



An
Coimisiún
Pleanála

Inspector's Report

ABP-321917-25A

Development

Demolition of bungalow and construction of 2 two-storey dwellings with all associated works.

Location

1 Deerpark Close, Castleknock,
Dublin 15, D15 R3PC

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

FW24A/0486E

Applicant(s)

Ted & Henry Crowley

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party v Grant

Appellant(s)

- 1) Niall & Ann O'Neill
- 2) Niall & Aideen Duggan
- 3) Tom & Jeanne Freeman

Observer(s)

None

Inspector

Daire McDevitt

1.0 Introduction

This report is an addendum report to the Inspector's Report in respect of ABP-321917- 25 dated 26th May 2025.

At a meeting on the 19th June 2025, the Commission decided to defer consideration of the case and issue a Section 137 Notice to the parties as follows:

Having regard to the Commission's duties under Section 15 of the Climate Action and Low Carbon Development Act 2015, it notes the Fingal Development Plan 2023-2029 and the policies and objectives set out therein including in relation to climate action, to Section 5.5.2.1 "to ensure that proposals for substantial demolition and reconstruction works can be justified having regard to the 'embodied carbon' of existing structures as well as additional use of resources and energy arising from new construction relative to the reuse of existing structures", to Policy CAP8 and Objective DMSO256 to "Support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible", to Section 14.2.3 where "the re-use of existing buildings should always be considered as a first option in preference to demolition and new build, and to Section 14.21.1 "where demolition is proposed, the applicant must submit a demolition justification report to set out the rational for the demolition having regard to the embodied carbon of existing structures as well as the additional use of resources and energy arising from new construction relative to the reuse of existing structures. The Board might therefore consider the proposed development does not accord with the aforementioned policies and objectives of the Fingal Development Plan 2023-2029.

Since this constitutes a new issue, the parties are invited to provide a commentary/response in relation to the considerations outline above as they relate to the subject appeal.

2.0 Responses

2.1. Response from Niall & Aideen Duggan (appellants) received on 15th July 2025.

This reiterates concerns outlined in their grounds of appeal. References policies and objective in FDP. Noting no WMP is submitted with the application. No demolition Justification Report is submitted and no details regarding embodied carbon. The response also reference to 'precedents' FCC Ref. 24A/0993E which was refused on

the grounds that no demolition justification report was submitted. Request that the Commission refuse permission on this basis.

- 2.2. **Response from Niall & Ann O'Neill (appellants) received 16th July 2025.** No demolition justification report submitted. Any response should be prepared by an independent source. Also requires an independent opinion on justification for the demolition having regard to existing Low Carbon and Climate Action legislation. If the proposed demolition is permitted it would destroy the cultural identity and attraction of the surrounding houses in the Cul de sac of Deerpark Close, Deerpark Drive and Deerpark Road. A much better proposal would involve upgrading the present structure to a high environmental standard instead of demolishing the house, thereby contributing a significant carbon reduction advantage.
- 2.3. **Response from Tom & Jeanne Freeman (appellants) received 16th July 2025 (same as the O'Neill correspondence).** No demolition justification report submitted. Any response should be prepared by an independent source. Also requires an independent opinion on justification for the demolition having regard to existing Low Carbon and Climate Action legislation. If the proposed demolition is permitted it would destroy the cultural identity and attraction of the surrounding houses in the Cul de sac of Deerpark Close, Deerpark Drive and Deerpark Road. A much better proposal would involve upgrading the present structure to a high environmental standard instead of demolishing the house, thereby contributing a significant carbon reduction advantage.
- 2.4. **Response from the applicant received on 17th July 2025.** This comprised of a Demolition Justification Report prepared by Cora Consulting Engineers.
- 2.5. **Response from the planning authority received on 21st July 2025.**

The PA acknowledges the Commission consideration to Objective DMSO256 which looks to retrofit and reuse existing building stock. However, given the limited nature of the site and poor quality of the existing building referred to within the cover letter, the proposed development was considered to bring better planning gain through the redevelopment of the site.

