



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321114-24

<b>Development</b>	Demolition of house and construction of 4 houses and all associated works.
<b>Location</b>	Lands located between South Shore Road and Sundrive Road, Rush, Co. Dublin
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F24A/0687E
<b>Applicant(s)</b>	Shamrock Cottages (Rush) Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Shamrock Cottages (Rush) Limited
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	23 <sup>rd</sup> January 2025
<b>Inspector</b>	Emma Gosnell

## Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision.....	4
3.1. Decision.....	4
3.2. Planning Authority Reports .....	4
3.3. Prescribed Bodies.....	7
3.4. Third Party Observations .....	7
4.0 Planning History .....	7
5.0 Policy Context .....	8
6.0 Natural Heritage Designations.....	11
7.0 EIA Screening .....	11
8.0 The Appeal.....	12
8.1. Grounds of Appeal.....	12
8.2. Planning Authority Response.....	15
8.3. Observations .....	15
9.0 Assessment.....	15
10.0 AA Screening .....	23
11.0 Recommendation .....	24
12.0 Reasons and Considerations .....	24
13.0 Conditions .....	25
Appendix 1 – Form 1: EIA Pre-Screening	
Appendix 2 - Form 2: EIA Preliminary Examination	

## **1.0 Site Location and Description**

- 1.1. The appeal site is located in the town of Rush in County Dublin in an area between the town centre (c.800m) to the north and the coast to the south. The area is quasi rural in character and features a mix of residential dwellings of varying design together with market gardening/ small landholdings and horticultural greenhouses. The neighbouring properties are generally detached and single storey or dormer style, sited on large plots and at a setback position from the adjoining roadways.
- 1.2. The site has a stated area of 0.382ha and is situated between Sundrive Road to the north and South Shore Road to the south. Single-storey detached dwellings on large plots adjoin the site to the east and west. The local road network is rural in character with relatively narrow carriageways (with 50kmph speed limit) and no footpaths.
- 1.3. The long, rectangular site measures c.130m in length and c. 26m in width at its narrowest point. The site slopes from north to south (its lowest point) where it features a derelict single storey cottage dwelling (c. 40sq.m) together with an overgrown access from South Shore Road. Its south-eastern boundary comprises mainly of mature leylandii trees and hedgerows, its south-eastern boundary is a blockwork wall, whilst its northern/ north-eastern boundaries are defined by earth berms. The boundary to the adjoining property to the north-east is currently open and there is a house under construction on this neighbouring site.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises of the (i) demolition of the existing single-storey derelict dwelling on-site; (ii) construction of a residential development comprising 4 no. two-storey, four-bedroom dwellings (House Nos. 1-4), each of which is served by 2 no. car parking spaces, private amenity space in the form of rear/ side gardens and rooflights. House Nos. 3 and 4 will also be afforded a balcony space at first floor level accessible from the main master bedroom; (iii) vehicular and pedestrian access to House No. 1 is provided via a private entryway off Sundrive Road to the north and a shared entryway will be provided further west off Sundrive Road to provide vehicular and pedestrian access to House Nos. 2-4. Pedestrian access to House Nos. 3 and 4 is also provided off South Shore Road. The proposed development is also inclusive

of: drainage, SuDs, landscaping works, boundary treatments and new boundary walls, and all ancillary works necessary to facilitate the development.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Permission refused for 3 no. reasons:

1. Non-compliance with infill development policy and the site's 'RS' zoning objective on account of the proposed design, height, scale and siting of the proposed houses and the overdevelopment of the south portion of the site.
2. Sub-standard design response to the internal access road, injury to visual amenity and non-compliance with infill development policy/ site's 'RS' zoning objective.
3. Sub-standard layout of private amenity space contrary to Objective DMSO27.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

1 no. report (23/09/2024) formed basis of planning authority's (PA) assessment.

Points of note raised include, inter alia:

- Demolition/ residential development on a residentially zoned site is acceptable.
- Compliant with Quality Housing Guidelines/ FDP Objective DMSO19.
- Compliance with private open space (POS) qualitative & quantitative standards/ Objective DMO27 not satisfactorily demonstrated in respect to dwellings 1, 2 & 3.
- Proposed balconies to dwellings 3 & 4 not acceptable due to overlooking to south.
- Privacy & visual amenity concerns re: parking to rear of dwellings 3 & 4 – should be omitted in favour of on-street communal parking/ more appropriate boundaries.
- Previous refusal reason re: inadequate & unusable POS has not been overcome.
- No public open space provided – contribution in lieu will be accepted/ conditioned.
- Unacceptable interface between dwellings 1 & 2 and proposed internal access road re: setbacks, building lines, east/ west elevation glazing arrangements & high

blank boundary treatments, and potential to give rise to a serious lack of passive surveillance/ active frontage. Redesign of site layout/ dwelling 2 to address issue.

- House No. 2 (re: height & siting) overbearing on POS of dwelling to east – issue with compliance with SPPR1 of 2024 Compact Settlement Guidelines and previous refusal reason re: overbearance/ overdevelopment has not been overcome.
- Design issues - discordant building lines between units 1 & 2 and 3 & 4 and discrepancy with existing dwelling to west. Concern re: 2-storey height fronting South Shore Road relative to single storey height of existing property to immediate west (previous refusal re: overdevelopment/ overbearance) – redesign needed.
- Concerns raised re: removal of existing trees without justification given site's location within highly sensitive coastal landscape, overdevelopment to south and negative impact of proposal on character/ visual amenity of South Shore Road.
- Residual site verge/ setbacks to Sundrive Road & South Shore Road should be ceded to PA for a future road upgrade/ Fingal Coastal Way - to be conditioned.
- Services - concerns raised re: inconsistencies between SuDS engineering information and site layout plan submitted and currency of information provided. Uisce Eireann (UE) require submission of a pre-connection enquiry (PCE) in order to assess the feasibility of new water & wastewater connections as proposed.
- Concerns raised re: potential for lighting glare & spill issues - clarity needed on public lighting proposals for scheme/ condition advised. It is considered that this matter can be addressed via a standard management/ maintenance condition.
- Construction & demolition resource waste management plan required.

