



An
Coimisiún
Pleanála

Inspector's Report

PL-500881-DF-26

Development

Permission for the demolition of an existing two-storey public house and construction of a part four, part five storey flat roofed mixed use building comprising of thirty nine apartments, ground floor commercial/retail unit, private amenity space, communal amenity space, 122 bicycle parking spaces, refuse storage, plant rooms and ESB substation, landscaping, SuDS drainage, boundary treatments, all associated site services, site infrastructure and associated site development works.

Location

The Estuary, Townparks, North Street, Swords, Co. Dublin.

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F25A/1120E

Applicant

Kavco Estuary Project Ltd.

Type of Application	Permission
Planning Authority Decision	Refuse planning permission
Type of Appeal	First Party(s) v Decision
Appellant	Kavco Estuary Project Ltd.
Observer(s)	Ciarán & Karen Barry
Date of Site Inspection	28 th day of May 2026
Inspector	Fergal Ó Bric

1.0 Site Location and Description

1.1 The appeal site has a stated area of 0.1053 hectares and is located at the junction of North Street and the Balheary Road approximately eight hundred metres north of Swords Main Street and town centre. The subject site is located on the western side of North Street and the southern side of the Balheary Road, a link road connecting North Street with the R125-Swords to Ashbourne regional route.

1.2 The appeal site is broadly rectangular in shape and comprises a vacant public house known as 'The Estuary' which has a number of auctioneer signs affixed to the front and side elevations stating that the site has been sold. The public house faces onto North Street and sides on to the Balheary Road. There is a pedestrian walkway immediately south of the subject site which is an access way to the Swords Community Park. To the north and west of the site is a surface car park which has fifteen car parking spaces. To the west of the application site are three single storey dwellings on generous plot sizes which face towards and access directly onto the Balheary Road. On the opposite side of the Balheary Road is a part three and part four storey mixed use commercial and residential development known as 'St Fintans'. On the opposite (eastern) side of North Street are three dwellings, two single storey and one dormer dwelling and a single storey funeral home. To the south-east of the subject site on the opposite side of North Street is the Carnegie Court hotel and apartments, which have building heights of three and four storeys.

1.3 Site boundaries comprise a block boundary wall (with an approximate height of 1.8 metres) to the west backing onto the adjoining single storey dwelling that faces onto the Balheary road, the site is open to the south as this is the access to the surface car park, a two metre boundary wall along the northern boundary along the pedestrian walkway access to the adjacent community park. There is a two-metre wide footpath and streetlighting along the along the street frontage along North Street and the Balheary Road. The topography of the site is consistent with that of the adjoining public street/road.

1.4 There are two bus stops serving bus routes 33, 33A, 33B, 33E, 41C, 41X, 43, 101, 500, 501 and 503) located proximate to the appeal site, outside of the Carnegie Court Hotel approximately 60 metres south-east of the appeal site one on the

opposite side of North Street, along the street frontage of the Carnegie Court Hotel connecting Swords with Dublin City Centre with stated frequencies of every eight minutes at peak morning and evening times and the other bus-stop on the near side of North Street connecting Swords with the coastal villages of Malahide and Portmarnock. There is a public footpath and street lighting along the appeal site road frontage leading towards Dublin city.

2.0 Proposed Development

2.1 The development as proposed would comprise.

- Permission for the demolition of existing two-storey public house,
- Construction of a part four, part five storey flat roofed mixed-use building comprising of thirty-nine apartments, 25 x one bed units and 14 x 2 bed units.
- A ground floor commercial/retail; unit,
- Private amenity space and communal amenity space,
- 122 bicycle parking spaces comprising 94 standard secured bicycle spaces, 8 no. cargo bicycle spaces within an internal store and 20 no. standard visitor bicycle spaces within the courtyard at ground floor level,
- Provision of refuse storage, plant rooms and ESB substation at ground floor level,
- All ancillary works including landscaping, SuDS drainage, boundary treatments, all associated site services, site infrastructure and associated site development works.

2.2 The planning application was accompanied by the following reports/studies.

- Planning statement
- Preliminary construction and demolition waste management plan
- Site Specific Flood Risk assessment
- Apartment Quality Assessment,

- Daylight/Sunlight Report
- AA Screening Report
- Design Statement
- Engineering Services Reports.
- Landscape rationale Report
- Traffic and Transportation Assessment Report including Mobility Management Plan.
- Building lifecycle Report
- Landscape masterplan
- Contextual elevation plans
- Photomontages

2.3 The Planning Authority carried out an Appropriate Assessment (AA) screening exercise and concluded 'It is considered that there is no likelihood of significant effects on any European sites during the construction or operation of the proposed project, and it is further considered that there are no other plans or projects that will act in combination with the proposed project to have a significant effect on European sites. It is considered that the proposed project, individually or in-combination with other plans or projects, will not have a significant effect on any European site(s)'.

2.4 The Planning Authority carried out a preliminary Environmental Impact Assessment (EIA) screening exercise and concluded 'The proposed development is not listed in Schedule 5 (part 1 or Part 2) of the Planning and Development Regulations 2001 m, as amended, nor does the proposed developmnt meet the requirements for sub-threshold EIA as outlined in Section 103 of the Planning and Development Regulations , as amended. No Environmental Impact Assessment (EIA) is, therefore, required for the proposed development'.

3.0 Planning Authority Decision

The Planning Authority issued a Notification of Decision to refuse planning permission on the 4th day of February 2026 for five reasons as follows:

1-Having regard to the pattern of development in the area and the stated density of 370 units per hectare, the proposed development represents over-development of a restricted site and would impact negatively on the residential amenity of future occupants. The proposed development would be contrary to the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024) and the proper planning and sustainable development of the area.

2-By reason of the design, layout, height, scale, massing, impact to existing neighbouring properties and location on this prominent site of restricted size and configuration, the proposed development of a 4-5 storey apartment block would be unduly obtrusive and out of character with the pattern of development in the area. The proposed development would seriously injure the amenities of the area and neighbouring properties and would be contrary to the proper planning and sustainable development of the area.

3-The proposed development would be contrary to the Quality Housing for Sustainable Communities Guidelines (2007) and the Sustainable urban Housing Standards for New Apartment Guidelines (2025) in relation to the provision of usable kitchen/living/dining areas and storage space for the apartment units.

4-Having regard to the orientation and proximity of the proposed balconies on the north-west elevation, specifically unit numbers 12, 21, 30 and 37, the proposed development would give rise to significant overlooking of the adjacent neighbouring properties which would be harmful to residential amenity. The proposed development would be contrary to the proper planning and sustainable development of the area.

5-Policy CAP 8 of the Fingal County Development Plan 2023-2029 advises 'to support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible. Having regard to the lack of adequate information supplied with the application in the form of a Demolition Justification Report, the

proposed development would be contrary to this policy and the proper planning and sustainable development of the area.

3.1 Planning Authority Reports

Planning Report

The report of the Planning Officer recommended a refusal of planning permission consistent with the Notification of Decision which issued.

3.2 Other Technical Reports

Architects Department; Issues raised with regard to the scale, height, massing, layout and height of the proposals

Water Services: No objections, subject to conditions

Transportation Department: Further information recommended

Environment Section (waste enforcement and Regulation, management)- Further information recommended.

Parks Department: Further information recommended.

Housing Department: No objections, subject to conditions.

Air & Noise: Further information recommended.

Public Lighting: Further information recommended.

3.3 Prescribed Bodies

Uisce Eireann-No objections, subject to conditions.

3.4 Third Party Observations

The report of the Planning Officer summarises the main issues raised in the third-party observations as follows:

- An excessive height and scale is proposed relative to the surrounding context,
- Development would be out of character in this area,

- The proposals represent over-development of the subject site,
- Proposals would be contrary to the provisions of the current Fingal County Development Plan 2023-2029.
- Overlooking of neighboring properties
- Overbearance and overshadowing of neighboring properties,
- Loss of daylight/sunlight to neighbouring properties,
- Proposals would be contra to the provisions of the Swords Masterplan,
- Insufficient on-site car parking proposals,
- The development would generate significant traffic movement,
- Adverse impact upon the existing neighbouring commercial uses within the settlement of Swords,
- Increased noise and disturbance especially during the construction period,
- Impact upon the adjacent protected structures,
- Adverse impact upon the Swords Castle cultural quarter,
- Insufficient access for emergency services.

