



An  
Coimisiún  
Pleanála

Commission Order  
ABP-322344-25

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## Planning and Development Acts 2000 to 2022

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: SD24A/0170.**

**Appeal** by Gerard O'Connor care of AKM Design of 14 Riverwalk, Citywest, Dublin against the decision made on the 25<sup>th</sup> day of March 2025 by South Dublin County Council to refuse a permission for the proposed development.

**Proposed Development:** Demolition of existing dwelling and construction of four number two-storey semi-detached three-bedroom dwellings, six carparking spaces, landscaping, new boundaries and associated site development. Flood defence works on the site are scheduled as part of the Whitechurch stream flood alleviation scheme under planning permission granted by An Bord Pleanála case reference JP06S.307746, all at 'Capri', Whitechurch Road, Rathfarnham, Dublin.

## Decision

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## Reasons and Considerations

Having regard to the nature and scale of the proposed development, the established residential use on the site, the planning history pertaining to the site, the residential land use zoning objective for the lands and other policies and objectives for the area as indicated the South Dublin County Development Plan 2022-2028, the Whitechurch Flood Alleviation Scheme which is nearing completion, and also having regard to the separation distances proposed between the proposed dwellings and existing neighbouring dwellings and the internal first floor layout of the dwellings, it is considered that, subject to compliance with the conditions below, the proposed development would not adversely impact on neighbouring dwellings by reasons of overlooking, overshadowing or visual impact, would not be at an undue risk of flooding or cause an increase in flood risk of adjacent lands, would be acceptable in terms of servicing and provision of green infrastructure and would provide for an increase in housing in the county and an increase in housing density on this underutilised, serviced, suburban, brownfield site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission was satisfied that, subject to condition, the proposed development of this brownfield, residential suburban site would not have an adverse impact on biodiversity.

In addition, the Commission considered the Inspector's recommended condition in the event of a grant of permission, to reduce the floor-to-floor heights. However, the Commission did not consider the overall heights of the dwellings to be excessive given the receiving built suburban environment and considered that a reduction in height was unwarranted and unnecessary in the circumstances. The Commission applied conditions relating to landscaping,



finished floor levels and connection agreements with Uisce Eireann as recommended by the Inspector.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 27<sup>th</sup> day of February 2025 and the plans and particulars submitted in the grounds of appeal received by An Coimisiún Pleanála on the 22<sup>nd</sup> day of April 2025, 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 ground finished floor levels shall be a minimum of 58.1 mOD (metropolitan Ordnance Datum) in accordance with section 2.4 of the Flood Risk Assessment received by the planning authority on the 4<sup>th</sup> day of July 2024.

**Reason:** In the interest of clarity and to mitigate flood risk.

3. Works on the proposed development shall not commence prior to the completion of the Whitechurch Flood Alleviation Scheme as confirmed in writing by the planning authority.

**Reason:** In the interest of orderly development and to mitigate flood risk at the site.

4. All first-floor windows in the rear (west facing) elevations of the four dwellings shall be fitted with obscure glazing.

**Reason:** To obviate overlooking of existing dwellings to the rear of the application site.

5. 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.
  - (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) Details of screen planting.
  - (v) Details of roadside/street planting.
  - (vi) Hard landscaping works, specifying surfacing materials and finished levels.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (c) 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 interest of residential and visual amenity.

6. The attenuation and disposal of surface water shall be as indicated in the plans and particulars received in the grounds of appeal by An Coimisiún Pleanála on the 22<sup>nd</sup> day of April 2025. Final design details shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit detailed design proposals for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason:** In the interest of public health.

7. Details of the materials, colours and textures of all the external finishes to the proposed dwellings 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.

8. All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points. 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.

**Reason:** In the interest of sustainable transportation.

9. 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. Such lighting shall be provided prior to the making available for occupation of any residential unit.

**Reason:** In the interest of amenity and public safety

10. 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 hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and amenity.

11. 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.



12. Proposals for the naming and numbering of the scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs and house 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.

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

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

14. The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping and groundworks. Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the National Monuments Service (NMS) as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in

consultation with the National Monuments Service, regarding appropriate mitigation. The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

**Reason:** To ensure the continued preservation of archaeological interest

15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site upon cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. 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 satisfactory reinstatement of the site.



16. 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.



**Tom Rabbette**

**Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.**

Dated this 29<sup>th</sup> day of July 2025.