



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-323160-25

<b>Development</b>	Construction of 3 dwellings with all associated site works.
<b>Location</b>	Site to Rear of existing house on Chapel Road, Lusk, Co. Dublin, K45NF79.
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F25A/0023
<b>Applicant(s)</b>	Emma Mc Guinness
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Emma Mc Guinness
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	8 <sup>th</sup> October 2025
<b>Inspector</b>	Emma Gosnell

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## **1.0 Site Location and Description**

- 1.1. The appeal site, with a stated area of c. 0.17 ha, is located to the rear of a dormer bungalow on the south side of Chapel Road in Lusk, Co. Dublin.
- 1.2. The site is bounded to the north by 2 no. existing 1-1.5 storey houses (one being within the landholding blue line) and by 2 no. 2-storey houses which are currently under construction; to the east by a mix of 1-2 storey residential and commercial properties lining Main Street; and, to the west and south by 1-2 storey (predominantly residential) properties fronting Saint Joseph's Avenue and Post Office Road. The area to the south of the site features a number of rear access lanes leading to private parking and infill developments. The site is located within Lusk Architectural Conservation Area (ACA).
- 1.3. The site comprises of undeveloped, back land which is accessed to the north off Chapel Road and via an existing access laneway between two houses. The north-east corner of the site features a disused single-storey prefab structure, a shipping container and assorted building materials. The remainder of the site is given over to grassland with a few sporadic trees, shrubs and ivy along the site's c. 2m high blockwork boundary walls.

## **2.0 Proposed Development**

- 2.1. Permission is sought for 3 no. detached, 4-bed, 1.5 storey (dormer) dwellings to be accessed via the proposed widening of an existing vehicular entrance and driveway off Chapel Road and all associated site works.
- 2.2. Following a request for further information (RFI), revisions to the dwelling's materials and finishes were proposed including replacing the blue/ black roof tiles with grey roof tiles and changes to the colour of the materials on the front elevation. No changes were made to the site layout or to the scale or design of the dwellings. A shared surface area was also introduced to the front of the proposed dwellings at RFI stage, with further detail provided on the site's surface water management proposals.

- 2.3. I wish to draw the Commission's attention to the fact that the proposal subject of this appeal is largely identical to the proposal permitted by An Bord Pleanála on the same site in 2017 under PL06F.247727.

### 3.0 Planning Authority Decision

#### 3.1. Decision

Permission refused on 07/07/2025 for 1 no. reason:

1. The proposed scheme, located within the Lusk Architectural Conservation Area (ACA), would result in a visually discordant form of development, inconsistent with the established character and appearance of the area. The proposed development materially contravenes the Fingal Development Plan 2023–2029, including Table 14.24, which requires that infill development within an ACA follow a sensitive design approach respecting the scale, massing, proportions, and materials of adjoining buildings. The proposal fails to meet these criteria and is therefore contrary to the proper planning and sustainable development of the area.

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Reports

2 no. planning reports formed the basis of the planning authority's (PA) assessment.

##### Initial Application Stage (11/03/2025)

Key points of note raised in the report are as follows:

- *Principle of Development* – residential proposal acceptable in principle on 'TC - Town Centre' zoning and precedent set by previous grant on site noted.
- *Housing Quality* – insufficient detail on plot sizes, rear gardens, materials and finishes, room dimensions and floor areas. **This matter formed part of FI request.**
- *Visual Amenity* – issues with design character of attic level recessed dormer windows. **This matter formed part of FI request.**
- *Residential Amenity* – no potential for overlooking and reduced (2m) separation between units acceptable on account of infill flexibility under Objective DMSO26.

