



An
Coimisiún
Pleanála

Inspector's Report PL-501379-DF-26

Development	Construction of dwelling
Location	Crescent Road, Rush, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F26A/0099E
Applicant(s)	Olivia Leonard
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Olivia Leonard
Observer(s)	Kevin & Cara Mc Mananmon
Date of Site Inspection	13 th August 2026
Inspector	Aisling MacNamara

1.0 Site Location and Description

- 1.1. The site is located in an existing mixed residential and rural area (zoned RU Rural) to the southwest of Rush in County Dublin. The site is in an undeveloped overgrown state. The site is adjoined by existing residential properties. The site is accessed from Crescent Road via a private access lane.

2.0 Proposed Development

- 2.1. Permission is sought for:

- the construction of one new detached dwelling
- amended vehicle entrance
- new boundary treatments
- soakaway
- new utility connections
- site works.

The area of the site is 0.131ha. The floor area of proposed work is 267sqm.

Revised drawings were submitted at further information stage. The dwelling was relocated 3.5m towards Crescent Road. The design of the western elevation was revised – part of side gable replaced with pitched roof.

A flood risk assessment is submitted with the application.

3.0 Planning Authority Decision

3.1. Decision

By order dated 6th May 2026 the planning authority decided to refuse permission for one reason:

The proposed site is located in an area zoned 'RU' under the Fingal Development Plan 2023-2029. 'Residential' development on 'RU' zoned lands is subject to the

requirements of the Council's Rural Settlement Strategy. Based on the information submitted with the application, the applicant has not demonstrated to the satisfaction of the Planning Authority that they have a genuine rural generated housing need as the applicant has indicated they are currently living in a family-owned house within the Rush Development Boundary at 1A Cois Tra, Rush, Co. Dublin. The proposed development would therefore be contrary to the 'Sustainable Rural Housing Guidelines for Planning Authorities' (DoEHLG, 2005), Objective 28 of the National Planning Framework- First Revision (2025) and would materially contravene the objectives of the Fingal Development Plan 2023-2029 which relates to the Councils Rural Settlement Strategy as the applicant has not demonstrated they have a genuine, economic or social, rural generated housing need for a dwelling on 'RU' zoned lands. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Case Planners report of 1st April 2026 recommended further information in relation to two items.
- The planning authority requested further information on 7th April 2026 as follows:
 - (1) Additional information required to assess in relation to Rural Settlement Strategy objective SPQO92 of CDP including (a) long birth certificate to verify the applicants relationship to owner of Kinvarra 82 Lower Main Street, Rush and (b) details of applicant's current residence at 1A Cois Trá, Rush including evidence from Tailte Eireann to demonstrate they are not owner.
 - (2) Concerns regarding siting of dwelling, potential overbearing impact on adjacent dwellings mainly Suncroft, Crescent Road to southwest at distance of 5m from proposed dwelling. Submit revised proposals showing the proposed dwelling relocated closer to Crescent Road and in line with existing dwelling Suncroft to southwest. Alternatively submit justification for dwelling location and information to show no impact on adjacent dwellings.

- The applicant submitted a response to the FI request on 10th April 2026.
- The Case Planner's report of 6th May 2026 considered the FI response and recommended refusal of permission.

3.2.2. Other Technical Reports

- Parks and Green Infrastructure Division
Report of 25th March 2026 states no objection subject to condition relating to implementation of landscaping plan.
- Transportation Planning Section
Report of 20th March 2026 indicates no objection subject to condition relating to construction of access way, visibility splay, drainage, services.
- Water Services Department
Report of 9th March 2026: Flood risk – no objection; Surface water drainage – no objection subject to conditions relating to surface water drainage.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

Third party observation received from owners of Suncroft, Crescent Road both at initial application and FI stage, raising concerns in relation to the layout and design and impact on residential amenity.

4.0 Planning History

Subject site:

F21A/0545 – grant to Eva Butterfly for permission for construction of one new two storey house with new boundary walls, modification of existing vehicular entrance, soakaway, foul sewerage connection, associated sit works.

Sies in vicinity (to west):

F20A/0705 – grant – construction of house

5.0 Policy Context

5.1 Development Plan

5.1. Fingal County Development Plan 2023-2029

The site is located outside of the Rush development boundary.

