

Planning and Development Act 2000, as amended

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB1842/25

Appeal by Patrick McLaughlin and others care of Henrik W. Van Der Kemp and by Matriciana Limited care of CWPA Planning and Architecture against the decision made on the 17th day of September 2025 by Dublin City Council to grant, subject to conditions, a permission to Matriciana Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development:

1. The demolition of two number existing, detached residential dwellings on the subject site, 110, Howth Road, Dublin 3, D03 KV60 (single storey dwelling, 168.7 square metres gross floor area) and 114, Howth Road, Dublin 3, D03 DE48 (dormer dwelling, 274.5 square metres gross floor area) plus ancillary outbuildings (47 square metres gross floor area overall).
2. The construction of a residential development (9,953.66 square metres gross floor area) consisting of 86 number apartment units (three number studios, 35 number one-bed units, 41 number two-bed units, and seven number three-bed units) ranging between four to seven storeys in height over basement level.

3. Provision of resident's communal area (38 m² GFA) at ground floor level.
4. Provision of one number Crèche Facility at ground floor level (75 square metres gross floor area) with capacity for 20 number children and associated, secure, open play area (120.8 square metres).
5. Provision of one number Café Unit (50 square metres gross floor area) at ground floor level with associated outdoor seating area.
6. Removal of two number existing vehicular site entrances off Howth Road (R105) and provision of new site access off Howth Road (R105) to serve the development with vehicular, cycling and pedestrian access.
7. The construction of a basement to be accessed off Howth Road (R105) with provision for 46 number car parking spaces, including accessible and electric vehicle spaces, two number motorcycle parking spaces and 142 number 'long stay' residential secured bicycle parking spaces.
8. Four number surface level car parking spaces (consisting of two number employment parking spaces in connection with the crèche and café and two number additional parking spaces as shared GoCar/ Visitor parking spaces), one number set down area and one number parking space for delivery/ services vehicles.
9. Provision of 142 number 'long stay' residential secured bicycle parking spaces at basement level together with additional 50 number visitor bicycle parking spaces in secure locations at surface level throughout the site.
10. All apartments are provided with private terraces / balconies.
11. The scheme provides a total of 3,059.51 square metres of open space, consisting of 2,075.55 square metres of Communal Open Space (44% of overall site area), 467.86 square metres of Public Open Space for community use (10% of overall site area), and 516.1 square metres of communal roof terrace gardens at 4th, 5th and 6th floor level for residents (11% of overall site area).
12. Total non-residential use is 163 square metres (1.6 % of overall development).



13. Provision of 63.6 square metres of Bin Storage, 30 square metres of Storage, 34.2 square metres of CHP Room and 40 square metres of Communications Room (all at basement level).
14. The development will also provide for all associated ancillary site development infrastructure including: public lighting, new watermain connection and foul and surface water drainage; internal roads and footpaths; site landscaping, including boundary treatments and all associated site development and excavation works above and below ground necessary to facilitate the development, all at 110 and 114, Howth Road, Clontarf, Dublin 3.

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

The Commission reached its decision in accordance with its duties under Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended, and the requirement to, in so far as practicable, perform its functions in a manner consistent with inter alia the Climate Action Plan 2024 and 2025 and the furtherance of the national climate objective. Having regard to the location of the site on zoned, serviced land, where residential use is acceptable in principle, to relevant national, regional and local policy which supports the delivery of new residential development, to the nature, scale and design of the proposed development, to the pattern of development in the area, the submissions on file from the planning authority, first and third parties and observers, it is considered that, subject to compliance with the conditions set out below, the proposed development incorporating the demolition of two dwellings and their replacement with an apartment scheme,



would not seriously injure the amenities of the area, including the residential amenities of properties in the vicinity or the wider visual amenity of the area, would be acceptable in terms of pedestrian and traffic safety, would constitute an appropriate and sustainable density of development, having regard in particular to, the relevant provisions of the Dublin City Development Plan 2022-2028, the relevant provisions of the Sustainable Residential and Compact Settlement Guidelines for Planning Authorities (January 2024), the site location and context which includes reasonable access to public transport, and noting the pattern of development in the area and the capacity of the site to absorb height and scale to the extent as now permitted. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the recommendation of the Inspector to refuse permission, the Commission firstly noted that the wording of recommended reason numbers 1 and 2 specifically refer to the extent of development as originally applied for. While the Commission shared the view of the Inspector that the original scheme would not be an appropriate form of development at this location, it considered that it would be appropriate to determine the case on the basis of the extent of development set out at further information stage with the planning authority and by which the planning authority made its final decision subject to conditions, rather than by reference to that as originally applied for. The final decision is not dependent on assessing the suitability of the proposed development by reference only to the original scheme. In reaching this determination, the Commission noted and agreed with the inspector that the revised scheme at further information stage, which reduced the scheme in terms of unit numbers and height would not lead to a measurable adverse impact on matters such as daylight/sunlight, or car parking for example.