- *Access* – non-compliant with DMURS re: footpath condition and width, but sightlines deemed acceptable. **This matter formed part of FI request.**
- *Conservation* – house design should be simplified. Inadequate contextual information provided given ACA location. **This matter formed part of FI request.**
- *Drainage/ Water Services* – inadequate detail on surface water discharges, SuDS measures, connection to public network. **This matter formed part of FI request.**
- *Bike Parking* – private rear gardens can facilitate secure bike parking.
- *Car Parking* – 2 no. per unit spaces proposed complies with FDP and SPPR3.
- *Open Space* – no public open space provided on site. Contribution in lieu sought. Details of boundary treatments required. **This matter formed part of FI request.**
- *Public Lighting* – no details submitted, needs to comply with FCC specifications.
- *Part V* – validity of 2016 exemption cert. **This matter formed part of FI request.**

A request for Further Information (FI) issued on 11/05/2025 in relation to 6 no. items.

The applicant's response to the FI request was received on 11/06/2025 and consisted of a cover letter, revised plans and technical reports.

The response was determined not to be significant and did not require readvertising.

#### Further Information Stage (07/07/2025)

This report provided an assessment of the FI received as follows:

- *Item 1* – PA concerns re: house's excessive visibility/ visual impact on character of area arising from its 7m ridge heights relative to height of neighbouring historic 1 and 2-storey properties remain. Private open space acceptable. Concerns re: design of recessed dormer windows not addressed and no rear elevation drawing provided. Inadequate information provided to assess impact on neighbouring dwellings and ACA. **Refusal recommended on this basis.**
- *Item 2* – Materiality and colour scheme of finishes not acceptable given location in ACA and design not reflective/ complementary of historic character of area (CO suggests matter addressed by condition). **Refusal recommended on this basis.**
- *Item 3* – revised access road proposal incorporating shared surface acceptable.
- *Item 4* – proposed dishing/ repairs/ works to continuous footpath are acceptable.

- *Item 5* – revised surface water management proposal is acceptable.
- *Item 6* – certification of exemption issue has not been addressed.

Permission refused (as per Section 3.1).

### 3.2.2. Other Technical Reports

#### Initial Application Stage

*Water Services Section (14/02/2025)* – FI requested on surface water design and proposed connection to public drainage network.

*Conservation Officer (undated)* – FI requested on materials and finishes and simplification of the design and reduction in ridge height sought.

*Parks and Green Infrastructure Division (07/02/25)* – No objection subject to condition.

*Public Lighting (21/01/2025)* – No objection subject to condition.

*Transportation Planning Section (26/02/2025)* - FI requested on design of internal access road and public footpath repairs.

#### Further Information Stage

*Water Services Section (18/06/2025)* – no objection subject to condition.

*Conservation Officer (23/06/2025)* – revised submission not acceptable but issues can be addressed by condition requiring simplification of house design and use of higher quality materials.

### 3.3. Prescribed Bodies

#### Initial Application Stage

*Uisce Eireann (29/01/2025)* – FI requested in form of a pre-connection inquiry to assess feasibility to accommodate new water and wastewater network connections [this issue was not addressed in the RFI issued by the PA on 11/05/2025].

#### Further Information Stage

No further submissions received.

### 3.4. Third Party Observations

No submissions received.

## 4.0 Planning History

### 4.1. Site

*P.A. Ref. F16A/0356/ E1* – Application for extension of duration of planning permission under PL06F.247727 refused on 30/03/2022 for 1 no. reason: non-commencement of development.

*P.A. Ref. F16A/0356 (PL06F.247727)* – Application for 3 no. detached 1.5 storey dwellings and ancillary works, granted permission by PA and by An Bord Pleanála on appeal on 26/04/2017 subject to 14 no. conditions, including condition No. 2 which related to archaeology. Permission was never enacted and is now expired.

*P.A. Ref. F96A/0914* – Application for dormer bungalow and vehicular entrance, granted on 01/05/1997 subject to 10 no. conditions, including:

*“The roof shall have a black, blue/black or dark grey tile (including ridge tile) or slate finish. Reason: In the interest of visual amenity”.*

### 4.2. Neighbouring Sites

*P.A. Ref. F25A/0178E* – Application for 2 no. 2-storey semi-detached 3-bed dwellings (pitched roof profile with ridge height of 7.3m and eaves height of 5.33m) and all ancillary works on site at corner of Chapel Road and St. Joseph’s Road, Lusk, granted permission on 06/08/2025 subject to 12 no. conditions.

