

Planning and Development Act 2000, as amended

Planning Authority: Fingal County Council

Planning Register Reference Number: FW25A/0452E

Appeal by Noelle and Mark Behan against the decision made on 16th day of January 2026, by Fingal County Council to grant, subject to conditions, a permission to Charlotte Bagnall in accordance with the plans and particulars lodged with the said Council.

Proposed Development: The development will consist of alterations to an existing house including the construction of a two-storey extension to the rear at number 2 Mount Joseph, Westmantown, Lucan, 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 design and appearance of the proposed extension, it is considered that, subject to compliance with the conditions below, the development proposed would not seriously injure the visual amenities of the area or the residential amenities of any property in the vicinity and would not adversely impact on the character of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Commission noting that the first party had not appealed the omission of the west facing bedroom window considered its omission is appropriate.

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 plans and particulars received by the planning authority on the 11th day of December 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. The dwelling and extension shall be jointly used as a single dwelling unit and shall not be used for multiple occupancy living units/non-residential uses, except where otherwise permitted by way of a separate grant of planning permission.

Reason: In the interest of clarity and to ensure proper planning and sustainable development and to prevent unauthorised development.

3. The developer shall amend the design of the proposed development to accord with the following:

The proposed first-floor west-facing dormer bedroom window on the proposed extension shall be omitted.

Reason: In the interest of residential amenity.

4. All external finishes shall harmonise in colour and texture with the existing premises.

Reason: In the interest of visual amenity.

5. The following requirements in relation to transportation shall be complied with in full:

- (a) Prior to the commencement of development, a revised layout plan shall be submitted to, and agreed in writing with, the planning authority detailing the distance between the front building line of the dwelling and the beginning of the two number proposed car parking spaces to be a minimum of 4.8 metres and the width of each car

parking space shall be 3.0 metres and the length of the car parking spaces to be 4.8 metres or otherwise agreed.

- (b) No objects, structures, landscaping or planting shall be placed or installed within the visibility splays (as defined by DMURS (Current Edition) exceeding a height of 900 millimetres, which would interfere or obstruct (or could obstruct over time) the required visibility splays for the parking areas.
- (c) All underground or overhead services and poles shall be relocated, as may be necessary to a suitable location at the developer's own expense and according to the requirements of the relevant utility service provider/service owner/statutory undertaker.
- (d) All stormwater shall be disposed of to soak pits or drains within the site and shall not discharge onto the public road surface.
- (e) Any works to the public footpath, verge and road carriageway to facilitate the development and any repairs to the public footpath, verge and road carriageway necessary as a result of the development shall be at the expense of the developer and completed to the planning authority standards for taking-in-charge and to the satisfaction of the planning authority.

Reason: In the interests of public and pedestrian road safety.

6. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection to the wastewater collection network.

Reason: In the interests of public health and in order to ensure adequate wastewater facilities.

7. The following requirements, in relation to surface water drainage, shall be complied with in full:
- (a) Soakaways shall comply with BRE Digest 365, the GSDSDS, designed to accommodate the 30-year critical duration storm event, include for climate change (minimum+20%), use site specific infiltration rates and rainfall data, and generally be at least five metres from any structure and three metres from any boundary.
 - (b) No surface water/rainwater shall discharge into the foul water system under any circumstances.
 - (c) The surface water drainage shall be in compliance with the Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0, FCC, April 2006.

Reason: In the interest of public health and sustainable drainage of the area.

8. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday 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.

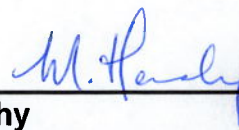
9. (a) All necessary measures shall be taken by the developer to prevent any spillage or deposition of clay, dust, rubble or other debris, whether arising from vehicle wheels or otherwise, on the adjoining and/or adjacent public road and footpath network during the course of the construction works.

- (b) Any damage to roads, footpaths or other public property caused by the development shall be made good to the satisfaction of the planning authority.

Reason: In the interests of traffic safety and proper control of development.

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.



Mary Henchy

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.

Dated this ^{8th} day of *May* 2026