4.0 Planning History

Appeal Site:

Planning Authority Ref. F04A/0734-Planning permission granted for a 17 sq. m kitchen and storeroom extension.

Planning Authority Ref. F00A/0049-Planning permission granted for the demolition of a lounge area, provision of a cellar. erection of single and two-storey lounge and alteration of public bar frontage.

Lands in Vicinity

Lands to the north-east

Planning Authority. Ref. no. F01A/1019-Permission granted for a mixed-use development on the site of Swords Motors, North Street Swords. The development comprised on 97 basement car parking spaces, 8 no. on-street parking spaces, 750 sq. m of retail ground floor space, 1,100 sq. m of office space on part of ground floor, first floor and part second floor and 11 no. apartments. This is the St. Fintans mixed use developmmt located on the opposite (northern) side of the Balheary Road from the subject site.

5.0 Policy Context

5.1 Development Plan

The Fingal County Development Plan (FCDP) 2023-2029 came into effect on the 4th day of January 2023 and is the relevant Development Plan.

Swords is designated as a 'Key town' within the County Settlement Strategy. The Core Strategy estimates that the population range in Fingal will grow by between 37,980 persons and 62.980 persons and the population within the County will grow to a figure of between 334,00 and 359.000.

The appeal site is zoned 'Major Centre' (MC) under the Fingal County Development Plan 2023 – 2029, with an objective 'to protect, for and/or improve major town centre facilities'. The vision for MC lands is 'To further develop these towns by densification of appropriate commercial and residential developments ensuring a mix of commercial, recreational, civic, cultural leisure, residential uses and urban streets while delivering quality urban environment which will enhance the quality of life for residents, visitors and workers alike'.

The provisions within the Fingal County Development Plan 2023-2029 considered relevant to this assessment are as follows:

Chapter 2-Planning for Growth-Core Strategy, Settlement Strategy

Policy CSP1 – Core Strategy

Promote and facilitate housing and population growth in accordance with the overarching Core Strategy to meet the needs of current and future citizens of Fingal

Policy CSP14 – Consolidation and Re-Intensification of Infill/Brownfield Sites

Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built-up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

Policy CSP15 – Compact Growth and Regeneration

Support the implementation of and promote development consistent with the National Strategic Outcome of Compact Growth as outlined in the NPF and the Regional Strategic Outcome of Compact Growth and Regeneration as set out in the RSES.

Objective CSO17 – Mixture of House Types

Promote high quality residential development which meets the needs of all stages of the life cycle through an appropriate mix of house type and local amenities.

Policy CSP19 – Compact, Sequential and Sustainable Urban Growth

Promote compact, sequential and sustainable urban growth to realise targets of at least 50% of all new homes to be built, within or contiguous to the existing built-up area of Dublin city and suburbs and a target of at least 30% for other metropolitan settlements, with a focus on healthy placemaking and improved quality of life.

Policy CSP26 – Consolidation and Growth of Swords

Promote and facilitate the long-term consolidation and growth of Swords as a Key Town including the provision of key enabling public transport

infrastructure, including MetroLink and Bus Connects, in accordance with the relevant provisions of the NPF, RSES and the MASP.

Chapter 3-Sustainable Placemaking and Quality Homes

Policy SPQHP35 – Quality of Residential Development

Promote a high quality of design and layout in new residential developments at appropriate densities across Fingal, ensuring high-quality living environments for all residents in terms of the standard of individual dwelling units and the overall layout and appearance of developments. Residential developments must accord with the standards set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG 2009 and the accompanying Urban Design Manual – A Best Practice Guide and the Sustainable Urban Housing; Design Standards for New Apartments (DHLGH as updated 2020) and the policies and objectives contained within the Urban Development and Building Heights Guidelines (December, 2018). Developments should be consistent with standards outlined in Chapter 14 Development Management Standards.

Objective SPQHO31 – Variety of Housing Types

Encourage the creation of attractive, mixed use and sustainable residential communities which contain a wide variety of housing and apartment types, sizes, tenures and typologies in accordance with the Fingal Housing Strategy, the HNDA with supporting community facilities, amenities and services.

Objective SPQHO37-Residential Consolidation and Sustainable Intensification.

Policy SPQHP38 – Compact Growth, Consolidation and Regeneration

Promote compact growth in line with the NPF and RSES through the inclusion of specific policies and targeted and measurable implementation measures that: "

- Encourage infill/brownfield development,

- Focus growth on the County's designated strategic development areas identified in the Metropolitan Area Strategic Plan,
- Promote increased densities along public transport corridors.

Objective SPQHO39 – New Infill Development

New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.

Objective SPQHO42-Development of underutilised infill, corner and backland sites

Chapter 8-Dublin Airport

Table 8.1 Aircraft Noise Zones

The subject site is located within Noise Zone D:

'To identify noise sensitive developments which could potentially be affected by aircraft noise and to identify any larger residential developments in the vicinity of the flight paths serving the Airport in order to promote appropriate land use and to identify encroachment. All noise sensitive development within this zone is likely to be acceptable from a noise perspective. An associated application would not normally be refused on noise grounds, however where the development is residential-led and comprises non-residential noise sensitive uses, or comprises 50 residential units or more, it may be necessary for the applicant to demonstrate that a good acoustic design has been followed. Applicants are advised to seek expert advice'.

Chapter 14, includes development management standards and guidelines, the following are of particular relevance to this assessment:

- Objective DMSO1-Screening for Appropriate Assessment,
- Objective DMSO2-Screening for EIA,

- Objective DMSO5-Design Statement,
- Section 14.4.2-High Quality Urban Design
- Section 14.5.1-Achieving consolidation
- Table 14.3-Brownfield Opportunities and Regeneration

The Planning Authority will seek to ensure that the following parameters are incorporated into proposals for the redevelopment of brownfield sites, regeneration sites and areas of renewal to ensure consolidated development in Fingal's town and village settlements.

- Encourage development which provides for a quality design aesthetic which respects and enhances its context and integrates with its surroundings.
- Development proposals shall respect the architectural character of their surroundings and contribute to the enhancement of the public realm.
- Encourage utilisation of brownfield sites within the built-up footprint of existing settlements.

- Table 14.4: Infill Development

Infill Development presents unique opportunities to provide bespoke architectural solutions to gap sites and plays a key role in achieving sustainable consolidation and enhancing public realms. Proposals for infill development will be required at a minimum to:

- Provide a high-quality design response to the context of the infill site, taking cognisance of architectural form, site coverage, building heights, building line, grain, and plot width.
- Examine and address within the overall design response issues in relation to over-bearance, overlooking and overshadowing.
- Respect and compliment the character of the surrounding area having due regard to the prevailing scale, mass, and architectural form of buildings in the immediate vicinity of the site.

- Provide a positive contribution to the streetscape including active frontage, ensuring that the impacts of ancillary services such as waste management, parking and services are minimised.

- Section 14.5.2-Building Density

The Plan promotes compact growth and consolidation of Fingal's large urban areas, towns and villages and will support appropriate densities as expressed in national and regional policies NPF, RSES and the Section 28 Guidelines. In complying with national guidance

- Section 14.6-Design criteria for residential development,

- DMSO19-New residential development,

- DMSO20-Schedule of accommodation,

- DMSO21-Floor plans for residential development,

-Section 14.6.5-Open Space Serving Residential Development

-Table 14.6-Open Space Categories Open Space

Public open space is accessible to the public at large and in general is intended to be 'taken-in charge' by the Local Authority, but in certain circumstances may be privately managed. Appropriate provision must be made for public open space within all new developments. In all instances where public open space is not provided a contribution under Section 48 will be required for the short fall. (Target minimum amount of 15% except in cases where the developer can demonstrate that this is not possible, in which case the 12% to 15% range will apply).