## 5.0 Policy Context

### 5.1. National Policy

Project Ireland 2040 – National Planning Framework (2025).

Climate Action Plan (2024 & 2025) and Ireland’s 4th National Biodiversity Action Plan (NBAP) 2023-2030.

The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (DoHLGH, 2024).

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

Sustainable Residential Development Guidelines (2009).

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

## **5.2. Regional Policy**

Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031 (RSES): Lusk designated as a self-sustaining town.

## **5.3. Development Plan**

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

### Zoning

The site is zoned 'TC – Town and District Centre' with the objective to 'Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities'. Residential is a use class which is permitted in principle under TC zoning.

The site is also located within a 'Low lying agricultural landscape' and within the Zone of Archaeological Notification for Lusk.

The site comes within the Lusk Architectural Conservation Area (ACA).

### Residential Development

Sections 14.8.2 and 14.6.6.3 (Separation Distances), 14.6.6.4 (Overlooking and Overbearance), 14.8 (Housing Development/Standards), 14.8.3 (Private Open Space) and 14.9 (Residential Developments – General Requirements).

Objectives DMSO23 – Separation Distance, DMSO26 - Separation Distance between Side Walls of Units and DMSO19 – New Residential Development.

Section 14.13.3.2 and Objective DMSO50 (Playground Facilities).

### Infill/ Backland Development

Section 14.5 (Consolidation of the Built Form: Design Parameters) and Objective SPQHO37 – Residential Consolidation and Sustainable Intensification.

Sections 14.10 (Additional Accommodation in Existing Built-up Areas) and 14.10.1 (Corner/Infill Development).



Tables 14.3 (Brownfield Opportunities & Regeneration) and 14.4 (Infill Development).  
Objective HCAO24 – Alteration and Development of Protected Structures and ACAs.  
Objectives DMSO31, HCAO38 and SPQHO39 – Infill Development.  
Objective SPQHO42 – Development of Underutilised Infill, Corner and Backland Sites.

#### Architectural Conservation/ Heritage

Section 10.5.2.2 (ACAs)), Objective DMSO187 – Planning Applications in ACA.

Policy HCAP14 – Architectural Conservation Areas: Protect the special interest and character of all areas which have been designated as an Architectural Conservation Area (ACA). Development within or affecting an ACA must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting wherever possible. Development shall not harm buildings, spaces, original street patterns, archaeological sites, historic boundaries or features, which contribute positively to the ACA.

Table 14.24 (Direction for Proposed Development within Architectural Conservation Areas).

Appendix 5 – Summary Description of Architectural Conservation Areas (ACAs).

#### Open Space

Section 14.6.5 Open Space Serving Residential Development.

Tables 4.3 and 14.12 (Recommended Quantitative Standards (Sustainable Residential Developments in Urban Areas, Guidelines for Planning Authorities (2009)) and 14.6 (Categories of Open Space).

Objectives SPQHO36 and DMSO52 – Public Open Space Provision.

#### Parking

Table 14.17 (Bicycle Parking Standards) and Objective DMSO109 – Bicycle Parking.

## **6.0 Natural Heritage Designations**

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

The nearest European Sites in close proximity to the appeal site are as follows:

- c. 2.4km from Rogerstown Estuary SPA (Site Code 004015)
- c. 2.4km from Rogerstown Estuary SAC (Site Code 000208)

- c. 5.5km from North-West Irish Sea SPA (Site Code 004236)
- c. 6.5km from Rockabill to Dalkey Island SAC (Site Code 003000).

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

- c. 2.4km from Rogerstown Estuary pNHA (Site Code 000208)
- c. 6.5km from Loughshinny Coast pNHA (Site Code 002000)
- c. 6.8km from Skerries Islands NHA (Site Code 001218).

## **7.0 EIA Screening**

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

## **8.0 Water Framework Directive Screening**

I have concluded, 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 (refer to form in Appendix 2 for details).

