



Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: FW24A/0514E

APPEAL by Paul and Jean Brophy care of Raymond McGinley Architects of 43 Sycamore Avenue, Castleknock, Dublin against the decision made on the 4th day of February 2025, by Fingal County Council to refuse permission.

Proposed Development: Permission is sought for the demolition of a rear garden out building and the existing granny flat to the side of the existing house, with modification to the existing house roof, and replacement of the granny flat with a detached, two-storey, 2-bed house and the formation of a new opening in the front boundary wall, including partial paving of the grass area beside the public footpath to allow vehicular access and all associated site works, 19B Sycamore Lawn, Castleknock, Dublin.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

Having regard to the Fingal County Development Plan 2023-2029, Objective DMSO26 - Separation Distance between side walls of units and Objective DMSO32 - Infill Development on Corner/Side Garden Sites, the Board considered that, whilst a reduction in the separation distance can be acceptable on a case-by-case basis, it was not satisfied that the proposed development has demonstrated sufficient design mitigation and maintenance arrangements to allow for adequate maintenance and access of the proposed dwelling. 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 agreed that the principle of development at this location was acceptable, that the design and layout would comply generally with Objective DMSO19, and that the streetscape and public open space would not be adversely impacted by the proposed development. The Board however, whilst agreeing with the Inspector that the separation distance from the adjacent dwelling would not be a material contravention of DMSO26 (which provides for a relaxation of the separation distance on a case-by-case basis), were not satisfied that the issue in relation to maintenance and access could be resolved satisfactorily through modification of the floor plans by way of condition without compromising the residential amenity of the proposed dwelling for future residents.


Marie O'Connor

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this 12 day of June 2025.