



An
Coimisiún
Pleanála

Inspector's Report ABP-322611-25

Development	Retention for alterations
Location	'Crannach', Grannard Bridge, Castleknock, Dublin 15
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW25A/0087
Applicant(s)	Kingston Construction Ltd.
Type of Application	Retention
Planning Authority Decision	Grant Retention
Type of Appeal	Third Party
Appellant(s)	Fintan Molloy
Observer(s)	None
Date of Site Inspection	14 th August 2025
Inspector	Emma Gosnell

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1.0 Site Location and Description

- 1.1. The appeal site is located to the west of Castleknock Road (R-806) and to the north of the Royal Canal and Castleknock DART Station and rail line in an area known as 'Grannard Bridge' in Castleknock, Dublin 15.
- 1.2. The backland site is adjoined to the north by a series of detached houses which line the south side of Roselawn Road and to the south by a linear area of land/ riparian corridor which borders the Royal Canal. To the west and east the site is bordered by detached 2-storey dwellings which form the remainder of the 'Crannach' housing development which comprises of a total of 7 no. dwellings (3 no. on east side permitted under P.A. Ref. FW20A/0165 and 4 no. on west side permitted under P.A. Ref. F16A/0018). The eastern and southern site boundaries feature high mature trees and hedgerows which screen the property from view from Granard Bridge and the canal.
- 1.3. The appeal site is c. 0.1631ha in area and comprises of 3 no. large, detached 2-storey houses with single story rear elements and flat roof profiles. Each unit features 2 no. car parking spaces to the west side of the dwellings and private side/ rear gardens behind a front screen wall which open onto a communal area of open space (maintained as lawn) which is situated to the rear of the properties. The site is accessed to the north-east off Roselawn Road.
- 1.4. The southernmost portion of the appeal site comes within the Royal Canal proposed Natural Heritage Area (pNHA).

2.0 Proposed Development

- 2.1. The proposed development seeks retention for alterations to previously approved development (Reg. Ref. FW16A/0068/EI) comprising the revision of 3 no. House Type A dwellings as follows: (i) omission of basement level (Unit 4 only); (ii) omission of rear landscaping wall and creation of supplementary private amenity gardens to serve each unit; (iii) extension of ground floor level to rear (19sq.m) and to front (2.5 sq.m) and first floor level to front (5sq.m); (iv) amendments to fenestration to all elevations including addition of new ground floor window to front; (v) omission of canopy to side; and, (vi) all ancillary works necessary to facilitate the development. The proposed alterations will result in the provision of additional private amenity space for each

dwelling which will supplement the previously approved quantum of private amenity space.

- 2.2. I wish to draw the Commission's attention to the fact that the proposal is largely identical to the development that was previously refused retention permission under P.A. Refs. FW21A/0188 and FW22A/0242.

3.0 Planning Authority Decision

3.1. Decision

Retention permission granted on 29/04/2025 subject to 5 no. conditions, including Condition no. 4 which de-exempts any further extension/ development/ structures to the rear of the houses and seeks full details of the rearmost boundary treatment.

3.2. Planning Authority Reports

3.2.1. Planning Reports

One planning report (dated 29/04/2025) forms the basis of the assessment and recommends that retention permission be granted subject to conditions. Points of note in the report include:

- *Principle of Development* – minor extensions and revised fenestration arrangements proposed to be retained within the site's 'RS – Residential' zoning are acceptable in principle. The applicant's proposal to omit the boundary walls that had been permitted to the rear (south) of units 2, 3 and 4 and to create c. 288sq.m of supplementary private amenity space for each unit (which would be directly accessible via new external doors) on lands zoned 'OS – Open Space' is in keeping with the pattern of development in the wider area and acceptable on this basis.
- *Impact on Visual Amenity* – amendments are considered minor in nature and not capable of adversely impacting on the visual character of the area. However, given the environmental sensitivity of the lands to the south (zoned OS and located c. 12m from the pNHA associated with the Royal Canal Corridor) the PA deemed it appropriate to seek to control all future development to the rear of the properties

(that would ordinarily be exempt under the Planning and Development Regulations (2001) as amended) by applying a condition to de-exempt same.

- *Boundary Treatments* – the PA were unclear from the submitted documentation whether the extended garden areas to the south of the houses were demarcated by boundary treatments (delineating them from the proposed public open space lands to the south) that were to be constructed/ retained and, if so, what the nature (height, design and materiality etc.) and extent of these boundary treatments would be. The PA sought to address this ambiguity by the attachment of a condition requiring the applicant to agree the detail of this property boundary with them.
- *Access and Parking* – the PA were satisfied that no issues in this regard arose.
- *Drainage and Services* – the PA's Water Services Department have raised no objection to the proposal subject to the attachment of a standard surface water condition in the event of a grant of permission.
- *Procedural Issues* – in considering the issues in respect to restricting public access to, landscaping of, and alleged tree removal within, the public open space area located to the immediate south of the appeal site raised by the 3rd party submission, the PA noted that this area falls outside the redline of the subject application for retention and relates to a separate permission(s). The same determination was made in respect to 3rd party issues raised with regard to compliance with/ details within previous applications relating to the site.
- *EIA* – proposal by virtue of its nature does not require an EIAR.
- *Appropriate Assessment* – having regard to the nature, scale and location of the project and lack of pathways to European sites, the PA conclude that there was and is no likelihood of significant effects on same arising from the proposal.

