



An
Coimisiún
Pleanála

Direction
CD-021238-25
ABP-320781-24

The submissions on this file and the Inspector's report were considered at a meeting held on 23/10/2025.

The Commission decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Planning

Commissioner:

Date: 11/11/2025

Tom Rabbette

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the residential land use zoning objective pertaining to the site as indicated in the Dun Laoghaire Rathdown County Development Plan 2022-2028, the established residential use on the site, the nature, scale and design of the proposal, the separation distances between the proposed dwellings and existing neighbouring dwellings, the orientation of the dwellings on the site relative to existing neighbouring dwellings, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact on the residential amenities of the area by way of overlooking, overshadowing or overbearance, would not adversely impact on the visual amenities of the receiving environment and would be acceptable in terms of traffic and pedestrian safety and convenience. The

proposed development would be consistent with national, regional and local planning policies and objectives supporting compact urban growth, densification and intensification of use of existing built-up serviced, zoned lands. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission considered that the demolition of the existing dwelling on the site was proposed to facilitate the clearance and redevelopment of a brownfield, infill site at a higher, more efficient density, and was not being proposed to merely replace the existing dwelling. Therefore, the requirement that the existing dwelling be uninhabitable before it can be replaced, as required under s.12.3.9 of above mentioned statutory development plan, was not applicable in this instance, the statutory development description did not seek a replacement dwelling. Likewise, Policy Objective CA6 of the development plan seeks to prioritise retrofitting and reuse of an existing building rather than its demolition and reconstruction. The demolition in this instance is not for the purpose of the reconstruction of the existing dwelling on the site, it is for the purposes of the redevelopment of a residential brownfield site that will result in the more efficient use of serviced, zoned land, delivering a doubling in density (du/ha), a tripling of residential floor space (from 124 sq.m. to 382.5 sq.m.) and a fourfold increase in the number of bedrooms on this well located urban residential site. The Commission also considered the conclusion in the applicant's 'Demolition Justification Report for Planning' where it states, *inter alia*, that the Whole Life Carbon Assessment confirms that the proposed development has a better carbon performance than retaining and upgrading the existing building to be reasonable and robust. Considering all these matters (i.e. densification, increase in floor space, increase no. of bedrooms, site location and Whole Life Carbon Assessment) the Commission considered that the requirement of s.12.3.9 that the demolition of an existing house and replacement with multiple new build units will not be considered on the grounds of replacement numbers only but will be weighed against other factors, has been met.

Furthermore, the Commission noted that Policy Objective PHP19 'Existing Housing Stock – Adaptation' of the development plan states, *inter alia*, that it is a policy

objective to densify existing built-up areas in the county through small scale infill development. The Commission considered that the proposed development is such a small scale infill development in an existing built-up area, in that regard the Commission did not agree with the Inspector that the proposed development would be inconsistent with Policy Objective PHP19.

In addition, the Commission considered that the proposed development contributes to, and is consistent with, the strategic county outcomes, aims, and policy objectives for compact growth, consolidation, densification and re-intensification of infill/brownfield sites in the county as cited throughout the Dun Laoghaire Rathdown County Development Plan 2022-2028, and, specifically at:

- Table 1.4 (strategic county outcomes nos. 1,2 and 3)
- section 2.6.2.1 (i) 'Compact Growth'
- section 2.6.2.1 (ii) 'Brownfield and infill lands'
- Policy Objective CS11 'Compact Growth'
- Section 4.3.1 'Delivering and Improving Homes'
- Section 12.3.7.7 'Infill'
- Policy Objective PHP18: 'Residential Density' and
- Policy Objective PHP19: 'Existing Housing Stock – Adaptation'

The Commission agreed with the Inspector's assessment on all other matters and decided to grant permission subject to conditions.

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 22nd day of July 2024, 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. The external finish of the dwellings shall be as indicated in the plans and particulars submitted with the application unless otherwise agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity and clarity.

3. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

4. 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.

Reason: In the interest of public health.

5. Prior to the commencement of development the developer shall enter into a Connection Agreements with Uisce Éireann (Irish Water) to provide for a service connections to the public water supply and wastewater collection network.

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

6. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than 1:500 showing –

(i) Existing trees, hedgerows, shrubs, specifying which are proposed for retention as features of the site landscaping

(ii) The measures to be put in place for the protection of these landscape features during the construction period

(iii) The species, variety, number, size and locations of all proposed trees and shrubs

(iv) Details of screen planting

(b) A timescale for implementation

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

7. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

8. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.