



The submissions on this file and the Inspector's report were considered at a meeting held on 08 May 2026.

The Commission decided, in a 2:1 majority decision, to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Planning Commissioner:

Emer Maughan

Date:

28th day of May 2026

DRAFT WORDING FOR ORDER

Having regard to

- 1) the location of the site in the urban suburb of Scholarstown and the location of the proposed residential development on lands zoned 'RES'

- 2) the policies and objectives of the South Dublin County Development Plan 2022-2028,
- 3) Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024),
- 4) Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities (2023)
- 5) the Urban Development and Building Height Guidelines for Planning Authorities (2018)
- 6) Architectural Heritage Protection Guidelines for Planning Authorities (2011)
- 7) the protected structure status of Scholarstown House and its curtilage (RPS reference number 322)
- 8) the location of the proposed development on a prominent corner site adjoining a roundabout
- 9) the pattern of existing and permitted development in the area
- 10) the submissions and observations received in connection with the application and appeal
- 11) the report of the Inspector

and having regard to the residential use, scale, height and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be visually obtrusive or out of character with the surrounding area, would not constitute overdevelopment of the site, would not seriously injure the amenities of adjoining properties in the vicinity by way of overlooking or overshadowing and would provide satisfactory standards of amenity for the future occupants of the development. The proposed

development would be acceptable in terms of separation distances, unit mix, open space provision and would provide coherent streetscapes to Orlagh Grove and Scholarstown Road whilst opening up views and emphasising the approach to, and prominence of, the principal facade of the protected structure. Furthermore the Commission considered that the proposed development is acceptable and appropriate to the setting and would not result in any significant negative impact on the character of the protected structure by virtue of its design and positioning and as such would be in accordance with the policies and objectives of the South County Development Plan and in particular with NCBH19 Objective 2. The proposed development would also be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Commissioners noted that the Inspector referenced the Apartment Design Guidelines (2025). The Commissioners noted that the Circular accompanying the Guidelines state that the 2025 Guidelines apply to applications and subsequent appeals that post-date the 9 July 2025. The date of this application was the 20th June 2025 and therefore the preceding Apartment Design Guidelines (2023) are the relevant standards in this case. The Commissioners considered that these guidelines equally supported the proposed development in respect of inter alia housing mix, minimum space standards, dual aspect ratios, floor to ceiling heights and provision of lift cores. As did the inspector, the Commissioners have cited the Guidelines that precede the 2025 Guidelines, given that this was an application that predated 9th July 2025.

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 12th of September 2025 and the 21st of November 2025, 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 proposed development shall be amended as follows:

- (a) The pedestrian access point in the northeastern corner of the site (proposed under the further information received by the planning authority) shall be omitted.
- (b) Bedroom No 2 on first floor level Unit 2 Scholarstown House shall be omitted and space amalgamated into Living Room area.
- (c) Store area adjacent to Bedroom 1 on first floor level in Unit 1 Scholarstown House shall be omitted. Door to Bedroom 2 to be relocated to align with partition wall dividing Bedroom 2 and Bedroom 3
- (d) Frosted / obscure glazing to be omitted from south elevation of Scholarstown House
- (e) Revised elevation to north gable elevation of apartment block facing the roundabout to incorporate additional glazing and facade articulation.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the protection of architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning and in the interest of residential and visual amenity.

3. Prior to the commencement of the development, the developer shall submit a play plan with an additional two number pieces of equipment such as a flat swing and cradle swing to bring the playspace up to a LEAP (Local Equipped Area of Play) standard for the written agreement of the planning authority.

Reason: In the interests of the residential amenities and public health.

4. Final details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. Each permitted residential unit shall be used and occupied as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes, without a specific grant of planning permission for same (including short-term letting).

Reason: To prevent unauthorised development.

