

An
Coimisiún
Pleanála

**Commission Order
ABP-322865-25**

Planning and Development Act 2000, as amended

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D25A/0284/WEB

Appeal by Niall Meagher and Nicola Matthews of Windward, Knapton Road, Knapton Lane, Dun Laoghaire, County Dublin against the decision made on the 29th day of May, 2025 by Dun Laoghaire-Rathdown County Council to grant subject to conditions a permission to RRYRDL Limited care of Hughes Planning of 85 Merrion Square, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: (i) Demolition of one number greenhouse and five number ancillary shed structures on site, and the removal of existing wing wall attached to the existing house (St. Helen's Christian Brothers Monastery, A96 Y838 via the southern elevation; (ii) construction of a residential development comprising a total of 12 number units as follows: two number two-storey, three-bedroom detached dwellings (Unit numbers 1 and 2), four number three-storey, four-bedroom terraced houses (Unit numbers 3 – 6), one number duplex block comprising two number two-bedroom apartments (Block C), one number two-storey over basement level block (Block B) comprising two number six-bedroom maisonette units, and one number three story over basement block (Block A) comprising one number four-bedroom apartment

and one number ten-bedroom unit which will provide accommodation for the Christian Brothers. Private amenity space to serve each unit will be in the form of private gardens and balcony/terrace spaces. Designated communal open space is provided to the south west of Block B and to the east of Block A. Larger areas of open space are also provided in the form of a courtyard between Blocks A and B, and in the form of a landscaped area adjacent to the eastern site boundary. The proposed development also includes; (iii) provision of 15 number car parking spaces (including two number visitor parking spaces, one of which is accessible), five number of which are on curtilage (electric vehicle) parking spaces to serve the proposed house units. (iv) two number bicycle/bin stores including a total of 40 number bicycle parking spaces (including one number cargo bicycle parking space and 1 number visitor space). Four number visitor bicycle parking spaces are provided in the form of Sheffield stands to the south of the existing property on-site; (v) alterations to the site access arrangement, including the relocation of the existing vehicular entrance along York Road and the provision of a revised internal roadway arrangement, partial demolition of the eastern boundary wall is required to facilitate the new access point; (vi) hard and soft landscaping, drainage, and all associated works necessary to facilitate the development. No works are proposed to the existing property on-site (St. Helen's) as part of this application aside from external landscaping improvements and the formalisation of the rear garden within its curtilage; all on lands located at St. Helen's, York Road, Dún Laoghaire, County 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 urban nature of the site within an existing residential site on lands zoned 'A', to the policies and objectives as set out in the Dun Laoghaire-Rathdown County Development Plan 2022-2028, and to the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in January, 2024, it is considered, subject to compliance with the conditions set out below, that the proposed development would not seriously injure the residential amenity of the area, the historic setting of the site or the visual amenity of the area and would be acceptable in terms of design and layout. The Commission considered that the provision of setback from the perimeter wall and the consequent reduction in the overall scale of Block C (as proposed in the appeal documentation) was acceptable and agreed with the Inspector that a high-level window was not warranted. The proposed development would, therefore, 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, as amended by the further plans and particulars received by An Coimisiún Pleanála on the 25th day of July 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 perimeter wall shall not be used as external wall to any of the new structures including the Bike/Bin Stores. A set-back from the wall shall be provided for Block B and Block C as shown on Drawing Number STH-NDBA-Site-ZZ-DR-A-0100 Rev P3 received by An Coimisiún Pleanála on 25th July 2025.

Reason: To protect elements of heritage value.

3. Each residential unit shall be used as a single dwelling unit and shall not be sub-divided, sold, let, conveyed or otherwise used as two or more separate habitable units or for non-residential uses.

Reason: To prevent unauthorised development.

4. 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 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.

5. (a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant houses and duplex units permitted, to first occupation by individual purchasers, that is, those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

6. 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 public 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.

7. Proposals for an estate/street name, house/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 house/apartment numbers, shall be provided in accordance with the agreed scheme. 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.

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8. Prior to commencement, the development shall comply with the following requirements, details of which shall be submitted to, and agreed in writing with, the planning authority:

(a) the boundary wall at the main entrance to the development shall be a consistent height, with no stepping, and shall be recessed by at least 1.0 metre with a concave splay, and

(b) the widened pedestrian entrance shall be surrounded on either side with red brick pilasters.