3.2.2. Other Technical Reports

- *Water Services Department (report of 29/04/2025)* – no objection subject to standard surface water and foul drainage conditions.
- *Parks and Green Infrastructure Division (report of 14/04/2025)* – omission of previously agreed rear boundary to units 2, 3 and 4 is not acceptable. Recommends attachment of a condition to require the applicant to agree a boundary treatment (wall) along the full south boundary of units 2, 3 and 4.

3.3. Prescribed Bodies

No submissions on file.

3.4. Third Party Observations

1 no. submission was received (from the appellant) at PA stage and raised the following issues:

- Proposal to extend the houses' private amenity space further south onto open space zoned land is unacceptable.
- Retention application for same proposal was previously refused permission by PA and the PA must therefore set out a clear justification where they are minded to grant it.
- Proposal is not sufficiently detailed, and it conflicts with previous permissions on site (P.A. Refs FW16A/0068 and FW20A/0165) and undermines compliance submissions made in respect to same (in relation to landscaping and use of/ access to open space etc.).
- Proposal does not provide any information on the proposed landscaping to previously approved public open space or in relation to access to same.

The issues raised in the observation are again raised and further elaborated upon on in the third party grounds of appeal (see Section 8.1 of this report for further details).

4.0 Planning History

The 'Crannach' site has an extensive and complex planning history. The applications most relevant to the subject appeal are detailed below:

4.1. Appeal Site

P.A. Ref. FW22A/0242 – Retention permission, for alterations to previously approved development (Reg. Ref. FW16/0068 - extended under Reg. Ref. FW16A/0068/E1) comprising the revision of the 3 no. House Type A dwellings as follows: (i) omission of basement level (Unit 1 only); (ii) omission of rear landscaping wall and creation of supplementary private amenity gardens to serve each unit; (iii) extension of ground floor level to rear (19sq.m) and to front (2.5 sq.m) and first floor level to front (5sq.m);

(iv) amendments to fenestration to all elevations including addition of new ground floor window to front; (v) omission of canopy to side; and, (vi) all ancillary works necessary to facilitate the development. The proposed alterations will result in the provision of additional private amenity space for each dwelling which will supplement the previously approved quantum of private amenity space, refused permission on 05/12/2022 for 2 no. reasons:

- 1. Part of the application site is located within land-use zoning objective 'OS – Open Space' in the Fingal Development Plan 2017-2023 which seeks to 'Preserve and provide for open space and recreational amenities', where residential development is not permitted and for which permission has previously been granted for use as open space. The proposed development would result in part of the private open space provision of the proposed dwelling units being located on this land. The development if permitted would contravene the permission issued under Reg. Ref. FW16A/0068, would materially contravene the Open Space zoning objective of the Fingal County Development Plan 2017-2023, set an inappropriate precedent for other similar development and would, therefore, be contrary to the proper planning and sustainable development of the area.*
- 2. The proposed development, by virtue of the loss of public open space, would prejudice Objective ED69 of the Fingal Development Plan which seeks to promote and facilitate the development of the Royal Canal Greenway taking full account of the need to protect the natural and cultural heritage of the canal route and the need to avoid significant adverse impacts on European site(s) and species protected by law and ensure the integration of the Royal Canal Greenway with other strategic trails in Fingal and in adjoining Local Authorities. The proposed development if permitted would contravene this policy and would, therefore be contrary to the proper planning and sustainable development of the area.*

P.A. Ref. FW21A/0188 – Retention permission, for alterations to development approved under Reg. Refs. FW16A/0068 and FW16A/0068/E1. The development consists of alterations to House Type A (3no). of the previously approved 4 no. dwellings to include: (i) omission of basement level (57 sq.m.) from the 1 no. dwelling which had basement included; (ii) omission of rear landscaping wall; (iii) extension of ground floor floor-plate to rear (19 sq.m) and to front (2.5 sq.m) and first floor floorplate to front (5sq.m); (iv) amendments to fenestration to all elevations including addition of

new ground floor window to front; (v) omission of canopy to side; and, (vi) all ancillary works necessary to facilitate the development, refused on 20/01/2022 for 2 no. reasons:

1. Part of the subject site is located within land-use zoning objective 'OS ' in the Fingal Development Plan 2017-2023. It is considered that the proposed development would result in part of the private open space provision of the proposed dwelling units being located on this land which seeks to 'Preserve and provide for open space and recreational amenities' and for which permission has previously been granted for such use. The proposed development if permitted would contravene, Reg. Ref. FW16A/0068 and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development, by the loss of public open space, would prejudice Objective ED69 of the Fingal Development Plan which seeks to Promote and facilitate the development of the Royal Canal Greenway taking full account of the need to protect the natural and cultural heritage of the canal route and the need to avoid significant adverse impacts on European site(s) and species protected by law and ensure the integration of the Royal Canal Greenway with other strategic trails in Fingal and in adjoining Local Authorities. The proposed development if permitted would contravene this policy and would, therefore be contrary to the proper planning and sustainable development of the area.

