

An
Coimisiún
Pleanála

Commission Order
ACP-323288-25

Planning and Development Act 2000, as amended

Planning Authority: Fingal County Council

Planning Register Reference Number: F25A/0499

Appeal by Rory and Nicola O'Connor of 9 Birchdale Drive, Kinsealy Court, County Dublin against the decision made on the 28th day of July, 2025 by Fingal County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Amendments to previously approved planning application (planning register reference number F21A/0052) to include increasing the footprint of the single storey garage structure in the front/side garden from 17 square metres to 27 square metres. It is not proposed to increase the height of the structure. Provide space within the structure for ancillary family uses - office and gym space, all other elements of the proposal are to be as per the original permission, all at 9 Birchdale Drive, Kinsealy Court, County Dublin.

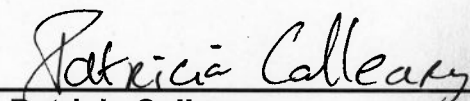
Decision

Having regard to the nature of the condition the subject of the appeal, the Commission is satisfied that the determination by the Commission of the relevant application as if it had been made to it in the first instance would be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act 2000, as amended, to ATTACH condition number 3 and the reason therefor.

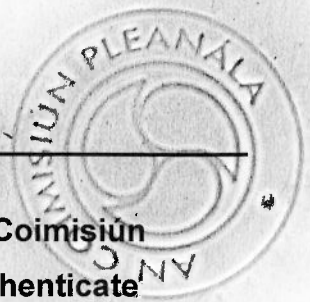
Reasons and Considerations

Having regard to the provisions of the Fingal County Development Plan 2023-2029, including in particular the specific policy requirements of Section 14.10.4 (Garden Rooms) which seeks to control the scale, nature, uses, and design of a proposed structure, it is considered that condition number 3, as attached by the planning authority, requiring the omission of the proposed bathroom, is warranted in the interest of the proper planning and sustainable development of the area.

The Commission noted the Inspector's recommendation to also amend condition number 7 such that it would require materials and finishes to be agreed with the planning authority. Notwithstanding that this condition was not the subject matter of the appeal and noting that it was open to the Commission to amend the said condition nonetheless, the Commission decided not to direct the planning authority to amend this condition. While the Commission agreed with the Inspector with regard to the spirit and intention of the recommended amended condition number 7, the Commission was satisfied that the essence of the condition is adequately captured within condition numbers 2 and 7, when both are collectively considered, of the planning authority's decision under planning register reference number F25A/0499 and noting that these conditions would remain attached to the final grant of permission that will issue by the planning authority following the conclusion of this Section 139 appeal process. For this reason, the Commission concluded that the amendment of condition numbers 7 was not necessary in this instance.


Patricia Calleary

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



Dated this 02 day of December 2025.