



An  
Coimisiún  
Pleanála

Commission Order  
ABP-321973-25

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: FW24A/0365E**

**APPEAL** by Frances and David McClelland of 4 Orchard Avenue, Weaver Road, Clonsilla, Dublin and by J & C Porterstown Road Development Company Limited care of Thornton O'Connor Town Planning of 1 Kilmacud Road Upper, Dundrum, Dublin and by Others against the decision made on the 14<sup>th</sup> day of February, 2025 by Fingal County Council to grant permission, subject to conditions, to the said J & C Porterstown Road Development Company for the proposed development.

**Proposed Development:** The development will principally consist of the demolition of a vacant dwelling and outbuildings (circa 207 square metres) and the construction of 90 residential units comprising eight number three number storey semi-detached houses (three-bed units) and 82 apartments (30 number one-bed units and 52 number two-bed units) in two number blocks, where Block A is part four number storeys to part five storeys and Block B is five number storeys. The development also proposes a new vehicular access and pedestrian/cycle access off Porterstown Road; the provision of 42 number car parking spaces; bicycle parking spaces; motorcycle parking spaces; bin stores and ancillary storage space (circa 95 square metres; a single storey facilities building (circa 180 square metres); balconies and terraces; hard and soft landscaping; boundary treatments; ESB

sub-station and switch room; green/blue roof and all associated site works above and below ground. The total gross floor area of the proposed equates to circa 8,668 square metres. Works are also proposed to connect to new wastewater and stormwater pipes to the existing sewer along Porterstown Road. The total site area including the development site and the infrastructural works measure circa 0.95 hectares, all at circa 0.93 hectares site at Porterstown Road, Porterstown, 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 proposed developments site classification under Table 3.1 of the Sustainable and Compact Settlement Guidelines for Planning Authorities (2024) (the *Guidelines*), as a City Suburban/Urban Extension where the permitted density range is between 40 – 80 dwellings per hectare, the Commission was not satisfied that the site could be classified as an 'Accessible Location' (Table 3.8 of the *Guidelines*) where densities of up to 150 dwellings per hectare are open for consideration. The proposed development at 94 dwellings per hectare 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 (with a number of conditions), the Commission was not satisfied that the proposed condition to cede land to the planning authority was lawful or that the proposed connection to Diswellstown Road had been fully considered in terms of the significant difference in ground levels between the site and the road, the impact on a gabion wall, the loss of trees and other flora, the potential impact on local fauna, and its design and costs.



While the applicant submitted a drawing (*numbered 0112 of Jan 25*) showing the feasibility of a connection, and the planning authority conditioned same in their grant of permission, the applicant subsequently appealed to the Commission to have several conditions, including those related to site permeability, set aside. In the absence of permeability through the site to Diswellstown Road, the site cannot be considered an 'Accessible Location', that is, lands within a five to six minute walk (500 metres) of existing or planned high frequency public transport, and the higher density be open for consideration.

The Commission formed the view that the applicant and planning authority should first agree the location, design, construction details and costs (to be appropriately apportioned between them), to provide a pedestrian/cycle pathway connection between the proposed development site and Diswellstown Road, in order to justify the site as an 'Accessible Location' and (in turn) the 94 dwellings per hectare being sought.



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**Declan Moore**

**Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.**

**Dated this *3<sup>rd</sup>* day of *JULY* 2025.**