



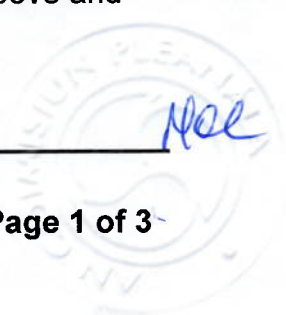
Planning and Development Act 2000, as amended

Planning Authority: Fingal County Council

Planning Register Reference Number: FW25A/0380E

Appeal by John Byrne and by Alan and Aimee Fitzpatrick against the decision made on the 5th day of March 2026, by Fingal County Council to grant permission, subject to conditions a permission to B&C Contractors Carpenterstown Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development will principally consist of the demolition of a dwelling and gate lodge (circa 1,140 square metres); and the construction of 86 number residential units comprising 42 number three-storey houses (six number three bed units and 36 number four-bed units) and 44 number apartments (13 number one bed units and 31 number two bed units) in a part five- to part six-storey building. The development also proposes: the widening of the existing vehicular access to facilitate two-way traffic movements; pedestrian access along Carpenterstown Road; car parking spaces; bicycle parking spaces; motorcycle spaces; a single storey bicycle store; bin storage; balconies and terraces; green roof; hard and soft landscaping; boundary treatments; and all associated site works above and



below ground. The development at this circa 1.6 hectares site comprising The Orchard and The Orchard Gate Lodge, Carpenterstown Road, Dublin. Works are also proposed along Carpenterstown Road to facilitate the continuation of the existing cycle lane to the west and connections into the existing wastewater, surface water and watermain infrastructure. The total site area including the development site, road works and infrastructural works measures circa 1.94 hectares, all at a site comprising The Orchard and The Orchard Gate Lodge, Carpenterstown Road, Dublin. A Natura Impact Statement (NIS) has been prepared in respect of the proposed development. The proposed development was revised by further public notices received by the planning authority on the 12th day of January 2026.

Decision

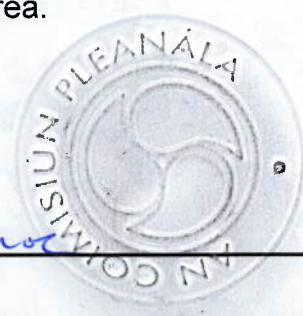
Having regard to the nature of the condition the subject of the appeal, the Commission is satisfied that the determination by the Commission of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000, as amended, to RETAIN condition number 15 without amendment for the reasons and considerations set out below.

Reasons and Considerations

Having regard to the 'RS Residential' land use zoning for the site in Fingal Development Plan 2023-2029, as varied, and to the pattern of development in the area, it is considered that the provision of a pedestrian link, to be permanently open and without gates, would be in compliance with the zoning objective to provide for residential development and protect and improve residential amenity, and would not seriously injure the residential amenities of the area. In addition, the provision of a pedestrian link in this instance would be in accordance with the development plan Policy CMP3 (Integrated Land-Use and Transport Approach) and Objective CMO22 (Safe Routes to School Measures).

The Commission, whilst agreeing with the Inspector in relation to retaining Condition 15, considered that there was sufficient detail on the file and requirements in the planning permission regarding submission of updated drawings to not require the amendment of the condition. The retention of Condition 15 would, therefore, be in accordance with these provisions of the current development plan and would, therefore, be in accordance with the proper planning and sustainable development of the area.


Marie O'Connor


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

Dated this 03rd day of September 2026