



An
Coimisiún
Pleanála

Commission Order

ACP-323665-25

Planning and Development Act 2000, as amended

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB2483/25

Appeal by Jonathan McCormick against the decision made on the 18th day of August, 2025 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: Demolition of the existing single storey garages and construction of a new two-storey, two-bedroom dwelling, and associated site works, all at side of 31 Reuben Avenue and rear of 29 Church Avenue South, 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 Dublin City Development Plan 2022-2028, to the 'Z1' zoning of the site, to Sections 15.5.2 (Infill Development) and 15.5.7 (Materials and Finishes), to Section 15.11.3 (Private Open Space), and to Section 15.13.3 (Infill/Side Garden Housing Developments), it is considered that subject to the conditions set out below this development in the inner suburbs would represent the most efficient use of serviced residential land, and would not seriously injure the residential amenity of adjoining properties or future occupants of this residential development. 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, and subject to the conditions set out below, the Commission considered that the materials and finishes complement the existing pallet of materials in the surrounding area, that normal planning standards may be relaxed in relation to private open space and infill/side garden housing developments in the interest of ensuring that vacant, derelict and under-utilised land is developed, that separation distances and overlooking occurs in urban and suburban areas, that the design including fin structure does work to address potential overlooking in the context of the surrounding inner suburban area, that the area of private open space for 29 Church Avenue South would more than double, that the level of private open space together with semi-private space to the front would be satisfactory in this location, and that therefore significant injury to the residential amenity of this development and adjacent dwellings would not arise.

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. On Drawing Number PP02 Ground Floor Plan, glazing of the two southernmost panes of glass to the Kitchen/Dining/Living area shall be opaque or shall be replaced by high level windows. Glazing of the northernmost pane of glass shall remain normal. Details shall be submitted to, and agreed with, the planning authority prior to commencement of development.

Reason: To avoid significant overlooking from the upper rear window of 20 Church Avenue South into the Kitchen/Dining/Living area of the development.

3. (a) The use of black limestone and the zinc roof on the front elevation shall not be used in the external finishes.

(b) 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. The brick colour to be used shall be the same as that used in the adjoining residential area.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

4. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of 29 Church Avenue South without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of private open space is provided in 29 Church Avenue South for the benefit of the occupants of the proposed dwellings.

5. 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.

6. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements, in writing where necessary, of the planning authority for such works and services.

Reason: In the interest of public health.

7. 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.

8. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) 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.

9. 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.

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

Dated this 16th day of January, 2026.