Reason: In the interest of visual and residential amenity.

9. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

10. 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 drawing (landscape plan dated 8th April 2025). 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.

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11. The 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.

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

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

13. (a) Prior to commencement of development, the developer shall submit for the agreement of the planning authority revised drawings and details which demonstrate provision of cycle parking in accordance with the provisions of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in January, 2024. In relation to cycle parking design, a minimum of 15 number cycle parking spaces shall be the preferred "Sheffield" type. These shall be provided with no overhead obstruction (i.e. no stacked cycle parking over). The remaining 42 number cycle parking spaces may be of the applicant's choosing, noting that the "Sheffield" stand is the preferred design provision. The submitted drawings shall also demonstrate accordance with the National Transport Authority's Cycle Design Manual August – September 2023 which requires that one space per 20 spaces should be provided for larger non-standard cycles and also Dun Laoghaire Rathdown County Council's "Standards for Cycle Parking and

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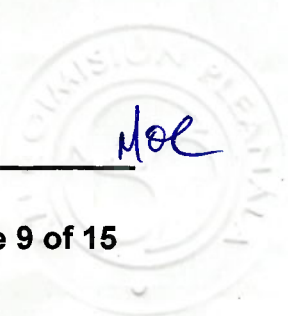
associated Cycling Facilities for New Developments – January 2018” in relation to spacing and aisle widths and cycle parking provided closer to Block A.

- (b) Prior commencement of development, the applicant shall submit for the agreement of the planning authority revised drawings which demonstrate the provision of STOP line and associated signage to the rear of the existing footpath on York Road at the vehicular entrance/exit.
- (c) Prior to commencement of development, the applicant shall submit for the agreement of the planning authority, drawings and details which address the requirement for a turning facility to be provided for any dead-end access route that is more than 20 metres long in accordance with Section 5.4.4.1 Access Routes on Private/Site Roads of the Buildings other than dwellinghouses of Technical Guidance Document B 2024 – Fire Safety – Volume 1 Buildings other than Dwelling Houses.

Reason: In the interest of traffic and pedestrian safety and orderly development.

- 14. All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future 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.



15. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

16. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) the location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - (b) the location of areas for construction site offices and staff facilities;
 - (c) details of site security fencing and hoardings;
 - (d) details of on-site car parking facilities for site workers during the course of construction;
 - (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - (f) measures to obviate queuing of construction traffic on the adjoining road network;
 - (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

- (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) the provision of parking for existing properties at during the construction period;
- (j) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) the containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (l) the off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and
- (m) the means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

Reason: In the interests of amenities, public health and safety and environmental protection.

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17. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) 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.
- (c) This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.

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

18. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. 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 proper planning and sustainable development.

19. (a) An accurate tree survey of the site, which shall be carried out by an arborist or landscape architect, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The survey shall show the location of each tree on the site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to be felled and those which it is proposed to be retained.
- (b) Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled.

Reason: To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of visual amenity.

20. The landscaping scheme as submitted to the planning authority on the 8th day of April, 2025 shall be carried out within the first planting season following substantial completion of external construction works. 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 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.

21. A bat survey of the sheds requiring demolition on site shall be carried out by a suitably qualified specialist and according to Best Practice guidelines, prior to the commencement of any site works. Any trees that require felling/maintenance works shall be surveyed for bats. If any potential bat roosts are identified, the developer must apply for a Derogation License in accordance with Regulation 54 of European Communities (Birds and Natural Habitats) Regulations, 2011. To enhance biodiversity, bat boxes shall be installed on suitable trees on the property to enhance the habitat for bats. A bat specialist/ecologist shall advise the applicant on numbers, styles and locations of bat boxes.

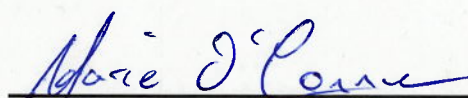
Reason: In the interest of nature conservation and urban biodiversity.

22. 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.

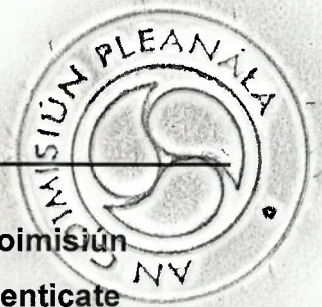
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

23. 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.


Marie O'Connor

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



Dated this 24 day of October 2025