

An  
Coimisiún  
Pleanála

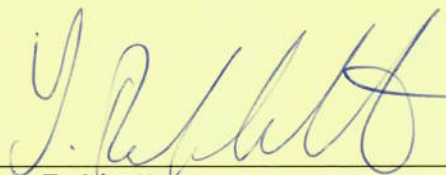
**Direction**  
**CD-022444-26**  
**ACP-323902-25**

The submissions on this file and the Inspector's report were considered at a meeting held on 02/09/2026.

The Commission decided to determine the referral generally in accordance with the Inspector's recommendation, and as indicated in the draft Order hereunder.

**Planning**

**Commissioner:**

  
Tom Rabbette

**Date:** 03/09/2026

**Draft Order**

**WHEREAS** by order dated the 13<sup>th</sup> day of October 2025, Dun Laoghaire Rathdown County Council, under planning register reference number D25A/0101, granted subject to conditions permission to Louise Reynolds for development comprising the construction for 4 no. houses, at Harrow House, Church Road, Killiney, Dublin.

**AND WHEREAS** condition no. 11 attached to the said permission required the developer to comply with the Dun Laoghaire Rathdown County Council Housing Strategy, drawn up in accordance with Part V, Section 96(4) of the Planning and Development Act 2000, as amended, and in accordance with agreement to be reached with the County Council's Housing and Community Department unless the developer shall have applied for and

been granted an exemption certificate under Section 97 of the Planning and Development Act 2000, as amended.

**AND WHEREAS** the developer and the planning authority failed to agree on the terms of the said condition and the matter was referred by the developer to An Coimisiún Pleanála on the 26<sup>th</sup> day of November 2025 for determination.

**NOW THEREFORE** An Coimisiún Pleanála, in exercise of the powers conferred on it by section 34(5) and 96(5) of the Planning and Development Act, 2000, as amended, and based on the Reasons and Considerations set out below, hereby determines that Condition 11 requires the transfer of a completed unit to comply with the Part V requirement of the permitted development.

## **REASONS AND CONSIDERATIONS**

An Coimisiún Pleanála, in considering this referral, had regard particularly to –

- (a) Section 34(5) and 96(5) of the Planning and Development Act 2000, as amended,
- (b) the policies and objectives of the Dun Laoghaire-Rathdown County Development Plan, 2022 – 2028, including the provisions of the Dun Laoghaire Rathdown County Council Housing Strategy,
- (c) the size of the site identified for transfer which would not adequately meet the requirements of section 96(3)(a) of the Planning and Development Act 2000, as amended,
- (d) the restricted size of the site which would impede appropriate development,
- (e) potential traffic hazards arising from the development of the site,
- (f) the potential impact on a number of trees on the site which is subject of a site-specific objective 'to protect and preserve Trees and Woodlands' as indicated in the Dun Laoghaire Rathdown County Development Plan 2022-2028, further impacting the site's development potential,

(g) the Inspector's report and

(h) the proper planning and sustainable development of the area.