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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: FW19A/0200**

**Appeal** by Gabriel and Roisin Shanley of 22 Riverwood Chase, Castleknock, Dublin against the decision made on the 3<sup>rd</sup> day of February, 2020 by Fingal County Council to grant subject to conditions a permission to Judith Rogers care of Weber Architecture of 180 Rathgar Road, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Permission sought to increase the numbers of children attending the previously approved playschool (FW16A/0051) at side and rear of house from 16 children to 18 per each of the 2 daily sessions, 8.45am-12.15pm and 1.00pm-4.30 pm, Monday to Friday. The 2 additional children per session will be aged between 2 years 8 months - 5 years 6 months and will be accommodated within the existing playschool area at 21 Riverwood Chase, Castleknock, Dublin.

**Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to the nature of the application, the zoning of the site, the provisions of the Fingal Development Plan 2017-2023, the planning history, the established and permitted playschool use on the site and the existing pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed modest increase in numbers of children attending the playschool would not seriously injure the residential amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience, and would comply with Objectives ED108 and DMS94 of the development plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to the established and permitted playschool use on the site and considered that the proposed modest increase in numbers of children attending the playschool would not seriously injure the residential amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience, and would comply with Objectives ED108 and DMS94 of the development plan.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 out in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The part of the house used as a playschool shall not be separated from the main house and shall be operated by the resident of the dwelling. In particular, it shall not be sold or let independently of the main house and, when no longer required for use as a playschool, use of that part shall revert to use as part of the main house.

**Reason:** In the interest of residential amenity.

3. The proposed childcare facility shall not operate outside the period of 0845 to 1215 hours and 1300 to 1630 hours Monday to Friday inclusive except public holidays.

**Reason:** In the interest of residential amenity.

4. The number of children to be accommodated within the premises shall not exceed 18 per session. A register of attendance of the Childcare facility shall be maintained by the provider which shall be available for inspection at the request of the planning authority.

**Reason:** To limit the development in the interest of residential amenity.

5. No set-down parking or visitor parking shall be facilitated within the curtilage of the site. All parking within the curtilage shall be restricted to staff car parking and parking for the existing residential use only.

**Reason:** In the interest of traffic safety.

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**John Connolly**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2020.**