



An
Coimisiún
Pleanála

Commission Order
ABP-322291-25

Planning and Development Acts 2000 to 2025

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D25A/0092

APPEAL by Tivoli Road Residents care of Raglan of 16A Tivoli Road, Dun Laoghaire, County Dublin against the decision made on the 31st day of March 2025 by Dún Laoghaire Rathdown County Council to grant permission, subject to conditions, to Atria Living Limited care of Thornton O'Connor Town Planning of Number 1 Kilmacud Road Upper, Dundrum, Dublin, in accordance with the plans and particulars submitted for the proposed development.

Proposed Development: Atria Living Limited intends to apply for an amendment permission to the permitted residential development granted under DLRCC Reg. Ref. D21A/1137 (ABP Ref. ABP-314896-22).

The development will principally consist of: an increase in the number of apartment units from eight number units (four number one-bed units, three number two-bed units and one number three-bed unit) to 13 number units (nine number one-bed units and four number two-bed units) through the rationalisation of the permitted floors plans, the change of use of the two number storey live-work two-bed unit at lower ground floor level, and an increase in floor area at lower ground floor level. The gross floor area of the development has increased from circa 705 square metres to circa 822 square metres. The development will remain as a part two number to part three number storey building and will not increase the maximum height. The

development will also consist of: general elevational and façade changes; the provision of residents access along Tivoli Road and York Road to facilitate access to lower ground floor and ground floor units; landscaping; and all other associated site works above and below ground, all at a circa 0.0849-hectare site at Tivoli Lodge, Tivoli Road, Dún Laoghaire, Co Dublin, A96 DR53. The permitted site area has decreased in area from circa 0.086 hectares to circa 0.0849 hectares.

Decision

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

Reasons and Considerations

Having regard to the provisions of the Dún Laoghaire-Rathdown Development Plan 2022-28 including, amongst other things, the residential zoning objective, it is considered that the amendments as proposed would constitute a substandard form of residential amenity for future occupants arising from poor and restricted aspect in the lower ground floor units. 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, An Coimisiún fully concurred with the Inspector's assessment regarding the residential amenity of the proposed lower ground floor apartments and shared the Inspector's conclusion that apartments at this level in this location would not provide an appropriate level of residential amenity. However, An Coimisiún further considered that their omission by condition would have consequential implications for the layout of the ground, first and second floors, and that the extent of such revisions could not therefore reasonably be dealt by way of a planning condition.

Eamonn James Kelly

Eamonn James Kelly

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this *1st* day of *August*, 2025.

