

An
Coimisiún
Pleanála

Direction
CD-021353-25
ACP-323123-25

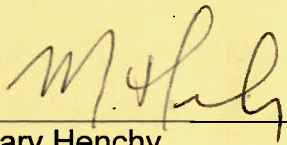
The submissions on this file and the Inspector's report were considered at a meeting held on 13/11/2025.

The Commission decided to refuse permission for the following reasons and considerations.

Planning

Commissioner:

Date: 20/11/2025



Mary Henchy

DRAFT WORDING FOR ORDER

Reasons and Considerations

The land in question is zoned 'Objective OS', which seeks "To preserve and provide for open space and recreational amenities". Under the provisions of the South Dublin County Development Plan 2022 - 2028, residential development on OS zoned land is 'open for consideration' only where it accords with Policy H3 Objective 4, which seeks: To support community led housing developments for older persons and social and Council affordable housing in established areas on lands designated with Zoning Objective 'OS' (To preserve and provide for open space and recreational amenities), only where the quality and quantum of remaining public open space is deemed to be adequate and the amenities of the area are preserved. The proposed development for retention does not fall into the categories referred to in Policy H3 Objective 4 and would therefore materially contravene the zoning objective.

In addition, the granting of such a proposal would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the open space and recreational amenities of the area and would be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Commission concurred with the Planning Authority, the applicants proposal would result in an area of land zoned open space being incorporated into the private garden of a house this would materially contravene the open space zoning objective where residential is only open for consideration where it accords with the requirements of H3 Objective 4. In this case the applicant has not demonstrated that this is a community lead housing scheme nor is it Council housing, therefore it does not accord with the zoning. The Commission considered the appellants Planning Consultant's correspondence that accompanied the application, in particular paragraph 4.1 referenced in the appeal, the Commission acknowledge that part of the area is not included within the boundary wall of the garden space this does not alter the fact that the majority of the proposed development to be retained does and therefore does not accord with the Development Plan zoning.

The Commission did not concur with the Inspector that a private garden for the use of the residents of a single residence is open space as defined in Appendix 6 of the South Dublin Development Plan 2022-2028, as the garden would neither have an element of public value or potential public value.