

An
Coimisiún
Pleanála

Commission Order
PL-500381-DF-25

Planning and Development Act 2000, as amended

Planning Authority: Fingal County Council

Planning Register Reference Number: F25A/0840E

Appeal by Elaine Smith against the decision made on the 5th day of November 2025 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: The development will consist of: (1) Construction of two number single storey, three-bedroom detached dwellings with rear gardens and on-site car parking (two number spaces in total); (2) Creation of a new vehicular and pedestrian access to serve the proposed dwellings via Ballygossan Park, and (3) All associated site works including landscaping, boundary treatments, and engineering works necessary to facilitate the development, all at Lands west and to the rear of number 1 Cabra Hill, Skerries, 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 provisions of Fingal Development Plan 2022 – 2028, in particular the ‘RS – Residential’ zoning which applies to the subject site, to the policy support for infill development, including in particular SPQH042 that promotes development of underutilised backland sites, and having regard to the location of the site which is serviced by existing road access and public infrastructure and the nature and scale and architectural design of the development, the Commission was satisfied that, subject to compliance with the conditions set out below, the proposed development would be an appropriate form of infill development on a backland underutilised site, would be compatible with the design and scale with adjoining dwellings and the visual and residential amenities of the area and it would provide a satisfactory standard of amenity for future occupiers. The proposed development would align with the provisions of the statutory development plan and overall would be in accordance with the proper planning and sustainable development of the area.

The Commission noted that the planning authority decision to refuse permission for the development stated that the proposal would materially contravene the ‘RS’ land-use zoning objective, Objectives SPQHO39, SPQHO42, SPQHO43, DMSO31 and Table 14.4 of the Development Plan. The inspector reached a different conclusion on the merits of the application, however also concluded that the Commission should consider itself constrained by Section 37(2) of the Act and ultimately recommended a refusal on this ground of material contravention only. Notwithstanding, regarding the planning authority’s referenced objectives and Table 14.4 of the Development Plan in its decision, these provisions refer to general approaches to development and are not, in the inspector’s view, sufficiently specific so as to justify the use of the term “materially contravene” in terms of normal planning practice. The Commission shared the view of the inspector in this regard and

the Commission went on to conclude that no material contravention arises and therefore there was no requirement to consider Section 27(2) of the Act.

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 plans and particulars received by An Coimisiún Pleanála on the 2nd day of December 2025, except as otherwise may 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 dwellinghouses, including the bedroom window shutters and their fixing mechanism, and all the external finishes to accompanying surfaces 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. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Eireann.

Reason: In the interest of orderly development.

4. 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.

5. 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: In order to safeguard the residential amenities of property in the vicinity.

6. (a) The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.
- (b) The construction of the development shall be managed in accordance with a Construction Traffic Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of public safety and residential amenity.

7. Proposals for a house naming and numbering scheme shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of urban legibility.

8. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

- (a) Details of all proposed hard surface and/ or permeable surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- (b) Proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- (c) Details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

Reason: In the interest of visual amenity.

9. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any residential unit.

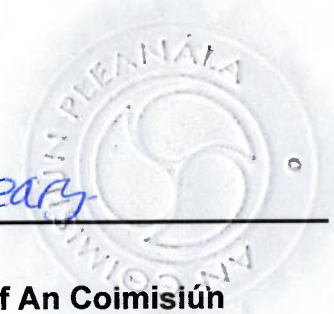
Reason: In the interests of amenity and public safety.

10. 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.

11. 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



Patricia Calleary

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 21st **day of** July **2026**