4.2. Wider Crannach Site

P.A. Ref. FW20A/0165 – Permission, for (i) demolition of the existing detached two-storey dwelling known as Crannach at Granard Bridge, Castleknock, Dublin 15 (pre-existing dwelling on east side of larger development site), (ii) construction of 1 no. detached two storey three-bedroom dwelling (House Type C) with 1 no. rooflight, south-facing first floor level terrace, front garden, on-curtilage vehicular parking and rear gardens of area - 273sqm; (iii) construction of 2 no. detached two-storey four-bedroom dwellings (House Type D) each with 1 no. rooflight, south-facing first floor level terrace, front garden, on - curtilage vehicular parking and rear gardens of area - 230 sq.m/ 517sq.m; (iv) relocation of the turning bay and alteration of the access road previously approved under Reg. Ref FW16A/0068; and (iv) all ancillary works inclusive of landscaping, engineering, drainage and boundary works, necessary to facilitate the

development on a site of 0.28ha. The development is to be served by the public open space approved under Reg. Ref FW16A/0068, granted subject to 24 no. conditions, incl. condition no. 9 requiring submission of details re: ownership, layout, management, access and operation of the area south of the rear boundary to the proposed houses to the blue line of the applicant's landholding to the south.

P.A. Ref. FW16A/0068 – Permission, for (a) partial demolition of single storey element (3 no. bedrooms) of existing dwelling and construction of a first floor extension over foot print of existing dwelling, (b) new access road, 2 no. (1 no. 4 and 1 no. 5 bedroom) flat roof two storey over basement dwellings and 2 no. four bedroom flat roofed two storey dwellings, private gardens, car parking and public open space. (c) all associated landscaping, engineering and drainage works necessary to facilitate the development on the overall site of 0.67ha. Provision is made within the development for pedestrian access to the Royal Canal, granted on 08/08/2016 subject to 24 no. conditions, incl. conditions No's 4 details regarding, ownership, layout, management, access and operation etc. of the open space area (c. 2,748sq.m) located to the south of the dotted red zoning line and 5. Detailed landscape and boundary treatment plans for the entire site.

P.A. Ref. FW16A/0068/E1 – Permission for 5-year extension of duration up to and including 16th November 2026 granted on 01/06/2021 (expires 16/11/2026)

P.A. Ref. FW14A/0126/ PL06F.244402 – Permission, for alterations to a previously approved development (Reg. Ref. FW12A/0125 - PL06F.242426) as follows: change of approved House Types A (Units 1-3) & B (Unit 4) only to provide 4 no. flat roofed two storey over basement dwellings (3 no. four and 1 no. five bedroom), granted on appeal on 04/06/2015 subject to 2 no. conditions.

P.A. Ref. FW12A/0125/ PL06F.242426 – Permission, for partial demolition and extension of an existing house (east side of site) and for 4 no. dormer over basement dwellings to west side of site (houses and their private open space wholly located within the area of site zoned 'RS' with the 'OS' zoned portion of the site to function as a public amenity space with pathway along the canal bank accessible from gated pedestrian access situated immediately to the north-west of Grannard Bridge) and all associated infrastructure, granted on appeal on 25/02/2014 subject to 16 no.

conditions, including one which required the public open space to the south of the site to be transferred to the PA prior to the commencement of development.

P.A. Ref. F08A/0999/ PL06F.231545 – Permission for the demolition of 2 no. bedrooms and conservatory and construction of 4 no. new bedrooms, new conservatory and alterations to house (east side of site) together with private access to road and 4 No. houses on adjoining site (to west) was refused permission on appeal on appeal on 05/05/2009 for 3 no. reasons, with the following being of relevance to the subject appeal: 1. Siting of part of development (Private gardens) on OS zoned lands & material contravention of same; 2. Design/layout is inappropriate given proximity to Royal Canal pNHA and to plan policies (HP57, HP58 and HP59) which seek to promoted access to and protect and enhance the built and natural heritage of the canal.

4.3. Enforcement

P.A. Ref. 20/023B – planning enforcement file currently open on the site.

P.A. Ref. 20/113B – planning enforcement file currently open on the site.

4.4. Other Neighbouring Sites

No relevant planning history found.

5.0 **Policy Context**

5.1. **National Policy**

Project Ireland 2040 – National Planning Framework (2025)

Climate Action Plans (2024 & 2025) and Ireland's 4th National Biodiversity Action Plan (NBAP) 2023-2030

Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024) – Policy and Objective 5.1 (Public Open Space) – requires min. 10% and max 15% of site area and, SP2R2 (Min. Private Open Space Standards for Houses) - 50sq.m for 4-bed house.

5.2. **Regional Policy**

5.3. Development Plan

The Fingal Development Plan (FDP) 2023 – 2029 applies.

