



An  
Bord  
Pleanála

**Board Direction**  
**BD-017957-24**  
**ABP-319835-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 22/10/2024.

The Board decided to refuse permission for the following reasons and considerations.

### **Reasons and Considerations**

The Board considered that the Applicant has not provided an adequately robust justification for the demolition of the existing dwelling at the subject site to facilitate the construction of a replacement dwelling. The subject dwelling does not appear to be fundamentally uninhabitable, and it is considered that appropriate ameliorative, repair, and extension works (subject to planning permission, as applicable) would result in the existing dwelling providing an improved level of habitability and energy efficiency.

It is considered that the proposed development is not compliant with Policy Objective CA6 and the requirements of Section 12.3.9 of the Dun Laoghaire Rathdown County Council Development Plan 2022 – 2028, where retrofit is prioritised and it is also stated that the Planning Authority may only permit such developments where the existing dwelling is uninhabitable. The development, if granted permission, would set an undesirable and negative precedent for similar demolition of habitable dwellings in their entirety in the local area and the wider County, and would not be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board did not share the Inspector's interpretation of Section 12.3.9 of the Dun Laoghaire Rathdown County Council Development Plan 2022 – 2028, which states that *'The Planning Authority will assess single replacement dwellings within an urban area on a case by case basis and may only permit such developments where the existing dwelling is uninhabitable.'*

The Inspector's interpretation being that *'.. while preferable subject to the provision of a strong justification it is not an absolute obligation on an applicant (to demonstrate uninhabitability) that seeks the demolition of an existing dwelling as part of facilitating the construction of a new dwelling.'*

The Board considered Section 12.3.9 to be conditional, i.e. if a dwelling is assessed as uninhabitable, then the Planning Authority may permit a replacement dwelling.

**Board Member**

  
Declan Moore

**Date:** 23/10/2024