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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: FW18A/0173**

**APPEAL** by Castleshore Investments Limited care of Tony Bamford Planning of Airport Hub, Furry Park, Swords Road, Santry, Dublin against the decision made on the 9<sup>th</sup> day of April, 2019 by Fingal County Council to refuse permission to Castleshore Investments Limited.

**Proposed Development** The demolition of an existing residential unit and associated structures on the application site, and the development of a three- and part four-storey, mixed use residential and office development, consisting of 22 apartments and offices. The apartments will consist of three one bed units, 17 two-bed units and two three-bed units. The offices would have a gross floor area of circa 283 square metres. The wider development includes parking for 25 cars and one accessible parking bay and circa 22 private cycle parking spaces and eight public cycle parking spaces; open space and communal open space; bin storage unit; secure cycle storage building; boundary treatment and landscaping; and all underground drainage and service infrastructure. It is proposed to widen the access point onto the Castleknock Road and regrade the laneway. The development includes all associated site development works, all at Glenmalure, Castleknock Road, Castleknock, 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**

Having regard to the limited width, length and alignment of the proposed laneway access to the subject site, and to the lack of segregated pedestrian facilities along this laneway due to its limited width, coupled with the treatment of boundaries and the lack of availability of alternative pedestrian permeability from the subject site other than along this laneway, it is considered that the proposed development would be substandard with regard to providing a safe and comfortable environment for future users, and would endanger public safety by reason of traffic hazard to vulnerable road users, that is, pedestrians. Furthermore, the proposed access arrangements would fail to suitably advocate for the quality of the pedestrian environment and create permeability and legibility for all users, and would accordingly be at variance with Objective Castleknock 4 of the Fingal Development Plan 2017 – 2023, which seeks to improve facilities for pedestrians and cyclists. The proposed development would, therefore, 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 Board considered that the issue of pedestrian permeability to adjoining lands, as suggested by the Inspector in her report, and by her recommended condition number 12, (and also referred to in the planning authority's response to the appeal), had been fully explored in the Section 137 Notice, and it is now clear from the applicant's reply that no such permeability can be achieved. Furthermore, the Board considered that the omission of the proposed office element of the development and its replacement by apartments, as recommended by the Inspector in her condition number 2, while it would have the effect of reducing the level of traffic using the proposed access (and particularly conflicting vehicular movements at peak times along the access), would represent a significant and material alteration to the proposal as submitted, and therefore was not appropriate for imposition in a condition, but would have to be the subject of a separate application. In overall terms, the Board considered that the basis for the refusal by the planning authority was to be preferred over the Inspector's recommendation in this case.

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**Philip Jones**

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

**Dated this            day of            2019.**