## **9.0 The Appeal**

### **9.1. Grounds of Appeal**

A first party appeal submission was received (29/07/2025) and seeks to address the PA's reasons for refusal. The grounds of appeal (GOA) can be summarised as follows:

The refusal is not justified having regard to the following:

- *Site Planning History* – permission granted on appeal under P.A. Ref. F16A/0356 (PL06F.247727) for essentially the same proposal.
- *Visual Impact* – proposal will largely be screened from public view by existing boundaries, its backland positioning and by the development of 2 no. houses recently granted to north-west under P.A. Ref. F25A/0178E. Locality is characterised by existing variation in built form re: scale, height, design & density.
- *Precedent* – permission recently granted under P.A. Ref. F25A/0178E has similar scale, massing and height to proposal (which is sited at lower ground level).
- *Materials and Finishes* – appellant willing to modify same by condition.
- *Other* – proposal is compliant with zoning, density, plot ratio and site coverage.

The appeal is accompanied by undated street view images of the entrance to the site off Chapel Road, the neighbouring site (at junction of Chapel Road and Saint Joseph's Avenue) subject to the recent grant under P.A. Ref. F25A/0178E and Saint Joseph's Avenue (looking south).

## 9.2. **Planning Authority Response**

Response dated 21/08/2025 reiterates the PA's refusal reasoning and states that the scheme would introduce a visually discordant and intrusive form of infill development that is inconsistent with the character of the area. The PA are also of the view that the scale, massing and materiality of the infill dwellings are in contravention of Table 14.24 of the FDP and would undermine the existing local vernacular that the ACA seeks to preserve and enhance. The PA seek that the Commission uphold their decision to refuse permission but in the event that their decision is overturned by the Commission they seek that, where relevant, conditions relating to the payment of a Section 48 Development Contribution, a bond/ cash security, tree bond and a payment to compensate for a shortfall in play facilities and/ or open space be applied.

## 9.3. **Observations**

None received.

## 9.4. **Further Responses**

None received.

## **10.0 Assessment**

### **10.1. Principle of Development**

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, having inspected the site and having regard to the relevant local, regional and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Design and Impact on ACA
- Other Matters

### **10.2. Principle of Development**

10.2.1. The appeal site is zoned 'TC – Town and District Centre' with the objective 'Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities'.

10.2.2. Having regard to the fact that residential use is permitted in principle under the TC zoning and to the previous An Bord Pleanála decision to grant permission for the same development under PL06F.247727, I consider the proposal for 3 no. residential dwellings to be acceptable in principle and in general compliance with national to local urban consolidation and compact growth policy, subject to the detailed considerations below.

### **10.3. Design and Impact on ACA**

10.3.1. I note that the design of the applicant's current scheme is essentially identical to the RFI proposal permitted in 2017 under PL06F.247727, which was acceptable to the PA notwithstanding its location within the Lusk ACA. This design (common to both proposals) comprises of a roof ridge height of c. 7m, and eaves height of c. 3.9m and box-type recessed dormer windows of a contemporary design character. In this regard, I note the PA in their report of 06/12/2016 (in which they recommended a grant) stated that "the proposed houses are considered to be visually acceptable. The use of dormer units with a relatively low ridge height of 7m will ensure that they are not visually obtrusive". In the same report, in respect to the (revised) recessed design of

the dormer windows proposed at RFI stage, the PA determined this approach to be acceptable.

- 10.3.2. Notwithstanding the foregoing, in their report of 07/07/2025 the PA recommended a refusal on the scheme proposed under P.A. Ref. F25A/0023. This was on the basis of the current proposal's excessive visibility, discordant design form and visual impact on the character of the local area, arising from its height and dormer window design, which they determined gave rise to a material contravention of Table 14.24 (Direction for Proposed Development within Architectural Conservation Areas) of the current FDP. I note that this table is identical to Table 12.11 in the previous 2017 - 2023 Fingal Development Plan in terms of policy guidance on new build in ACAs.
- 10.3.3. The appeal site is located in the Lusk ACA with FDP Appendix 5, which provides details on Fingal's ACAs, stating that the special character of this ACA is formed by its single and 2-storey houses and diversity of building types and materials.
- 10.3.4. The appeal site also forms part of an existing urban area whose established character is undergoing transition on account of recent infill development activity (including the 2 no. 2-storey dwellings currently under construction on the corner site adjoining the development site under P.A. Ref. F25A/0178E). I consider this process has given rise to a wide variety of housing forms, heights and designs and to an evolution in what constitutes the existing local vernacular a process which is evidenced in my site inspection photos.
- 10.3.5. In respect to new build proposals, the policy requirements of Table 14.24 are set out below.

