

An
Coimisiún
Pleanála

Commission Order
PL-500025-DF

Planning and Development Act 2000, as amended

Planning Authority: Fingal County Council

Planning Register Reference Number: F25A/0691E

Appeal by Breda Corrigan against the decision made on the 9th day of September, 2025 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: The development will consist of: The subdivision of the existing site with the provision of (a) a new entrance to the existing house off Kinsealy Lane; (b) one number detached, two-bedroom house to the north of the site. New house to have both single storey and two storey elements with roof lights (to the front and rear) and PV panels (to the rear). The works include; (1) demolition of existing shed; (2) adjustments to mains and local drainage; (3) construction of new house; (4) new entrance off Kinsealy Lane; and (5) all associated landscaping and site works throughout at Bushwell, Kinsealy Lane, Malahide, County Dublin.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations set out below.

Reasons and Considerations

Having regard to the nature and scale of the proposed development, located on lands zoned RS – Residential in the Fingal Development Plan 2023 - 2029, which is to provide for residential development and protect and improve residential amenity, and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an acceptable form of infill development at this site, would not seriously injure the character nor adversely impact on the visual amenities of the area, would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Commission considered the wording of the Development Plan objectives SPQH042 and DMSO32 and determined conclusively that no material contravention of these objectives would arise. These objectives (which are considered reasonable) are general in wording and allow for an overall judgement to be made on the balance of presented evidence. In this case, the Commission determined that the proposed development can be successfully integrated into the setting and would not adversely impact on the visual amenities 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. (a) Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

(b) Prior to commencement of development, details of the overflow arrangement for the proposed rainwater harvesting system shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interests of public health and surface water management.

3. Prior to the commencement of development the developer shall enter into connection agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection network.

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

4. (a) Prior to commencement of development, the layout and details of the proposed vehicular entrance to serve the existing Bushwell dwelling house and crossing/dishing of the public footpath shall be agreed in writing with the planning authority prior to commencement of development.
- (b) The footpath and kerb shall be dished at the developer's expense to the satisfaction of the planning authority.

Reason: In the interest of traffic safety.

5. 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.

6. Prior to commencement of development, a landscape scheme to include boundary treatment details for the proposed development shall be submitted to, and agreed in writing with, the planning authority. Details to be submitted shall include details of any trees to be removed, planting proposals within the new house site hereby permitted, and boundary treatment proposals between the existing dwelling house site at Bushwell and the new house site.

Reason: In the interests of residential and visual amenities.

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

Reason: In the interest of residential amenity and to ensure compliance with Objective DMSO105 of the Fingal Development Plan 2023 - 2029.

8. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 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.

9. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following:

- (i) collection and disposal of construction waste;
- (ii) surface water run-off from the site, in particular measures to avoid surface water run-off to Hazelbrook Stream to south/south-west of the existing overall Bushwell house site; and
- (iii) environmental management measures during construction including dust and vibration control and monitoring of such measures.

A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

Reason: In the interest of environmental protection.

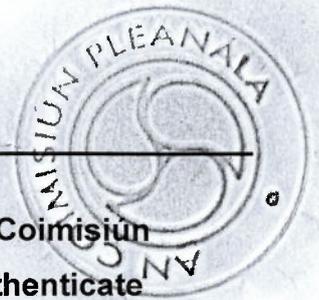
10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.

Marie O'Connor

Marie O'Connor

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



Dated this *09* day of *February* 2026.