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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: FW18A/0104**

**APPEAL** by Paul Casey of 46 Saint Brigid's Park, Blanchardstown, Dublin against the decision made on the 7<sup>th</sup> day of September, 2018 by Fingal County Council to refuse permission to the said Paul Casey.

**Proposed Development:** (1) Removal of single storey extension to rear and construction of single-storey extension to side and all related works, (2) a two-storey detached dwelling at rear with vehicular access from Roselawn Close, removal/relocation of existing trees from the vicinity of the rear boundary, removal of shed to rear, and all related works, all at 46 Saint Brigid's Park, Blanchardstown, Dublin.

**Decision**

**REFUSE** permission for the above proposed development in accordance with the reasons and considerations 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**

- 1 The proposed means of vehicular access to the appeal site is over lands which are dedicated as public open space. The applicant, based on the submissions made in connection with the planning application and the appeal, does not, in the opinion of the Board, possess sufficient legal interest or title in these lands upon which the development is wholly dependent, and has not submitted documentary consent from the owner of the lands in question to permit such access. On the basis of the submissions made in connection with the planning application and appeal, the Board is not satisfied that the application has been made by a person who has
  - (a) sufficient legal estate or interest in the land the subject of the application to enable the person to continue the existing use of, or carry out the proposed works on the land, or
  - (b) the approval of the person who has such sufficient legal estate or interest.

In these circumstances, it is considered that the Board is precluded from giving further consideration to the granting of permission for the development the subject of the application.

- 2 The proposed development, which would involve traversing an area of public open space, and the consequent permanent loss of such space and established trees and vegetation, would seriously injure the visual amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.
  
- 3 Having regard to the nature of the established pattern of development in the immediate area, the limited area for access arrangements associated with the site, and its relationship and proximity to adjoining properties, it is considered that the proposed development would represent inappropriate piecemeal and haphazard backland development, would result in a substandard residential unit, and would seriously injure the amenities of future occupants of the proposed residential property. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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**John Connolly**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2019.**