<b>ACA Policy Guidance: 'Development Proposals for new build'</b>	
<i>"Need to follow a sensitive design approach that respects the established character of the ACA in terms of:</i>	
<i>Scale/ Massing/ Bulk</i>	The proposed scale, mass, bulk and height of the 3 no. 2-storey dwellings is reflective of existing dwellings fronting Post Office Road and Saint Joseph's Avenue and also of more recent infill dwellings in the ACA as detailed in paragraph 10.3.4 and evidenced in site inspection photos.

<i>Plot Sizes</i>	There are a wide variety of plot sizes in the Lusk ACA and the proposed plot sizes are reflective of some of those visible in the immediate area – for example to the south on Post Office Road which also comes within ACA.
<i>Proportions</i>	The proportions and design character of the 3 no. dwellings are reflective of the proportions of other 2-storey townhouses in the ACA and are also in-keeping with that of other recent infill dwellings as detailed in paragraph 10.3.4 and evidenced in site inspection photos.
<i>Materials</i>	There is a wide variety of materials evident in the ACA and I draw the Commission's attention to my site inspection photos in this regard. Notwithstanding, where the Commission or of a different view, I note that the CO sought that the colour scheme and quality of the materials be agreed with the PA by condition.
<i>...of the adjoining buildings to the development site. Direction can be taken from traditional forms and dimensions that are then expressed in a contemporary manner or with contemporary elements rather than an exact copy of a historic building style.</i>	
<i>Where a totally contemporary design approach is taken the detailing, materials and overall design must be carefully handled and of a high quality to ensure the proposal does not compromise the integrity and character of the area".</i>	The overall design of the 3 no. dwellings is relatively in-keeping with that of other contemporary infill residential development in the area and whilst their recessed dormer windows are more contemporary in terms of their design, I consider they are not out of character with the varied existing local vernacular which features a wide variety of roof profiles.

10.3.10. On the basis of the foregoing considerations, and having regard to the planning history and backland location of the site which ensures it is not visible from the public realm,

I am satisfied that the design of the infill proposal will not give rise to visual discordance, to a negative visual impact on the character of the area or, to a material contravention of FDP Table 14.24.

#### **10.4. Other Matters**

##### Residential Standards

10.4.1. The PA were satisfied as to the proposal's compliance with policy guidance on private open space, floor areas and layouts etc. as required in accordance with FDP Objective DMSO19. Having reviewed the proposal against the stated housing quality requirements for 4-bedroom houses detailed in the 2007 and 2024 Housing and Compact Settlement Guidelines, I am also satisfied that proposal complies with same.

10.4.2. Objective DMSO26 requires a separation of at least 2.3m between the side walls of units in order to provide for the amenity/ functionality of the proposed dwellings. Whilst all units fall short of this quantitative requirement, I do note that the wording of this objective allows for a reduction on a case-by-case basis in respect to brownfield development such as that proposed. On this basis, I consider the shortfall acceptable.

##### Play Facilities

10.4.3. The PA, in their response, sought the payment of contribution in lieu of play facilities be applied where a shortfall in same is identified. FDP Section 14.13.3.2 (Playground Facilities) requires provision of same in schemes in excess of 50 no. units only and, as such, does not apply in this instance given the proposal is for 3 no. units.

##### Bonds

10.4.4. The PA in their response to the appeal sought that the Commission attach relevant conditions in respect to cash security/ bond and tree bond. Having regard to my site inspection, I do not consider that a tree bond is warranted.

##### Outstanding Issues

10.4.5. Whilst not raised in the PA's refusal reasoning or by the GOA, the following matters were raised by Prescribed Bodies or by the PA's own technical departments and are required to be addressed and closed off before a decision on the appeal can be made.

