



An
Coimisiún
Pleanála

Commission Direction
CD-000530
PL-500612-DR-26

The submissions on this file and the Inspector's report were considered at a meeting held on 06 May 2026.

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

Planning Commissioner:

Patricia Calleary

Date:

8th day of May 2026

DRAFT WORDING FOR ORDER

Reasons and Considerations

In arriving at its decision, the Commission had regard to the planning history of the site, including planning permission register reference D15A/0403, granted in October 2015, for the development of 10 number detached houses, and that this grant of permission was extended and remained in place until the 15th of January 2026. Of relevance to its consideration, the Commission noted the nature of the

application, which seeks to complete the houses that are under construction, and that the current application was lodged with the planning authority on the 17th day of October 2025, while the permission (D15A/0403) was live and that it remained a live permission on the date of the lodgement of the appeal with the Commission on the 9th day of January 2026. Based on the evidence put forward in the application and appeal, including photographs, the Commission was satisfied that substantial works, comprising site access, roads, drainage and services along with foundations, have been undertaken on site on foot of the parent permission (D15A/0403) as extended and with modifications approved under subsequent permissions. The Commission also noted that the site is subject to zoning objective A1 (to provide for new residential communities and Sustainable Neighbourhood Infrastructure in accordance with approved local area plans) and is serviced by water and wastewater with connection agreements in place with Uisce Éireann.

Having regard to the specific circumstances of this appeal case, including the planning history outlined, and to the unique layout and disposition of the site and the generally same development that was previously permitted but has since expired, the presence of a protected structure, Shankhill House and its curtilage adjoining the development site, and the fact that the site is at a two kilometre remove from high-capacity transport options, the Commission was satisfied that it is reasonable to permit the completion of the 10 number houses substantially as previously permitted, subject to minor modifications to the house elevations, as currently proposed. Noting the low density proposed and that higher densities are generally encouraged in policy, including that outlined in Section 4.3.1.1 and Policy Objective PHP18: Residential of the Dún Laoghaire-Rathdown development plan), the policy outlined also requires ensuring a

balance is struck between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development. The Commission was satisfied, taking account of the planning history and the current proposal seeking completion of a previously permitted development and the character of the area comprising detached houses on larger plots, and site constraints including the site shape, sloped topography, the adjoining protected structure and curtilage, that a correct balance has been arrived at in respect of the current proposal. The Commission was therefore satisfied that the proposed development is one which a lower density is acceptable. This finding also aligns with the exceptions for higher densities set out in Section 3.3.6 (c) of the 'Sustainable Residential Development and Compact Settlements' guidelines.

The Commission was satisfied that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable scale and density of development, would be acceptable in terms of design, would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In arriving at its decision, the Commission had regard to previous decisions of relevance by An Coimisiún Pleanála on the subject site. In respect of ABP-315564-23 (D22A/0800) which sought permission for fundamental changes to the design of the houses, and which was refused by the Commission largely on design related concerns, the current proposal is for minor changes to the elevations of the previously permitted houses. In respect of ABP-301786-18 (D18A/0230) that was refused by the Commission, this application related to a different development of 17 houses as distinct to the current proposals which seek

to complete a permitted development of 10 houses. Accordingly, both previous applications that were refused by the Commission relate to materially different proposals to that which is currently before the Commission and while taken into consideration, do not alter the Commission's current decision to grant permission.

In not agreeing with the Planning Inspector's recommendation to refuse permission, in respect of refusal reason number one (prematurity and piecemeal), the Commission considered that the circumstances of the proposed development are exceptional and site specific. In particular the Commission had due regard to the planning history of the site, including permission register reference D15A/0403, originally granted in 2015 as extended to the 15th day of June 2026, and the fact that substantial works had been undertaken on site pursuant to that permission. The Commission further noted that both the application and appeal were lodged while the parent permission remained live. The Commission did not consider that the proposed development constituted piecemeal or premature development in the circumstances. Instead, the Commission considered that the proposal principally seeks the completion of a partially implemented and lawfully commenced residential scheme on serviced lands that are zoned Objective A1, and that the specific planning history distinguishes the proposed development from a greenfield site development. In these circumstances, the Commission did not agree that to permit the completion of the development that is now before the Commission, in the absence of the preparation of the Rathmichael Local Area Plan currently at draft plan preparation stage, would be premature or that it would undermine the plan-led approach to the future development of Rathmichael.

In relation to reason number two (contrary to policy on residential density), while the Commission acknowledged national and local policy support for higher residential densities within serviced urban areas and that the current proposal is

a low density development, it considered that the proposal should be assessed in the context of the previously permitted scheme and take account of the unique layout and disposition of the site, the site constraints including the site shape and sloped topography, the protected structure and curtilage adjoining the development site, the general character of the area and the site's separation from high-capacity public transport options. The Commission considered that the proposal falls within the scope of the site-specific exceptions and constraints provisions of the development plan and the Sustainable Residential Development and Compact Settlements' guidelines in respect of relaxation of such a requirement from delivering higher densities.

Having regard to the Planning Inspector's refusal reason number three (non-provision of open space), the Commission was satisfied that, while the open space is not included within the redline boundary, it is a matter that was generally dealt with and included under the permitted development D15/0430. The Commission also noted that the area previously set out as open space is within the applicant's control as shown outlined in blue on the submitted site location/landholding map in the currently application and, in the interest of clarity, is a matter than can be addressed by way of an appropriate planning condition (Condition 8 of the Schedule of Conditions refers) to ensure it is delivered and completed.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. Details of the materials, colours and textures of all the external finishes to the proposed residential buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. 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 interests of amenity, permeability, traffic and pedestrian safety and sustainable transport.

4. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Éireann.

Reason: In the interest of public health.

5. 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.

6. 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.

Reason: In the interest of visual amenity.

7. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

8. The areas of public open space within the blueline boundary of the lodged plans shall be reserved for such use. These areas shall be levelled, soiled, seeded and landscaped in accordance with a Landscape Plan to be submitted to, and agreed in writing with, the planning authority. This work shall be completed before any of the residential units are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

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

9. 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 occupation of the development.

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

10. Drainage arrangements including the 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.

11. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

12. All houses within the proposed development shall be provided with an electric vehicles (EV) home charge point to the exterior of the houses. Details of how it is proposed to comply 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 transportation.

13. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) the location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) the location of areas for construction site offices and staff facilities;
- (c) details of site security fencing and hoardings;
- (d) details of on-site car parking facilities for site workers during the course of construction;
- (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) measures to obviate queuing of construction traffic on the adjoining road network;

- (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) the containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) the off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and
- (l) the means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

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

14. 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 provision of housing on lands 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.

15. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.

16. 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.