



An
Coimisiún
Pleanála

Commission Order
ACP-323151-25

Planning and Development Act 2000, as amended

Planning Authority: Fingal County Council

Planning Register Reference Number: FW25A/0208E

Appeal by Attracta Desmond care of Peter Keenahan of 3 High Road, Kilmainham Lane, Dublin and by Richard Day care of Suiomh Limited of 44 Drummartin Terrace, Dublin against the decision made on the 1st day of July, 2025 by Fingal County Council to grant subject to conditions a permission to the said Richard Day in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of part of the development comprising the demolition of a front garden wall and removal of a grass verge, resurfaced in concrete, to form a wider driveway entrance from the street, as well as the repaving of the front driveway. Permission for the construction of a first-floor extension of area 25 square metres at the south-west side of the house comprising a bedroom and bathroom, all at 32 Castleknock Elms, Laurel Lodge, Dublin.

Decision

GRANT permission for the above 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 applicable RS zoning objective which pertains to the site, Policy SPQH041, Objective SPQH045, SPQH01 and Sections 14.10.2.2 and 14.10.2.4 of the Fingal County Development Plan 2023-2029, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and proposed development would not result in a traffic hazard, would be acceptable in terms of traffic safety and convenience, would not detract from the character of the existing dwellinghouse, would not seriously injure the amenities of the area or of property in the vicinity, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Commission did not concur with the Inspector regarding the revision to Condition 3 of the planning authority's decision. The Commission noted that while the Fingal County Development Plan 2023-2029 does not include specified entrance widths for residential properties, it does include policy SPQH01 (Sustainable communities) which requires development to accord with DMURS. Section 4.2.3 of DMURS, 2019, states that a scenario where parking dominates the interface between the building and the footway should be avoided; without a boundary front wall and a clear entry point it is considered in this instance the parking would dominate the interface between the parking and the footpath. The Commission noted that other local development plans provide for a range of entrance widths, for example Dublin City Council 2.5 - 3 metres, South Dublin 3.5 metres and, while these are not the relevant plan in this case, they do provide a context for framing the decision. The Commission, noting that the transport department

recommended four metre entrance width, consider in this case this would be acceptable.

The Commission did consider the first party's appeal submission, and the response of the planning authority to the submission made, but considered that this did not address the relationship of the private carparking with the public footpath.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, 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 and the development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Within three months from the date of this Order the developer shall submit, for the written agreement of the planning authority, an amended proposal for the entrance which shows a width of four (4) metres between piers. The works shall be completed within 12 months of the date of this Order.

Reason: In the interest of public safety and to avoid parking dominating the interface between the building and the footpath.

3. The entire dwelling shall be used as a respective single dwelling unit and shall not be sub-divided in any manner or used as two or more separate habitable units.

Reason: In the interest of clarity.

4. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to 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: In the interest of public health.

5. The finishes of the proposed extension shall be consistent with the details lodged with the planning application, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of proper planning and visual amenity.

6. 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 or public holidays. Deviation from these times shall 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.

7. 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.



Mary Henchy

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

Dated this 27th day of November 2025.