The site is located on lands zoned RU Rural where the objective is *‘Protect and promote in a balanced way, the development of agriculture and rural related enterprise, biodiversity, the rural landscape, and the built and cultural heritage’*.

The site is within the boundary of land designated with local objective no. 14 *“Ensure that any new residential development in the South Shore, indicated on the map by a boundary line, is in compliance with the specific housing policy relevant to the South Shore area.”*

Local objective no. 13 is to *“Exclude multiple unit housing estates in the South Shore area of Rush.”*

The South Shore area of Rush consists mainly of small landholdings with a mixture of market gardening and single and cluster housing. The pattern of development is increasingly residential with a road infrastructure which is limited in terms of modern road requirements, but which forms part of the overall rural residential character of the area. Recognising the established mix of horticulture and residential land uses within this area, and the availability of water services infrastructure, the settlement strategy for housing in the open countryside will be more flexible within the area demarcated on the Plan maps.

The site is located in a highly sensitive landscape (coastal character type).

Site contains land subject to flood zone A and flood zone B risk in the CDP SFRA.

Chapter 3 Sustainable Placemaking and Quality Homes

3.5.15 Housing in Rural Fingal

Policy SPQHP46 – Rural Settlement Strategy Respond to the rural-generated housing need by means of a rural settlement strategy which will direct the demand where possible to rural villages, rural clusters and permit housing development within the countryside only for those people who have a genuine rural generated housing

need in accordance with the Council's Rural Housing Policy and where sustainable drainage solutions are feasible.

3.5.15.3 Fingal Rural Settlement Strategy Rural Generated Housing Need

3.5.15.7 Layout and Design for Housing in Rural Fingal

Policy SPQHP55 – Layout and Design of Rural Housing Require that all new dwellings in the rural area are sensitively sited, demonstrate consistency with the immediate Landscape Character Type, and make best use of the natural landscape for a sustainable, carbon efficient and sensitive design.

Objective SPQHO84 – Compliance with Development Management Standards in Rural Areas Applications for dwellings in rural areas of Fingal will be required to demonstrate compliance with layout and design criteria set out in Chapter 14 Development Management Standards including the carrying out of an analysis/feasibility study of the proposed site and of the impact of the proposed house on the surrounding landscape in support of applications for planning permission.

3.5.15.8 South Shore Rush

Recognising the established mix of horticulture and residential land uses within this area, and the availability of water services infrastructure, the settlement strategy for housing in the open countryside will be more flexible within the area demarcated on the Plan maps.

Objective SPQHO92 – Applications for Houses within the South Shore Area Consider planning applications for a house located within the South Shore area of Rush from persons who have been resident for a minimum of ten years within the South Shore area or within the development boundary of Rush or within one kilometre by road of either of these areas, subject to sustainable planning and consideration of climate change impacts.

Objective SPQHO93 – Applications for Houses in the South Shore Area from Relatives of Residents Consider planning applications for a house located within the South Shore area of Rush from a mother, father, son or daughter of a resident who

qualifies under Objective SPQHO92 and subject to sustainable planning and consideration of climate change impacts.

Objective SPQHO94 – Occupancy Requirement for House in the South Shore Area
Require that any house which is granted planning permission in the South Shore area will be subject to an occupancy requirement whereby the house must be first occupied as a place of permanent residence by the applicant and/or members of his/her immediate family for a minimum period of seven years.

Objective SPQHO95 – Flooding and Coastal Erosion in the South Shore Area
Require that an applicant for a house in the South Shore area demonstrates, to the satisfaction of the Planning Authority, that the site is not and will not be subject to flooding or erosion in line with national climate change predictions.

Objective SPQHO96 – Ecological Integrity of Sites in the South Shore Area
Require that an applicant demonstrates that the impact of any proposed house will not adversely affect, either directly or indirectly, the ecological integrity of any European site.

Objective SPQHO97 – Connection to the Public Sewer on Sites in the South Shore Area
Allow for new houses within the South Shore area, subject to normal sustainable planning criteria and in line with climate change impacts, which have demonstrated to the satisfaction of the Planning Authority that they cannot connect to a public sewer within a reasonable period of time, on suitably sized sites and subject to the requirements of the EPA Code of Practice.

