



An
Coimisiún
Pleanála

Inspector's Report PL-501324-DF-26

Development	Construction of outbuilding and change of use of part of the property to preschool / childminding facility
Location	6 Bellgree Court, Tyrrelstown, Dublin 15 D15 N2T6
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW25A/0562E
Applicant(s)	Fatima Zahra Abbes
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Parties v Grant of Permission
Appellants	1. Vladimir Havel 2. Alicja and Lukasz Grucela 3. Robert Conway
Observer(s)	None

Date of Site Inspection

17th July 2026

Inspector

Anthony Kelly

1.0 Site Location and Description

- 1.1. The site is located in a built-up residential area approximately 200 metres south of Tyrrelstown Park, to the northwest of Dublin city.
- 1.2. The site is occupied by a two-storey end-of-terrace 82sqm house with a rear/side garden. The house is externally finished with brick to the ground floor and render to the first floor. It faces in an eastern direction whereas the other five houses on the terrace of which it forms part face south. There is a garden area to the northeast of the house. There is a small timber shed within the garden area, closer to the house than to the rear boundary. The general area is characterised by housing, the road network, and surface car parking.
- 1.3. The site has an area of 0.016 hectares.

2.0 Proposed Development

- 2.1. Permission is sought for a single-storey flat-roof outbuilding to the rear of the house and the change of use of part of the property to a preschool/childminding facility.
- 2.2. In addition to standard plans and particulars the planning application was accompanied by a Mobility Management Transportation Plan (MMTP) dated 10th December 2025 and a letter from the management company's property managing agent in relation to car parking spaces.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Fingal County Council (FCC) granted permission on 16th April 2026 for the development subject to 11 conditions.
- 3.1.2. Development-specific conditions of note include:

Condition 2 – Restricts the duration of permission to three years.

Condition 3 – Sets out the hours of operation (09.00-13.00 Monday to Friday) with the maximum number of children to be accommodated at any one time not to exceed six.

Condition 4 – The facility shall be operated by a person in residence in the house.

3.2. Planning Authority Reports

- 3.2.1. Two Planning Reports were prepared by FCC; the first on foot of the original planning application and the second subsequent to the applicant's response to a further information request.
- 3.2.2. The first Planning Report contained, among other things, a site location and description, a policy context, a planning history, and a summary of internal departmental reports and third-party submissions received. A planning assessment was also carried out. The development was not deemed to have a detrimental impact on the visual amenity of the area. The hours of operation and a maximum of six children would greatly reduce the negative impact on surrounding residential amenity from the previously refused planning application on site under P.A. Reg. Ref. FW25A/0370E. There are no appropriate assessment (AA) or environmental impact assessment (EIA) issues. Further information was recommended.
- 3.2.3. Further information was sought on 19th February 2026 and a response was received on 14th March 2026. Public notices were requested on foot of the further information response and these were received on 23rd March 2026.
- 3.2.4. The second Planning Report summarised additional third-party submissions and the internal departmental report received. The response to the further information request included a revised floor plan, commentary on amenity space, a revised pedestrian entrance layout, and confirmation that the maximum number of children on site at any one time would be six. The report concluded that the proposal was deemed to be in accordance with the Fingal Development Plan (FDP) 2023-2029.

3.2.5. Other Technical Reports

Transportation Planning – Following the further information response related to, among other things, the revised pedestrian entrance detail, the additional information is acceptable.

Water Services Department – No objection subject to conditions.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. Seven third-party submissions were originally received by FCC from local residents. On foot of the revised public notices an additional three submissions, from observers who had originally made a submission, were received. The broad and main issues raised are largely covered by the grounds of appeal, except:

- Commentary about the MMTP
- The proposed structure would adversely affect visual amenity
- No demonstrated need for the proposed development
- Impact on property values
- Compliance with building regulations
- Inadequate residential amenity for the subject house
- Incorrect information on drawings

4.0 Planning History

4.1.1. There has been one previous recent application on site. This is:

4.1.2. P.A. Reg. Ref. FW25A/0370E – In 2025, the planning authority refused an application for permission for a single-storey flat roof outbuilding to the rear of the house and change of use of part of the property to an early intervention preschool for children with autism. There were two reasons for refusal, summarised as follows: (1) The development would give rise to difficult vehicle manoeuvres in close proximity to vulnerable pedestrians and would therefore endanger public safety by reason of a traffic hazard, and (2) the development was not considered an appropriate form of development in this residential area, it would result in traffic disruption, and noise and nuisance, and would seriously injure residential amenities.

