



An  
Coimisiún  
Pleanála

Commission Order  
ACP-323670-25

**Planning and Development Acts 2000, as amended**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F25A/0408E**

**Appeal** by Damian Murphy against the decision made on the 21<sup>st</sup> day of August, 2025 by Fingal County Council to refuse permission for the proposed development.

**Proposed Development:** The development will consist of a dormer style dwelling, advanced wastewater treatment system and percolation area, new entrance walls and piers and all ancillary site development works at Wimbletown, Ballyboughal, 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 location of the site on lands zoned 'RC – Rural Cluster' with the objective to 'provide for small scale infill development serving local needs while maintaining the rural nature of the cluster' and to the planning policies, objectives and development standards of the Fingal Development Plan 2023-2029, and specifically to Policy SPQHP54 (Rural Clusters), Section 3.5.15.2 (Rural Clusters) and Section 14.12.6 (Development in Rural Clusters), and to the nature, scale and design of the proposed development relative to adjoining dwellings, and to the existing pattern of development in the wider area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an acceptable form of development at this location, would not seriously injure the amenities of adjoining properties 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 information received by the planning authority on the 25<sup>th</sup> day of July 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. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

3. (a) The proposed site entrance shall have a width of four metres between piers. The vehicular entry-splay (i.e. the paved area lying between the edge of road carriageway and the gates/piers of the site entrance or, if no gate is provided, to a point six metres from the edge of road carriageway) shall be constructed in a bound road material or other suitable material to a detail approved by the planning authority.
- (b) No objects, structures, landscaping or planting shall be placed or installed within the visibility splays (as defined by TII DN GEO-03060 (Current Edition) (Transport Infrastructure Ireland-Geometric Design of Junctions) and as per the submitted site plan) exceeding a height of 900 millimetres, which would interfere or obstruct (or could obstruct over time) the required visibility splays.
- (c) Any works to the public road carriageway to facilitate the development and any repairs to the public road carriageway necessary as a result of the development shall be at the expense of the developer and completed to the planning authority's standards for taking-in-charge and to the satisfaction of the planning authority.

(d) The roadside verge and hedgerow within the red line boundary of the proposed development shall be cut and maintained by the owner indefinitely ensuring necessary sightlines are maintained. The roadside verge bounding the site shall be maintained as a level grass verge.

**Reason:** In the interest of traffic safety.

4. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.
- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.
- (c) The percolation area serving the proposed development shall maintain a separation of at least 10 metres from the drainage ditch running along the western boundary of the site.

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

5. (a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report lodged with the application and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent  $\leq$  10)" – Environmental Protection Agency, 2021.

- (b) Treated effluent from the septic tank/wastewater treatment system shall be discharged to a percolation area/polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

**Reason:** In the interest of public health and to prevent water pollution.

6. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann to provide for a service connection to the public water supply.

**Reason:** In the interest of public health and to ensure adequate water facilities.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

8. Building noise insulation shall be provided to an appropriate standard having regard to the location of the site within Dublin Airport Noise Zone D.

**Reason:** In the interest of residential amenity and to ensure compliance with Objective DMSO105 (Development within Airport Noise Zones) and Objective DAO11(Requirement for Noise Insulation) of the Fingal Development Plan 2023-2029.

9. Site development and building works shall be carried out only between the hours of 0700 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:** To safeguard the amenity of property in the vicinity.

10. 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.

*Eamonn James Kelly*

**Eamonn James Kelly**

**Planning Commissioner of An Coimisiún**

**Pleanála duly authorised to authenticate** *NV*

**the seal of the Commission.**

Dated this 23<sup>rd</sup> day of January, 2026.