Chapter 9 Green Infrastructure and Natural Heritage

Objective GINHO59 – Development and Sensitive Areas

Ensure that new development does not impinge in any significant way on the character, integrity and distinctiveness of highly sensitive areas and does not detract from the scenic value of the area. New development in highly sensitive areas shall not be permitted if it:

- Causes unacceptable visual harm.
- Introduces incongruous landscape elements.

- Causes the disturbance or loss of (i) landscape elements that contribute to local distinctiveness, (ii) historic elements that contribute significantly to landscape character and quality such as field or road patterns, (iii) vegetation which is a characteristic of that landscape type and (iv) the visual condition of landscape elements.

Chapter 14 Development Management Standards

14.6 Design Criteria for Residential Development in Fingal

14.6.6 External Factors for Consideration

14.6.6.1 Daylight and Sunlight

14.6.6.3 Separation Distances

Objective DMSO23 – Separation Distance

14.6.6.4 Overlooking and Overbearance

14.8 Housing Development/Standards

14.8.2 Separation Distances

Objective DMSO26 – Separation Distance between Side Walls of Units

14.12 Rural Fingal

14.12.2 Design Criteria for Housing in the Countryside

Objective DMSO41 – New Dwellings in Rural Areas

Objective DMSO43 – Siting of New Dwellings in a Rural Area

14.12.3 Design Guidelines for Rural Dwellings

Table 14.9 Design Guidelines for Rural Dwellings

14.12.11 South Shore Rush – sets out criteria for consideration of proposals for new houses.

5.2 National Guidance

- National Planning Framework, First Revision, April 2025

National Policy Objective 28 Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere. In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable

economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements; In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

- Sustainable Rural Housing Guidelines for Planning Authorities 2005

The guidelines require a distinction to be made between 'Urban Generated' and 'Rural Generated' housing need. A number of rural area typologies are identified including rural areas under strong urban influence which are defined as those with proximity to the immediate environs or close commuting catchment of large cities and towns. Examples are given of the types of circumstances for which 'Rural Generated Housing Need' might apply.

Appendix 3 sets out the development plan objectives and issues for rural areas. Box 1 relates to areas under strong urban influence. The key development plan objectives in these areas should be to on the one hand to facilitate the housing requirements of the rural community as identified by the planning authority in the light of local conditions while on the other hand directing urban generated development to areas zoned for new housing development in cities, towns and villages in the area of the development plan.

- The Planning System and Flood Risk Management – Guidelines for planning authorities, 2009

5.4 Natural Heritage Designations

There are no sites designated for natural heritage at the site or in the immediate proximity of the site. The closest designated sites are:

- Rogerstown Estuary pNHA c 147m from the site.
- Rogerstown Estuary SPA and Rogerstown Estuary SAC c 175m from the site.

6.0 EIA Screening

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

7.0 The Appeal

7.1. Grounds of Appeal

A first party appeal is received from the applicant. The issues raised in the appeal are summarised as follows:

- The applicant submits that she is an eligible candidate under objective SPQH092 of CDP.
- In every other respect, the proposed development was found acceptable by the planning officer either outright or subject to condition.

The applicant is eligible

- The applicant meets the residency requirement of SPQHO92. Applicant has lived within settlement of Rush for at least 10 years – supported by documentary records, school records 1996 to 2010, Revenue correspondence from 2011 to 2020, car documentation from 2021 to 2024 and current utility bills.
- The correct test is the applicants own housing need. The correct test under the Development Plan and Sustainable Rural Housing Guidelines 2005 is whether the applicant herself has a genuine housing need – and she does. She has lived in Rush area for 34 years, she does not own any property, has no legal interest freehold, leasehold or otherwise in 1A Coise Tra or in the family home Kinvarra, 82 Lower Main Street, Rush, currently resides at 1A Cois Tra on short term basis under an informal arrangement with her father.

She has no security of tenure and no entitlement to remain beyond the terms of that arrangement, has a genuine need to establish a permanent, independent home in the community she spent her life. The fact that her father owns the house she currently rents does not affect her personal eligibility.