- Section 14.7-Apartment Development Standards

- Section 14.8.1-Floor Areas,

- Section 14.8.2-Separation Distances,

5.2 National Policy

National Planning Framework 'Project Ireland 2040'-First Revision- 2025

- The NPF sets out a targeted pattern of growth for Eastern and Midlands Region of 470,000 additional people between 2022 and 2040 (c. 690,000 additional people over 2016-2040) i.e. a population of almost 3 million;

Relevant Policy Objectives include:

- National Policy Objective 7 Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth⁸⁴.
- National Policy Objective 8 Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth.
- National Policy Objective 12 Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being
- National Policy Objective 43: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 45: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

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

Section 4.4-Key Indicators of Quality Design and Placemaking

Responsive Built Form- Placing an emphasis on the creation of a coherent urban structure and design approach that responds to local character and is attractive.

- New development should respond in a positive way to the established pattern and form of development and to the wider scale of development in the surrounding area. The height, scale and massing of development in particular should respond positively to and enhance the established pattern of development (including streets and spaces).
- The urban structure of new development should strengthen the overall urban structure and create opportunities for new linkages where possible.
- Buildings should generally present well-defined edges to streets and public spaces to ensure that the public realm is well-overlooked with active frontages.
- New development should embrace good modern architecture and urban design that is innovative and varied, and respects and enhances local distinctiveness and heritage.

SPPR 1 - Separation Distances. It is a specific planning policy requirement of these Guidelines that statutory development plans shall not include an objective in respect of minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level.

SPPR 2 - Minimum Private Open Space Standards for Houses. It is a specific planning policy requirement of these Guidelines that proposals for new houses meet the following minimum private open space standards:

- 1 bed house 20 sq.,
- 2 bed house 30 sq.,
- 3 bed house 40 sq.,
- 4 bed + house 50 sq.

Semi-private open space is distinct from public open space. While there is no requirement to provide semi-private open space for a house, these Guidelines provide an option under SPPR 2 to provide semi-private open space in lieu of private open space as part of a more flexible design approach. Semi-private spaces shall be for the exclusive use of the residents of a housing development and be directly accessible and integrated into the development. They should be secure and usable spaces with a range of suitable landscape features to meet the needs of intended residents.

Policy and Objective 5.1 - Public Open Space

It is a policy and objective of these Guidelines that statutory development plans include an objective(s) relating to the provision of public open space in new residential developments (and in mixed-use developments that include a residential element). The requirement in the development plan shall be for public open space provision of not less than a minimum of 10% of net site area and not more than a minimum of 15% of net site area save in exceptional circumstances.

SPPR3: It is a specific planning policy requirement of these Guidelines that:

- (i) In city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (table 3.1 and 3.2) car-parking provision should be minimised, reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the Planning Authority, shall be 1 no. space per dwelling.

Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2025).

The Guidelines issued in July 2025 contain five Specific Planning Policy Requirement (SPPR's) in relation to quantitative and qualitative standards that are required to be provided for within all apartment developments. The SPPR's relate to the following:

SPPR1: Apartment Mix.

SPPR2-Minmim Floor area-45 sq. m for one bed apartments and 73 sqm for 2 bed apartments.

SPPR3: Dual Aspect ratios

SPPR4: Floor to ceiling heights:

SPPR5-Stair/Lift core ratios

5.3. Ministerial Guidelines

Having regard to the nature of the proposed development and to the location of the appeal site, I consider the following Guidelines to be pertinent to the assessment of the proposal.

- Design Manual for Urban Roads and Streets (2019).
- Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities, 2010.

5.4 Natural Heritage Designations

- North Malahide Estuary SAC (Site Code: 000205) is located approximately eight hundred metres north-east of the appeal site.
- Malahide Estuary SPA (Site Code: 004025), is located approximately nine hundred metres north-east of the appeal site.

5.5 EIA Screening

(See Form 1 and Form 2 included as appendices at the end of this report). Having regard to the limited nature and scale of development on an underutilised brownfield site and the absence of any significant environmental sensitivity in the vicinity of the site, as well as the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1 Grounds of Appeal

A first party appeal by the applicants against the decision of the Planning Authority to refuse planning permission for the proposed mixed-use development has been received by the Coimisiún. The issues raised in the appeal can be summarised as follows:

Principle of Development:

- The subject site is zoned Major Town centre within the current Fingal County Development Plan (FCDP) 2023-29.
- Intensification of development on a centrally located town centre site is not merely permissible but anticipated and encouraged.
- The subject site comprises a vacant former public house and surface car park and occupying a prominent corner position at the junction of North Street and the Balheary Road.
- The site is serviced, accessible and embedded within the urban fabric of Swords town centre.
- The site represents an underutilised brownfield opportunity site, and its redevelopment is supported by national and local planning policy in order to avoid further peripheral expansion.
- Proposals would be consistent with the National Planning Framework, and specifically a number of the NPO's, NPO 4 in terms of targeting 50% of new homes in the Five major cities including Dublin and NPO 45 in terms of increasing residential density in settlements through measures including infill development schemes and increased building heights
- The proposal represents an efficient and sustainable use of underutilised urban land, would deliver much needed housing supply in a strategic metropolitan town and contribute positively to the evolving townscape within Swords.

Density, Design and layout:

- The PA conclusion that the proposal at a density of 370 units per hectare and represents overdevelopment is not supported when assessed against the statutory planning framework, specifically as set out within the Sustainable Urban housing Design Standards for New Apartment Guidelines (AG's) 2025.
- The stated density arises from the permissive flexibility within the AG.s and is not in itself determinative of overdevelopment.
- When assessed in terms of built form, site capacity, compliance with the mandatory SPPR;s, dual aspect provision, daylight performance and overall residential amenity, the development does not constitute overdevelopment for a centrally located major town centre site.
- A units per hectare metric is highly sensitive to unit mix. One bedroom apartment units accommodate fewer persons per units than larger units.
- The 2025 Apartment Guidelines permit a greater proportion of one-bedroom units, the number of units increases without necessarily increasing the building envelope, the height or massing or the intensity of built form.
- The numerical density figure can increase significantly while the physical and functional intensity of the development remains substantially unchanged.
- SPPR1 within the Apartment Guidelines 2025 sets out that 'there will be no restrictions within statutory plans in relation to the mix of unit sizes or types and no minimum or maximum requirements for apartments with a certain number of bedrooms.
- The correct test for density is not whether the 370 units per hectare figure appears high when considered in isolation but whether the development represents an appropriate response to its town centre context and whether it would deliver an acceptable urban design and quality residential outcomes.

- The Fingal County Council (FCC) Planners report confirms compliance with SPPR,s 1-5 within the Apartment Guidelines 2025, which constitute mandatory national planning policy.
- The Design Statement, submitted as part of the planning documentation confirms compliance with minimum internal floor areas, adherence to separation distances, dual aspect performance exceeding minimum standards and compliance with daylight standards. These are all indicators of residential quality and not characteristics associated with overdevelopment.
- In assessing the surrounding built context, it is important to consider the prevailing and emerging scale of development within the wider town centre setting, rather than focussing selectively on the lowest adjoining structures.
- There are a number of established precedents in terms of building height constructed in proximity to the subject site, including the mixed use at Fintans building opposite the subject side, a part three and part four storey building with a parapet height of c. 15 metres and only 0.8 metres below the max height of the proposed development. The Carnegie Court Hotel and apartments are part three and part four storey and are only two metres below the proposed 5th storey parapet height proposed on site. Other buildings of height in Swords town centre include the Fingal County Council offices which rise to 4 storeys and the Swords Cultural Quarter development presently under construction which introduces a mid-rise building height. Therefore, the context of the site is varied, transitional and evolving.
- The town centre context cannot be characterised as fixed at a low-rise suburban scale but rather an evolving urban environment, where medium rise development is already established and where further consolidation is anticipated
- The proposals incorporate a stepped and splayed form, with the upper levels set back from the street frontages and from adjoining properties. This reduces perceived bulk, breaks down the overall mass and ensures that the building reads as a layered urban form rather than a monolithic block.