4.1.3. This previous decision is addressed in Section 8.4 of this Inspector's Report (IR).

5.0 Policy Context

5.1. Childcare Facilities Guidelines for Planning Authorities (2001)¹

- 5.1.1. These Guidelines provide a framework to guide local authorities in preparing development plans and assessing applications for planning permission and developers and childcare providers in formulating development proposals. They are intended to ensure a consistency of approach throughout the country to the treatment of applications for planning permission for childcare facilities.
- 5.1.2. Circular letter PL3/2016 requests planning authorities to exclude matters relating to childcare facility standards outlined in Appendix 1 of the 2001 Guidelines from their consideration of planning applications and to solely focus on planning related considerations.

5.2. Fingal Development Plan (FDP) 2023-2029

Zoning

- 5.2.1. The site is zoned 'RS – Residential' with a zoning objective 'Provide for residential development and protect and improve residential amenity'. The 'Vision' is 'Ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity'. 'Childcare Facilities' is a use class that is permitted in principle on this zoning.

Childcare facilities

- 5.2.2. Childcare facilities are referenced throughout the Plan e.g. subsections 4.5.1.7 (Childcare and Early Learning) and 14.14.2 (Childcare Facilities).
- 5.2.3. Relevant policies and objectives include:
- Policy CIOSP10 (Childcare Facilities) – Support the provision of appropriate childcare facilities.

¹ The public notices state that the application is for a 'preschool/childminding facility'. Although childminding is not covered by the Guidelines as per the definition in the Guidelines of 'childcare', the definition of childcare does include 'sessional facilities and services for pre-school children ... Thus services such as pre-schools, are encompassed by these Guidelines'. The application is for a sessional service, as per paragraph 8.1.2 of this IR. Therefore, as the application is for a pre-school, I consider the Guidelines to be relevant.

- Objective CIO27 (Optimum Childcare Locations) – Encourage the provision of childcare facilities in appropriate locations, including residential areas, town and local centres, areas of employment and areas close to public transport nodes. Encourage the co-location of childcare facilities and community facilities where appropriate, such as community centres and schools, with an emphasis on community and not for profit childcare facilities where appropriate.
- Objective DMSO79 (Applications for Childcare Facilities) – Any application for childcare facilities shall have regard to the following:
 - Suitability of the site for the type and size of facility proposed.
 - Adequate sleeping/rest facilities.
 - Adequate availability of indoor and outdoor play space.
 - Convenience to public transport nodes.
 - Safe access and convenient off-street car parking and/or suitable drop-off and collection points for customers and staff.
 - Local traffic conditions.
 - Intended hours of operation.
- Objective DMSO80 (Childcare Provision within a Residential Property) – Residential properties with childcare shall retain a substantial residential component within the dwelling and shall be occupied by the operator of the childcare facility.

5.2.4. Subsection 14.14.2 states that ‘Applications for childcare facilities in existing residential areas will be treated on their own merits, having regard to the likely effect on the amenities of adjoining properties, and compliance with the above criteria. Detached houses or substantial semi-detached properties are most suitable for the provision of full day care facilities’.

5.3. Natural Heritage Designations

5.3.1. The nearest area of natural heritage designation is Royal Canal proposed natural heritage area (pNHA) approximately 4.6km to the south. The nearest European site is Rye Water Valley / Carton special area of conservation (SAC) approximately 9.2km to

the southwest. The nearest special protection area (SPA) is South Dublin Bay and River Tolka Estuary SPA approximately 12.8km to the southeast. All distances are in a direct line.

6.0 EIA Screening

- 6.1.1. The development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning & Development Regulations, 2001 (as amended). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Appendix 1 of this IR.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. Grounds of appeal were received from Vladimir Havel, Alicja & Lukasz Grucela, and Robert Conway, all with addresses in Bellgree Court. The main issues raised can be collectively summarised as follows:
- Permission was granted based on incorrect information. The applicant has not obtained permission from the management company to use parking spaces in the area for business purposes, as referenced in the internal FCC Transportation Planning report. (See paragraphs 7.1.2 and 7.1.3).
 - Inadequate car parking provision / ongoing issue with the availability of parking spaces for residents / vulnerable road user safety / only one access road / increased volume of traffic / the statement that all staff would use public transport is not true / the narrow road is frequently subject of illegal parking.
 - Concern that the commercial use will negatively impact residents / the suitability of the location.
 - There are a lot of suitable commercial properties available to buy or rent in the area.