6. Prior to the commencement of development on the Protected Structure the developer shall submit, for the written agreement of the planning authority, a detailed method statement covering all works proposed to be carried out, including:

- (a) a full specification, including details of materials and methods, to ensure the development is carried out in accordance with current Conservation Guidelines issued by the Department of Arts, Heritage and the Gaeltacht,
- (b) methodology for the recording and/or retention of concealed features or fabric exposed during the works,
- (c) details of features to be temporarily removed/relocated during construction works and their final re-instatement,
- (d) protection of features during the construction works,
- (e) materials/features of architectural interest to be salvaged,
- (f) details of the replacement of any brickwork or any works of re-pointing which shall be undertaken so that it matches the original existing wall finish,
- (g) details of the existing roof slates, chimney stacks and pots which shall be retained, any replacement roof slates shall match the existing,
- (h) details of the remaining rainwater goods which where possible shall be repaired and reused, the replacement of which (if any) shall match the original in terms of design and materials, and
- (i) details of replacement and proposed new windows and doors which shall be modelled on surviving windows and doors and shall match them in dimensions, opening mechanism, profiles and materials.

Reason: In the interest of the protection of architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning.

7. The development shall not be carried out on a phased basis. Works to S¹olarstown House shall be carried out in tandem with works to proposed apartment development.

Reason: In the interests of orderly development.

8. Proposals for apartment naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interests of urban legibility and to ensure the use of locally appropriate placenames.

9. Prior to the commencement of development, the developer shall enter into a connection agreements with Uisce Éireann to provide for service connections to the public water supply and wastewater collection network.

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

10. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-

site road construction, and environmental management measures during construction including noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

Reason: In the interest of residential amenities, public health and safety and environmental protection.

11. 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.

12. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the landscape plan. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

13. The landscaping scheme as submitted to the planning authority on the 20th day of June 2025 shall be carried out within the first planting season following

substantial completion of external construction works. Additional tree planting shall be included in the overall scheme with details to be agreed in writing with the planning authority. In addition to the proposals submitted in the scheme the developer shall submit, for the written agreement of the planning authority, details of a revised play area to include provisions for more imaginative, constructive and active play with universally accessible play areas.

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.

14. Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum radius of two metres from the trunk of the tree or centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed. No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: In the interest of visual amenity and to protect trees and planting during the construction period.

15. All mitigation measures in the EclA shall be implemented in full.

Reason: In the interest of biodiversity and nature conservation.

16. Prior to the commencement of development, a bat survey shall be carried out on the site and the results of the survey shall be submitted in writing to the planning authority. Should the presence of bats or bat roosts be found on the site detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development.

Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

Reason: In the interest of nature conservation and wildlife protection.

17. The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance and/or construction works. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be

complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest.

18. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be landscaped in accordance with the landscaping scheme submitted to the planning authority on the 20th day of June 2025. This work shall be completed before any of the dwellings are made available for occupation unless otherwise agreed in writing with the planning authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

19. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall

be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

20. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs, shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

Reason: In the interest of amenity and of traffic and pedestrian safety.

21. The developer shall comply with the following requirements of the planning authority:

(a) The developer shall submit a revised road and car park layout that includes the following:

(i) a minimum three number Mobility Impaired Driver spaces (fully dimensioned, hatching and logos shown),

(ii) two number car sharing spaces, and

(iii) a minimum of 10% EV charging spaces with logos.

(b) The developer shall submit a revised layout showing:

(i) adequate turning space for cars to safely access/egress spaces 30 and 29, and

- (ii) demonstration of safe access/egress from spaces number 17 and 21.
- (c) The developer shall submit a Car Parking Management Plan detailing the management of the car parking spaces. Thereafter, these parking spaces shall be managed in accordance with the agreed plan or as otherwise agreed with the planning authority in writing.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transport and traffic safety.

22. (a) 183 number safe and secure bicycle parking spaces shall be provided within the site. Provision should be made for a mix of bicycle types including cargo bicycles and individual lockers. Details of the layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Electric charging points to be provided at an accessible location for charging cycles/scooters/mobility scooters. Details to be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

23. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual amenity.

24. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0700 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.

25. Prior to commencement of development, 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) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. 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 reducing waste and encouraging recycling.

26. The developer shall submit a site-specific operational waste management plan to ensure management of all waste within the curtilage of the development during its operational phases (i.e. post-construction) for the written agreement of the planning authority. This plan shall include details in relation to waste segregation and collection, monitoring and security of waste contained areas.

Reason: In the interests of public health, residential amenities and sustainable development.

27. 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.

28. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between

the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

29. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the transfer of land in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on the land in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.