

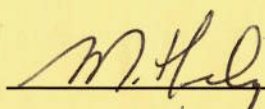
An
Coimisiún
Pleanála

Commission Direction
CD-000977
PL-501055-DS-26

The submissions on this file and the Inspector's report were considered at a meeting held on 16 July 2026.

The Commission decided 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:


Mary Henchy

Date:

16th day of July 2026

DRAFT WORDING FOR ORDER

Reasons and Considerations

In coming to its decision, An Coimisiún Pleanála had regard to:

- (a) the Revised National Planning Framework (2025),
- (b) the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024),
- (c) the Design Standards for New Apartments Guidelines (2025),
- (d) the Dublin City Development Plan 2022-2028,
- (e) the highly accessible location of the site in close proximity to Donnybrook Village, which is served by a high-quality public transport network,
- (f) the townscape character and established pattern of development in the vicinity of the site,
- (g) the proposed adaptation of the vacant building site and the previous planning history of the site,
- (h) the Appropriate Assessment Screening Report,

(i) the submissions and observations made in connection with the planning application and appeal, and

(j) the report and recommendation of the Planning Inspector.

The Commission noted the planning history that included this site, the fact the offices, townhouses and apartments were permitted as one planning unit with shared access to parking, and shared amenity space, (planning authority register reference number 956/91). The Commission also noted that previously 13 car parking spaces were permitted to serve the office development with two located to the rear of the office block, these spaces and the access to these spaces are outside the site the subject of this application with a right of way shown to the car parking. Furthermore, the communal open space adjacent to proposed car parking space 7 was previously identified as lawn and available to the residents of the apartments, town houses as well as the occupants of the office. It is therefore considered that a 1.8 metal boundary fence should not be permitted, dividing the site the subject of this application from the adjoining apartments, this fence is therefore omitted by condition. The reason for retaining the open nature of the site is to protect the amenity of both the existing residents of the town houses and apartment as well as the future residents of the proposed 13 apartments. The Commission did not share the Inspectors concern with regard to the dormer windows to the front of the mansard roof and instead agreed with the planning authority that the design of the roof is acceptable.

It is considered that, subject to compliance with the conditions set out below, the proposed development would provide for a compact and sustainable form of urban development at a highly accessible location, would not seriously injure the visual or residential amenities of the area, would not adversely impact the character of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the national and local policies for the area and would be in accordance with the proper planning and sustainable development of the area.

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. The proposed development shall be amended as follows:

(a) The design of the proposed roof terrace on the southern elevation serving Apartment Number 10 at Second Floor level shall be reconfigured and reduced in scale with mitigation measures introduced to prevent overlooking of adjoining properties.

(b) The balcony and associated patio door at first floor level over the entrance portico shall be omitted.

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

Reason: In the interests of visual and residential amenity.

3. 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, specifying which are proposed for retention as features of the site landscaping and shall include the row of existing trees to the west of the curved bay window to the rear of the building,

(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 which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder,

(iv) screen planting shall be provided along the roadside boundary, details of which shall be submitted and agreed and shall not include prunus species or cupressocyparis x leylandii,

(v) hard landscaping works, specifying surfacing materials, furniture and finished levels,

(vi) no landscaping shall be used to create a boundary between the site the subject of this application and the apartments and/ or townhouses adjoining the site, and or in place of the 1.8m high metal fence omitted from this permission (fence omitted by way of Condition 5) , and

(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 or until the

development is taken in charge by the local authority, whichever is the sooner, 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 interests of residential and visual amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed development 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.

5. No gates shall be provided at the entrance to the development, and no boundary treatments shall separate this development from the existing apartment blocks to the rear, other than that immediately adjoining the areas of private open space serving the lower ground floor apartments. For clarity, the proposed 1.8 metre high metal fence shown is not permitted and shall be omitted and, no alternative measure shall be used to separate the site the subject of this application from the adjoining development.

Reason: To protect the amenity of existing residents and enhance the amenity of future residents.

6. (a) 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).

(b) Car parking for the development shall be provided in accordance with the submitted parking layout. Prior to the occupation of the development, a Car Park Management Plan shall be prepared for the development and shall be submitted to, and agreed in writing with, the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned and how the car park shall be continually managed.

(c) All the communal parking areas serving the development shall be provided with functional electric vehicle charging points, and all of the car parking spaces serving individual residential units shall be provided with ducting to facilitate future cabling to serve charging points for electric vehicles. 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.

(d) Safe and secure bicycle parking spaces shall be provided within the site in accordance with the submitted layout. Provision should be made for a mix of bicycle types including cargo bicycles and individual lockers, with electric charging points at accessible locations. 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.

Reason: In the interests of amenity, of traffic and pedestrian safety and of sustainable transportation.

7. 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 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.

8. (a) A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

9. Proposals for an apartment name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) 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(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

10. 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.

11. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and wastewater collection network.

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

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 landscaping scheme. 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.

13. 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 interests of visual and residential amenity.

14. The areas of communal open space shown on the lodged plans shall be reserved for such use. These areas shall be soiled, seeded, and landscaped in accordance with a landscaping scheme to be submitted to the planning authority in accordance with condition number 3 of this Order. 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 communal open space areas, and their continued use for this purpose.

15. 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.

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

Reason: To safeguard the amenity of property in the vicinity.

17. 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.

18. 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 a percentage of the land, to be agreed with the planning authority, 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 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.

19. 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.

20. 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.