- Do not understand how permission has been granted following the previous refusal.
- A condition states the facility shall be operated by a person in residence. The property was purchased with the sole intention for commercial use as an expansion of an existing business. The applicant has never been a resident of the area.
- Alterations/modifications to the property would affect the residential open space area and a safe assembly point.
- Fire safety concerns.

7.1.2. Each appeal included a letter from two of the directors of the management company². The letter clarifies 'an issue that seems to have been misunderstood or misrepresented in this application'. The applicant has the use of, but does not own, the parking space adjoining the property. It is owned by the management company. The very limited number of visitor spaces 'are for the use of visitors, visiting local residents. They are not for business use'. There is only one available parking space, and, as it is stipulated that a resident will be in situ, it has to be assumed this space will be occupied leaving no available space for staff or parents. In addition, the resident/management company contract 'explicitly states that a business may not be run from a residential setting in a residential area'.

7.1.3. The Robert Conway appeal included an additional letter from Fisher Property Management which stated, among other things, that homeowners lease their car parking space from the management company and have the sole right to park in them, visitor spaces are on a first come first served basis³, any changes to boundary walls 'must be put to the mgt. co. for review or discussion and permission must be sought for change of use of the property from the mgt. co. The lease specifically states that you cannot run a business from the property'.

² The management company is Tyrrelstown No. 2 Mgt. CLG. The property managing agent is Fisher Property Management.

³ The letter makes two references to 'V spaces' which I assume mean visitor spaces.

7.2. Applicant's Response

7.2.1. The applicant's response can be summarised as follows:

- Correspondence from the management company does not materially alter the planning assessment undertaken by FCC.
- The development has been significantly revised and is extremely modest in scale. This materially reduces any potential transport, parking, noise or amenity impacts. Arrivals and departures are staggered.
- No allocation or reservation of visitor parking spaces is required. Reference to visitor spaces relates only to the possibility of occasional short-duration drop-off or collection where a space is available. Staff will not be driving.
- The proposal is accompanied by revised access arrangements and public realm improvements.
- The Transportation Planning Section was made fully aware of the management company correspondence during the assessment process and concluded the revised arrangements were acceptable from a traffic and road safety perspective. The Section raised no objection subject to conditions.
- The childcare facility use is expressly permissible in principle under the zoning objective. It is associated primarily with the proposed structure rather than the house itself, further distinguishing the proposal from the operation of a conventional business from a residence.
- Concerns regarding emergency procedures are addressed through operational arrangements.

7.3. Planning Authority Response

7.3.1. The FCC response can be summarised as follows:

- The third-party appeals confirm the decision to grant a temporary permission as this will allow for monitoring of potential adverse impacts. It reiterates that the Transportation Planning Section was satisfied with the additional information provided in relation to site access, parking, and overall transportation arrangements.

- Should permission be granted provision should be made for applying a financial contribution and/or special development contribution in accordance with the Development Contribution Scheme.

7.4. Observations

7.4.1. None.

7.5. Further Responses

7.5.1. None.

8.0 Planning Assessment

Having examined the application and appeal details and all other documentation on file, and having inspected the site, I consider that the substantive issues in this appeal are as follows:

- Zoning
- Separate Elements of the Development
- Car Parking
- Previous Decision Under P.A. Reg. Ref. FW25A/0370E
- Other Matters

8.1. Zoning

8.1.1. The principle of the development in this residential area is one of the main issues raised in the grounds of appeal.

8.1.2. I note initially that a childcare facility is a use class that is permitted in principle in this zoning. The 'vision' for the zoning includes ensuring that any new development would have a minimal impact on residential amenity. Policy CIOSP10 and Objective CIOSO27 of the FDP 2023-2029 support and encourage the provision of appropriate childcare facilities, including in residential areas. Objective DMSO80 references

childcare within a residential property, as is proposed in this application, and states that it shall retain a substantial residential component and be occupied by the operator. A condition to this effect was included in the FCC decision and I recommend a similar condition be included should the Commission decide to grant permission. Subsection 14.14.2 of the Plan states applications for childcare facilities in existing residential areas will be treated on its own merits. Although it cites detached houses or substantial semi-detached properties as being most suitable for full day care facilities⁴, I note that this does not preclude end-of-terrace properties and the proposed development is for a sessional service as per the applicant's response to Item 2 of the further information request, and not full day-care⁵. Objective DMSO 79 of the Plan sets out what applications for childcare facilities shall have regard to. Given the submission of the application cover letter and MMTP I am generally satisfied that the issues identified in the objective have been adequately addressed.

