

An
Coimisiún
Pleanála

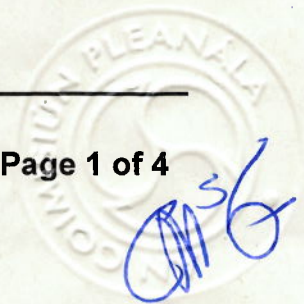
Commission Order
ABP-322053-25

Planning and Development Acts 2000 to 2024

Planning Authority: Fingal County Council

Planning Register Reference Number: F24A/1113E

Appeal by KGLC Trust Limited care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 12th day of February, 2025 by Fingal County Council to refuse permission for development comprising retention of (i) the demolition of the previously existing, substantially completed, single storey residential dwelling on-site (as approved under An Coimisiún Pleanála reference number PL06F.204933) formerly known as 'The Green' and for (ii) the erection of a partially constructed replacement dwelling and garage on-site. Planning permission is sought for: (iii) the completion of the partially constructed replacement, single storey, six-bedroom residential dwelling on site, (iv) the completion of the partially constructed single storey detached garage structure to the north-west of the replacement house, (v) the provision of a gated site entrance (vehicular and pedestrian) off Pucky Lane to the east and a new gravel driveway to the replacement dwelling and garage structure, (vi) provision of an on-site waste water treatment unit to the front of the replacement dwelling and (vii) all ancillary works necessary to facilitate the development, including landscaping, boundary treatments and drainage, all on a 1.098-hectare site located on the south-western side of Pucky Lane, Garristown, County Dublin in accordance with the plans and particulars lodged with the said Council.



Decision

GRANT permission for retention of (i) the demolition of the previously existing, substantially completed, single storey residential dwelling on-site (as approved under An Coimisiún Pleanála reference number PL06F.204933) formerly known as 'The Green' in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for (ii) the erection of a partially constructed replacement dwelling and garage on-site. Planning permission is sought for: (iii) the completion of the partially constructed replacement, single storey, six-bedroom residential dwelling on-site, (iv) the completion of the partially constructed single storey detached garage structure to the north-west of the replacement house, (v) the provision of a gated site entrance (vehicular and pedestrian) off Pucky Lane to the east and a new gravel driveway to the replacement dwelling and garage structure, (vi) provision of an on-site waste water treatment unit to the front of the replacement dwelling; and (vii) all ancillary works necessary to facilitate the development, including landscaping, boundary treatments and drainage based on the reasons and considerations marked (2) under.

Reasons and Considerations (1)

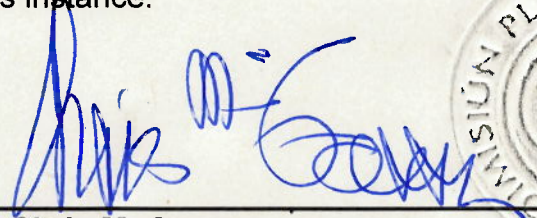
Having regard to the nature of development for which retention permission for demolition is sought, namely a structure not fully complete, and on the basis of the information submitted with the application and appeal, including detail of the state of part of the blockwork of the structure described by the applicant as being unsafe and unstable, it is considered that permission for retention of demolition is warranted and would be in accordance with the proper planning and sustainable development of the area.

Conditions

Reasons and Considerations (2)

Having regard to the planning history of the site (An Coimisiún Pleanála reference number 06F.204933), to the facts of the case as they relate to previous development of a structure on site subsequent to that planning history, which structure was not fully completed nor formally implemented in accordance with the provisions of its planning permission including condition number 1 thereof, to the location of the site on lands which are predominantly zoned for 'HA – High Amenity' (and also for 'RU - Rural') as per Map Sheet 2 'Fingal North' and Section 13.5 (Zoning Objectives, Vision and Use Classes) of the Fingal Development Plan 2023-2029, and in an area where housing is restricted to persons demonstrating local need in accordance with Section 3.5.15.3 (Fingal Rural Settlement Strategy Rural Generated Housing Need), Table 3.4, of the development plan, it is considered that the development for which retention permission (of partially constructed works) is sought and the proposed development, cannot reasonably be considered a replacement dwelling but rather constitutes a proposal for a new dwelling at this rural location, and the applicant does not come within the scope of the housing need criteria as set out in the development plan for a dwelling at this location. The development for which retention permission is sought and the proposed development, in the absence of said housing need, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The development proposed to be retained and 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 refuse permission for the retention of (i) the demolition of the previously existing, substantially completed, single storey residential dwelling on-site, the Commission determined that the structure on site which was commenced subsequent to an expired planning permission (An Coimisiún Pleanála reference number PL06F.204933), was not completed, nor formally implemented in accordance with the provisions of its planning permission including condition number 1 thereof. In this regard the Commission agreed with the substance of the assessment and recommendation of the inspector, namely that the overall proposal in this case falls to be considered as a proposal for a new dwelling rather than a replacement dwelling. The Commission also noted and shared the opinion of the planning authority on this matter. Having agreed with this assessment and recommendation of the inspector however, the Commission considered that it was appropriate to distinguish between the request for retention of permission for demolition of the structure related to expired planning permission, (An Coimisiún Pleanála reference number PL06F.204933), and the other separate elements of the overall application for retention permission and permission related to the provision of a new dwelling on site. Having regard to the evidence on file from the applicant including detail on the physical state of the incomplete structure, it was determined that the final decision of the Commission should clarify that permission for retention of demolition was warranted in this instance.



Chris McGarry

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

Dated this 17th day of July 2025