Zoning

- Section 13.5 (Zoning Objectives, Vision and Use Classes).
- The northern portion of the appeal site, where the dwellings themselves are sited, is zoned 'RS – Residential' with the objective to 'Provide for residential development and protect and improve residential amenity'.
- The southern portion of the site, which features the dwellings' private amenity spaces and the communal open space area, is zoned 'OS – Open Space' with the objective 'To preserve and provide for open space and recreational amenities'.
- Residential development is permitted in principle under the 'RS' zoning objective and is not permitted under the 'OS' zoning objective.
- Objective ZO2 Transitional Zonal Areas.
- The site is situated within a 'River Valley/Canal' landscape character type.

Development Management

- Section 14.6.5 (Open Space Serving Residential Development) and Tables 14.6 (Open Space Categories) and 14.8 (Private Open Space for Houses).
- Objectives DMSO27 (Min. Private Open Space Provision) – 75sq.m for 4-bed.
- Objective CISO53 (Open Space and Privacy): Ensure all areas of private open space have an adequate level of privacy for residents through the minimisation of overlooking and the provision of screening arrangements.
- Objective DMSO72 (Boundary Treatment to Private Open Space): Ensure boundary treatment associated with private open spaces for all residential unit types is designed to protect residential amenity and visual amenity.
- Objectives SPQHO35 (Private Open Space) and SPQHO36 (Public Open Space).

- Objective CIO41 (Accessible and Safe Open Space).
- Policy GINHP5 and Objective GINHO4 (Green Infrastructure).

Heritage

- Objective HCAO49 Royal Canal and Section 9.5.1.1 (Heritage & Biodiversity).
- A large portion of the appeal site comes within the Royal Canal proposed Natural Heritage Area (pNHA) (Site Code 002103).
- Table 9.1 (Protected Areas of International and National Importance).
- Table 9.3 (Landscape Character Value & Sensitivity) & Policy GINHP25.
- Policy GINHP7 and Objectives IUO14, IUO26, DMSO210 & DMSO160 (Riparian Corridors).
- Objectives DMSO153 (Green Corridors).
- Granard Bridge (18th century bridge over canal) which is located to the south-east of the appeal site is a designated protected structure (RPS No. 696).

The appellant refers to FDP Objective EDO69 – but I could find no record of same in the plan.

Mobility

- The canal bank to the south of the site is designated as a secondary route under the GDA Cycle Network Plan.
- Section 6.5.6.2 (Greenways) and Table 6.1 (Greenway routes).

5.4. Natural Heritage Designations

The appeal site is not located within or adjoining any designated site.

The nearest European sites in close proximity to the appeal site are as follows:

- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) – approx. 10km
- South Dublin Bay SAC (Site Code 000210) – approx. 12km
- North Bull Island SPA (Site Code 004006) – approx. 13km
- North Dublin Bay SAC (Site Code 000206) – approx. 13km

A substantial portion of the site also comes within the Royal Canal pNHA (Site Code 002103).

6.0 EIA Screening

The development to be retained has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendix 1 of this report). Having regard to the characteristics and location of the development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 Water Framework Directive Screening

I have concluded, on the basis of objective information, that the development to be retained will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment (refer to form in Appendix 3 for details).

8.0 The Appeal

8.1. Grounds of Appeal

A third party appeal was received on 26/05/2025. The grounds of appeal can be summarised as follows:

- *Principle of Development* – proposal to use OS zoned land for ancillary residential purposes is a material contravention of the site's zoning and contrary to sustainable development principles and it will undermine the development/ use of the Royal Canal Greenway and associated works, and the Royal Canal pNHA. The PA's determination that the extension of the house's private amenity space south was consistent with the wider pattern of rear development in the vicinity is not based on

examples where planning permission for same is in place and relies on unauthorised/ unapproved development with precedent/ procedural implications.

- *Public Open Space* – the proposal does not clearly show how minimum POS requirements are being satisfied and provides insufficient details in respect to the public open space proposed (i.e. in terms of access, landscaping, management, opening times and legal status). Concerns are also raised about the potential loss of public open space and a reduction in the quantum permitted under P.A. Ref. FW16A/0068 and subsequently relied upon under P.A. Ref. FW20A/0165 which would render the proposal in contravention of Objective ED69 of the FCDP in terms of its impact on the Royal Canal natural heritage corridor and greenway.
- *Procedural Issues* – the proposal to provide residential private open space on OS zoned lands is identical to a previous application (P.A. Ref. FW22A/0242) that was refused permission, and it contravenes the permission granted under P.A. Ref. FW16A/0068. Given the site's complex planning history and compliance complexity, the attachment of planning conditions is not a suitable means to address shortcomings in the subject application. Various concerns raised in respect to the planning application process which allows multiple amendment applications to be lodged. Where the commission are minded to grant permission, the appellant seeks that clear details in respect to the proposed public open space (siting, size, landscaping, boundaries, means of public access, hours of operation and ongoing management) are sought from the applicant.

The grounds of appeal are accompanied by a copy of the PA's grant of permission.

