

An  
Coimisiún  
Pleanála

Commission Order  
ABP-322128-25

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**Planning and Development Acts 2000 to 2024**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F24A/1045E**

**Appeal** by Bernadette Noonan of 70 Brookfield, Rush, County Dublin against the decision made on the 3<sup>rd</sup> day of March 2025, by Fingal County Council to grant permission, subject to conditions, to Ciarán Daly care of Dan Shanahan Design and Planning of Garden House, Rush, County Dublin for the proposed development.

**Proposed Development:** Permission to modify a vehicle entrance, driveway, boundary wall and associated works under permitted F21A/0612 at Sandy Lane, Rush, County Dublin.

**Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## Reasons and Considerations

Having regard to the zoning objective, which seeks to provide residential development and improve residential amenity while protecting the existing residential amenities, as set out in the Dun Laoghaire-Rathdown Development Plan 2022-2028, to the pattern of development in the area and to the policy framework set out in the development plan, it is considered that the proposed development, subject to compliance with the conditions set out below, would represent a reasonable improvement of accommodation on site, would not seriously injure the amenities of neighbouring properties, including the adjoining house at number 36 and the abutting house at number 38 Churchtown Road Lower, would comply with Section 12.3.7.1 (ii) (Rear Extension) and Section 12.3.7.1 (iii) (Side Extension) of the Dun-Laoghaire-Rathdown County Development Plan 2022-2028 and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 6<sup>th</sup> day of February 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

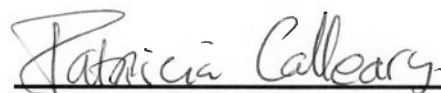
**Reason:** To prevent flooding and in the interests of sustainable drainage.

3. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



**Patricia Calleary**

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



**Dated this 24<sup>th</sup> day of June 2025.**