- 8.1.3. Having regard to the foregoing, I consider that the principle of a childcare facility in this residential area is acceptable, subject to the following detailed consideration.

8.2. Separate Elements of the Development

- 8.2.1. The proposed development, as per the public notices received with the application, is for construction of a single-storey flat-roof outbuilding to the rear of the dwelling and change of use of part of the property to a small-scale preschool/childminding facility with associated toilets, site works, improved pedestrian access, and use of existing designated and visitor parking for drop-off and collection. The separate elements of the development can be considered as follows.

Single-storey flat-roof outbuilding

- 8.2.2. The proposed structure is located at the bottom of the garden area. It has a floor area of 34sqm, a height of 3 metres, and it has a flat roof which includes two rooflights. Construction materials or external finishes are not identified. A compliance condition could be attached in this regard should permission be granted. The structure is

⁴ The Childcare Facilities Guidelines (2001) defines full day-care as 'The provision of a structured day-care service for children for more than 3.5 hours per day, supervised by competent personnel. Full day-care includes crèches and nurseries'.

⁵ The 2001 Guidelines define sessional service as 'The provision of a service which offers a planned programme to pre-school children of up to 3.5 hours per session by trained personnel. Sessional services include playgroups and Montessori groups and similar services'.

internally divided into two separate areas, each with a toilet. There is no interconnectivity.

- 8.2.3. The structure is relatively modest in scale. I do not consider that it would have any undue adverse impact on visual amenity within this built-up urban area and would not have any shadowing, overlooking, or overbearing implications. I consider it to be acceptable.

Change of use of part of the property to a small-scale preschool/childminding facility⁶

- 8.2.4. The public notices refer to the application as a preschool/childminding facility. However, Item 9 (Description of Proposed Development) of the Planning Application Form states 'change of use of part of the property to an early intervention preschool for children with autism' and Item 15 refers to 'Early intervention preschool'. Section 1.3 of the MMTP states 'The facility will provide care for all children, including those with additional needs, sensory processing differences, or developmental delays' and that it is 'designed to accommodate an autism-specific early intervention preschool'.
- 8.2.5. It was clarified in the further information response that no change of use is proposed within the existing house and it will continue to function as a residence. A revised site layout plan also showed a paved pathway access from the pedestrian gate to the proposed outbuilding. The further information response stated that, as the facility would operate on a sessional basis, the rear garden area was not intended as a play space and would primarily function as private open space for the house. A minimum private open space area of 60sqm is required for a two-bedroom house as per Table 14.8 of the FDP 2023-2029. An area slightly in excess of this would be retained as shown on the proposed site layout plan submitted as further information.
- 8.2.6. Given that the zoning objective allows for a childcare facility I am satisfied that the proposed partial change of use is acceptable.

Improved pedestrian access

- 8.2.7. The building line of the house is close to the road. There is a very short footpath from the road to the front door and across the front of the house to the existing pedestrian

⁶ The 2001 Guidelines define childminding as 'The provision of childcare for no more than 6 children (including the child-minder's own children) in the child-minder's own home. The provision of child-minding services is not covered by these Guidelines'.

access gate to the garden area to the side of the house. There is also a footpath along the wall of the rear garden area which narrows and finishes toward the house.

- 8.2.8. On foot of a further information request the original modest proposed revisions to the pedestrian access were significantly altered, including the set back of an approximately 4.5 metres length of the garden wall by 1.48 metres and its replacement with a fence. Condition 6 of the FCC decision states that this new side boundary wall area shall match the existing and should a grant of permission issue I agree that this would be an appropriate condition, in the interest of visual amenity. The pedestrian gate was repositioned, there is a wider footpath and a larger area for circulation, and the footpath would be levelled to address the current level difference.
- 8.2.9. I consider that the proposed modifications as per the further information response would improve pedestrian accessibility to the proposed outbuilding, would have a minor benefit to the local area in terms of footpath width, and would not have any undue adverse visual impact.

