



An  
Coimisiún  
Pleanála

**Commission Order  
PL-500197-DF**

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

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F25A/0736E**

**Appeal** by Eric and Grace McCarthy against the decision made on the 7<sup>th</sup> day of October, 2025 by Fingal County Council to refuse permission.

**Proposed Development:** Demolition of detached dwelling (340 square metres), demolition of ancillary garages and sheds (342 square metres), construction of replacement (part single and part two-storey) detached dwelling (485 square metres), change of use of agricultural building to home gym and studio (140 square metres), replace existing septic tank with new wastewater treatment system, SuDS compliant surface water drainage, and all associated site works, all at Newlawn House, Ballyboughal, County Dublin.

## **Decision**

**GRANT permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.**

## Reasons and Considerations

Having regard to the nature of the proposed development, seeking a replacement dwelling and related works, and noting the content of the applicants' Demolition Justification Report which records the condition of the existing house on site and demonstrates that the dwelling is in a sub-standard to severely dilapidated condition, it is considered that a strong justification for the demolition of the existing structure has been demonstrated, and that the principle of a replacement dwelling on the subject site is acceptable by reference to Sections 14.21.1 (Reuse of Existing Buildings), 14.12.4 (Replacement Dwellings – Rural) and 14.19.1.2 (Existing Buildings/Structures) and to Objective DMSO256 (Retrofitting and Re-Use of Existing Buildings) of the Fingal Development Plan 2023-2029. It is also considered that, subject to compliance with the conditions set out below, the proposed replacement dwelling would represent a well-considered and high-quality contemporary rural dwelling whose scale and design would appropriately integrate into the landscape at this location, and would be in accordance with the requirements of Table 14.9 (Design Guidelines for Rural Dwellings) and Objective DMSO41 (New Dwellings in Rural Areas) of the Fingal Development Plan 2023-2029. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Coimisiún Pleanála on the 3<sup>rd</sup> day of November, 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 proposed 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 development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter, unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act 2000, as amended, to this effect.

- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

**Reason:** To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

4. (a) Prior to commencement of development, details of the proposed landscaping arrangements, including replacement hedging along the southern boundary, shall be submitted to, and agreed in writing with, the planning authority.
- (b) The trees and hedging on the site, as indicated on the submitted landscape plans, shall be fully protected in accordance with BS 5837:2012 – Trees in Relation to Design, Demolition and Construction Recommendations.

**Reason:** In the interest of biodiversity and the visual amenities of the area.

5. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

6. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included in the Site Characterisation Report received by An Coimisiún Pleanála on the 3<sup>rd</sup> day of November, 2025, and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )” – Environmental Protection Agency, 2021.
- (b) Treated effluent from the wastewater treatment system shall be discharged to a polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )” – 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.

7. All service cables associated with the proposed development, such as electrical, telecommunications and communal television, shall be located underground and outside of tree protection zones.

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

8. 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 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:** To safeguard the amenity of property in the vicinity.

9. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority a Demolition and Construction Management Plan, which shall be adhered to during the demolition and construction phases. This plan shall provide details of intended construction practice for the proposed development, including noise and dust management measures and off-site disposal of demolition and construction waste.

**Reason:** In the interest of public and environmental safety.

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.

  
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**Mary Henchy**

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

Dated this 12<sup>th</sup> day of *March* 2026.