- Ownership of 1A Cois Tra by the applicant's father does not disqualify her. Michael Leonard owns 1A Cois Tra as a rental property, used to supplement a farming income. The property is not the family home – Kinvarra, where applicant grew up. The identity of a landlord is not a relevant consideration under the Rural Settlement Strategy – planning officer placed excessive weight on that single factor. Note that SPQHO93 expressly provides a pathway for the son / daughter of a qualifying resident to apply for a dwelling in the South Shore area.
- Note on Land Registry – Kinvarra and 1A Cois Tra are separately registered parcels subdivided out of the original landholding c 25 years ago.
- Applicant is eligible under SPQH093 – permits applications for a new dwelling in South Shore from mother, father, son or daughter of resident who qualifies under SPQH092. The applicant is daughter of Michael Leoard who has resided at Kinvarra, 82 Lower Main Street Rush for period that comfortably exceeds the 10 year minimum

All other planning matters were acceptable

- Standard of proposed accommodation – complies with DMSO19
- Private open space – complies with minimum 50sqm requirement for four bed house under Compact Settlement Guidelines.
- Transportation and Access – no objection from Transportation Planning Section subject to condition, sightlines in accordance with DMURS.
- Car and bicycle parking – acceptable in accordance with Compact Settlement Guidelines.
- Water Services and drainage – no objection from Water Services Department subject to condition, the Flood Risk Assessment passed the justification test.

- Parks and Green Infrastructure – no objection from Parks and Green Infrastructure Division subject to condition.
- Appropriate Assessment – no likelihood of significant effects on any European site.
- EIA Screening – no EIA required.
- Visual appearance and residential amenity – following the revised drawings submitted 10th April – relocating the proposed dwelling 3.5m further towards Crescent Road and reducing the height along the western boundary – the planning officer welcomed the revisions and was satisfied the development was acceptable in this location subject to condition.

Conclusion

ACP requested to

- find the applicant satisfies the eligibility criteria under SPQHO92 in her own right,
- in the alternative, find that the applicant qualifies under objective SPQH093 as daughter of qualifying resident,
- grant permission for the proposal, subject to conditions as the Commission considers appropriate incorporating drawings submitted 10th April 2026.

Documentation submitted with the appeal: sealed and certified copies of folios, land history, applicants personal letter, applicant sworn affidavit, tenancy arrangement with Michael Leonard, letter of support from TD, copy of birth certificate

7.2. Planning Authority Response

The planning authority has submitted a response, summarised as follows:

- No further comment, all concerns highlighted within planning report published.
- Request ACP uphold decision of planning authority.
- If appeal is successful, provision should be made in the determination for applying a financial contribution and / or special development contributions

required in accordance with Council's section 48 Development Contribution Scheme, condition should be included where a tree bond is required.

7.3. Observations

An observation was received from the residents of the adjoining property 'Suncroft' (located to the southwest of the site)

The issues raised are summarised as follows:

Object to the proposed development on the following core grounds:

- Proposed development not in accordance with building line.
- Adverse overbearing impact on existing property due to rearward setback – issues with scale, bulk, height, positioning – visually dominating house which impacts on their amenity.
- Overshadowing impact and loss of light.
- Excessive finished floor level and ridge height – raised ffl necessitates steps to front door – excessive, unjustified, lacks visual harmony and architectural integration, will dominate and overpower their home.
- Impact of raised terrace to rear of proposed development looking into the upstairs bedroom windows of adjacent property – overlooks their private open space playing area, direct line of sight into their bedroom and rear living room.
- Windows – expansive windows overlooking neighbouring property impacting on privacy and access to light – issues with western elevation facing their property including kitchen/living windows facing private open space, stairwell window overlooks their dining room.

The development is restricted nature in sensitive area causing material harm to residential amenity through overlooking, domineering (ridge height), loss of light, overbearing impact. Measures incorporated at FI stage do not address issues raised. Alternative designs can be incorporated.

Request ACP refuse permission or require redesign that addresses issues raised.