##### *Public Open Space*

- 10.4.6. The issue of the non-provision of public open space on the site was raised by the PA's Parks and Green Infrastructure Division who sought that the applicant provides a financial contribution in lieu of what they estimate to be a 263sq.m shortfall in same. This requirement is reiterated by the PA in their response to the appeal.
- 10.4.7. Section 14.6.5 (Open Space Serving Residential Development) states that appropriate provision must be made for public open space within all new multi-unit residential developments. Objective DMSO52 states that public open space shall be provided in accordance with Table 14.12 (Recommended Quantitative Standards) which in turn requires a minimum of 12% of infill/ brownfield residential development sites to be given over to this use. Whilst I consider that the non-provision of public open space on the appeal site materially contravenes this quantitative policy requirement, I note that Table 14.6 (Open Space Categories) in the same Section 14.6.5 states that *"In all instances where public open space is not provided a contribution under Section 48 will be required for the short fall"*.
- 10.4.8. In these circumstances and given the small scale and backland location of the appeal site together with its proximity to local parks such as that at Racecourse Common to the north-east, I consider this material contravention and the payment of a contribution in lieu of the provision of public open space on site to be acceptable in this particular instance.

#### *Drainage/ Water Services*

- 10.4.9. The applicant states on their planning application form that a new connection to the public mains is proposed whilst an existing connection to the public sewer will be utilised for the purposes of foul drainage. In this regard, Uisce Eireann (UE) in their submission of 29/01/2025 sought FI requiring the applicants to submit a pre-connection inquiry in order to assess the feasibility to accommodate these new water and waste water connections. However, the PA did not include this requirement as part of their RFI.
- 10.4.10. I have consulted the UE Wastewater Treatment Capacity Register and Water Supply Capacity Register for Fingal and have determined that there is capacity available. On this basis, I am satisfied that the scheme's proposed foul drainage and water supply arrangements are matters capable of being addressed by the attachment of conditions where the Commission are minded to grant permission.

#### *Public Lighting*



10.4.11. The applicant did not provide any detail in regard to public lighting and the PA's Public Lighting Section sought that the matter be addressed by condition. I consider this to be a minor matter that is capable of being addressed by condition where the Commission are minded to grant permission.

#### *Part V*

10.4.12. The applicant has not provided a certificate of exemption from their Part V obligations despite this issue being raised by the PA at FI stage. Compliance with Part V social housing requirements falls within the remit of the planning authority and given that the application was deemed valid by the PA, this matter need not concern the Commission for the purposes of this appeal.

#### New Issues

##### *Impact on Neighbouring Residential Amenity*

10.4.13. I note that the PA did not raise an issue in respect to the impact of the proposal on existing residential amenities. Having reviewed the design and siting of the proposal I am satisfied that it is fully compliant with Section 14.6.6.3 and Objective DMSO23 in respect to separation distances and I consider that it does not have the potential to give rise to unacceptable overbearance, overlooking, visual intrusion or overshadowing on adjoining properties at this location.

##### *Cycle Parking*

10.4.14. Whilst the issue of cycle parking was not raised by the PA in their refusal reasoning or in the GOA, the PA did note that they were satisfied that secure bicycle parking could be provided via direct access to the dwelling's private rear gardens.

10.4.15. A total of 6 no. cycle parking spaces per unit are required in compliance with Table 14.17 (Bicycle Parking Standards). Whilst the proposal does not provide for any cycle parking, I do not consider this to be a material contravention of the FDP on account of the wording of Objective DMSO109 which seeks to ensure bike parking provision in accordance with Table 14.17 where feasible.

10.4.16. In light of the foregoing, I consider that the provision of FDP compliant cycle parking in the dwelling's rear gardens can be addressed by condition where the Commission are minded to grant permission.

##### *Archaeology*

10.4.17. The site comes within the Zone of Archaeological Notification for Lusk. Therefore, on account of the site's archaeological potential, I recommend the attachment of an pre-development archaeological testing condition where the Commission are minded to grant permission.