Use of existing designated and visitor parking for drop-off and collection

- 8.2.10. This issue is addressed in Subsection 8.3 of this IR.

Conclusion

- 8.2.11. Having regard to the foregoing, the separate elements of the application are generally acceptable in principle, both individually and collectively, subject to the other considerations of this planning assessment.

8.3. Car Parking

- 8.3.1. Car parking provision and related issues of traffic generation and the nature of the localised road network in the immediate vicinity are one of the main issues raised in the grounds of appeal.
- 8.3.2. The public notices specifically cite 'use of existing designated and visitor parking for drop-off and collection' as part of the application. A letter submitted with the application from the property managing agent stated that the applicant owns a car parking space outside the property and that there are 'several visitor parking spots to be used for short parking drop off within the area'. A subsequent letter from the property managing agent, attached to each of the grounds of appeal, states that the contents of the

original letter are incorrect. There is one car parking space for the house that is leased from the management company and visitor spaces are on a first-come first-served basis. Therefore, there is no dedicated car parking proposed for the facility apart from the space allocated to the house itself which, given the provisions of Objective DMSO80, and as per paragraph 8.1.2 of this IR, would likely be occupied by the resident's/operator's vehicle.

- 8.3.3. A MMTP was submitted with the planning application. After a response to a further information request it was clarified that there would be a maximum of six children on site at any one time i.e. three in each classroom. This gives a maximum of twelve children over the two indicated sessions of 09.00-11.00 and 11.00-13.00 and a maximum trip generation of 48 movements per day five days a week which is double the number of trip movements set out in Subsections 3.2 and 7.1 of the MMTP. I acknowledge that this would be a worst-case scenario and that it is possible that all children may not necessarily arrive by vehicle given that some may live locally. Page 15 of the MMTP stated 'No dedicated off-street parking or formal set-down area is required. The existing on-street parking supply is more than sufficient to accommodate the minimal and short-duration parking demand associated with the facility. This demand is expected to be highly transient and well within the available capacity of the surrounding street network'. Page 15 also stated that 'Overall, the proposed facility will have no material adverse impact on the local road network, parking availability, or residential amenity'. Some of the sustainable travel measures set out in Section 5 are not realistic in my view, such as effectively guaranteeing that all staff will walk or use public transport and that the most convenient spaces will be reserved for carpooling families even though there are no spaces capable of being reserved.
- 8.3.4. The normal car parking requirement for this childcare facility, as per Table 14.19 (Car Parking Standards) of the FDP 2023-2029, is one space i.e. 'Pre-school facilities/creche' require 0.5 spaces per classroom in a Zone 2 area. There is one space for the property though this would likely be occupied by the resident. Given the very limited parking requirement on site as per the Plan, I do not consider that there is an undue lack of parking associated with the proposal.
- 8.3.5. It is likely that visitor parking spaces, of which there are seven in the close vicinity as per the site layout plans, would be free on occasion and could be used by those dropping off or picking up children. Otherwise a vehicle will have to stop elsewhere. In

its assessment of the proposed development the FCC Transportation Planning Section indicated that it had no concern in relation to car parking and set down. The planning authority's response to the grounds of appeal acknowledges the appeals but 'reiterates that the Transportation Planning Section was satisfied with the additional information provided in relation to site access, parking, and overall transportation arrangements'.

- 8.3.6. Having regard to the foregoing, I consider that the car parking and other transportation-related concerns expressed in the grounds of appeal do not warrant a refusal of permission. The proposed land use i.e. a childcare facility, is permitted in principle at this location. The normal car parking requirement for such a facility is one space. There are a number of visitor spaces that could be utilised on occasion. The number of children that would attend the facility is limited and the vehicular movements associated with these children would be concentrated to particular times. The maximum number of vehicular movements associated with the facility may not be the number of movements experienced during operation should some children live close enough to not require vehicular transport. While I do not agree with Section 3.5 of the MMTP that 'The proposal will result in a negligible increase in traffic volumes on Bellgree Court', I consider that, for the foregoing reasons, the car parking and general traffic implications would be acceptable.

8.4. Previous Decision Under P.A. Reg. Ref. FW25A/0370E

- 8.4.1. A similar planning application was previously refused on site under FW25A/0370E as per paragraph 4.1.2.

