

An
Coimisiún
Pleanála

Commission Order
ACP-323471-25

Planning and Development Act 2000, as amended

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D25A/0457/WEB

Appeal by Patrick Rhatigan and Stephanie Walsh care of Downey Planning and Architecture of 29 Merrion Square, Dublin against the decision made on the 25th day of July, 2025 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Ceri McDonnell care of Brock McClure of 63 York Road, Dún Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council.

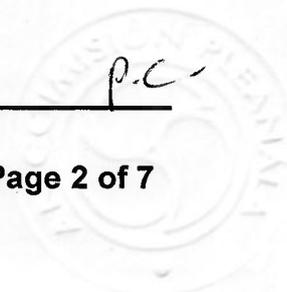
Proposed Development: The proposed development will consist of: (a) demolition of existing greenhouse, garden shed and garden room (circa 43.1 square metres); (b) construction of one number three-bedroom dwelling, ranging in height from one to two storeys accessed via existing private gate off Elton Court; (c) construction of two metres high boundary wall between number 9 Elton Park and the proposed site; (d) one number car parking space; (e) 162.3 square metres of private open space in the form of a paved patio area and garden; (f) two number enclosed bicycle parking spaces; (g) one number enclosed bin store; and (h) all associated site development works at lands to the rear of 9 Elton Park, Sandycove, 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 location, design, form and layout of the proposed dwelling, it is considered that, subject to compliance with the conditions set out below, the proposed development would be supported by the planning policy set out in the Dún Laoghaire-Rathdown County Development Plan 2022-2028 and would not seriously injure the visual amenities of the area, residential amenities of any property in the vicinity or adversely impact on the character of the area. The proposed development would not add to any significant intensification of the private road onto Upton Court nor would the setting of the nearby protected structures be adversely affected. The proposed development, therefore, would 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, 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. Details of the materials, colours and textures of all the external finishes to the proposed dwelling 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.

3. The glazing within the west facing section of the first floor window serving Bedroom 3 (room number 107) shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

Reason: In the interest of residential amenities and to prevent overlooking.

4. The proposed house 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.

5. To ensure the protection of trees within the site, the developer is required to implement all the recommendations pertaining to tree retention and protection as outlined within the submitted Arborist/Tree Report and accompanying drawings. The developer is required to retain the services of an Arboricultural Consultant throughout the life of the site development works to ensure the protection of all trees listed for retention. A completion certificate is to be signed off by the Arborist when all works are completed and in line with the submitted original landscape drawings. This certificate is to be submitted to the planning authority for record.

Reason: In the interest of orderly development and visual amenities.

6. (a) All trees which are shown on lodged plans to be retained shall be protected by a stout timber fence, 1.5 - 2 metres high, and enclosing at least the area covered by the branch spread of the trees. The fence shall be erected before the commencement of any site works, and shall be maintained throughout the entire construction period.
- (b) No development works of any kind shall take place within the fenced-off area. In particular, the parking of vehicles, location of site huts, storage compounds or topsoil heaps, storage of oil and chemicals, and lighting of fires, is prohibited.

Reason: To protect the character of the site.

7. 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.

8. (a) All necessary measures shall be taken by the applicant to prevent any spillage or deposition of clay, dust, rubble or other debris, whether arising from vehicle wheels or otherwise, on the adjoining and/or adjacent public road and footpath network during the course of the construction works.
- (b) Any damage to roads, footpaths or other public property caused by the development shall be made good to the satisfaction of the District Engineer.

Reason: In the interest of traffic safety and proper control of development.

9. 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: To prevent flooding and in the interest of sustainable drainage.

10. 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 interests of sustainable transport and safety.

11. 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.

Patricia Calleary

Patricia Calleary

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.

Dated this *18th* day of *December* 2025.