8.2. Planning Authority Response

The PA, in their response received 19/06/2025, state that they have no further comment to make in respect of the appeal and they seek that the Commission uphold their decision. In the event that their decision is overturned by the Board they seek that, where relevant, conditions relating to the payment of a Section 48 Development Contribution, a bond/ cash security, tree bond and a payment in lieu to compensate for a shortfall in play facilities be applied.

8.3. Observations

None received.

8.4. Further Responses

Response from Applicant

A response from the applicant was received on 20/06/2025.

The response seeks that the Commission dismiss the appeal in the first instance and provides the following response to the issues raised therein:

Zoning Compliance/ Principle of Development

- Neither to the 2 no. previous applications (P.A. Refs. FW21A/0188 & FW22A/0242) refused by the PA were appealed to/ assessed by ACP and, prior to these refusals, the permission granted under P.A. Ref. FW20A/0165 allowed the rear gardens of the 3 no. proposed dwellings (to immediate east of appeal site) to extend into the OS zoned area and, those properties have been built-out in full compliance with their permission.
- The applicant argues that the assessment context for the current retention proposal is materially different to that of the previous retention proposals on the basis that the PA has permitted by compliance (under P.A. Ref. FW16A/0068) the use of OS zoned land as private amenity space (as detailed in Section 8.4 of this report) in line with the arrangements previously permitted under P.A. Ref. FW20A/0165, with the remaining OS zoned land within the appeal site being given over to use as public open space to be operated and managed by FCC following the transfer of the land from the applicant to them.
- The PA consented to the provision of private amenity space on OS zoned lands when they determined the submission made in respect of Condition No. 4 attached to P.A. Ref. FW16A/0068 to be in compliance on 20/09/2024 (as acknowledged in the PA's report on the retention proposal dated 29/04/2025). The principle of providing for private amenity space on OS zoned land has therefore been permitted by way of condition.

Public Open Space

- The proposal does not result in the loss of any public open space as the permitted compliance submission in respect of Condition No. 4 of P.A. Ref. FW16A/0068 had already allowed this land to be converted to use as private amenity space.
- The proposal does not necessitate the provision of additional public open space as no new units are proposed.
- 1698sq.m of public open space is proposed to be transferred to FCC as per the compliance agreement in respect of P.A. Ref. FW16A/0068.

Procedural Issues

- The appellant raises issues that are not relevant to the subject proposal.
- The area of public open space the appellant has raised concerns about is outside the red line area of the subject application.
- The appellant's public open space related ownership, layout, management, accessibility and operation queries have all been addressed by compliance (i.e. approved compliance submission on Condition No. 4 of P.A. Ref. FW16A/0068).
- Concerns as to the landscaping and useability of the public open space is a matter for FCC as they will be taking this area in charge.
- The level of private amenity space and public open space provided meets and exceeds required standards.

Copies of the PA's decision and a planning report (dated February 2025) submitted in support of the retention application are provided as part of the submission together with a copy of the successful compliance submission made in respect of Condition No. 4 on P.A. Ref. FW16A/0068 and various legal documents/ agreements relating to the area of public open space within the Crannach site.

9.0 Assessment

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report(s) of the local authority, having inspected the site and, having regard to the relevant local/ regional/ national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Public Open Space
- Procedural Issues

9.1. Principle of Development

- 9.1.1. Retention permission is sought for various amendments to the built footprint, envelope, glazing and design of the 3 no. of the 4 no. dwellings (no's 2-4) permitted under P.A. Ref. Reg. Ref. FW16A/0068 (as extended). Full details are same are provided in Section 2.1. Having reviewed same, I am satisfied that they are generally in-keeping with the scale and character of the dwellings as permitted and, on this basis, do not have the potential to negatively impact on existing visual or residential amenities.
- 9.1.2. Retention permission is also sought for the omission of the rear landscaping wall and the resulting creation of supplementary private amenity space/ larger gardens to serving each of the 3 no. units. This matter forms the crux of the appeal.

Background

- 9.1.3. Figure 5.0 in the applicant's response to the grounds of appeal gives a site-specific overview of what constitutes private amenity space (78sq.m to side of dwellings no's 2-4); additional/ supplementary private amenity space (224sq.m to rear of dwellings no's 2-4); and, public open space (1698sq.m to the south of dwellings no's 1-7 with access from canal towpath leading from Grannard bridge) within the Crannach scheme. The response also states that the public open space lands are to be maintained and operated by the Crannach Owners' Management Company until such time as FCC take ownership of this element of the property (via an Option Agreement).

Supplementary Private Amenity Space

- 9.1.4. Having regard to the planning history of site together with the information on file, it is apparent to me that there is a material difference between the public open space and private open space arrangements that were permitted under P.A. Ref. FW16A/0038 (as extended) and the approved compliance submission made in respect of condition No. 4 of same. The approval of this compliance submission (following a number of unsuccessful compliance submissions in the period May 2023 to July 2024) essentially permitted the use of c. 672 sq.m of OS zoned land (whose use under the P.A. Ref. FW16A/0038 grant of permission was as public open space) as private amenity space to serve the 3 no. existing dwellings (no's 2-4). Whilst the appellant argues that this

was in line with the arrangements permitted under P.A. Ref. FW20A/0165, I note that the OS zoned portion of that neighbouring site (to immediate east) was already in use as private amenity space serving a pre-existing dwellinghouse prior to that application being made and, as such, the assessment context for that application was materially different and not strictly comparable to that of the subject appeal site.