7.4. Further Responses

None

8.0 Assessment

8.1. Having examined the application details and all other documentation on file, including all submissions received in relation to the appeal and inspected the site and having regard to relevant policies and guidance, I consider that the main issues in the appeal are as follows:

- principle of development / qualification for rural house
- residential amenity
- design and layout
- other issues

8.2. Principle of development/ qualification for rural house

- 8.2.1. The planning authority refused permission for one reason stating that the applicant has not demonstrated a genuine rural generated housing need as has indicated that they are currently living in a family owned house within the development boundary of Rush and that the proposal would materially contravene the Councils Rural Settlement Strategy and would be contrary to Sustainable Rural Housing Guidelines for planning authorities 2005 and objective 28 of National Planning Framework First Revision 2025.
- 8.2.2. Under the Fingal County Development Plan (CDP), the site is located within the rural area outside of the development boundary of Rush. The objective for the RU Rural Area is *'Protect and promote in a balanced way, the development of agriculture and rural related enterprise, biodiversity, the rural landscape, and the built and cultural heritage'*.
- 8.2.3. The Council's rural housing policy is set out in section 3.5.15. Policy SPQHP46 permits housing in the countryside only for people who have a genuine rural generated housing need in accordance with the Council's Rural Housing Policy. This policy is in accordance with the Sustainable Rural Housing Guidelines for planning authorities 2005 and objective 28 of the National Planning Framework First Revision.

- 8.2.4. The site is located on lands designated with local objective no. 14 *“Ensure that any new residential development in the South Shore, indicated on the map by a boundary line, is in compliance with the specific housing policy relevant to the South Shore area.”*
- 8.2.5. Section 3.5.15.8 sets out the specific housing policy relevant to the South Shore area. This section indicates that the settlement strategy for housing in the open countryside will be more flexible within this area. Objective SPQH092 relates to applications for houses within the South Shore area. The objective states as follows: *“Consider planning applications for a house located within the South Shore area of Rush from persons who have been resident for a minimum of ten years within the South Shore area or within the development boundary of Rush or within one kilometre by road of either of these areas, subject to sustainable planning and consideration of climate change impacts.”*
- 8.2.6. The following is a summary of the applicant’s case:
- Family home is 82 Lower Main Street, Rush – resided here for 33 years and thereafter at applicant’s current address 1A Cois Tra, Kilbush Lane, Rush – residing here 1 year – this house is in the ownership of the applicants father.
 - is long established member of the community,
 - is married with young child and is seeking to build family home.
- 8.2.7. Documentary evidence to show proof of address is submitted (Revenue documentation, school letters, motor insurance, service bills).
- 8.2.8. I am satisfied that the applicant has demonstrated that they are a resident of the settlement of Rush for at least 10 years and qualifies for consideration of a new house under objective SPQH092.
- 8.2.9. The planning authority have taken the view that the applicant does not have a genuine rural generated housing need as they are living in a family owned house within the Rush development boundary.
- 8.2.10. The applicant has been residing at a house 1 Cois Tra owned by her father which is used as a rental house to supplement his farming income. The applicant has submitted a sworn affidavit confirming that she does not own any residential property and has no legal interest in 1 Cois Tra. A letter is submitted from the applicants

father stating that he owns 1A Cois Tra, it is a private residential investment property used for rental income and he is renting short term to his daughter.

8.2.11. From the information submitted, I am satisfied that the applicant has a housing need. I am not aware of any provision of the CDP that would prohibit consideration for the construction of a new rural house in circumstances where the applicant is residing in a rental house owned by her parents. I do not consider that she is disqualified by virtue of her parents owning a rental property within the urban area.

8.2.12. I therefore consider that the applicant has demonstrated that she has a genuine rural generated housing need in compliance with the Council's rural settlement strategy policy SPQHP46 and SPQH092 and that she qualifies for a rural house.

8.3. Residential amenity

8.3.1. An observation is received from the residents of the adjoining house to the southwestern boundary of the site 'Suncroft', raising concerns that the proposed new house will adversely impact on their residential amenity.

8.3.2. I note the provisions of the CDP set out in section 14.6.6 in relation to daylight and sunlight, separation distances and overlooking and overbearing. I also note the provisions of section 14.8.2 in relation to separation distances.

8.3.3. The layout and house design was revised at further information stage. The revised proposal is for a 267sqm 2 storey house (with single storey flat roof element to rear) with maximum ground to ridge height of 7.57m. The finished floor level of the house is raised above ground level in accordance with the requirements of the submitted flood risk assessment (considered acceptable by the planning authority and its Water Services Department). Existing ground level is 3.5 and 3.75 and finished floor levels are at 4.710. The house is traditional two storey form, finished in render, roof tiles, limestone cladding and aluminium detailing. A 1.8m hedge is to be planted along the shared boundaries.