First Reason for Refusal

- 8.4.2. The first reason for refusal was;

The proposed development by reason of substandard connectivity and the lack of appropriate parking and set-down approach would give rise to difficult vehicle manoeuvres in close proximity to vulnerable pedestrians. The proposed development would therefore endanger public safety by reason of a traffic hazard and would be contrary to the proper planning and sustainable development of the area.

- 8.4.3. The previous application proposed four teachers with twelve children operating from 09.00-13.00 Monday to Friday 'with provision for an additional afternoon session from

1:30–5:30 pm’, according to the cover letter. Minor amendment was proposed to the pedestrian gate area. The Transportation Planning Section report considered the proposed development to be a traffic hazard.

- 8.4.4. Given the reduction in staff numbers and the number of children attending, the absence of reference to afternoon sessions, and the alterations proposed to the footpath/pedestrian gate area, I consider that the current application is materially different from that previously refused and the reason for refusal can be considered to be addressed.

Second Reason for Refusal

- 8.4.5. The second reason for refusal was:

The proposed development is not considered to be an appropriate form of development at the application site in this established residential area. The development would result in the negative impacts of traffic disruption and noise and nuisance on the residential amenity of the adjacent properties and the amenity of the area. The development as currently proposed would seriously injure the residential amenities in the area and would be contrary to the proper planning and sustainable development of the area.

- 8.4.6. As set out in paragraph 8.4.4, I consider that the current application is materially different from that previously refused. It is much less intensive in terms of the number of people on site and the associated potential for traffic generation. The proposed use is permitted in principle under the zoning objective and having regard to all of the factors involved I consider the development to be acceptable and the refusal reason would not be warranted for this current application.

8.5. Other Matters

- 8.5.1. There are a number of other relevant matters which I address as follows:

Duration of Permission

- 8.5.2. Condition 2 of the FCC grant of permission states that this is a temporary permission only and shall expire 3 years from the date of grant of permission. The applicant has not expressed any concern with this condition and the planning authority, in its response to the grounds of appeal, ‘confirms its decision to grant a temporary

permission for the site, noting that this approach will allow for monitoring of any potential adverse impacts on residential amenity and transportation’.

- 8.5.3. In relation to temporary permissions, Section 7.5 of the Development Management Guidelines (2007) states, among other things, ‘In the case of a use which may possibly be a “bad neighbour” to uses already existing in the immediate vicinity, it may sometimes be appropriate to grant a temporary permission in order to enable the impact of the development to be assessed, provided that such a permission would be reasonable having regard to the expenditure necessary to carry out the development’.
- 8.5.4. Notwithstanding the provisions of the previous sections of this planning assessment, I acknowledge that the car parking and traffic generation situation at this location, given the narrowness of road network and extent of surface car parking, is an issue of some concern. Subsection 3.4.2 (Temporary Permission) of the Childcare Facilities Guidelines (2001) state that the use of temporary permissions should be avoided if at all possible. However, I agree with the planning authority that a temporary permission would be appropriate so that the operational effect of the proposed development can be assessed, given the nature of the area. FCC inserted a three-year duration. The 2001 Guidelines state ‘If a temporary permission is granted, the permission should be for a period of not less than 5 years’. Given the period required for construction and the receipt of any additional consents I consider that, should permission be granted, a five-year duration would be appropriate.

Management Company

- 8.5.5. The grounds of appeal/attachments state that visitor parking spaces are not for business use, any changes to boundary walls must be put to the management company for review or discussion, permission must be sought from the management company for a change of use of a property, and that a business cannot be run from a property.
- 8.5.6. These are matters between the applicant and the management company. Section 34 (13) of the Planning & Development Act, 2000 (as amended), states that ‘A person shall not be entitled solely by reason of a permission under this section to carry out any development’. A planning application is assessed on the basis of the proper planning and sustainable development of the area and based on the content of the planning application and the further information response I consider the proposed

development to be acceptable, subject to the recommended conditions. The development, if permitted, must be carried out in line with the conditions attached to the grant of permission. Should the development not be carried out in accordance with attached conditions then that would be a matter for FCC to address. Should the development breach a lease agreement or a contract that is a civil matter between both parties and, as such, I consider that these issues need not concern the Commission for the purposes of this appeal.