The report concluded by recommending that permission be refused on account of:

- the unacceptable design and layout of the proposal.
- its unacceptable impact on the residential amenities of adjoining properties and on the visual amenity of the area.
- due to the insufficient detail provided in respect to site services and tree protection.

### 3.2.2. Other Technical Reports

- Water Services Planning (WSP) (04/09/2024) – no objection subject to conditions.

- Public Lighting (PL) (23/08/2024) – no objection subject to conditions.
- Parks and Green Infrastructure (P&GI) (19/08/2024) - no objection subject to additional information being requested/ or conditions.
- Environment Section (Waste Enforcement & Regulation) (ES:WE&R) (14/08/2024) – no objection subject to conditions.
- Transportation Planning (TP) (16/09/2024) - no objection subject to conditions.

### 3.2.3. Conditions

In the event of a grant of permission, the PA's various technical departments sought to attach various conditions as per Section 3.2.2 of this report.

- WSP – seeks that no surface water/ rainwater discharge into foul water system and that surface water drainage design complies with 2006 Code of Practice (CoP).
- PL – seeks that condition is attached to deal with lighting glare/ spill issues.
- P&GI – seeks the attachment of conditions requiring the payment of a contribution in lieu of public open space, that drainage infrastructure design take account of tree/ hedgerow root protection areas and, that trees/ hedgerows protected and no hedgerow works undertaken during nesting season.
- ES:WE&R – seeks the applicant prepare & submit a Construction and Demolition Resource Waste Management Plan (RWMP) prior to development commencing.
- TP – noted the applicant's proposal to setback the northern & southern site boundaries and sought condition attached to require the applicant/ developer to level, grass & maintain the resulting strips of land adjoining both roads until such a time as the lands are ceded to the PA to facilitate future road upgrades/ works in connection with the Fingal Coastal Way Development project. Given narrow nature of adjoining roads, TP also sought to attach condition to ensure no gates open across a public footpath/ roadway.

### **3.3. Prescribed Bodies**

UE (05/09/2024) – additional information re: applicant to engage with UE via submission of a PCE. The resulting Confirmation of Feasibility (COF) to be submitted to the PA as further information (FI). Given that the PA made a decision on the application without issuing a request for FI, the applicant did not have the opportunity to provide this COF.

### **3.4. Third Party Observations**

None.

## **4.0 Planning History**

### **4.1. Site**

P.A. Ref. F23A/0062 (ABP-317119-23) – Permission refused on 06/09/2023 on appeal for the demolition of one existing dilapidated dwelling and the construction of 6 no. new two-storey dwellings, new access road, new boundary walls, new vehicular entrances, soakaways, foul sewerage connections, and all associated site works for 1 no. reason – overdevelopment giving rise to substandard future residential amenity in terms of inadequate/ unusable private amenity space and to a material contravention of the site's RS zoning.

P.A. Ref. F22A/0009 – Permission sought for the demolition of one existing dilapidated dwelling and the construction of 3 no. new two storey house, with new boundary walls, new vehicular entrances, soakaways, foul sewerage connections, and all associated site works. PA requested FI on 03/03/2022 in respect to transportation, landscape, Part V & landownership, coastal erosion and piecemeal development issues. Application declared withdrawn on 13/02/2023 after applicant failed to respond to FI.

P.A. Ref. F21A/0323 – Permission sought for the construction of 2 no. new two storey houses. PA requested FI on 29/07/2021 in respect to transport, description of development, 3<sup>rd</sup> party and landownership issues, compliance with development management standards and impact on future development of adjoining sites. Application declared withdrawn on 14/12/2021 after applicant failed to respond to FI.

## Residential Zoned Land Tax

ABP Ref. VY06F.316743 (P.A. Ref. RZLT131/22) - First party appeal in respect to the inclusion of lands at South Shore Road, Rush, Co. Dublin (including the appeal site) on the Residential Zoned Land Tax (RZLT) Final Map – Bord set aside the determination of the PA and allowed the appeal on 27<sup>th</sup> October 2024 on the basis that the land is not connected to the existing footpath network in Rush and would require the provision of significant sections of new footpath across other landholdings where land is not in the control of the landowner or local authority.

### **4.2. Neighbouring Sites**

P.A. Ref. F24A/0636E, F24A/0637E & F24A/0638E (lands to west of site) – 3 no. concurrent applications for 3 no. dwellings, associated site works and resurfacing of existing laneway from South Shore Road. All 3 no. applications granted permission on 03/01/2025 subject to conditions.

P.A. Ref. F23A/0308 (site to immediate north-east) – Permission granted on 26/10/2023 for the construction of one new detached dwelling, new vehicle access, new boundary walls, soakaway, utility connections and all associated site works, subject to conditions.

P.A. Ref. F20A/0577 (site to north-east) – Permission granted on 02/06/2021 for the construction of one new detached dwelling, new vehicle access, new boundary walls, soakaway, utility connections and all associated site works, subject to conditions.

P.A. Ref. F18A/0362 (site to south-east) – Permission granted on 24/09/2018 for construction of 2 detached dormer bungalows of circa 230 sq. metres each, plus two new car entrances gateways off the public road, plus all associated site works, subject to conditions.

## **5.0 Policy Context**

### **5.1. National Policy**

Project Ireland 2040 – National Planning Framework (2018) and National Development Plan 2021-2030 & Housing For All (2021)

Climate Action Plan (2024)



The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (DoHLGH, 2024), SPPR 1 - Separation Distances, SPPR 2 - Minimum Private Open Space Standards for Houses, Section 3.2 (Tailoring Policy)

Design Manual for Urban Roads and Streets (DoHLGH, 2019)

Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes and Sustaining Communities (2007)

## 5.2. Regional Policy

Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031 (RSES).