- In particular, the courtyard elevation adjoining the residential property at No 2 Balheary Road is intentionally splayed away from the adjoining property, increasing separation distances progressively up to c. 19 metres. This design measure was intentionally introduced to reduce overlooking potential and reinforces a sense of spatial relief.
- The building height and massing are appropriate to the site's prominent town centre location and consisting within the Major Town centre (MC-land use zoning objective that pertains to the site.
- The design incorporates a setback upper level and articulated facades to reduce the visual impact and achieve a considered transition to adjoining properties
- The PA's assessment places a disproportionate weight on isolated low-rise developments and does not adequately reflect the mixed height and evolving character of Swords town centre including the 3-4 storey buildings opposite the subject site.
- The third refusal reason which references the usability of internal kitchen/living/dining areas and storage provision is not substantiated and the PA's report confirms compliance with the mandatory SPPR requirements as set out within the Apartment Guidelines 2025.
- Compliance with minimum floor areas, dual aspect provision, floor to ceiling heights and circulation standards have been achieved.
- The Planners Report references Table 3.3 within the Sustainable Residential Development and Compact Settlement Guidelines (SDCSG's),2024 which states 'It is a policy and objective of these Guidelines that residential densities in the range of 50dph to 150 dph (net) shall generally be applied in the centres in urban neighbourhoods of Metropolitan towns'
- However, the CSG's do not require a strict application of that range. Section 3.4 provides that density ranges 'should be considered and refined, based on

consideration of centrality and accessibility to services and public transport, and considerations of character, amenity and the natural environment

- Section 3.4.1 of the CSG's sets out that 'Planning Authorities should encourage densities at or above the mid-density range at the most central and accessible locations in each area'.
- Table 3.8 of the CSG's provides that lands within a 1,000-metre walking distance of a planned high-capacity public transport node (including Metrolink) are defined as high-capacity public transport node or interchange locations where 'the highest densities should be applied at the node or interchange and decrease with distance'.

Residential Amenity

- Concerns in relation to potential overlooking from a small number of balconies have been addressed through design refinements and additional privacy measures. The development when considered in the context of separation distances, orientation and the urban setting will not give rise to significant overlooking or material injury to residential amenities.
- In terms of residential amenity performance, the proposal archives full compliance with the Apartment Guidelines 2025 standards in terms of minimum floor areas, private amenity space provision, and daylight performance. The daylight/sunlight assessment as submitted as part of the planning documentation, confirms 100% daylight compliance and the FCC Planning Officer confirmed dual aspect performance exceeding minimum thresholds. Therefore, the development would not seriously injure the amenities of the area nor neighbouring properties.
- The assessment of the Planning Officer and the details set out within the Housing Quality Assessment (submitted as part of the revised Design Statement submitted to the Coimisiún dated the 2nd day of March 2026) would not support that the development would be contrary to the provisions of the 'Quality housing for Sustainable Communities Guidelines' 2007 and the Apartment Guidelines 2025 standards in relation to the provision of usable

kitchen/living dining room space, with each unit achieving a minimum area of 23 sq m for these habitable spaces.

- Revised internal layouts for the apartments units have been submitted as part of the first party appeal submission. The revised layout introduces targeted improvements including the rationalization and relocation of storage to eliminate any fragmented storage arrangements while continuing to achieve the minimum storage standards and storage space provision.
- The Planners Reports confirms that the development is fully in compliance with the Apartment Guidelines 2025 standards in relation to minimum floor areas and storage areas, at least achieving minimum standards.
- Dedicated storage areas separate from circulation spaces and appropriately distributed throughout the internal space and allow for the functional use of living and bedroom areas.
- SPPR1 of the CSG's 2024 provides for 'a minimum separation distance of sixteen metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units, or apartment units above ground floor level. The Planning Officers Report expressly acknowledges compliance with this requirement. The nearest residential property at No 2 Balheary Road would be 16.5 metres from the rear elevation of the proposed apartment block. As the elevation rises, the separation distances increase beyond 16.5 metres reaching up to c.19 metres at their greatest extent.
- Where a proposal meets or exceeds the sixteen metre SPPR1 separation distance requirement, incorporates balcony screening and stepped massing, and demonstrates full daylight and sunlight compliance, there is no evidential basis to conclude that significant overlooking would arise.
- As part of their appeal submission, new additional privacy screening measures have been introduced within the balcony areas along the north-west elevation, notwithstanding that adequate separation distances in accordance with the Apartment Guidelines 2025 standards was demonstrated within the original proposals. These privacy screens are integrated into the

balcony design on the north-west elevation and specifically positioned to restrict lateral and oblique views towards adjoining rear gardens and habitable room windows.

- The sunlight and daylight assessment confirms that 100% of the proposed units achieve the BRE daylight compliance standards, 100% of the units achieve the minimum 1.5 hours of direct sunlight and that the reduction in sunlight to neighbouring amenity areas remains within the recommended BRE guidance parameters.
- The sunlight/daylight report acknowledges that the courtyard area does not achieve the full BRE target recommendations, notwithstanding the BRE guidelines are advisory in nature.

Sustainable Transport provision:

- The proposals exceed the quantitative standards as set out within the Apartment Guidelines 2025 standards in relation to bicycle parking standards for residents and visitors alike.
- All resident bicycle parking is proposed to be located at ground floor level within the subject site. The bicycle parking stores are secure, covered and directly accessible from the main entrance area. Visitor bicycle parking spaces are also located at ground floor level within the courtyard area.
- The bicycle parking proposals exceed the quantum of required bicycle parking provision as set out within the current FCDP 2023-29, provides for secure, ground level and easily accessible bicycle parking facilities, includes cargo bicycle provision and reflects best practice in sustainable transport planning.
- Given the location of the site within a town centre, within walking distance of bus services and the approved Metrolink corridor, the on-site cycle parking provision is considered to accord with Section 5.3.6 of the CSG's 2024, regarding bicycle parking and storage.

Other Issues:

- The fifth refusal reason as set out in the PA;s decision relates to the absence of a Demolition Justification Report (DJR) is not based on any identified architectural or conservation merit of the existing commercial building on site. A demolition justification report has been submitted as part of the first party appeal submission and demonstrates that the retention or adaptive reuse of the building on site is not feasible nor appropriate in this instance.
- The DJR confirms that the existing structure on site comprises uninsulated solid masonry construction with a recorded BER of D2 and ageing building services and that the structure and foundations would not be capable of accommodating an additional four storeys without extensive and structurally inefficient transfer structures.
- A meaningful retrofit to achieve compliance with current Building Regulations would require substantial reconstruction of the envelope and internal fabric, resulting in disproportionate intervention and additional embodied carbon.
- In terms of a noise impact assessment, it is considered that through the incorporation of modern construction techniques, glazing specifications and ventilation strategies would be capable of ensuring compliance with Building Regulations for residential internal noise levels.
- The development includes new public realm interfaces along North Street and the Balheary Road and all lighting can be designed to comply with FCC's public lighting standards.
- The proposed ground floor refuse storage areas have been designed in accordance with the Apartment Guidelines 2025 standards. The refuse storage areas are integrated within the building envelope, accessible to residents and refuse collection vehicles and designed to accommodate segregated waste streams.

6.2 Planning Authority Response

The Planning Authority issued a response to the first-party appeal submission outlining the following:

- The proposals were assessed against the policies and objectives set out within the current Fingal County Development Plan 2023-2029, Government planning policy, and guidelines.
- The proposals were also assessed having regard to the underlying zoning objective as well as the impact upon the visual and residential amenities of the area.
- The third-party submissions received were acknowledged and considered.
- Notwithstanding the revised proposals as submitted to the Coimisiún, the PA still considers that the development would represent a significant overdevelopment of the site as evidenced by the density and scale of the apartment block within the confines of a constrained town centre site.
- The development would be contrary to the provisions of the Sustainable Residential Development and Compact Settlement Guidelines 2024.
- The development would be out of character with the pattern of development in the area and presents significant concerns for the proper planning and sustainable development of the area.
- The design details in relation to the lack of active street frontage at ground floor level, impact of the roof projection, visual dominance of the elevations and orientation of certain balconies are unacceptable in their present form.
- The PA considers that significant amendments to the overall scheme having regard to the issues raised within the various internal departmental reports (Architects, Transportation and Parks).
- The Coimisiún is requested to uphold the decision of the Planning Authority

6.4 Observations

One observation was received from a local family local who reside along the Balheary Road. The issues raised in the observation can be summarised as follows:

- They are not opposed to the principle of redevelopment of the subject site. However, any regeneration or modernisation of the site needs to strike a balance with the character and context of the site.
- The Planning Authority have correctly assessed issues of overbearance, massing and overlooking from the proposed development and have refused permission.
- The proposed development by reason of its excessive scale, height (28.95 metres) massing and proximity to adjoining residential properties would result in an unacceptable overbearing and material overlooking of neighbouring dwellings. This would give rise to a significant loss of privacy, increased sense of enclosure, undue visual dominance and be seriously injurious to the residential amenities presently enjoyed by neighbouring residents.
- The introduction of direct and indirect lines of sight into private habitable rooms and amenity spaces would erode neighbouring privacy and diminish living conditions.
- There are no car parking facilities provided within the subject site to serve future residents or visitors to the site and would give rise to car parking disruption in the area.
- The proposed balcony screens will not alleviate the issue of overlooking and loss of privacy and be seriously injurious to the residential amenities of neighbouring residential properties.
- The Demolition Justification Report (DJR) is subjective and lacks quantifiable information and is not comprehensive. No internal inspection of the site was conducted by the authors of the DJR.
- The contextual elevations submitted demonstrate that the orientation of the proposed development would result in the observers' property being overshadowed and overlooked. The amendments as proposed within the first

party appeal submission submitted by the applicants will not alleviate these concerns.