- 9.1.5. The practical implication of the PA's acceptance of the applicant's compliance submission on Condition no. 4 (submitted in July 2024 and deemed in compliance on 20/09/2024 according to the applicant and PA) of this permission has been to allow the use of a portion of OS zoned land as supplementary private amenity space to serve each unit. In this respect, I wish to draw the Commission's attention to the fact that no record of this compliance letter was provided by the PA or applicant in their response to the appeal and, as such, I have been unable to independently verify same.
- 9.1.6. Notwithstanding the above, I note that the applicant has again applied for retention permission for the use of a portion of OS zoned land as additional garden space, with the description of development stating that "*the proposed alterations will result in the provision of additional private amenity space for each dwelling which will supplement the previously approved quantum of private amenity space*". In considering same, whilst noting that 'residential' uses are not permitted in principle under the OS zoning, the PA determined that the proposal was acceptable having regard to the character and pattern of development of the area.
- 9.1.7. Given the planning history of the site, I consider that the use of a portion of the site's OS zoned land as private amenity space is not a recent occurrence and I note that it has delivered an enhanced level of residential amenity for its occupiers whose gardens now greatly exceed the standards set out under both the 2024 Compact Settlement Guidelines (50sq.m for 4-bed house) and FDP (75sq.m for 4-bed house). The revised arrangements have also enhanced the privacy afforded to the 3 no. units (in line with Objective CISO53), with their supplementary private amenity space to the rear providing a buffer between the main dwelling and the open space beyond which will be accessible to members of the public. In light of these site-specific circumstances, I consider the retention of the use of a portion of OS zoned land which is located c.12m from the canal as additional garden space to be acceptable, in accordance with the existing pattern of development in the immediate locality and in general compliance with the site's zoning on account of the site's planning and compliance history.

9.1.8. Furthermore, I note that the PA sought to attach a condition (No. 4(a)) de-exempting further rear extensions and development/ structures within the dwelling's rear gardens on the basis of the site's OS zoning. I also note that such a condition was attached to the grant of permission under P.A. Ref. FW20A/0165. However, having regard to the scale of the properties' rear gardens (c. 224sq.m) and to the pattern of development in the wider area (i.e. existing residential properties to west on the south side of Roselawn Road, which also come within the Royal Canal pNHA, which feature various ancillary development and structures in their OS zoned rear gardens which extend comparatively further and come closer to the canal), I do not consider the attachment of such a condition to be warranted in this instance on the grounds of visual amenity or natural heritage.

Rear Boundary Treatment

9.1.9. The applicant also seeks retention permission for the omission of 'rear landscaping wall' in order to ensure that each of the 3 no. dwellings have access to their additional 224sq.m of private amenity space (to the south/ rear). The plans illustrate that this permitted rear boundary comprised of the rear façade of the house together with a screen wall (to private amenity space to west side of each dwelling) with a large rectangular ope – with both together forming the back boundary of the property permitted under P.A. Ref. FW16A/0068 which functioned to delineate the house's c. 80sq.m of private open space (side garden) from the area of OS zoned land/ open space to the immediate south of the properties. A ground floor glazed barrier is also omitted in order to allow direct access from the dwelling to the supplementary external amenity space.

9.1.10. Having visited the appeal site on the 14/08/2025, I observed no delineation between the (side & rear) private amenity space serving each house and the area of permitted public open space located beyond – with the gardens opening directly out into this area which appeared to function as an area of communal open space serving dwellings 1-4 only (i.e. with the gardens of dwellings no's 5-7 appearing to be fully enclosed with no direct access to the open space). The only boundary treatments in situ were c. 1.8m high concrete post and timber panel fencing (c. 8m in length corresponding to the depth of the rear gardens) to the side of the gardens which functioned to separate them. It was also apparent from my visit to the site that the public open space area could only be accessed by passing through private property –

either through the main houses or via an ope in the screen walls to the side of each property – with no other means of public access from within the scheme or from the canal bank to the north.

- 9.1.11. On this basis I consider that, at present, the dwellings' private amenity space and the area of public open space read, both physically and functionally, as one entity. This is demonstrably not the intention of the compliance permitted in respect of Condition No. 4 on P.A. Ref. FW16A/0038 and undermines same whilst also being non-compliant with Objective DMSO72 (Boundary Treatments to Private Open Spaces). I further note that documentation in respect to the applicant's proposals for compliance with Condition No. 4 on P.A. Ref. FW16A/0038 provided as part of their response to the third party appeal states that *"area highlighted in Yellow is additional amenity space for the private dwellings. This area to be fenced off to individual properties to be enjoyed by the residents"*. However, the applicant has failed to provide any details (i.e. siting, height, design, materiality etc.) in respect to the proposed boundary between the supplementary private amenity space and the area of public open space as part of their compliance submission or as part of their retention application. This is not acceptable and, where the Commission are minded to grant retention permission, I consider it appropriate that a condition be attached to require the applicant to agree with the PA the provision of an appropriate rear boundary treatment between the private amenity space serving dwellings no's 2-4 and the adjoining area of public open space to the south.