8.3.4. In considering impacts, I have considered the permission granted for the Suncroft property under F20A/0705. The windows on the eastern elevation serve ground floor dining, utility and wc and serve first floor wardrobe, ensuite, laundry and bathroom. The outdoor terrace is located on the western side of the house and there is a large

rear garden of c 22m depth. There is an existing c 1.8m high block wall along the shared boundary.

- 8.3.5. The western elevation of the proposed house addresses the shared boundary to Suncroft. This elevation has two small ground floor kitchen windows, glazing to ground floor dining and living room and a first floor bathroom window and a double height stairwell window.
- 8.3.6. The ground floor finished floor level is 0.96m above ground level. The kitchen and dining windows are 1.7m from the shared boundary. Notwithstanding the raising of floor levels, having regard to the setback from the boundary, the existing wall and proposed hedge planting, the ground floor level and to the internal room configuration, I do not consider that the proposed windows will result in significant detrimental overlooking of the adjoining property.
- 8.3.7. The site layout drawing shows that the rear terrace is split on levels and provides stepped access to the garden. Having regard to the configuration and size of the terrace, particularly the higher section of terrace, I do not consider that it will result in significant adverse overlooking of the adjoining open space.
- 8.3.8. Should the Commission find that there is overlooking from the ground floor kitchen/ dining and outdoor terrace, it is open to the Commission to attach conditions for the installation of measures such as obscure glazing and screens to mitigate impacts.
- 8.3.9. The stairwell and bathroom windows serve non habitable rooms. I do not consider that these windows will result in any significant overlooking of the adjoining property.
- 8.3.10. The proposal complies with the required separation distances of DMSO23 and DMSO26.
- 8.3.11. Having regard to the orientation, height and separation distance to boundaries, I do not consider that the proposed new house will result in significant new overshadowing or loss of light of the Suncroft house or any other houses. I do not consider that a daylight/ sunlight analysis is required.
- 8.3.12. At further information stage, the house was repositioned closer towards the front boundary and the rear gable on the western elevation was omitted and replaced with pitched roof. The 2 storey element of the proposed house is set back 3m from the western shared boundary and 5m from the Suncroft dwelling and extends 5.5m

beyond the rear elevation of Suncroft. The flat roof element attached to the rear is 1.7m from the western shared boundary.

- 8.3.13. These revisions reduced the bulk and scale of the proposed house along the rear western boundary. Having regard to the overall scale of development proposed, the setback from the shared boundary and to bulk and height of the proposed house, including the overall size of the proposed site and the adjoining site, I do not consider that the proposed house will result in any significant overbearing impacts on the adjoining Suncroft property.
- 8.3.14. I am satisfied that the proposed development is in accordance with section 14.6.6 and 14.8.2 and that it would not result in significant adverse impacts on the residential amenity of the adjoining Suncroft property (subject to measures to address overlooking) or to any other property in the vicinity.

8.4. Design and layout

- 8.4.1. This area is zoned rural area and the design provisions of section 14.12.2 and 14.12.3 apply. Table 14.9 sets out design guidelines in relation to siting and design of rural dwellings. The site is located within a highly sensitive landscape (coastal character type) which is of exceptional value.
- 8.4.2. Whilst this is rural zoned area, the South Shore area is also an established residential area with a considerable mix of dwelling forms, finishes, heights, building lines and infill type plots.
- 8.4.3. The proposed house is setback behind the front building line of the adjoining houses to the southwest, however having regard to the location of the plot set back from the Crescent Road, the need for sufficient space for driveway and parking including the general mix of building lines in the area, I am satisfied that the layout and proposed building lines are acceptable and appropriate for the site. Contiguous drawings are submitted showing the proposed house relative to existing development in the vicinity and I am satisfied that the height and scale of the development is acceptable. A plan for landscaping of the site is submitted. I am satisfied that the proposed layout and house design and finishes are in keeping with the established pattern of development in the area.

8.4.4. I am satisfied that the proposed development will integrate into the area, will not dominate its surroundings, will not be detrimental to the sensitive character of the area. I am satisfied that the proposal is in accordance with Table 14.9 Design guidelines and that it will not be detrimental to the visual amenity of the area.