- The development rises up to six storeys in height and not part four and part five storey. With the inclusion of the lift shaft, the development becomes six storey with a maximum height of 28.95 metres.

7.0 Assessment

7.1 The main issues are those raised within the grounds of the first party appeal, the third-party observation and the Planning Report and appeal submission prepared by the Planning Authority, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Density, Design and Layout
- Active Travel and Connectivity.
- Other Issues.
- Appropriate Assessment

7.2 Principle of Development

7.2.1 Within the Settlement Strategy of the current Fingal County Development Plan (FCDP) 2023-2029 Swords is designated as a 'Key Town'. Key towns are defined as 'large economically active service and/or County towns which provide employment for surrounding areas.....'. A significant proportion of future urban development within Key Towns should be accommodated on infill/brownfield sites by encouraging development, including renewal and regeneration of underused, vacant or derelict town centre lands for residential development to facilitate population growth. The subject lands are zoned MC within the FCDP where the objective is 'to protect, for and/or improve major town centre facilities'. The vision for MC lands is 'To further develop these towns by densification of appropriate commercial and residential

developments ensuring a mix of commercial, recreational, civic, cultural leisure, residential uses and urban streets while delivering quality urban environment which will enhance the quality of life for residents, visitors and workers alike’.

7.2.2 Section 14.5.1 of the FCDP relates to ‘achieving consolidation’ and that ‘infill development opportunities or gap sites between existing buildings of varying extent also offer opportunities to consolidate existing development and to enhance streetscapes’ Table 14.4 regarding infill development sees out that ‘infill development presents unique opportunities to provide bespoke architectural solutions to gap sites and plays a key role in achieving sustainable consolidation and enhancing public realms and that schemes might ‘respect and complement the character of the surrounding area having due regard to the prevailing scale, mass and architectural form of buildings in the immediate vicinity of the site’.

7.2.3 The subject site in its current forms comprises a vacant part two storey and part single storey public house which has ‘sold’ auctioneers signs affixed to its street façade on a plot size stated to comprise 0.1053 hectares. Table 14.3 of the current FCDP 2023-29 references brownfield opportunities and regeneration and these will be specifically addressed within Section 7.3 below, in relation to density, design and layout. It is stated that such development would be subject to the usual development management standards as set out within Chapter 14 of the FCDP including high quality design. Therefore, the principle of developing the brownfield site is acceptable subject to an appropriate density of development being presented, a suitable design and layout being presented, an appropriate quantum and quality of private and communal open space being provided, that access, parking, piped water services are available and that neighbouring residential amenities are not adversely impacted upon. Appropriate Assessment is another matter that needs to be addressed. These are matters that will all be addressed within the assessment below.

7.2.4 I acknowledge the context of the appeal site lands, which are located at the junction of North Street with the Balheary Road, approximately eight hundred metres north of Swords town centre and the Main Street. The subject suite is located within a varied and evolving context, with the part three and part four storey mixed use apartment and commercial 'St Fintans' building located to the north of the subject site, on the opposite side of the junction the Balheary Road with North Street, there are three single storey dwellings located north-west of the subject site that front onto the Balheary Road, to the south-west of the site is the Swords Town Park which is accessed by a pedestrian laneway located immediately south and adjoining the subject site. Immediately south of the subject site is a terrace of two storey dwellings/commercial properties that front onto North Street, to the east on the opposite side of North Street are three dwellings (two single storey and one dormer) and a single storey funeral home and southeast of the site, on the opposite side of North Street is the three and four storey Carnegie Court hotel and apartments. The established character of the area comprises a mix of residential and commercial uses and building heights range from single storey to four storey, though single and two storey structures immediately adjoin the site to the south and north-west. I consider from a sequential perspective, the appeal site would be suitable for development, given its major town centre zoning status and its location in proximity to Swords town centre and Main Street. The current County Development Plan provides for development of the site given its zoning and, therefore, is not constrained by Core Strategy provisions.

7.2.5 In conclusion, the current proposals, located on an underutilised brownfield infill site on major town centre zoned and serviced lands, would provide for a ground floor commercial/retail unit and additional housing units as provided for within the Core Strategy. Therefore, I consider, the current proposals would be appropriate in principle and would be consistent with the provisions of the Core and Settlement Strategies within the current County Development Plan.

7.3 Density, Design and layout

Density:

7.3.1 I note that the appeal observation received from the neighbouring residents and the decision of the Planning Authority, specifically within the first refusal reason contend that the density of the proposal is excessive, unreasonable and would contravene the provisions of the Sustainable Residential Development and Compact Settlements, Guidelines (SRDCSG,s) for Planning Authorities (2024). In relation to the appropriateness of the density of the proposal, the report of the Planning Officer references the SRDCSG's in terms of developing more sustainable and compact settlements and targeting at least 50% of new housing growth in the five cities, one of which is Dublin. The Planning Authority contend that the density of the proposal, at 370 dpha represents overdevelopment of a restricted site, would adversely impact the residential amenity of future occupants and would be contrary to the provisions of the SRDCSG's. I note that the updated Planning Design Standards for Apartments, Guidelines for Planning Authorities (Apartment Guidelines) issued July 2025 defers the issue of density to the standards as set out within the SRDCSG,s.

7.3.2 The Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) provides guidance in respect of the density of residential development at different locations/scales. Table 3.1 (Area and Density Ranges Dublin and Cork City and Suburbs) provides three density ranges. In my opinion, the 'City – Urban Neighbourhoods' range is the most relevant typology to the appeal site. This typology is described as including: (i) the compact medium density residential neighbourhoods around the city centre that have evolved over time to include a greater range of land uses, (ii) strategic and sustainable development locations; and (iii) lands around existing or planned high-capacity public transport nodes or interchanges (defined in Table 3.8) all in the city and suburbs area. The appeal site is located at the junction of North Street and the Balheary Road on a fully serviced site zoned Major Town Centre along the route of several Dublin Bus Services (specifically referenced in Section 1.4 of this report above), with a stated frequency of up to every eight minutes at peak morning and evening times. The subject site is also located within 500 Metres of the permitted Metrolink Seatown Station and in proximity to the permitted Estuary Metrolink station and the two bus

stops in proximity to the site, which are located approximately within 190 metres further south-east and south of the appeal site, along North Street.

7.3.3 In the context of accessibility, I note that Table 3.8 within the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) refers to locations within 500 metres walking distance of an existing or planned Bus Connects 'Core Bus Corridor' stop or within 1,000 metres of an existing or planned high capacity public transport node or interchange light rail stop. I note that the appeal site is comfortably within these ranges, with the existence of two bus stops (one for outgoing buses and one for inbound buses) located further south-east and south along North Street, Under the 'City – Urban Neighbourhoods' level 'it is a policy and objective of these Guidelines that residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork city's and suburbs'. The Guidelines also require consideration of the character, amenity and natural environment when considering density. In this regard, I note that the appeal site is located in an area where there is an emerging pattern of higher density development, most notably to the north (on the opposite side of the Balheary Road) where the St Fintans mixed use building with a height of part three-storey and part four storey exists and to the south-east where the Carnegie Court Hotel and apartments and Fingal County Council Offices with building heights of three and four storeys exist. I also note that the appeal site is not sensitive from an ecological perspective. Section 3.4.1 of the CSG's set out the following in relation to density 'while densities within the ranges set out will be acceptable, planning authorities should encourage densities at or above the mid-density range at the most central and accessible locations in each area'. The mid-range density in this instance would equate to 150 dph and above that would allow for a density to increase to the maximum range for City-urban neighbourhoods of 250 dph. I note that the density range for city centres for Dublin and Cork are from 100dph and 300dph, below the current density proposed by the applicants.