9.2. Public Open Space

- 9.2.1. The appellant raises concerns in respect to the impact of the proposal on the public open space area permitted under P.A. Ref. FW16A/0068 (and relied upon under P.A. Ref. FW20A/0165) together with various queries in respect to the nature, operation and access to this space.
- 9.2.2. The PA were of the opinion that the proposal's impact on the public open space was not a relevant consideration on the basis that these lands fall outside the redline and are therefore outside the scope of the retention application.
- 9.2.3. The applicant argues that the proposal has given rise to no loss of, or material change to, the public open space permitted by compliance with Condition No. 4 of P.A. Ref.

FW16A/0068 and notes that it is still the intention that this area be taken in charge by FCC.

- 9.2.4. Having reviewed the information on file, I note that the Ordinance Survey Ireland base shown on the submitted site location map does not reflect the current (as built) layout of the An Crannach estate and this makes it difficult to definitively establish the relationship between the retention application red line and the public open space. Furthermore, having reviewed the submitted site plan against the site location map, I note a discrepancy in the positioning of the red line between these drawings.
- 9.2.5. The site layout plan (and public open space arrangements) permitted under P.A. Ref. FW16A/0068 (as per drawing no. 2014-83-P2-106 submitted in respect of that application as referenced in Condition No. 4) shows the area to the immediate south of the houses (i.e. all the site's OS zoned area) as being one large open space accessed from the canal towpath next to Grannard Bridge. The same drawing also includes an annotation that states "*landscaping on site and at canal as per previously approved permission Ref No. FW14A/0126 and FW12A/0125*". Having examined the layout permitted under those 2 no. schemes, it is clear that the supplementary private open space is proposed on lands that functioned as part of a larger public open space (separated and delineated from the dwellings and their private amenity spaces) under the 3 no. previous permissions in respect of the wider An Crannach site detailed above, with the PA's recent compliance decision in respect of Condition No. 4 of P.A. Ref. FW16A/0068 effectively superseding same and leading to the de-facto conversion of an area which previously formed part of the scheme's public open space to use as private amenity space.
- 9.2.6. In light of the above, it is important to consider whether the remaining public open space serving the An Crannach scheme meets quantitative requirements. In this regard, I note that Table 4.3 of the FDP requires between 12-15% of greenfield residential development sites to be given over to use as public open space with a requirement of 12% in respect of brownfield development sites. Given that c. 1698sq.m of public open space is still proposed to be transferred to FCC, I consider that the level of public open space provision on the c. 7,400sq.m site remains acceptable and, at c. 22% still exceeds FDP requirements and the requirements of the 2024 Compact Settlement Guidelines.

- 9.2.7. In respect of qualitative requirements, I note that the amendments to the permitted rear elevations and screen walls, together with the requirement to install a permanent boundary to delineate the public and private amenity spaces, will impact somewhat on the quality and functionality of the public open space in terms of the loss of passive surveillance at ground floor level. However, I consider that the 2-storey properties will still allow for overlooking of the public open space and, as such, will provide for a degree of passive surveillance whilst providing for a better standard of privacy and security for residents.
- 9.2.8. In respect to the concerns raised by the appellant about the future management and maintenance etc. of the public open space area, I consider that this is a matter for the intended owner and operator (FCC) and is outside the scope of the proposal before the Commission.

9.3. Procedural Issues

- 9.3.1. The appellant has raised various procedural issues, including the proposal's similarities with previous amendment applications which were refused permission and its potential to contravene the extant permission under P.A. Ref. FW16A/0068/E1, the details of which are set out under Section 8.1 of this report. The applicant has sought to refute same on the basis that the issues raised are outside the remit of the application/ appeal. Whilst I note the nature and extent of the concerns raised in respect to the site's planning and condition compliance history, I am satisfied that I have given full consideration to the merits of the subject proposal in the context of the site's complex planning and development history (as detailed in Section 4.0) and have clearly set out the basis for my decision on the proposal.

10.0 AA Screening

- 10.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the development to be retained individually or in combination with other plans or projects would not be likely to give rise to significant effects on the following European Sites: South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), South Dublin Bay SAC (Site Code 000210), North Bull Island SPA (Site Code 004006), North Dublin Bay SAC (Site Code 000206) or any other European site, in view of these

sites' Conservation Objectives, and Appropriate Assessment (and submission of an NIS) is not therefore required.

10.2. This determination is based on:

- The relatively minor scale of the development (amendments to a previously approved scheme) and lack of impact mechanisms that could significantly affect a European site.
- Distance from and weak indirect connections to the European sites.
- Taking into account the appropriate assessment screening undertaken by the PA.