8.4.5. Other issues

8.4.6. The site is located on lands identified in the CDP Strategic Flood Risk Assessment as flood zone A and flood zone B. A flood risk assessment is submitted. The proposed development is a 'highly vulnerable' development. The flood risk assessment includes the 'justification test'. The proposed FFLs exceed the minimum required for highly vulnerable developments in flood zone A. The proposed development will not alter the existing local flow regime or compromise water quality. The proposal is deemed to satisfy the justification test. The assessment sets out recommended additional measures to be implemented relating to construction and internal fit out. The planning authority and Water Services Section raised no objection to the proposal on flood risk grounds. The proposal is in accordance with the requirements of Planning System and Flood Risk Management Guidelines for planning authorities.

9.0 AA Screening

9.1. I have considered this application for retention permission in light of the requirements of section 177U of the Planning & Development Act, 2000 (as amended).

The subject site is located c 175m from Rogerstown Estuary SPA and Rogerstown Estuary SAC.

The proposed development is for the construction of a new dwelling and associated works.

Having regard to the nature, scale and location of the subject development, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European site.

The reason for this conclusion is as follows:

- the small scale domestic nature of the works,

- the lack of hydrological or ecological pathways between the development and the European site network,
- the distance to the European site network

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

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

10.0 Water Framework Directive

An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive.

The proposed development is for the construction of a new dwelling, connection to public mains water supply, public sewer and on site disposal of surface water via soakpit.

Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.

In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive.

Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

11.1. I recommend that permission be granted.

12.0 Reasons and Considerations

Having regard to the zoning of the site and the other provisions of the Fingal Development Plan 2023-2029, and to the nature, scale and design of the proposed development, it is considered that, subject to compliance with the conditions as set out below, the proposed development is an acceptable form of 'rural generated' development in this rural area, would not seriously injure the residential or visual amenities of the area, would not be prejudicial to public health and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 10th April 2026, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity.
2	(a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect. (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first

	occupation of the dwelling in accordance with paragraph (a) and the date of such occupation. This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale. Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted in the interest of the proper planning and sustainable development of the area.
3	The landscaping scheme shown on the Proposed Landscape Plan drawing, as submitted to the planning authority on the 10th April 2026 shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. Reason: In the interest of residential and visual amenity.
4	Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Reason: In the interest of public health and surface water management.
5	Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network. Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

6	All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Reason: In the interests of visual and residential amenity.
7	The design measures set out in the submitted Site Specific Flood Risk Assessment relating the design of services, doors and windows (section 6 Conclusions) shall be implemented. Reason: To prevent risk from flooding.
8	Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority. Reason: To safeguard the amenity of property in the vicinity.
9	The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme. Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Aisling Mac Namara
Planning Inspector

24th August 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	501379
Proposed Development Summary	Construction of dwelling
Development Address	Crescent Road, Rush, Co. Dublin
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Schedule 5, Part 2, 10 (b) (i) Construction of more than 500 dwelling units
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	501379
Proposed Development Summary	Construction of dwelling
Development Address	Crescent Road, Rush, Co. Dublin
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).	The development has a modest footprint, a standalone project, does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
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 development is situated within an established rural area. This is a highly sensitive coastal landscape. The development is separated from sensitive natural habitats and designated sites. No built heritage.

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 modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 3: Water Framework Directive Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING							
Step 1: Nature of the Project, the Site and Locality							
An Bord Pleanála ref. no.		501379		Townland, address		Crescent Road, Rush, Co. Dublin	
Description of project				Construction of dwelling			
Brief site description, relevant to WFD Screening				Flat site, no streams on site.			
Proposed surface water details				soakpit			
Proposed water supply source & available capacity				Public mains			
Proposed wastewater treatment system & available capacity				Public sewer Rush agglomeration – has spare capacity (UE Capacity Register)			
Other issues							
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection							
Identified water body	Water body name(s) (code)	WFD status	Risk of not achieving WFD	Identified pressures	Pathway linkage to water feature (e.g. surface	Mitigation measures proposed	Is mitigation sufficient? Will there be

			Objective e.g. at risk, review, not at risk	on that water body	run-off, drainage, groundwater) Consider all phases		any residual impacts?
Ground	Swords	Good	Not at risk		on site surface water disposal	To BRE Digest 365	No residual impact
					Construction	Standard best construction	No residual impact
Transitional	Rogerstown Estuary	poor	At risk		No pathway due to distance		