- Fingal Development Plan 2023-2029 designates Rush as self-sustaining town.

## 5.3. Development Plan

The Fingal Development Plan (FDP) 2023 – 2029 applies.

### 5.2.1. Zoning

The site comes within the development boundary of Rush town. The site is zoned 'RS – Residential' with the objective to 'Provide for residential development and protect and improve residential amenity'. The stated vision for this zoning objective is to 'ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity'. One of the routes of the Greater Dublin Area (GDA) Cycle Network Plan runs along South Shore Road on south side of site.

### 5.2.2 Rush

Section 2.7.2 (Role of Each Settlement) – Self-Sustaining Towns incl. Rush

*Policy CSP34 – Consolidate Growth of Self-Sustaining Towns*

*Objective CSO52 – Safe and Convenient Road, Pedestrian and Cycle Systems*

Table 2.10 (Remaining Zoned Residential Capacity from Fingal Development Plan 2017–2023) – Self-Sustaining Town of Rush 43ha with residential yield of 1631 units

Table 6.1 (Greenways/High Quality Cycling and Walking Routes) incl. Lusk/Rush (via Rogers town Park)

It is noted that Sections 3.5.15.8 and 14.12.11 of the FDP contain a number of objectives relating to applications for new housing developments in the 'South Rush Area' which seek to restrict occupancy, multi-unit schemes and who can apply for new

housing in the locality on the basis of familial connection to the area/ time resident in area etc. and which seek that applicant's demonstrate that their house will not impact on European sites or be impacted by flooding or coastal erosion. However, given that this policy guidance is not accompanied by any map-based objective(s), there is no clear evidence that it relates to the appeal site.

Site is neither located in Flood Zone A or B nor is it at risk of coastal erosion as per the Rogerstown Coastal Flood and Erosion Risk Management (CFERM) Study 2019.

### 5.2.3 Residential Development

Section 3.5.13 (Compact Growth, Consolidation and Regeneration)

*Policies SPQHP35 – Quality of Residential Development, SPQHP38 – Compact Growth, Consolidation and Regeneration*

*Objectives SPQHO33 – New Residential Development and Energy Efficiency, SPQHO38 – Residential Development at Sustainable Densities, SPQHO39 – New Infill Development, SPQHO42 – Development of Underutilised Infill, Corner and Backland Sites, SPQHO43 – Contemporary and Innovative Design Solutions, SPQHO54 – Vehicular entrances, HCAO38 – Infill Development.*

Section 14.5 (Consolidation of the Built Form: Design Parameters)

Tables 14.3 (Table 14.3: Brownfield Opportunities and Regeneration), 14.4 (Infill Development) and 14.12 (Public Open Space)

Sections 14.6 (Design Criteria for Residential Development in Fingal), 14.6.4 (Residential Standards), 14.6.6.3 (Separation Distances) and 14.6.6.4 (Overlooking and Overbearance)

*Objectives DMSO4 – Healthy Placemaking, DMSO19 – New Residential Development, DMSO23 – Separation Distance*

Section 14.8 (Housing Development/Standards), *Objective DMSO26 – Separation Distance between Side Walls of Units*

Section 14.10 (Additional Accommodation in Existing Built-up Areas)

Section 14.10.1 (Corner/Infill Development), *Objective DMSO31 – Infill Development*

Section 11.9.3 (Light), *Objectives IUO64 & IUO65 (Residential Lighting Design)*

### 5.2.4 Open Space/ Trees/ Boundaries/ Public Realm

Section 6.5.6.4 (Public Realm and Healthy Streets)

Section 14.6.5 (Open Space Serving Residential Development), *Objective SPQHO35 – Private Open Space, Policy SPQHP36 – Private and Semi-Private Open Space*

*Objective SPQHO55 – Preservation of roadside hedging and trees*

*Objective GINHO59 – Development and Sensitive Areas*

Section 14.8.3 (Private Open Space), Table 14.8 (Private Open Spaces for Houses)

*Objective DMSO27 - Minimum Private Open Space Provision (min. 60sq.m for 3-bed house & 75sq.m for a 4-bed+ house – all to be behind front building line)*

*Objectives DMSO51 – Minimum Public Open Space Provision, DMSO52 – Public Open Space Provision, DMSO53 & DMSO54 – Financial Contribution in Lieu of Public Open Space*

Section 14.13.3.3 (Private Open Space)

*DMSO72 – Boundary Treatment to Private Open Space, DMSO125 – Management of Trees and Hedgerows, DMSO125 – Management of Trees and Hedgerows, CISO53 – Open Space and Privacy*

#### 5.2.4 Visual Amenity

Site is located in an area characterised in an area designated by the FDP as a ‘highly sensitive landscape’ due to its ‘coastal character type’.

## 6.0 Natural Heritage Designations

The appeal site is not located within or adjoining any designated site.

The nearest European Sites and Natural Heritage Areas in close proximity to the appeal site are as follows:

- Rogerstown Estuary SAC (Site Code 000208) - c. 300m to the south.
- Rogerstown Estuary SPA (Site Code 004015) - c. 250m to the south.
- Rogerstown Estuary pNHA (Site Code 000208) – c. 250m to south.
- North-West Irish Sea SPA (Site Code 004236 -) - c. 800m to the west.
- Rockabill to Dalkey Island SAC (Site Code 0030000) – c. 2km to west.
- Portrane Shore pNHA (Site Code 001215) - c. 2.8km to south-west.