7.3.4 SPPR 4 (1) of the Urban Development and Building Heights: Guidelines for Planning Authorities (December 2018) provides that 'is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure - the

minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled “Sustainable Residential Development in Urban Areas (2007)” or any amending or replacement Guidelines. The Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) have replaced the Sustainable Residential Development in Urban Areas (2007) Guidelines and in this regard, I consider that the density ranges set out in Table 3.1 of the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) is, therefore, the appropriate guidance in this instance.

7.3.5 I have also referenced the Planning Design Standards for Apartments-Guidelines for Planning Authorities issued in July 2025. The current planning proposals were submitted to Fingal County Council, subsequent to the publication of these Guidelines and they are, therefore, considered relevant to the assessment of these proposals. Section 1.2 of these Guidelines sets out the following in relation to density ‘Matters relating to density and other factors that further inform the principle of undertaking apartment development at an individual site are set out in the SRDCSG’s...and within Section 2.3 ‘this means making provision for more residential development to take place on infill and brownfield sites and as refurbishment of existing buildings, to increase urban residential densities. The development of higher densities, and in particular apartment development, at high-capacity transport nodes and interchanges (i.e. Transport Orientated development) will also be prioritised’.

7.3.6 The developable area of the site is stated as 0.1053Ha. and on the basis of a proposal for 39 residential units (i.e. the resultant density is c. 370 dpha. In my opinion the appeal site is analogous with the ‘City – Urban Neighbourhoods’ range as set out at Table 3.1 of the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024). I consider that a density of 370 dpha is unacceptable at this location, given that it significantly exceeds the maximum density standards for Urban Neighbourhoods as set out within Table 3.1 of the SRDCSG,s at 250 dph, by almost 50%. I acknowledge the applicants set out within their appeal submission that the site is an infill and brownfield fully serviced site, is zoned major town centre and is located in proximity to a high frequency bus

corridor, and in proximity (stated to be 500 metres) of the Seatown station along the permitted Metrolink high capacity public transport corridor between Dublin Airport and Dublin City Centre.

7.3.7 I acknowledge the applicants setting out within their appeal submission that the new Apartment Guidelines (2025) provide for greater flexibility in terms of layout and design. I would concur with this statement however; I note that the Apartment Guidelines refer back to the SRDCSG's (See paragraph 7.3.5 above) in relation to density and I consider that there is significant flexibility afforded in terms of density ranges within the SRDCSG.s for City-Urban Neighbourhoods for Dublin and Cork City and Suburbs. This flexibility in density afforded by the CSG's references City-Urban Neighbourhoods as 'highly accessible urban locations with good access to employment, education and institutional uses and public transport. It is a policy and objective of these Guidelines that residential densities in the range of 50dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork. I consider that this designation (City-Urban Neighbourhoods) is applicable to Swords and the subject site.

7.3.8 Section 3.3.6 of the CSG's provides for 'exceptions' in terms of density. This allows for 'very high densities that exceed 300dph (net) on a piecemeal basis.' Section 3.3.6 also sets out an exception in relation to very small infill sites where it sets out 'the need to respond to the scale and form of surrounding development, to protect the amenities of surrounding properties and to protect biodiversity may take precedence over the densities set out in this chapter'.

7.3.9 On balance, I do not consider that permitting a residential density of 370 dph is appropriate in this instance and would represent overdevelopment and materially contravene the density provisions of the Fingal Development plan in terms of policy SPQHP35 and the density range for City Urban neighbourhood location within Dublin as set out within the Sustainable Residential Development and Compact Settlement Guidelines 2024. I consider that there is sufficient flexibility provided within the SRDCSG;s for City Urban neighbourhood locations where a density of up to 250 dph is provided for which would accord with the status of Swords as a key town as set out within the current Fingal Develoepmnt Plan.

Residential Amenity:

The appeal observation received from neighbouring residents contend that their amenities would be adversely impacted upon by reason of overbearance, overshadowing and/or overlooking. The applicants contend that the proposed development would not affect the residential amenities of the adjacent residential properties. The observers contend that potential impacts on the residential amenity of neighbouring properties along the Balheary Road would arise as a result of overlooking from above ground windows and terraces/balconies on upper floors along the south-western elevation of the apartment block, as well as overshadowing and overbearance. I will address each in turn.

Overlooking:

SPPR 1 within the SRD&CSG's sets out that 'when considering a planning application for residential development, separation distances of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. The proposed building as submitted to the Planning Authority (Drawing numbers 1000A-1004A inclusive entitled GA Plan-Level 0-level 4, it is evident that separation distances achieved from the balcony areas of Apartment no's 12,14, 21, 22, 30, 31 and 37 and the adjoining residential property immediately north-west of the site range from c. 13 metres to 14 metres and less than the 16 metres as provided for within policy and objective SPPR1 of the SRDCSG's. However, I note that the revised Design statement, submitted by the applicants to the Coimisiún on the 2nd day of March 2026 as part of their planning appeal submission, illustrates a separation distance of 16.5 metres and increasing to 19 metres is achieved between the balconies on the south-west elevation to the nearest residential property. Based on the information submitted by the applicants, It is apparent that there are anomalies in terms of separation distances that would be achieved from the nearest residential property and, therefore, I consider that the architectural drawings as submitted, specifically the GA Plan-Level 0-to Level 4 drawings have not demonstrated that adequate separation distances from the adjoining residential property immediately to the north-west of the subject site along the Balheary Road

would be achieved in compliance with the CSG requirements. Therefore, I consider that there is potential to adversely impact the residential amenities of the adjoining residents by reason of overlooking and that there is some doubt as to the achievement of the SPPR1 standards as per the provisions of the SRDCSG's 2024

As part of their appeal submission, the applicants submitted a number of revisions to the proposed scheme in terms of addressing some of the issues raised within the Planners Report and the PA decision. The use of 1.8 metre tall privacy screens around the perimeter of balcony areas along the south-western elevation, that nearest the adjoining residential property facing onto the Balheary Road would obviate the opportunity to directly overlook directly or obliquely into the neighbouring residential properties. However, as per the paragraph above, there are anomalies in terms of the separation distances that would be achieved from the adjoining residential property and, therefore, there is doubt as to whether the balcony areas along the south-western elevation of the apartment block comply with the provisions of SPPR1 of the CSG's and, therefore, notwithstanding the use of privacy screens, there is doubt as to whether the separation distances achieved would be sufficient to protect the residential amenities of the adjoining residents along the Balheary Road.

Overshadowing:

The applicants submitted a sunlight and daylight shadow analysis as part of their planning documentation. This analysis sets out that no adverse overshadowing of the adjacent residential properties would arise as a result of the proposed development, as the development is designed on a south-east to north-west axis.

The layout of the scheme whereby the block is positioned along a south-east to north-west orientation and providing strong definition onto the public road/street similar to that provided by the st Fintans mixed use part three and part four storey development on the opposite side of the junction of the Balheary Road and North Street. However, as noted in the section of this report above in relation to overlooking, there are anomalies in terms of the separation distances achievable from the nearest residential property within the planning documentation submitted, whereby separation distances vary from 13 metres as per the architectural drawings to 16.5 metres within the Design Statement. I consider that the differential in the

separation distances is significant and could adversely impact the adjoining residential property to the north-west by reason of adverse overshadowing. Therefore, the sunlight and daylight assessment may have to be reviewed depending on which separation distance is the accurate figure for daylight and sunlight assessment purposes.

The sunlight and daylight assessment also raised an issue in relation to the extent of sunlight/daylight that would be experienced within the communal space courtyard area at ground floor level. The sunlight/daylight assessment acknowledges that this courtyard area, an important element of amenity space for future residents would not achieve the minimum BRE guidance of 1.5 hours of daylight. This is a matter that would need to be remedied by the applicants in order to provide for a high quality of communal open space to serve future residents.