10.2.1. I conclude that, on the basis of objective information, the proposed development to be retained would not have a likely significant effect on any European Site, either alone or in combination with other plans or projects.

10.2.2. Likely significant effects are excluded and therefore Appropriate Assessment (Stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

11.0 Recommendation

I recommend a GRANT of permission subject to the following conditions.

12.0 Reasons and Considerations

Having regard to the dual zoning of the site, 'RS – Residential' with the objective 'To preserve and provide for open space and recreational amenities' and 'OS' – Open Space' with the objective to 'Provide for residential development and protect and improve residential amenity' and to the site's planning compliance history in respect of Condition No. 4 of P.A. Ref. FW16A/0068 and, also to the planning policies, objectives and development standards of the Fingal Development Plan 2023-2029, the nature, scale and design of the proposed development to be retained relative to adjoining dwellings, and to the existing pattern of development in the wider area, it is considered that subject to compliance with the conditions set out below, the proposed development to be retained is an acceptable form of development at this location, would not seriously injure the amenities of adjoining properties, and would therefore, be in accordance with the proper planning and sustainable development of the area.

1.	<p>The development shall be retained in accordance with the plans and particulars submitted with the planning application except as may be otherwise required by the following conditions.</p> <p>Reason: To clarify the plans and particulars for which permission is granted.</p>
2.	<p>Within six months of the date of this order, the developer shall submit for the written agreement of the Planning Authority, full details (location, height, design, materiality and any proposed opes) in respect to the boundary treatment which is required in order to delineate the supplementary private amenity spaces to the rear (south) of dwelling units no's 2, 3 and 4 from the public open space.</p> <p>Reason: In the interests of orderly development and visual amenity.</p>
3.	<p>Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission [Register Reference FW16A/0068 as extended under Register Reference FW16A/0068/E1] unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission (16/11/2026).</p> <p>Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.</p>
4.	<p>The attenuation and 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.</p> <p>Reason: In the interest of public health.</p>

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.

Emma Gosnell
Planning Inspector
1st September 2025

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	ABP-322611-25
Proposed Development Summary	Retention for or alterations to previously approved development (Reg. Ref. FW16A/0068/EI)
Development Address	'Crannach', Grannard Bridge, Castleknock, Dublin 15
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Part 2, Class 10(b)(i) Infrastructure – dwelling units</p>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-322611-25
Proposed Development Summary	Retention for or alterations to previously approved development (Reg. Ref. FW16A/0068/EI)
Development Address	'Crannach', Grannard Bridge, Castleknock, Dublin 15
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The proposal comprises of the retention for the following alterations to 3 no. House Type A dwellings previously approved under P.A. Ref. FW16A/0068/EI: (i) omission of basement level (Unit 4 only); (ii) omission of rear landscaping wall and creation of supplementary private amenity gardens to serve each unit; (iii) extension of ground floor level to rear (19sq.m) and to front (2.5 sq.m) and first floor level to front (5sq.m); (iv) amendments to fenestration to all elevations including addition of new ground floor window to front; (v) omission of canopy to side: and, (vi) all ancillary works necessary to facilitate the development. The proposed alterations will result in the provision of additional private amenity space for each dwelling which will supplement the previously approved quantum of private amenity space – see Section 2.1 of the Inspector's report for further details.</p> <p>It comes forward as a standalone project, does not significant require demolition works or the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland,	<p>The development is situated on a larger, recently developed residential site and is bordered by amenity lands adjoining the Royal Canal to the south and by housing to the north, east and west.</p> <p>The development is removed from dense centres of population as per the County Development Plan but is located partially within the Royal Canal</p>

coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	PNHA and sensitive natural habitats as per Section 6.0 of this report.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature of the development to be retained, its location removed from sensitive habitats/features of relevance to EIA, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in Section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 2

Screening the need for Water Framework Directive Assessment Determination.

The appeal site is located in Castleknock, Dublin 15.

The nearest watercourse is the Royal Canal Royal Main Line (Liffey and Dublin Bay) which is located c. 10-15m to the south of the appeal site and whose WFD Risk Status is under review, but which is identified as having a 'good' WFD status under the 2016-2021 monitoring period. Despite the proximity, there is no direct functional connection between the appeal site and this canal waterbody. The site is also situated within the Dublin groundwater body whose WFD 'risk' is under review, but which is identified as having a 'good' WFD status under the 2016-2021 monitoring period¹.

The proposal comprises of retention for alterations to previously approved development (Reg. Ref. FW16A/0068/E1) at Castleknock, Dublin 15 – see Section 2.0 of Inspector's Report for further details.

No water deterioration concerns were raised in the planning appeal.

I have assessed the proposal for retention permission (described above) at 'Crannach', Grannard Bridge, Castleknock, Dublin 15 and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- The de-minimus small scale nature and scale of the proposal.
- The location-distance from nearest water bodies and/ or lack of hydrological connections to same.

Conclusion

I conclude that on the basis of objective information, that the development to be retained will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

¹ Source: [EPA Maps](#) accessed 20/08/2025