## 7.0 EIA Screening

There is no real likelihood of significant effects on the environment based on the characteristics and location of the proposed development and types and characteristics of potential impacts. No EIAR is required. Refer to Form 1 (EIA Pre-Screening) and Form 2 (EIA Preliminary Examination) in the Appendices.

## **8.0 The Appeal**

### **8.1. Grounds of Appeal**

A first party appeal was received on 21/10/2024 and seeks to address the PA's reasons for refusal. The grounds of appeal can be summarised as follows:

#### Principle of Development/ Policy Compliance

- Proposal subject to appeal is high-quality, context appropriate, compliant with national/ regional/ local policy and respects site zoning.
- Appellant's seeking that PA refusal is overturned or, failing that, permission is granted for an alternative scheme design (provided with appeal).
- Applicant should have been given the opportunity to address PA issues via FI given efforts to address previous refusal/ withdrawal reasons.
- Proposal is fully compliant with the quantitative residential standards in FDP 2023-2029 & in 2007 S.28 Housing Guidelines.
- Proposed car parking provision/ dwelling floor areas – all fully policy compliant.
- Proposal will activate a vacant/ underutilised site, will enhance the streetscapes on Sundrive & North Shore Roads and its design is not incongruous given diversity in/ range of dwelling designs in the area.

#### Design & Residential Amenity

- Proposal is acceptable design response to narrow infill nature of underutilised site & proposed pattern/ compact layout, scale, height of dwellings deemed acceptable to ABP317119-23 Inspector/ reflects areas' changing & consolidating character.
- Proposal will not adversely affect neighbouring residential amenities in terms of overlooking/ visual amenity – built form, plot sizes, building line & materiality all reflect neighbouring properties and will integrate well with existing built form.
- Overdevelopment – scheme provides for a modest & context appropriate residential density which will help meet Rush-specific housing targets and it meets dwelling size, POS & separation requirements of the FDP/ Housing Guidelines.

- Overlooking/ Overbearing – units have been designed & sited to minimise impacts on neighbours based on lessons learned from previous unsuccessful applications.
- Relationship between units & internal access road – no blank facades overlook public realm and proposed off-street parking/ access arrangements are functional/ will provide a good standard of future residential amenity/ won't impact neighbours.
- Design response - design & materiality reflects immediate context/ Rush character.

#### Private Open Space

- POS – provision for all dwellings significantly exceeds min. requirements in Objective DMSO27. POS arrangements for dwelling 2, whilst to the side rather than to the rear of the dwellings, still provides a good standard of privacy/ amenity.
- Precedent for non-provision of public open space being addressed by condition.

Whilst seeking that the Bord overturn the decision of the PA in the first instance, the grounds of appeal also include revised architectural plans prepared in response to the PA's reasons for refusal for the Bord's consideration. This revised proposal for a scheme of 4 no. houses has a broadly similar site layout to the original application scheme and provides for the following design revisions which I do not consider to be material on the basis that they introduce no new elements or issues which may be of concern to third parties:

#### Dwelling 01

- Repositioned marginally closer to Sundrive Road & to the internal estate road
- Provision of additional ground floor window on side gable
- Increase in width of internal road verge to west side of house
- Boundary wall delineating dwelling from estate road to be clad in Limestone
- Reduction in the length of the rear amenity space serving the dwelling

#### Dwelling 02

- Design of house revised, and its scale reduced
- Provision made for additional in-curtilage car parking space
- House moved further west to provide greater separation to eastern site boundary
- Front building line brought in line with west elevation/ building line of dwelling 01
- POS of house No. 2 has been repositioned to wrap around the rear of the dwelling

- New front boundary comprising of a post & rail fence and native hedging

#### Dwellings 03 & 04

- Both dwellings have been repositioned further northwards to tie in with the south elevation/ front building line of the adjoining house to west on South Shore Road
- The balconies on the south elevations at first floor level have been removed
- In-curtilage car parking is replaced with an on-street communal parking area
- The rear boundary treatments to both dwellings are now a 1.8m wall & sliding gate
- Boundary walls delineating dwellings from estate road to be clad in limestone
- Existing mature tree on site to be retained & existing leylandii tree/ hedge along east boundary to South Shore Road will be pruned back rather than removed.

The applicant asks that the Bord consider this revised proposal (the amended appeal scheme) in the event that they are not convinced by the original application scheme. In summary, the applicant provides the following commentary in relation to same:

- Amended appeal scheme improves upon proposed site layout plan by increasing setback/ improving relationship between proposed & neighbouring houses – in response to PA concerns.
- All dwellings now provided with sufficient private amenity space to rear of their front building line in compliance with Objective DMSO27.
- PA's concerns re: relationship between dwelling 03 & 04 car parking arrangements, internal access road and rear gardens addressed via provision of communal parking area of 4 no. spaces to serve both dwellings & improved boundary treatments delineating public & private areas.
- PA's concerns re: active frontage/ passive surveillance onto internal access road addressed via revised/ lower height boundary treatments, additional window frontage to road and the setback of dwellings 01 & 02 from road being reduced.
- Concerns re: dwelling 02's overbearance on POS serving neighbouring dwelling to east addressed via design reconfiguration/ reduction in overall scale of unit and its repositioning 3.5m westwards & away from east boundary.
- PA's issues with boundary treatments to access road addressed via revised landscape plan which provides for high quality boundary treatments & finishes.

## **8.2. Planning Authority Response**

The PA, in their response dated 18/11/2024, state that they have no further comments to make in respect of the appeal. They request that the Bord to uphold their decision to refuse permission, but seek that provision is made to attach conditions relating to development contributions and bonds/ cash security in the event of a grant of permission.

## **8.3. Observations**

None.

## **9.0 Assessment**

As part of the grounds of appeal, the appellant has submitted revised plans and particulars (amended appeal scheme) in an attempt to address the PA's reasons for refusing planning permission. The amendments put forward are detailed in Section 8.1 of this report.