In summation, I consider the proposed development to be unacceptable in terms of potential overshadowing of the adjoining residential property to the north-west and the communal courtyard open space at ground floor level.

Overbearance:

As noted above, the apartment building as submitted to the Planning Authority is located set back from the site boundaries (as detailed within the overlooking section of this report above) from the adjoining residential property to the north-west. Having regard to the significant scale, mass, bulk and height of the apartment block and the separation distance to the nearest neighbouring dwellings along the Balheary Road, I am not satisfied that the proposed development would not result in significant overbearance of the nearest neighbouring dwelling.

7.3.10 The proposed building is stated to comprise a part four storey and part five storey building with a maximum ridge height of in terms of the height, design, mass scale and bulk of the apartment building. The maximum ridge height is stated to reach 28.95 metres in height and this significantly exceeds the prevailing building heights in the area, being approximately 3.7 metres taller than the existing St Fintans mixed use three and four storey development on the opposite side of the North-Street/Balheary Road junction. The applicants have provided for a strong street

definition along North Street however, the street frontage along the Balheary Road comprises the ESB sub-station, plant room and bicycle storage area. I consider that this important street elevation would benefit from further architectural intervention. In terms of building height, although, the fifth storey is set back, I consider that a greater stepping down in height towards the north-western and southern site boundaries would provide for a more appropriate transition to the existing lower rise adjoining structures along these boundaries. This would result in an added benefit in terms of reducing the potential for overlooking and/or overshadowing of the neighbouring residential property and reducing the overshadowing effect on the internal amenity courtyard area, which the applicants acknowledge does not achieve the BRE daylight standards.

7.3.11 The building heights along North Street and the Balheary Road vary from single storey to two storey and up to three and four storeys, as set out within the photographic images and contextual elevations that accompanied the planning documentation submitted to the PA and to the Coimisiún. I would have concerns regarding the scale, bulk and height of the proposed development, particularly from the contextual elevation imagery submitted showing the proposed development being located immediately contiguous to single and two storey structures.

Notwithstanding, the major town centre zoning, I consider the applicants proposals have failed to demonstrate adequate consideration of the immediately adjacent structures to the site, notwithstanding the location of the site within a town centre location which has seen buildings being developed up to three and four storeys in height further along the Main street and opposite the subject site.. However, each proposal must be considered on the characteristics of the particular site and I consider that the current proposal by virtue of its excessive height, scale bulk and mass represents overdevelopment of the subject site.

7.3.12 I note that the Parks Department within FCC have raised an issue in terms of the quality of the proposed communal amenity space where they set out the following 'The proposed amenity space falls below the standard BRE target (at least 50% of the area receiving 2 hours of sun on March 21st),' This is a matter that would need to be addressed in order to provide for a high quality amenity space to serve future residents. Other standards in relation to provision of an on-site play area for

toddlers, appropriate plant species for shaded areas were also raised by the Parks Department.

7.3.13 In conclusion, although I am satisfied that the proposed apartment building complies and exceeds in many instances minimum floor areas for apartment types, bedrooms floor areas/widths are achieved as are floor areas for bedrooms and kitchen/living/dining room areas as are provisions for storage areas within apartments, providing for dual aspect and a range of apartment sizes and typologies and all in compliance with standards as set out within The Sustainable Urban Housing standards for New Apartments -Guidelines for Planning Authorities 2025. This compliance is set out within Section 4 of the Revised design statement as submitted to the Coimisiún as part of their appeal submission. Although storage space is increased in a number of apartment units, it also has decreased in a number of apartment units as per their Housing Quality assessment (HQA) submitted. However, it is apparent that there are anomalies in terms of the separation distances set out within the planning documentation submitted to the PA and to the Coimisiún and this has potential consequences on terms of overlooking, overshadowing and overbearance and potential adverse impact upon the adjoining residential property to the north-west of the site.

7.4 Active Travel and Connectivity

7.4.1 The third-party appellants raised issues in relation to traffic safety during the construction phase of the proposed development but also during the operational phase of the development. The applicants submitted a Traffic Report (TR) and a Mobility Management Plan (MMP) as part of their planning documentation.

7.4.2 I note that the appeal site is located along the Balheary Road and North Street is located within the 50 kilometre per hour speed control zone. The Traffic Assessment Report submitted by the applicants' Consultant Engineers carried out an assessment of traffic that would be generated by the proposal, notwithstanding that the development would technically be sub-threshold in terms of the requirement to carry out a TA as per the guidance set out within Table 1.4 of the Traffic Management Guidelines 2003, published jointly by the Department of Transport, Department of Environment Heritage and Local Government and the Dublin

Transportation Office. The TA noted that the appeal site is located along a high frequency bus corridor linking the appeal site with Dublin city centre and the outer city suburbs. The applicants used the TRICS database to estimate the traffic generated by the proposed development and this concluded that the level of daily or peak trips that the development would generate would be 'unlikely to have any material traffic impact on the operational capacity of the Balheary Road or North Street'. The TA has also set out how the proposal demonstrate compliance with the Design Manual for Urban Roads and streets document (DMURS 2019) with a strong emphasis on pedestrians, cyclists and access to public transport. The applicants have also referenced SPPR3 within the CSG;s in relation to car parking which sets out the following for City-urban neighbourhood locations 'In city centres and urban neighbourhoods of the five cities, defined in Chapter 3 9table 3.1 and table 3.2) car parking provision should be minimised, substantially reduced or wholly eliminated'. Therefore, I consider the provision of no dedicated on-site car parking to be justified in this instance having regard to the sites' location within a town centre location in close proximity to high frequency bus-stops and permitted metro stops.

The TA also included a recommendation that a Mobility Management Plan (MMP) be submitted by the developers, and an MMP was submitted as part of the planning documentation. The MMP would specifically provide information for future residents on the availability of active travel modes including bus and metro stop locations, timetables and the availability of secured on site bicycle parking facilities. I also consider that the traffic disruption that would arise during the construction phase would be over a relatively short period of time, given the relatively modest scale of development proposed. I also note the proposals to upgrade the bus frequency and with the opening of the Metrolink stop within 500 metres of the subject site would encourage more use of active travel patterns by future residents.

7.4.3 The observers raised issues specifically in relation to the potential for adverse impact arising from the construction traffic/parking that the development would generate. I acknowledge that there would be increased HGV movement along the Balheary Road area and along North Street during the construction phase. I note the comments from the Transportation Department within FCC who outlined no objections to the proposals from a vehicular traffic perspective, subject to a number

of conditions. I consider that there is adequate capacity within the adjacent road network and junctions to cater for the construction and operational phases of the development. The development would be subject to best practice traffic management practices especially during the construction phase which would include the erection of warning signage in the vicinity of the appeal site and that construction works would be conducted during normal construction hours, these are matters that would be agreed as part of a Construction and Environmental Management Plan (CEMP).

7.4.4. However, I consider that given the location of the proposals within the city-neighbourhood suburbs, within 190 metres of two bus high frequency stops to/from the city centre and the proposals to provide covered bicycle storage shelters providing capacity for the storage of 94 standard bicycles, 8 cargo bicycle spaces and 20 no.visitor bicycle parking spaces on site and the footpath connectivity to the Swords town centre from the site. I note the Transportation Department within FCC raised concerns in relation to the separation distance between bicycle racks to allow adequate circulation and the absence of facilities in terms of lockers and bicycle repair facility space. These are valid issues and would be required to be addressed.

7.4.5 In conclusion, I am satisfied that the scale of the development would not result in excessive traffic levels being generated and that the proposals are designed in accordance with the Design Manual for Urban Roads and Streets standards (DMURS) best practice standards. Therefore, I am satisfied that the safety of pedestrians and drivers is optimised in accordance with best practice as promoted by TII and Fingal County Council within Section 6.5 of the current Fingal County Development Plan 2023-29 in relation to developing and encouraging a transition to more sustainable modes including walking, cycling and public transport.

