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

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F25A/0618E**

**Appeal** by Stephen Barry against the decision made on the 2<sup>nd</sup> day of September 2025 by Fingal County Council to refuse permission for development comprising of amendments to the Residential Development permitted under Fingal County Council Register Reference F24A/0644E. The amendments principally comprise: the omission of Condition numbers 4 and 5 to facilitate the construction of two number two-storey three-bedroom houses in lieu of a childcare facility; modifications to the roof profile of Unit numbers 006, 010, 011, 015, 016 and 020; and all associated site and development works above and below ground, at a 0.48 Hectare site located off Hearse Road, Donabate, County Dublin.

## **Decision**

**GRANT permission, subject to compliance with conditions set out below, for modifications to the roof profile of Unit numbers 006, 010, 011, 015, 016 and 020 in accordance with the said plans and particulars based on the reasons and considerations marked (1) under. REFUSE permission for (i) the omission of condition numbers 4 and 5 to facilitate the construction of two number two-storey three-bedroom houses in lieu of childcare facilities (iii) all associated site and development work above and below ground, for the reasons and considerations marked (2) under.**

## Reasons and Considerations (1)

The proposed alterations to the roof profile are minor in nature and would not detract from the design of the dwellings or the amenity of the adjoining property. The proposed development, 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, 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.

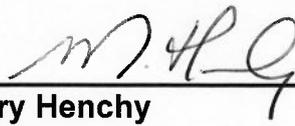
2. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission including conditions 4 and 5 (Register Reference F24A/0644E). This permission shall expire on the same date as the parent permission.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).

## Reasons and Considerations (2)

The proposed omission of the previously conditioned childcare facility would result in a shortfall in childcare facilities to serve the new housing area. The proposed development would, therefore, contravene the 'RA' zoning objective, which seeks to 'Provide for new residential communities subject to the provision of the necessary social and physical infrastructure'; and would contravene Objectives CSO6 and CIOSO28 of the Fingal Development Plan 2023-2029.

In deciding not to accept the Inspector's recommendation to omit condition number 4 and number 5 from the parent permission and to facilitate the construction of two number two-storey three-bedroom houses in lieu of a childcare facility, the Commission disagreed with the Inspector's assessment that a reduced requirement for childcare places could be justified based on the CSO's Census of Population 2022 Profile – Households, Families and Childcare data on preschool children, as this does not take account of other factors such as unmet demand or affordability. The Commission shared the opinion of the planning authority that additional childcare facilities are required to provide necessary social infrastructure to serve new communities, including the houses permitted under the parent permission F24/0644E, and that this is in accordance with the zoning objective for this area and Childcare Facilities Guidelines for Planning Authorities 2001, Section 2.4, Appendix 2.



Mary Henchy

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.

Dated this 9<sup>th</sup> day of February 2026