The appellants request that the application as originally lodged with Fingal County Council on 30<sup>th</sup> July 2024 (the original application scheme) form the basis for the Bord's assessment in the first instance. However, in the event that the Bord are not convinced by the scheme lodged originally with the PA, the appellant asks that the revised proposal received by the Bord on 21<sup>st</sup> October 2024 (the amended appeal scheme) is considered.

It is noted that the amended plans submitted with the appeal introduce no new elements or issues which may be of concern to third parties in the context of the proposed development. Accordingly, I consider both the application scheme as originally lodged and the amended scheme accompanying the appeal as part of my assessment below.

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 relevant local policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Design, Height & Layout
- Residential Standards/ Amenity
- Private Open Space
- Other Matters

## **7.1 Principle of Development**

9.1.1. The proposed development is located in an area zoned 'RS – Residential'. The principle of residential development is therefore acceptable subject to the proposed development being satisfactory in terms of its impact on the visual amenities of the area and the established residential amenities of properties in its vicinity. These matters are considered in the subsequent sections of this report.

## **9.2. Design, Height & Layout**

9.2.1. The PA's first reason for refusal raises concerns in respect to the design, height, siting and scale of the proposed dwellings relative to their site context and existing neighbouring dwellings and cites contravention of the site's 'RS' zoning objective in addition to Section 14.5 (Consolidation of the Built Form: Design Parameters) and Table 14.4 (Infill Development) of the FDP. The PA's refusal reasoning points to the potential for serious injury to the visual amenity, character and appearance of South Shore Road arising from the overdevelopment of the south side of the site. The PA's decision to refuse also highlights the potential for overbearance on the existing dwellings to the west and east, when combined with the loss of privacy which would arise from the removal of trees on the site, to give rise to an unacceptable impact on the residential amenities of adjoining properties.

9.2.2. The appellant contends that, rather than representing the overdevelopment of the site, the (original application scheme) proposal constitutes village consolidation as envisaged under Section 14.5 of the FDP and is consistent with emerging character of higher density development on smaller plots in the wider area. They also submit that the infill proposal is fully compliant with Table 14.4 on the basis that its layout/ scale/ height/ design activate the site and respond appropriately to the immediate context. In addressing the PA's concerns in respect to impacts on existing residential



amenities, the grounds of appeal note that the height & siting of the dwellings has been modulated under the amended appeal scheme to reflect that of neighbouring properties, with their orientation, building lines and window positions carefully designed to not give rise to any undue overlooking or perception of overbearance.

9.2.3. Regarding the quantum of development proposed, I note that Table 14.3 in the FDP promotes the use of ‘appropriate residential densities’ whilst both Tables 14.3 & 14.4 require that proposals respect/ respond to neighbouring properties and the wider context. Low density, ribbon type housing (some creating landlocked backland areas) is the prevailing character of development in the locality with an emerging pattern of higher density development on smaller plots. At c. 12 dwellings per hectare (dph) gross or c. 18 dph net, the density proposed for both the application and appeal schemes is considerably lower than the 30-50dph density range provided for Key Towns & Large Towns (5,000+ population) – Village Suburban/ Urban Extension’ in Table 3.5 of the 2024 Density Guidelines and is also lower than the guide density of c. 38 uph for Rush set out under Table 2.10 of the FDP. However, having considered the constrained, narrow, ‘gap’ nature of the site (which presents a notable design & configuration challenge), together with its planning history of a previous refusal for 6 no. units on the grounds of overdevelopment and, its development context/ location between 2 no. roads in the quasi rural hinterland of Rush, I find the proposed unit quantum and residential density to be acceptable in this instance in accordance with Section 3.2 (Tailoring Policy to Local Circumstances) of the 2024 Density Guidelines.

#### Overdevelopment and Relationship with Adjoining Properties

9.2.4. I have considered the PA’s concerns re: overdevelopment on the south side of the site (fronting South Shore Road) and related negative impacts on the residential amenities of neighbouring properties to the south-west and south-east in terms of, inter alia, overbearance and overlooking.

9.2.5. In terms of the potential for the proposal to give rise to undue overbearance (re: height & proximity), the contiguous elevation drawings for both the original application scheme and the amended appeal scheme illustrate how the proposed ridge height and massing of dwellings 03 & 04 is in keeping with the height and character of neighbouring properties. The proposed site plans for both schemes also illustrate the siting of dwellings 03 & 04 relative to the 2 no. neighbouring properties (side to side &

side/ rear to side) and it is apparent that the offset positioning when coupled with the separation distances involved means that there is no likelihood of overbearance on these properties arising from either scheme. This is also the case in respect to the existing and permitted properties adjoining proposed dwellings 01 & 02 where adequate side to side separations are provided in the case of both schemes. Furthermore, whilst the 2-storey height of dwellings 03 & 04 (as proposed under both the original application scheme and amended appeal scheme) would be a departure from the 1-storey height of the immediately adjoining bungalow to the west (which is oriented south-west and away from the proposal), I consider that their proposed height under both schemes is acceptable and would not constitute overdevelopment for the aforementioned reasons.

9.2.6. The side elevation drawings for both the original application scheme and the amended appeal scheme illustrate how the first floor opens feature opaque glazing, thereby mitigating any risk of overlooking of the adjoining properties. The first-floor balconies proposed to the front of dwellings 03 & 04 in the original application scheme have been omitted in the amended appeal scheme and the latter scheme has also proposed to retain existing site trees and mature boundary mature hedging/ vegetation on the site's eastern and western property boundaries on South Shore Road. Whilst I am satisfied that these design modifications address the PA's concerns re: safeguarding of neighbouring privacy, I consider that it would be prudent to attach a condition to ensure that this obscured glazing is installed and maintained in perpetuity.