The justification set out by the applicant in their cover letter was considered satisfactory by the planning officer in relation to section 14.21.1 of the development Plan. The proposal is a high-quality design response to the site respecting the

prevailing scale and building form. The PA requests that the Commission uphold its decision. No further comments to add in relation to financial contributions from that submitted on 13th March 2025.

3.0 Assessment

I refer the Commission to the assessment carried out by Gerard Kellett, Planning Inspector in his report dated 26th May 2025. This report is confined to the items that formed part of the section 137 Notices as outlined in section 1 of this report therefore I am not proposing to revisit the original grounds of appeal.

I note that one submission noted that if the proposed demolition is permitted it would destroy the cultural identity and attraction of the surrounding houses in the Cul de sac of Deerpark Close, Deerpark Drive and Deerpark Road. In this regard I note that the bungalow which is proposed to be demolished is not a protected structure, is of little architectural merit and its demolition and replacement with contemporary dwellings would not in my view detract from the cultural identity and attraction of the surrounding area.

The applicant submitted a Justification Report which addresses the items raised in the Section 137 Notice in addition to setting out a Justification for the demolition of the existing single storey bungalow with a BER rating of D1 which is proposed to be replaced with 2 no. A1 rated houses which are designed to be future proofed in terms of life cycle and accessibility of future occupants. The report also set out compliance with all the policy objectives and section raised in the s.137 Notices and the need to balancing competing objectives. The report sets out the energy performance of both existing and proposed units. How the proposed development would adhere to universal design standards and how the proposed development would contribute to the sustainable and efficient use of zoned serviced lands. A WLC assessment is also included in the report and this addressed 4 scenarios: scenario 0 (do nothing), Scenario 1 (retrofit), scenario 3 (new build) and scenario 3 (Retrofit & New build)

which I have reviewed along with all other submission received on foot of the Section 137 Notices.

The submission and particulars submitted on foot of the Section 137 Notice by all parties have been reviewed and do not change the overall assessment of the proposed development and conclusions reached.

4.0 Recommendation

I refer to the previous Inspector's Report and recommendation on this application (dated 26th May 2025). I am satisfied that the matter has been addressed fully and that no change to the previous Inspector's recommendation is required having regard to the Commission Direction (dated 19th June 2025).

There is no change to the original Inspector's recommendation.

5.0 Reasons and Considerations

Having regard to the nature, scale, location and design of the development to be demolished and the 2 no. units proposed, it is considered that, subject to compliance with the conditions set out below, the development would comply with the zoning objective for the site, as set out in the Fingal Development Plan 2023 – 2029 in particular section 5.5.2.1, Policy CAP8, Objective DMSO256, section 14.2.3 and section 14.21.1 would not seriously injure the visual or residential amenity of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

6.0 Conditions

1. The development shall be carried out 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 and the development shall be retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) Prior to commencement of development, the developer shall submit details for the written agreement of the Planning Authority which comply with the following:
 - i. The first-floor window to bedroom no.1 on the western elevation of house type A and the first-floor window to bedroom no.1 on the eastern elevation of house type B shall be both omitted.
(b) Development shall not commence without the prior written agreement of the Planning Authority and shall thereafter only be authorised to commence in accordance with the agreed plans.

Reason: In the interest of residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings 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.

4. The glazing to the bathroom and en-suite window to the eastern elevation of house type A and the glazing to the bathroom and en-suite window to the western elevation of house type B shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

Reason: In the interest of residential amenity.

5. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development,

the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: **To prevent flooding and in the interests of sustainable drainage.**

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

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

7. The site development and building works required to implement the development shall be carried out only between the hours of 0800 to 1900 Monday to Fridays, 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 adjoining property in the vicinity.**

8. 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 Bord 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Dáire McDevitt

20th August 2025