, the applicant has requested the removal of condition 3 and 4 from the planning authority's decision. I

note condition 3 relates to the submission of a comprehensive landscape plan including details of hard and soft landscape features as well as boundary treatment proposal. I consider this is necessary and generally part of any planning application, particularly in relation to a site surrounded by existing dwellings. I note a landscaping plan was submitted as part of the further information to the planning authority however, as outlined by Parks and Green Infrastructure Division, the landscape plan is lacking in detail and does not take into account the submitted arborist report findings and recommendation and therefore, a revised landscape plan shall be submitted prior to commencement of the development as part of planning conditions in the event of a grant of permission.

7.26. In regard to condition 4 which relates to a tree bond of €15,000, a tree bond is required where existing trees on site need protection during construction works. The submitted Arboricultural Assessment identifies that 50% of the surveyed trees on the site can be retained and the report highlights that trees established along the boundary of the neighbouring gardens have the potential to be impacted upon by the development and it is important that precautions are taken and appropriate arboriculturally techniques are used to prevent any undue damage to tree root systems or canopies. Therefore, it is my opinion that a tree bond shall be attached in the event of a grant of permission.

8.0 AA Screening

8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The proposed site is not located within a designated site, Baldoyle Bay SAC (site code: 000199) & pNHA (site code: 000199) is located approximately 60m to the north of the subject site. North-West Irish Sea cSPA (site code: 004236) is located approximately 60m to the north of the subject site.

The proposed development comprises of permission for an extension to an existing dwelling and all associated site works. No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- Scale and size of the proposed development within an existing urban residential setting.
- Distance to the nearest European site.
- The lack of pathways.
- Connection to public water, public sewer and public drain.

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

9.0 Water Framework Directive

9.1. The subject site is located in the urban area of Howth, Co. Dublin. The nearest waterbody is coastal water at Irish Sea Dublin. The proposed development comprises of permission for an extension to an existing dwelling with connections to public wastewater and water and surface water. No water deterioration concerns were raised in the planning appeal.

I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks 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. The reason for this conclusion is as follows.

- Scale and size of the proposed development within an urban zoned land

- Distance to the nearest waterbody at 80 metres north of the subject site.
- Connection to public water and public wastewater.

Taking into account WFD screening report 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.

10.0 Recommendation

10.1. I recommend that planning permission should be granted, subject to conditions, as set out below.

11.0 Reasons and Considerations

11.1. Having regard to the location of the proposed development within an existing residential site and within an area zoned as “RS”, where the objective is to provide for residential development and protect and improve residential amenity, the proposed extension to an existing vacant dwelling is in accordance with Section 14.10.2 Residential Extension of the CDP and in particular section 14.10.2.2 Side Extensions of the Fingal Development Plan 2023-2029 together with the scale and design of the proposed extension, it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the residential or visual amenities of the area and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with proper planning and sustainable development of the area.

11.2. Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 13th day of August 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with

the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The existing dwelling and the proposed extension shall be jointly occupied as a single residential unit and the extension shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

3. The developer shall comply in full with the following:
 - (a) Prior to the commencement of works on site, a comprehensive landscape plan including details of hard and soft landscape features as well as boundary treatment proposals shall be submitted to and agreed in writing with the Planning Authority. This plan shall be carried out by a suitably qualified professional and shall take full cognisance of the submitted arborist report and recommendations in particular in relation to works within the Root Protection Areas of trees shown for retention on the Tree Removal & Protection Plan drawing no: TS-TTP-25-10-25.
 - (b) To ensure the protection of trees to be retained as shown on the Tree Removal & Protection Plan drawing no: TS-TIPP-25-10-25, the developer shall implement all the recommendations pertaining to tree retention as outlined within the submitted arborist's report in particular in relation to Tree no. PT5892.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

4. 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 two 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.

5. Prior to commencement of works, the developer shall submit to and agree in writing with the planning authority a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

6. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

7. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

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

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.

Jennifer McQuaid

Planning Inspector

16th March 2026

Appendix A: Form 1 - EIA Pre-Screening

Case Reference	PL-500511-DF-25
Proposed Development Summary	Conversion of attic with all associated site works.
Development Address	47 Strand Road, Baldoyle, Dublin 13
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? (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)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, 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 Part 2, 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 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)	

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: _____ **Date:** _____

