

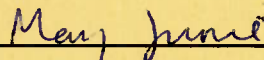
An
Coimisiún
Pleanála

Commission Direction
CD-000596
PL-500675-WH-26

The submissions on this file and the Inspector's report were considered at a meeting held on 20 May 2026.

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

Planning Commissioner:



Mary Gurrie

Date: 21/05/2026

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the proposed access to the development which crosses an area of open space in the Crystal Village estate, the Commission was not satisfied that the developer had demonstrated that the access to the proposed development was not over conditioned open space and therefore would not be contrary to the previous planning permission for that estate and would not detract from the

existing residential amenity of the residents in Crystal Village. Furthermore, the proposed works to provide the entrance are outside the red line boundary of the site. In these circumstances the Commission considered that it would not be appropriate to grant permission for the proposed development.

In deciding not to accept the Inspector's recommendation to grant permission the Commission noted the inspector's assessment that the loss of open space in the Crystal Village was small and that the planning authority had provided a letter of consent in relation to the land, however having regard to the entirety of the information on file and the details publicly available regarding the site layout and planning permission for Crystal Village (Planning Reg. Ref. 94/617) the Commission was not satisfied that the applicant had demonstrated that the access to the proposed development was not over conditioned open space and would not therefore detract from the existing residential amenity of the Crystal Village estate.

Note: Having regard to the proposed layout and in particular to the shallow depth of the rear north facing gardens to proposed house numbers 5 to 8 the Commission considered that the quantum and quality of the private open space for these dwellings would not provide a high standard of residential amenity for future residents. The Commission also considered that the potential alternative access, west of the proposed entrance, and the opportunity to provide access, or pedestrian permeability through the existing right of way to Bunnavally Road to the north should be explored. Furthermore, the Commission considered that there was a lack of information in the application in relation to the retention and protection of trees on the site. The Commission consider that these matters required a reconsideration of the proposed design and layout and could not

be addressed by condition. While ordinarily these matters could have been addressed through a request for further information, in this instance given the substantive reasons for refusal above, it was decided not to pursue these matters under the current appeal.