

An
Bord
Pleanála

Board Order
ABP-321609-25

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: FW24A/0440

Appeal by Claire Doherty and Phelim O'Doherty of 1 Phoenix Gardens, Castleknock, Dublin against the decision made on the 11th day of December, 2024 by Fingal County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of alterations to approved planning permission (planning register reference number FW13A/0033) which include: (i) projection of two-storey side extension 1.46 metres beyond front building line with gable roof over and incorporating a front porch, (ii) a vehicular access opening to the rear with kerb dishing leading to Old Navan Road, (iii) inclusion of one number rooflight at porch level and at attic level, both South facing, and (iv) omission of rear garden garage at 1 Phoenix Gardens, Castleknock, Dublin.

Decision

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to ATTACH condition number 3 and the reason therefor.

Reasons and Considerations

Having regard to the Old Navan Road's allocation as a shared cycle street in the approved Blanchardstown to City Centre Core Bus Corridor Scheme which will connect to the Active Travel Network alongside the Bus Corridor and future Royal Canal Greenway, the Board agrees with the planning authority that limiting unnecessary vehicular accesses to the road is appropriate when no clear need is established. The Board is not satisfied that retention of the access is the only means by which trees on the adjacent land could be maintained, meaning that no clear need has been established for the rear access. The Board also noted that the previously permitted application on the subject site, planning register reference number FW13A/0033, stated at Condition 2 (ii) that "No vehicular access/egress to or from the rear of the property off the Old Navan Road shall be permitted", with the reasoning behind this condition being "In the interest of traffic safety".

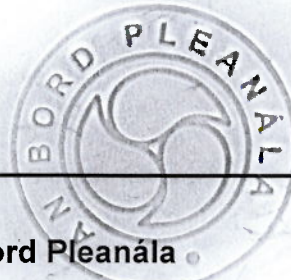
It is considered that rear access to the site would cause significant impact to the residential amenity of the site, present as a traffic hazard to pedestrians, cyclists and vehicles attending the nearby playing fields, and to permit this element would also give rise to an unacceptable precedent.

In not agreeing with the Inspector's recommendation to permit retention of the rear access, the Board did not share the view that rear access was required by the applicants to facilitate maintenance of tall trees on neighbouring lands that are not in their ownership.



Declan Moore

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



Dated this 26th day of MAY 2025