

An
Coimisiún
Pleanála

Commission Order
ACP-323123-25

Planning and Development Act 2000, as amended

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD25A/0104W

Appeal by Ballyroan Property Limited care of LHA Architecture of 45 South Hill, Dartry, Dublin against the decision made on the 26th day of June, 2025 by South Dublin County Council to refuse permission.

Proposed Development: Retention of an enlarged private open space area (increased in size from approximately 172 square metres to approximately 211 square metres) and a new boundary wall of approximately two metres in height serving McFarland House (permitted and constructed under planning register reference number SD23A/0302). Permission is also sought for the inclusion of an additional area of land approximately three square metres to form part of the main area of public open space serving the overall development at Watson Place. There are no works proposed to Ballyroan House (a protected structure). All other development within the wider site remains as previously permitted under planning register reference number SD17A/0064 (An Coimisiún Pleanála reference number PL06S.249209), as extended under planning register reference number SD17A/0064/EP and as amended under planning register reference numbers SD21A/0175, SD23A/0302, SD23A/0340 and SD25A/0010W, all on a site of approximately

one hectare on lands at Ballyroan House, Ballyroan Heights, Dublin (a protected structure). (The overall development currently under construction at this site is referred to as 'Watson Place' and development subject of this application relates to this development and to the dwelling unit known as 'McFarland House', Watson Place, Dublin).

Decision

REFUSE permission for the above development based on the reasons and considerations set out below.

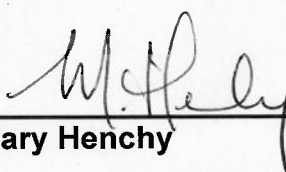
Reasons and Considerations

The land in question is zoned 'Objective OS', which seeks "To preserve and provide for open space and recreational amenities". Under the provisions of the South Dublin County Development Plan 2022-2028, residential development on OS zoned land is 'open for consideration' only where it accords with Policy H3 Objective 4, which seeks: To support community led housing developments for older persons and social and Council affordable housing in established areas on lands designated with Zoning Objective 'OS' (To preserve and provide for open space and recreational amenities), only where the quality and quantum of remaining public open space is deemed to be adequate and the amenities of the area are preserved. The development proposed for retention does not fall into the categories referred to in Policy H3 Objective 4 and would, therefore, materially contravene the zoning objective.

Furthermore, the granting of such a proposal would set an undesirable precedent for other similar developments, which would, in themselves and cumulatively, be harmful to the open space and recreational amenities of the area and would 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 Commission concurred with the planning authority, and considered that the applicants proposal would result in an area of land zoned open space being incorporated into the private garden of a house, which would materially contravene the open space zoning objective where residential is only open for consideration where it accords with the requirements of H3 Objective 4. In this case the applicant has not demonstrated that this is a community led housing scheme nor is it Council housing, therefore it does not accord with the zoning. The Commission considered the correspondence of the applicants Planning Consultant that accompanied the application, in particular paragraph 4.1 referenced in the appeal; while the Commission acknowledge that part of the area is not included within the boundary wall of the garden space, this does not alter the fact that the majority of the proposed development to be retained does and therefore does not accord with the development plan zoning.

Furthermore, the Commission did not concur with the Inspector that a private garden, for the use of the residents of a single residence, is open space as defined in Appendix 6 of the South Dublin Development Plan 2022-2028, as the garden would neither have an element of public value or potential public value.



Mary Henchy

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



Dated this 25th day of November 2025.