#### Design & Visual Character

9.2.7. The immediate locality is characterised by a variety of building styles, heights & architectural finishes and a notable absence of visual uniformity. I also observed a notable staggering in existing/ permitted front building lines during my site visit together with a lack of consistency in building plot forms/ sizes and in the siting & orientation of houses relative to adjoining roadways.

9.2.8. Having reviewed the policy guidance in respect to the consolidation of built form & infill development provided under Sections 14.5 and Tables 14.3 & 14.4 of the FDP, I consider that the proposed design (in terms of scale, height, massing & architectural language etc.) and materiality of both the original application scheme and amended appeal scheme are of a sufficient quality and appropriate to their context. I am also of

the view that they would both satisfactorily integrate with their surroundings/ the diverse built character of adjoining properties and would not give rise to unacceptable diminution in visual amenity on either Sundrive Road or South Shore Road. In respect to the latter roadway, I note the recent addition of 2 no. new detached residences at 'Lambay View' (3 no. plots over to the south-east of the appeal site), with the form and siting of these new properties and their relationship to the adjoining property, being similar to dwellings 03 & 04 (as per both the original application and amended appeal schemes) - which have a gable fronted design & a contemporary materiality.

- 9.2.9. Notwithstanding the above, I consider that the repositioning (and redesign) of dwelling 02 as per the amended appeal scheme satisfactorily address the PA's concerns in respect to the lack of coherence/ discordance in building lines between dwellings 01 & 02 evident in the original application scheme and also their concerns about the impact of dwelling 02 on the POS serving the neighbouring property to the immediate east (again, in respect to the original application scheme). I am also of the view that the amended appeal scheme's slight adjustment to the positioning of dwellings 03 & 04 (fronting South Shore Road) also succeeds in bringing their front building lines more in line with that of the existing dwellings to the immediate west as per F23A/0062 (& also generally in line with the dwellings further to the west and east), whilst still maintaining a setback from public road.
- 9.2.10. In light of the above assessment, I am satisfied that the amended appeal scheme has satisfactorily addressed the overdevelopment, overbearance and residential amenity concerns which underpinned the PA's refusal reason No.1 and I consider that it fully complies with the site's 'RS' zoning objective in addition to Section 14.5 and Table 14.4 of the FDP.

### **9.3. Residential Standards/ Amenity**

- 9.3.1. The PA's second reason for refusal (in respect to the original application scheme) is focused on design and visual/ residential amenity within the site itself and cites non-compliance with Table 14.4 (Infill Development) and the site's 'RS' zoning objective. Concerns are raised in respect to the relationship between the proposed dwellings and the internal site access road in terms of the lack of passive surveillance/ active frontages arising from the design of the boundary treatments when combined with the

siting of the houses, their setback distances relative to the roadway and, the quantum/ placement of opes on their west-facing elevations.

- 9.3.2. The grounds of appeal do not explicitly deal with the PA's specific concerns in this regard (i.e. aside from via the amended appeal scheme as proposed).
- 9.3.3. Table 14.4 of the FDP requires that infill proposals provide a positive contribution to the streetscape/ public realm including active frontage, ensuring that the impacts of ancillary services such as waste management, parking and services are minimised. Section 6.5.6.4 of the FDP states that 'public realm' refers to all areas to which the public has access such as roads, streets, footpaths, parks, open spaces and public squares and that the quality and attractiveness of the public realm plays a key role in encouraging walking, cycling and the use of public transport. Considering the site's linear topography and the design of the original application scheme, which consists of small relatively private estate of 4 no. houses located between 2 no. local roads, neither of which feature public footpaths nor a public transport service, I do not consider that a refusal of permission on the basis of the interrelationship between the estate access road and the proposed units is warranted in this instance.
- 9.3.4. Notwithstanding, I consider that the amended appeal scheme addresses many of the PA's concerns cited in refusal reason No. 2. In this regard, I draw the Bord's attention to the additional ground floor ope proposed in the west elevation of dwelling 01 (to the office); the new & lower height boundary treatment to dwelling 02; together with the orientation of its ground floor living space; and, the reduced setback of dwellings 01 & 02 from the estate access road. I am of the view that, cumulatively, these measures would deliver an improved level of passive surveillance within the estate itself. The proposed increase in the verge width and the addition of a limestone finish to dwelling 01's boundary wall would also enhance visual amenity and create a more hospitable pedestrian environment. Overall, I am satisfied that the amended appeal scheme addresses the PA's refusal reason No. 2.

#### 9.4. **Private Open Space**

- 9.4.1. The PA's third reason for refusal concerns the proposal's contravention of Objective DMSO27 with regard to the locating of private open space behind the front building line of the proposed houses (as per the original application scheme) which, when

combined with the proposed boundary treatments, would provide for a substandard layout of private amenity spaces and a poor level of amenity for future residents.

9.4.2. It is the appellant's contention that the POS arrangements for dwelling 02 will provide for a good standard of privacy/ amenity and they point to the fact that the quantum of POS provision for all units under the original application scheme greatly exceeds the requirements of Objective DMSO27.

9.4.3. Whilst I would share the PA's concerns in respect to the POS for dwelling 02 in the original application scheme not meeting the qualitative standard prescribed by Objective DMSO27, I note that the amended appeal scheme addresses this issue through the repositioning and redesign of dwelling 02. This design modification, in turn, provides for a more suitable L-shaped POS configuration with a substantial portion of this private amenity space being located to the east/ rear of the dwelling and behind its front building line. Various improvements are also made to the nature, extent & materiality of the proposed boundary treatments facing onto the internal access road under the amended appeal scheme. For example the introduction of limestone cladding to the west boundary wall of dwelling 01 & north boundary walls of dwellings 03 & 04 and the replacement of 0.75m-1.8m blockwork boundary wall to front of dwelling 02 with 900mm post & rail fence with native hedging. A clear delineation is also introduced between the car parking for dwellings' 03 & 04 and their separate POS, together with related improvements to their boundary enclosures and to the overall layout and privacy of their rear gardens. In my opinion, the design modifications proposed under the amended appeal scheme adequately deal with the PA's concerns in respect to visual & future residential amenity and, on this basis, I am satisfied that the appellant has adequately addressed the PA's refusal reason No. 3.