Fire Safety

- 8.5.7. Fire issues are addressed under a separate code and a fire safety certificate would likely be required.

Development Contributions

- 8.5.8. The FCC decision did not include any financial contribution condition but the planning authority response to the grounds of appeal states that provision should be made for applying 'A financial contribution and/or any Special Development Contributions required in accordance with Fingal County Council's Section 48 Development Contribution Scheme'.
- 8.5.9. The Scheme in place is the FCC Development Contribution Scheme 2026-2030. Paragraph 26 of this states 'Developments permitted by way of a single permission of a temporary duration or cumulative temporary permissions of not greater than 5 years in total, shall be exempt'. Therefore I do not consider a development contribution applies. No special development contribution would apply.

9.0 Appropriate Assessment (AA) Screening

- 9.1. I have considered the proposed development in light of the requirements of Section 177U of the Planning & Development Act, 2000 (as amended).
- 9.2. The subject site is located in a built-up urban area approximately 9.2km northeast of Rye Water Valley / Carton SAC.
- 9.3. The proposed development comprises the construction of an outbuilding and other minor works.

- 9.4. No nature conservation concerns were raised in the planning appeal.
- 9.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European site.
- 9.6. The reason for this conclusion is as follows:
- The small scale and nature of the proposed works within the built-up urban area
 - The distance of the subject site from the nearest European site and the absence of a source-pathway-receptor connection
- 9.7. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 9.8. Likely significant effects are excluded and therefore AA (under Section 177V of the Planning & Development Act, 2000 (as amended)), is not required.

10.0 Water Framework Directive

- 10.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive.
- 10.2. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.
- 10.3. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive.
- 10.4. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

- 11.1. I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations as set out below.

12.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development and the provisions of the Fingal Development Plan 2023-2029, it is considered that, subject to the conditions set out below, the proposed development would be in accordance with the provisions of the Development Plan in so far as it relates to a childcare facility in a residential area and would not result in an undue adverse impact on car parking or traffic generation at the site location or on the residential amenity of properties in the area. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 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 14th day of March 2026, 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. This is a temporary permission only and it shall expire five years from the date of grant of the permission unless by that time permission for the retention of the

childcare facility has been granted by the planning authority or An Coimisiún Pleanála on appeal.

Reason: To enable the impact of the development to be assessed in the interest of the proper planning and sustainable development of the area.

3. The childcare facility shall only operate in a maximum of two sessions between the hours of 09.00-13.00 Monday to Friday inclusive and shall not operate outside these hours or on weekends or public holidays. The maximum number of children accommodated within the childcare facility at any one time shall not exceed six.

Reason: In the interests of clarity and the residential amenity of the area.

4. The dwelling on site shall be occupied by the operator of the childcare facility.

Reason: To comply with Objective DMSO80 (Childcare Provision within a Residential Property) of the Fingal Development Plan 2023-2029.

5. (a) Details of the materials, colours and textures of all the external finishes to the proposed structure shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) The revised side boundary shall match the existing boundary wall in colour, texture, and finish.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

6. Any works to the footpath, verge, and road carriageway to facilitate the proposed development and any repairs to these that are necessary as a result of the proposed development shall be at the expense of the developer and shall be completed to the satisfaction of the planning authority.

Reason: In the interest of the proper planning and sustainable development of the area.

7. 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.

8. Site development and building works shall be carried out between the hours of 07.00-19.00 Mondays to Fridays inclusive, between 09.00-13.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To comply with Objective DMSO243 (Construction Noise) of the Fingal Development Plan 2023-2029 and to safeguard the amenity of property in the vicinity.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Anthony Kelly

Senior Planning Inspector

10th August 2026

Appendix 1 – Environmental Impact Assessment (EIA) Pre-Screening

Case Reference	ACP-501324-DF-26
Proposed Development Summary	Construction of outbuilding and change of use of part of the property to preschool / childminding facility
Development Address	6 Bellgree Court, Tyrrelstown, Dublin 15 D15 N2T6
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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No. No further action required.
(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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning & Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested.	State the Class here
☒ No, it is not a Class specified in Part 1. Proceed to Q.3.	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning & 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?	

☒ No, the development is not of a Class specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is mandatory. No screening required.	
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. OR If Schedule 7A information submitted proceed to Q4.	
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 ☐	Screening Determination required
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____