7.5 Other Matters

Justification for demolition of existing structure on site:

- 7.5.1 The fifth refusal reason as set out in the PA,s decision related to non-compliance with policy objective CAP8 in relation to the submission of a Demolition Justification

Report (DJR) as part of their planning documentation. The applicants submitted a DJR as part of their appeal submission. The DJR assessment sets out retention or adaptive reuse of the building on site is not feasible nor appropriate in this instance. The DJR states that the existing structure on site comprises uninsulated solid masonry construction with a recorded BER of D2 and ageing building services and that the structure and foundations would not be capable of accommodating an additional four storeys without extensive and structurally inefficient transfer structures.

- 7.5.2 Meaningful retrofit of the existing commercial building on site to achieve compliance with current Building Regulations would require substantial reconstruction of the envelope and internal fabric, resulting in disproportionate intervention and additional embodied carbon.

Noise Impact Assessment

- 7.5.3 In terms of a noise impact assessment, the applicants state that they consider the consideration of a noise impact assessment not to be appropriate in this instance. The applicants consider that through the incorporation of modern construction techniques, glazing specifications and ventilation strategies would be capable of ensuring compliance with Building Regulations for residential internal noise levels.

Public lighting

- 7.5.4 The applicants state that the development provides for new public realm interfaces along both North Street and the Balheary Road and all lighting can be designed to comply with FCC's public lighting standards in the event that a grant of planning permission is forthcoming.

Waste Management

- 7.5.5 The applicants state that the proposed ground floor refuse storage areas have been designed in accordance with the Apartment Guidelines 2025 standards. The refuse storage areas are integrated within the building envelope, accessible to residents

and refuse collection vehicles and designed to accommodate segregated waste streams.

8.0 **Appropriate Assessment**

- 8.1 I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located approximately 0.8 kilometers south-west of the North Malahide Estuary SAC (Site Code: 000205), and approximately 0.9 kilometers south-west the Malahide Estuary Special Protection Area (SPA-site code 004025). The development description was set out within Section 2 of the report above. The PA conducted an AA screening exercise which concluded 'it is considered that there is no likelihood of significant effects on any European sites during the construction or operation of the proposed project, and it is further considered that there are no other plans or projects that will act in-combination with the proposed project to have a significant effect on European sites. It is considered that the proposed project, individually or in-combination with another plan or project, will not have a significant effect on any European sites. This assessment was reached without considering or taking into account mitigation measures or measures intended to avoid or reduce any impact on European sites'.
- 8.2 The applicants' submitted an AA screening report as part of their planning documentation which identifies the nearest European sites to the appeal site are the North Malahide Estuary SAC (Site Code: 000205) located approximately 0.8 kilometers north-east of the appeal site and the Malahide Estuary SPA (site code 004025) located approximately 0.9 kilometers north east of the subject site. The Consultant Ecologist stated that the appeal site is not hydrologically/ecologically connected to any European sites. There were no drainage ditches evident within the confines of the appeal site or along its boundaries. Therefore, I am satisfied that there is no apparent surface water hydrological link between the appeal site and any European site connected to the north of the subject site. The nearest watercourse to the subject site is the Ward stream located approximately sixty metres west of the subject site on the other side of the three single storey dwellings that front onto the

Balheary Road, however, there is no apparent connectivity from the subject site to this watercourse.

- 8.3 Two European sites were identified within a one kilometre radius of the appeal site. These sites were screened out due to the absence of hydrological or ecological pathways from the appeal site to these European sites and the separation distance to these particular European sites.
- 8.4 I am satisfied that once the proposed development would be constructed in accordance with best practice standards and in accordance with a construction traffic and environmental plan and given that the site is connected to the public piped water services that no adverse impacts on water quality, or the qualifying interests or conservation objective of these four European sites or any other European sites would arise.
- 8.5 I am satisfied that with the implementation of the standard control construction measures including those of surface water management in the form of attenuation tanks and/or hydrocarbon interceptors will not result in the residential development adversely impacting upon surface nor groundwater quality in this area. I consider that even in the unlikely event that the standard control measures should fail, an indirect hydrological link (via the underlying groundwater body) represents a weak ecological connection. I consider this to be the case given the separation distance to the North Malahide Estuary SAC and the Malahide Estuary SPA, the nature of the built-up urban environment between the appeal site and the SAC/SPA,s, and the absence of suitable habitat on site to serve the particular protected species for foraging/feeding purposes, As such any pollutants from the site that should enter groundwater during the construction stage, via spillages onto the overlying soils, or via spillages into the surrounding drains, will be subject to dilution and dispersion

within the groundwater body, rendering any significant impacts on water quality within the Malahide Estuary unlikely.

8.6 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 these two or any other European Site. The reason for this conclusion is as follows:

- The relatively modest scale of the development which relates to the demolition of an existing commercial premises and the construction of a mixed-use development comprising a ground floor commercial/retail unit and thirty-nine apartment units.
- The separation distance from the nearest European sites and the absence of hydrological or ecological connectivity to any Natura 2000 site.
- The AA screening exercise conducted by the applicants which concluded that either alone or in combination with other plans or projects, there would be no likely significant effects on any European sites.

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

9.0 Recommendation

I recommend that planning permission be refused for the following reasons:

10.0 Reasons

1-It is considered that the proposed layout and design of the proposed apartment development would produce a cramped and substandard form of development on this site and at a stated density of 370 residential units per hectare that would be inconsistent with the prevailing density in the vicinity and would result in overdevelopment of the site and would impact negatively on the residential amenity of future occupants. The proposed development would be contrary to the Policy SPQHP35 – Quality of Residential Development as set out within Section 3 of the current Fingal County Development Plan 2023-2029 and the density ranges for City-Urban neighbourhoods as provided for with the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024) and to the proper planning and sustainable development of the area.

2-The proposed four and five storey apartment block development, by reason of its design, scale, bulk, fenestration and height, would be out of character with the pattern of development in the immediate vicinity of the subject site. The proposed development would seriously injure the amenities of the area and neighbouring properties, would establish an undesirable future precedent and would be contrary to the proper planning and sustainable development of the area

3-.Having regard to the orientation and proximity of the proposed balconies on the north-west elevation of the apartment building, specifically unit numbers 12, 14, 21, 22, 30, 31 and 37, the proposed development would give rise to significant overlooking of the adjoining residential property which would adversely impact the residential amenity of the said property. The proposed development would establish an undesirable future precedent and be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Fergal Ó Bric

Planning Inspectorate

5th day of June 2026

Appendix 1 - Form 1
EIA Pre-Screening

An Bord Pleanála Case Reference	PL-500881-DF-26		
Proposed Development Summary	Permission for the demolition of existing two-storey public house and construction of a part four, part five storey flat roofed mixed-use building comprising of thirty-nine apartments and a ground floor commercial/retail unit.		
Development Address	'The Estuary', Townparks, North Street, Swords, Co. Dublin.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	√	
	No		
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No	√		
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	√		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			

Yes	√	Class 10 - Construction of more than 500 dwelling units	Preliminary examination required (Form 2)
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5. Has Schedule 7A information been submitted?		
No	√	Screening determination remains as above (Q1 to Q4)
Yes		

Inspector: _____ **Date:** _____

Appendix 1 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference Number	PL-500881-DF-26
Proposed Development Summary	Permission for the demolition of existing two-storey public house and construction of a part four, part five storey flat roofed mixed-use building comprising of thirty-nine apartments and a ground floor commercial/retail unit.
Development Address	'The Estuary', Townparks, North Street, Swords, Co. Dublin,
The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Site measuring 0.1053 ha. There are no other developments under construction in proximity to the site. Proposal comprises the demolition of existing two-storey public house and construction of a part four, part five storey flat roofed mixed-use building comprising of thirty-nine apartments, ground floor commercial/retail unit, and all associated site works The development has a modest footprint, comes forward as a

	standalone project, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its modest 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.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development, in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The site is not located within or immediately adjoining to any European Site. The closest European Sites are the Malahide Estuary SPA (Site Code: 004025) and the North Malahide Estuary SAC (Site Code: 000205), both located c. eight hundred metres north-east of the subject site. It is considered that the proposed development would not be likely to have a significant effect individually, or in combination with other plans and projects, on a European Site and Appropriate Assessment is, therefore, not required.
Types and characteristics of potential impacts (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 relatively modest scale 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

Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
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.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector: _____

Date: _____