



An
Bord
Pleanála

Board Order ABP-319835-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dun Laoghaire Rathdown County Council

Planning Register Reference Number: D23A/0819

Appeal by Orla Meade care of IMG Planning Limited of 75 Fitzwilliam Lane, Dublin against the decision made on the 3rd day of May, 2024 by Dun Laoghaire-Rathdown County Council to refuse permission for the proposed development.

Proposed Development: (1) Demolition of the existing 176.1 square metres detached dormer bungalow, garage to side and extensions to rear. (2) Construction of a 250.9 square metres detached single and two-storey, four bedroomed dwelling house with dormer windows to attic accommodation over single storey element. (3) Modification of the existing vehicular entrance to the site. (4) The development will include all associated landscaping, drainage and site development works; all at 19 Merville Avenue, Stillorgan, County Dublin.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

The Board considered that the applicant has not provided an adequately robust justification for the demolition of the existing dwelling at the subject site to facilitate the construction of a replacement dwelling. The subject dwelling does not appear to be fundamentally uninhabitable, and it is considered that appropriate ameliorative, repair, and extension works (subject to planning permission, as applicable) would result in the existing dwelling providing an improved level of habitability and energy efficiency.

It is considered that the proposed development would be contrary to Policy Objective CA6 and the requirements of Section 12.3.9 of the Dun Laoghaire Rathdown County Council Development Plan 2022 – 2028, where retrofit is prioritised and it is also stated that the planning authority may only permit such developments where the existing dwelling is uninhabitable. The proposed development, if granted permission, would set an undesirable and negative precedent for similar demolition of habitable dwellings in their entirety in the local area and the wider County, and would 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 Board did not share the Inspector's interpretation of Section 12.3.9 of the Dun Laoghaire Rathdown County Council Development Plan 2022 – 2028, which states that "The Planning Authority will assess single replacement dwellings within an urban area on a case by case basis and may only permit such developments where the existing dwelling is uninhabitable".

The Inspector's interpretation being that while preferable, subject to the provision of a strong justification, it is not an absolute obligation on an applicant (to demonstrate uninhabitability) that seeks the demolition of an existing dwelling as part of facilitating the construction of a new dwelling.

The Board considered Section 12.3.9 to be conditional, i.e. if a dwelling is assessed as uninhabitable, then the planning authority may permit a replacement dwelling.



Declan Moore

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 31st day of October 2024