



An
Coimisiún
Pleanála

Commission Order
ABP-321760-25

Planning and Development Acts 2000 to 2024

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D24A/0868

Appeal by Sarah Fitzsimon care of Vincent Fitzsimon of Thorn Cottage, Ballyedmonduff, Stepside, Dublin against the decision made on the 20th day of December, 2024 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

Proposed Development: Retention of a semi-detached dormer dwelling, and associated site works at 8B Wayside Cottages, Kilternan, County Dublin.

Decision

DISMISS the said appeal under subsection (1) (b) of section 138 of the Planning and Development Act, 2000, based on the reasons and considerations set out below.

Reasons and Considerations

Having regard to sections 2 and 3 of the Planning and Development Act 2022, as amended, setting out the definitions of “unauthorised works”, “works” and “development”, to the provisions of section 32(1)(b) of the Act where permission shall be required amongst other things “in the case of development which is unauthorised, for the retention of that unauthorised development”, to section 37 of the Act where an applicant may appeal to the Commission against a decision of the planning authority, to the submissions of the Applicant upon appeal that clearly state the application is for permission of an authorised house previously granted permission by the planning authority under Planning Register Reference Number D09A/0131, to the Applicant’s submission in relation to the section 137 notice issued by the Commission on the 21st day of May 2025 that does not clarify whether the application relates to development or involved the carrying out of works, the Commission considers that the retention application made relates to a development that is authorised and established, that no further development or carrying out of works are being proposed for retention, and therefore that this application, by itself or by the precedent it would set for other relevant development would not be in accordance with the requirements of the Act.

In accordance with section 138(1)(b) of the Planning and Development Act 2000, as amended, the Commission is satisfied that in the particular circumstances of this application for retention, the appeal should not be further considered by it having regard to (i) the nature of the appeal whereby there is no development or carrying out of works involved in the application, and (ii) the previous permission under Planning Register Reference Number D09A/0131 which authorised the development and said dwelling was subsequently established.

Eamonn James Kelly

Eamonn James Kelly

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.



Dated this 24th day June 2025.