## **9.5. Other Matters**

### **9.5.1. Public Open Space**

Neither the original application nor amended appeal schemes provide for public open space in accordance with Objective DMSO52 & Table 14.12 of the FDP. As per the PA, I am satisfied that the issue of non-provision of private open space can be dealt with via a contribution in lieu condition as allowed for under Objective DMSO54.

### **9.5.2. Natural Lighting/ Sunlight/ Ventilation**

The appellant references the proposal's compliance with FDP policies in respect of sunlight/ natural lighting and ventilation. Whilst the PA did raise a concern about the potential for dwelling 02 (in the original application scheme) to negatively impact on lighting to an adjoining properties POS, this matter is addressed by the amended appeal scheme and, I consider that the amended scheme provides for an appropriate standard of daylighting, ventilation and sunlight penetration as per Objectives SPQHO33, DMSO4 and Section 14.6 of the FDP.

#### 9.5.3. Parking

The grounds of appeal note their scheme's compliance with FDP's quantitative policies in respect to car parking – no issues with same were raised by the PA. Having considered the location of the site within car parking zone 2, I am satisfied that both the original application scheme and the amended appeal scheme satisfactorily provide for the required quantum of resident and visitor parking as per the 2024 Guidelines.

#### 9.5.4. Surface Water Management/ Water Supply/ Wastewater

The PA raised concerns re: inconsistencies between the submitted site layout plan and the storm drainage layout/ soakaway test information, questioning the currency of information provided and sought that the surface water drainage design comply with 2006 CoP with no surface water/ rainwater to discharge into foul water system. UE also sought the submission of a PCE to assess the feasibility of proposed new water & wastewater connections, but the applicant was not given the opportunity to address this matter via FI. I consider it feasible that these matters be addressed by condition.

#### 9.5.5. Public Lighting

Given the coastal/ sensitive location of the site, the PA seeks that condition is attached to deal with lighting glare/ spill issues. This matter can be addressed by condition.

#### 9.5.6. Site Interface with Roadways

The site adjoins a route identified in the Fingal Coastal Way Development project which will require various future road upgrades and related works on the narrow roadways adjoining the site. On this basis, the PA sought to attach a condition requiring the setback of the site's northern & southern site boundaries and the ongoing maintenance of same by the applicant until such time as the lands are ceded to the PA to facilitate the aforementioned project. They also sought to ensure that no gates

open across a public footpath/ roadway. Having considered the matter, I am of the view that the attachment of this condition is warranted given the constrained nature of the local road network, the lack of footpaths/ cycle lanes and the importance of the PA upgrading local infrastructure to support the areas transition from a quasi-rural to a peri-urban environment which can sustain a higher density of development.

#### 9.5.7. Demolition & Construction Management

The PA sought to require the preparation of a Construction and Demolition Resource Waste Management Plan in line with best practice. This can be dealt with by condition.

#### 9.6. **Conclusion**

9.6.1. I consider the amended scheme, submitted to the Bord on 21<sup>st</sup> October 2024 as part of the appeal, sufficiently resolves issues regarding height, scale, mass and design that existed in the context of the application scheme as originally lodged and will provide a scale and design appropriate to the site and its context. I am also of the view that the design and layout of this amended scheme also satisfactorily addresses issues relating to overdevelopment/ substandard provision of private open space cited in the previous Bord refusal under ABP-317119-23.

### 10.0 **AA Screening**

- 10.1. I have considered the proposal for permission for demolition and the construction of 4 no. residential dwellings on lands located between South Shore Road and Sundrive Road, Rush, Co. Dublin in light of the requirements S177U of the Planning and Development Act 2000 (as amended).
- 10.2. The subject site is located in an established residential area and on serviced lands. It is also located c. 250m to the north of Rogerstown Estuary SPA (Site Code 004015, c. 300m to the north of Rogerstown Estuary SAC (Site Code 000208), c.800m to the east of North-west Irish Sea SPA (Site Code 004236) and c. 2km to the east of Rockabill to Dalkey Island SAC (Site Code 0030000).
- 10.3. The proposed development comprises the demolition of house and construction of 4 houses and all associated works.
- 10.4. No nature conservation concerns were raised in the planning appeal.

10.5. 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:

- The minor/ de minimus nature of the proposed development.
- The location-distance from the nearest European Site and lack of connections given its setback from the Irish Sea/ the coastline and the intermediate development/ land uses (i.e. housing and horticultural greenhouses) which mean that short-term construction phase impacts arising from demolition/ construction (i.e. such as dust, noise and vibration) and longer term operational impacts (such as increased human activity, noise and lighting disturbance) would be intercepted and would therefore not reach the aforementioned sites and would therefore have no potential to give rise to change to the aforementioned European sites in terms of, for example, a reduction or fragmentation of habitat area or species disturbance.
- Taking into account the findings of the AA screening assessment by the PA.

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

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

## **11.0 Recommendation**

I recommend a GRANT of permission subject to the following conditions.

## **12.0 Reasons and Considerations**

Having regard to the 'RS – Residential' zoning objective of the site, the objective for which is to 'Provide for residential development and protect and improve residential amenity', and the planning policies, objectives and development standards of the Fingal Development Plan 2023-2029 and to the nature, scale and design of the development received by An Bord Pleanála on 21<sup>st</sup> October 2024 relative to the existing pattern of development in the wider area, it is considered that subject to



compliance with the conditions set out below, the proposed development is an acceptable form of development at this location and would not seriously injure the amenities of adjoining properties, and would therefore, be in accordance with the proper planning and sustainable development of the area.