## **11.0 AA Screening**

11.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites, specifically Rogerstown Estuary SPA (Site Code 004015), Rogerstown Estuary SAC (Site Code 000208), North-West Irish Sea SPA (Site Code 004236) and Rockabill to Dalkey Island SAC (Site Code 003000), in view of these sites' Conservation Objectives, and Appropriate Assessment (and submission of an NIS) is not therefore required.

11.2. This determination is based on:

- The relatively minor nature of the development.
- The location-distance from the nearest European Site and lack of connections.
- Taking into account the appropriate assessment screening undertaken by PA.

11.3. 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.

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

## **12.0 Recommendation**

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

## **13.0 Reasons and Considerations**

Having regard to the zoning of the site, 'TC – Town and District Centre' with the objective 'Protect and enhance the special physical and social character of town and

district centres and provide and/or improve urban facilities', to the planning history of the site, to the planning policies, objectives and development standards of the Fingal Development Plan 2023-2029 and specifically to Table 14.24 (Direction for Proposed Development within Architectural Conservation Areas), and to the nature, scale and design of the proposed development relative to the existing pattern and character of development in the Lusk Architectural Conservation 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 architectural or vernacular character of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 14.0 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 information received by the planning authority on the 11 <sup>th</sup> June 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. <b>Reason:</b> In the interest of clarity.
2.	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. <b>Reason:</b> In the interest of the visual amenities of the area.
3.	(a) Landscaping works shall be implemented in the first planting season following substantial completion of construction works. Any failed planting shall be replaced as necessary until fully established.  (b) Any hedge or tree management works, including pruning or trimming, must be carried out strictly outside the bird nesting season. <b>Reason:</b> To protect the amenities of the area.
4.	The developer is required to provide 6 no. cycle parking spaces per unit in compliance with Table 14.17 (Bicycle Parking Standards) of the Fingal Development Plan 2023-2029. Provision for same shall be made in the rear garden of each dwelling unit. <b>Reason:</b> in the interests of active travel and sustainable mobility.
5.	The following requirements shall be complied with in full; a. No surface water / rainwater is to discharge into the foul water system under any circumstances.

	<p>b. The surface water drainage must be in compliance with the Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0, FCC, April 2006.</p> <p>c. Permeable paving shall comply with BS 75330-13:2009.</p> <p>d. An allowance of +20% shall be made in respect to the drainage design in order to account for climate change.</p> <p><b>Reason:</b> In the interests of public health and in order to ensure adequate drainage provision.</p>
6.	<p>Comprehensive details of the proposed public lighting system to serve the development 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 public safety, biodiversity and visual amenity.</p>
7.	<p>(a) The applicant is asked to submit a Pre-Connection Enquiry to Uisce Éireann (UE) for a new water connection to ascertain the feasibility of connecting to the UE network. Evidence of Confirmation of Feasibility from Uisce Éireann for proposed water connection shall be submitted to the planning authority as soon as possible.</p> <p>(b) The applicant shall sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.</p> <p>(c) All development shall be carried out in compliance with Irish Water Standards codes and practices.</p> <p>(d) Any proposals by the applicant to divert or build over existing water or wastewater services shall be submitted to Irish Water for written approval prior to works commencing.</p> <p>(e) Separation distances between the existing Irish Water assets and proposed structures, other services, trees, etc. have to be in accordance with the Irish Water Codes of Practice and Standard Details.</p> <p><b>Reason:</b> To ensure adequate provision of water and wastewater facilities.</p>
8.	<p>All development shall be carried out in compliance with Uisce Éireann's Standard Details and Codes of Practice. Uisce Éireann does not permit Build Over of its assets. Where the applicant proposes to build over or divert existing water or wastewater services the applicant shall have received written Confirmation of Feasibility (COF) of Diversion(s) from Uisce Éireann prior to any works commencing.</p> <p><b>Reason:</b> To provide adequate water and wastewater facilities.</p>
9.	<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>
10.	<p>All service cables associated with the proposed development (such as electrical, public lighting, telecommunications and communal television) shall be located underground.</p> <p><b>Reason:</b> In the interests of visual amenity and orderly development.</p>

11.	<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 Coimisiún 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>
12.	<p>The developer shall pay to the planning authority a financial contribution in lieu of the identified shortfall of c. 263sq.m in the public open space requirement and 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> <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>
13.	<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 Coimisiún 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.

