

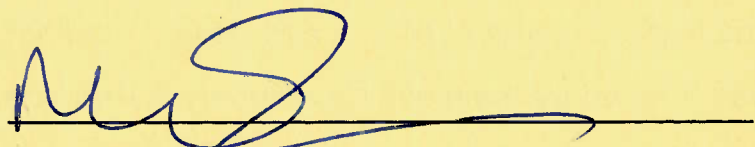
An
Coimisiún
Pleanála

Commission Direction
CD-000973
PL-500723-DR-26

The submissions on this file and the Inspector's report were considered at a meeting held on 23 July 2026.

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

Planning Commissioner:


MaryRose McGovern

Date:

27th day of July 2026

DRAFT WORDING FOR ORDER

Having regard to the appeal and submissions on file, the provisions of the Dun Laoghaire-Rathdown County Development Plan 2022-2028, including the Land Use Zoning 'Objective A' of the subject site and adjacent properties, which seeks to protect and/or improve residential amenity, and having regard to the planning history of the subject site and the adjacent lands, including the conditions attaching to planning permission reference 4794/74 (modified under 12127/82), planning permission reference 12457/82, planning permission reference 494/91

(modified under 258/93), and the reasons for refusal of permission under planning reference D98A/1097, it is considered that the subject site forms part of an area identified as open space to serve existing permitted residential units, and that the site was conditioned to be open space associated with the previously permitted development. The Commission therefore considered that to permit the proposed development, would materially contravene a previous planning permission on the lands. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Commission had regard to the planning history of the subject site and of the adjacent lands. The Commission noted that on 17 February 1999, a proposal under planning reference D98A/1097, for two townhouses, additional carparking and revised layout at rear of and between number 2 and number 3 Proby Square, was refused by the planning authority, for reasons including that the proposed development sought to erect two dwellings on areas of land designated as private open space in the planning permissions for existing apartments within the site, which would materially contravene condition no. 1 of planning permissions PR 494/ 91 and PR 258/93, would represent overdevelopment of the site, and would seriously injure the amenities of adjoining residences within the overall site.

The Commission did not consider itself to be fettered by the conditions attaching to previous planning permissions, but having considered the totality of the information on file including conditions of planning permissions PR 494/ 91 and PR 258/93, the Commission did not share the opinion of the inspector that the open space area purchased by the applicant in 2021, was not used for the residential amenity of the Proby Square apartments. The Commission was satisfied, having regard to the planning history of the subject site and of

the adjacent lands, that the subject site incorporated an area of land previously designated as open space to serve existing permitted residential units. The Commission also noted that the existing Proby Square development (with which the open space previously conditioned was associated) is zoned "Objective A" with the objective "To protect and/or improve residential amenity" and the Commission considered that the proposed development, if permitted, would give rise to serious injury to the existing residential amenities of the area, and that permission for the proposed development should therefore be refused.