## 13.0 Conditions

1.	<p>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 An Bord Pleanála on 21<sup>st</sup> October 2024, 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The glazing to the dwellings following windows shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.</p> <ul style="list-style-type: none"> <li>(a) Dwelling 01, first floor bathroom window, eastern (side) elevation.</li> <li>(b) Dwelling 02, first floor landing window, eastern (rear) elevation.</li> <li>(c) Dwellings 03 &amp; 04, first floor landing window, western (side) elevation.</li> <li>(d) Dwellings 03 &amp; 04, 2 no. first floor bathroom windows, eastern (side) elevation.</li> </ul> <p><b>Reason:</b> To prevent overlooking of adjoining residential properties.</p>
3.	<ul style="list-style-type: none"> <li>(a) The proposed boundary treatments along Sundrive Road and Southshore Road shall be setback as detailed on the submitted Proposed Site Plan. The verges shall be levelled and grassed and maintained by the applicant/developer. The land shall be ceded to the authority when required to facilitate any proposed future road widening and/or infrastructure upgrade works.</li> <li>(b) The proposed boundaries of dwelling 03 and dwelling 04 (as identified on the submitted Proposed Site Plan) along South Shore Road shall be</li> </ul>

	<p>setback as necessary and the land ceded to the Council when required if deemed appropriate by the authority to facilitate the Fingal Coastal Way development.</p> <p>(c) No objects, structures, landscaping or planting shall be placed or installed within the visibility splays (as defined by DMURS and as shown on the submitted Sight Line and Forward Visibility drawings) exceeding a height of 900mm; which would interfere or obstruct (or could obstruct over time) the required visibility splays.</p> <p>(d) No gate shall open across a public footpath/roadway.</p> <p>(e) The resulting strip of land shall be ceded to the authority when required to facilitate a road upgrade. The resulting verge shall be levelled and grassed and maintained by the applicant/developer until such time the land is ceded</p> <p><b>Reason:</b> In the interest of public safety and amenity.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity and to ensure an appropriate high standard of development.</p>
5.	<p>Prior to commencement of development, the applicant/ developer shall, for the agreement of the planning authority, provide a landscaping plan that provides detailed information on the landscaping and tree/ hedge protection and management measures that will be implemented on the subject site.</p> <p><b>Reason:</b> In the interest of visual and residential amenity, and the proper planning and sustainable development of the area.</p>
6.	<p>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.</p> <p><b>Reason:</b> In the interest of public health and to ensure adequate water/ wastewater facilities.</p>
7.	<p>The attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the</p>

	<p>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.</p> <p><b>Reason:</b> To prevent flooding and in the interests of sustainable drainage.</p>
8.	<p>Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction and Demolition Resource Waste Management Plan (RWMP), 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.</p> <p><b>Reason:</b> In the interest of public safety and amenity.</p>
9.	<p>All service cables associated with the proposed development (such as electrical, public lighting, 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.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
10.	<p>Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes and shall take account of proposed trees and hedges as per the Site Layout Plan. Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p><b>Reason:</b> In the interest of amenity and public safety.</p>
11.	<p>Proposals for an estate/ street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p>

	<p><b>Reason:</b> In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
12.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> To safeguard the amenity of property in the vicinity.</p>
13.	<p>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 Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> 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.</p>
14.	<p>The developer shall pay to the planning authority a financial contribution of in lieu of the public open space requirement in respect of public open space benefitting the development in the area of the planning authority is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the adopted 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 indexation provisions of the Scheme at the time of payment.</p>

	<b>Reason:</b> It is a requirement of the Planning and Development Act, 2000, as amended, that a condition requiring contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.
<b>15.</b>	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. 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 Bord Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>

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.

Emma Gosnell  
Planning Inspector

---

25<sup>th</sup> March 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-321114-24		
<b>Proposed Development Summary</b>	Demolition of house and construction of 4 houses and all associated works.		
<b>Development Address</b>	Lands located between South Shore Road and Sundrive Road, Rush, Co. Dublin.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	✓	Class 10(b)(i) Infrastructure – dwelling units Class 10(b)(iv) Urban development	Proceed to Q3.
<b>No</b>			
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	✓		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			

<b>Yes</b>	✓	500 units / 2-10 ha – proposal is for 4 no. units on a site of 0.382ha	Preliminary examination required (Form 2)
------------	---	--	---

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	✓	<b>Pre-screening determination conclusion remains as above (Q1 to Q4)</b>
<b>Yes</b>		<b>Screening Determination required</b>

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

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP-321114-24
<b>Proposed Development Summary</b>	Demolition of house and construction of 4 houses and all associated works.
<b>Development Address</b>	Lands located between South Shore Road and Sundrive Road, Rush, Co. Dublin.
<p><b>The Bord 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.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<p><b>Characteristics of proposed development</b></p> <p>(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 proposed development requires the demolition of 1 no. existing dwelling (40sq.m) in order to facilitate the construction of 4 no. new houses together with all ancillary site works.</p> <p>The standalone development does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance.</p> <p>The development, by virtue of its type and scale, 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><b>Location of development</b></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.</p>	<p>The development is situated on grass lands enclosed in part by hedges/ ditches and adjoining the peri-urban hinterland of Rush village. It is located at a remove from sensitive natural habitats and designated sites identified in the FDP. However, it is located in an area of Rush designated as a</p>



wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	'highly sensitive landscape' due to its 'coastal character type'.	
<b>Types and characteristics of potential impacts</b> (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Notwithstanding the sensitive landscape designation, having regard to the modest nature of the proposed development, its location relative to 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.	
<b>Conclusion</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.	✓
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

**Inspector:**

**Date:**

**DP/ADP:** \_\_\_\_\_

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

(only where Schedule 7A information or EIAR required)