

An
Coimisiún
Pleanála

Commission Order
ACP-323504-25

Planning and Development Act 2000, as amended

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB2281/25

APPEAL by Thomas A. Menton care of Lucy Jones of First Floor, 37 North Great George's Street, Dublin against the decision made on the 29th day of July, 2025 by Dublin City Council to refuse permission.

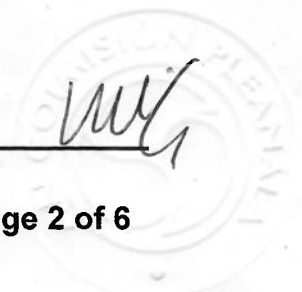
Proposed Development: Construction of one 159-square metre, two-storey, three-bedroom, detached, dwellinghouse. Alterations to an existing boundary wall to create one vehicular and one pedestrian entrance off Rathdown Park. Two number new car parking spaces on site. Connection to public water and foul networks, and all ancillary, drainage and landscaping works, all at 36A Rathdown Park, Terenure, Dublin.

Decision

GRANT permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the residential conservation zoning objective, which provides for the protection and/or improvement of the amenities of residential conservation areas, the pattern of development in the area, which is characterised by semi-detached and detached houses with front and back gardens, and the policy framework provided by the Dublin City Development Plan 2022-2028, including urban consolidation policy objectives, as set out under Policy Objective QHSNO4 (Densification of Suburbs), it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with Section 15.13.3 (Infill/Side Garden Housing Developments) of the development plan, would not have a significant adverse impact on the residential and visual amenity of adjoining residential properties, would be in accordance with Policy BHA9 (Conservation Areas) of the development plan, as the proposed house design would satisfy the enhancement criteria listed for development within a conservation area, including contemporary architectural design quality, would be in accordance with the provisions of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), and would, therefore, be in accordance with the proper planning and sustainable development of the area.



Conditions

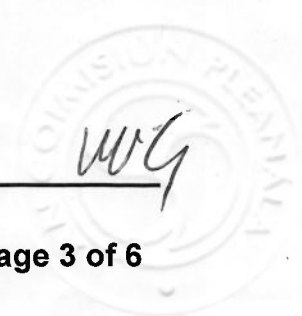
1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The side-facing windows at first-floor level on the northern elevation (facing the rear of numbers 38 and 40 Rathdown Park) shall be omitted.
 - (b) The first-floor bathroom at the north-western corner of the proposed dwelling shall be lit by a rear-facing window with fully opaque glazing.
 - (c) The first-floor bathroom at the north-eastern corner of the proposed dwelling shall be lit by a front-facing window to match the dimensions of the other two front-facing first-floor windows.
 - (d) The proposed stairwell shall be lit from above by a rooflight.

Revised drawings showing compliance 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 visual and residential amenity.



3. Details of the materials, colours and textures of all the external finishes to the proposed development 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 standard of development.

4. Prior to commencement of development, the developer shall submit a revised site plan for the written agreement of the planning authority to reduce the width of the vehicular entrance to a maximum of three metres, to omit one of the two proposed in-curtilage front garden car parking spaces, and to replace the parking area with appropriate landscaping.

Reason: In order to clarify the scope of the permission and in compliance with SPPR 3 (Car Parking) of the Sustainable Residential Development and Compact Settlements Guidelines (2024).

5. Prior to commencement of development, the developer shall enter into connection agreements with Uisce Éireann to provide for service connections to the public water supply and wastewater collection network.

Reason: In the interest of public health.

6. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interest of visual amenity.

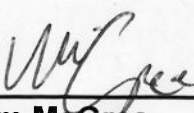
8. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior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

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

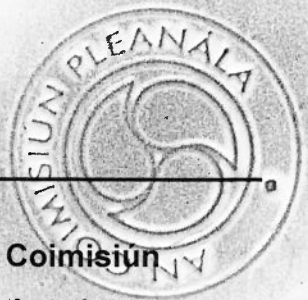
9. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, as amended, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of the Regulations shall take place within the rear garden area of the proposed dwelling without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the extended dwelling, and in the interest of the amenities of the area.

10. 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 the 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.


Liam McGree

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



Dated this 2nd day of December 2025.