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Emma Gosnell  
Planning Inspector  
3<sup>rd</sup> November 2025

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ACP-323160-25
<b>Proposed Development Summary</b>	Construction of 3 dwellings with all associated site works.
<b>Development Address</b>	Site to Rear of existing house on Chapel Road, Lusk, Co. Dublin, K45NF79.
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (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.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	

<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	Part 2, Class 10(b)(i) Infrastructure – dwelling units – 500 units. Proposal is for 3 no. dwelling units.  Part 2, Class 10(b)(iv) - Urban development – 10 hectares (built-up area). Site is c. 0.17 ha.

<b>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)?</b>	
Yes <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
No <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

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

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	ACP-323160-25
<b>Proposed Development Summary</b>	Construction of 3 dwellings with all associated site works.
<b>Development Address</b>	Site to Rear of existing house on Chapel Road, Lusk, Co. Dublin, K45NF79.
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b> (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste,	The development is for 3 no. dwelling houses and related works and it comes forward as a standalone project, and it does not involve the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or



pollution and nuisance, risk of accidents/disasters and to human health).	disaster, or is vulnerable to climate change. It presents no risks to human health.
<b>Location of development</b> (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<p>The development is situated on a brownfield backland/ infill site located to the rear of an existing residential dwelling in Lusk, Co. Dublin.</p> <p>Tributaries of the Palmerstown River are located c. 350m away to the north-east and south-west. These watercourses provide very indirect hydrological links to Rogerstown Estuary SPA (Site Code 004015), Rogerstown Estuary SAC (Site Code 000208), North-West Irish Sea SPA (Site Code 004236) and Rockabill to Dalkey Island SAC (Site Code 003000). However, it is considered that there is no pathway from the appeal site to this river as per Section 11 of the Inspector's Report (AA Screening).</p> <p>The development is removed from sensitive natural habitats, dense centres of population and designated sites identified significance in the County Development Plan.</p> <p>The site's location within the Lusk ACA is dealt with as part of the Planning Assessment in the main body of the Inspector's Report.</p>
<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).	Having regard to the nature of the proposed development, its location removed from sensitive habitats/ features; likely limited magnitude and spatial extent of effects; and, absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
<b>There is no real likelihood of significant effects on the environment.</b>	<b>EIA is not required.</b>

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

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

(only where Schedule 7A information or EIAR required)

## Appendix 2 – AA Screening Determination

### Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the proposal comprising of the construction of 3 no. dwellings with all associated site works at Chapel Rod, Lusk, Co. Dublin in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located:

- c. 2.4km from Rogerstown Estuary SPA (Site Code 004015)
- c. 2.4km from Rogerstown Estuary SAC (Site Code 000208)
- c. 5.5km from North-West Irish Sea SPA (Site Code 004236)
- c. 6.5km from Rockabill to Dalkey Island SAC (Site Code 003000).

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:

- Small scale nature of works/ development
- Location-distance from nearest European site and lack of connections
- Taking into account screening report/ determination by PA.

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.

### **Appendix 3**

#### **Screening the need for Water Framework Directive Assessment Determination**

The appeal site is located off Chapel Road in Lusk, Co. Dublin.

Tributaries of the Palmerstown River are located c. 350m away to the north-east and south-west of the appeal site.

The proposal comprises of the construction of 3 no. dwellings with all associated site works – see Section 2.0 of Inspector's Report for further details.

No water deterioration concerns were raised in the planning appeal.

I have assessed the proposal for permission (described above) on this backland site at Chapel Road, Lusk, Co. Dublin and I have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water 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:

- The de-minimus small scale nature and scale of the proposal.
- The location-distance from nearest water bodies, intervening land use and/or lack of hydrological connections.

#### **Conclusion**

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.