Furthermore, the Commission noted and agreed with the approach of the planning authority that the final permitted development would be framed around the extent of development as set out at further information stage, with additional modification by way of condition. Specifically, the Commission

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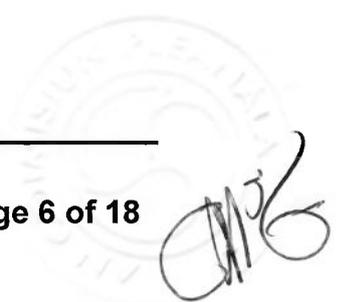
judged the modifications set out at condition number 4 of the planning authority decision (condition number 2 of this Order) to be clear, understandable, rational and implementable. This condition provides for the omission of ten identified apartments. The consequence is to reduce the building height to five storeys at its maximum, with a reduction by one floor at two other unit locations. No change to the footprint of the apartment building arises. The Commission determined that this reduction in the scheme, to 65 units, along with the reduction in height, would be appropriate by reference to the broader policy on density range within urban areas served by public transport (the site is considered to fall within the designation 'accessible Suburban / Urban Extension Area' as set out in the 'Sustainable Residential Development and Compact Settlement Guidelines' published in January 2024) and also to the specific context of this area, whereby five storeys is considered to secure a reasonable balance between sustainable densification of the subject site with due consideration of the pattern, form and disposition of residential properties in the vicinity. In this regard, the Commission did not share the opinion of the inspector that the changes under this condition may give rise to unintended consequences and that it would not be appropriate to deploy such a condition to a grant of permission.

With regard to recommended reason number 3 of the Inspector (alleged impact on residential amenity by reason of overlooking and noise from the proposed roof gardens within the scheme), the Commission considered the documentation submitted with the application and appeal, including the layout and boundary treatment at these roof gardens. On the issue of overlooking, the Commission concluded that no material overlooking would arise by reference to the scheme as proposed and subject to condition which incorporates obscure glazing and planting. On the issue of noise, the Commission noted that the roof gardens constitute ancillary amenity space for residents of the apartment scheme, and are not related to, for example, any separate or commercial activity. In this regard, the use of such residential amenity spaces would not give rise to noise in any manner different to that from all residential amenity spaces such as gardens, roof gardens, balconies

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etc. These are common and appropriate constituent elements of many residential schemes within established urban areas and no measurable evidence on the facts of this case, including size of the communal open spaces, relationship to adjoining properties, nor by reference to policy context, would support the contention that unacceptable noise impact would arise. In reaching this determination the Commission noted that the proposed development would incorporate a constituted management company which typically provide for effective management of communal spaces by prospective residents.

Finally, the Commission noted the commentary of the Inspector that a grant of permission may materially contravene section 15.6.9 of the Dublin City Development Plan 2022-2028, (seek protection/maximum retention of important trees, groups of trees). The Commission considered the wording of section 15.6.9 and the detail of the proposed development which includes the proposed planting of a significant number of native trees along with other vegetation, (with an undoubted loss of significant removal of existing trees) and determined conclusively that no material contravention of section 15.6.9 would arise. This section (which is considered reasonable) does not set an absolute prohibition on removal of trees and allows for an overall judgement to be made on the balance of presented evidence. Having regard to the relevant associated development plan policies, as well as national and regional policy in support of new residential delivery it is considered that the proposed development, which provides a significant amount of new tree provision and associated landscaping can be considered to be in accordance with the totality of relevant policies and objectives within the development plan and in accordance with the proper planning and sustainable development of the area. In reaching this conclusion the Commission also noted the favourable consideration given to the overall scheme, by the planning authority.



Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further information received by the planning authority on the 21st day of August 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to commencement of development, the developer shall submit, for the written agreement of the planning authority, revised plans incorporating the following amendments:
 - (a) The fifth floor, that is, apartment units 68-75 (inclusive), and
 - (b) At fourth floor level apartment unit 60 and unit 64.

Reason: In order to achieve an appropriate density for an Accessible City – Suburban/ Urban Extension location.

3. This permission is for a total of 65 number apartment units, one number Crèche Facility at ground floor level (75 square metres gross floor area) and of one number Café Unit (50 square metres gross floor area).

Reason: In the interest of clarity.

4. The roof profile shall be redesigned with a contemporary flat roof design. Prior to commencement of development revised plans, drawings and particulars showing the above amendments shall be submitted to, and agreed in writing with, the planning authority, and such works shall be fully implemented prior to the occupation of the buildings, unless otherwise agreed with by the planning authority.

Reason: In the interests of orderly development and visual amenity.

5. Prior to the first occupation of any of the residential units hereby permitted, the applicant shall:
- (i) Provide full details of the commercial spaces hereby approved (that is, one number Crèche Facility at ground floor level (75 square metres gross floor area) and of one number Café Unit (50 square metres gross floor area)) including the design, management strategies; opening hours and operation for the written agreement of the planning authority.
 - (ii) The Crèche Facility hereby approved shall be fully fitted out and ready for immediate occupation and operation by end-users prior to the first occupation of any of the residential units hereby permitted.
 - (iii) The Café Unit hereby approved shall be fully fitted out and ready for immediate occupation and operation by end-users prior to the first occupation of any of the residential units hereby permitted.

Reason: To provide for sustainable and fit-for-purpose commercial uses on site.

6. Details of the materials, colours, and textures of all the external finishes to the proposed development and boundary treatments shall be as submitted with the planning application, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

7. The developer shall comply with the following Transportation requirements of the planning authority:
- (a) Prior to commencement of development, full detailed design of all works to the public road and public realm, including upgraded junctions and pedestrian crossing along Howth Road and Castle Court shall be submitted to and agreed in writing with the planning authority. The applicant shall contact the planning authority prior to lodgement to ascertain the requirements of Environment and Transportation sections of Dublin City Council and National Transport Authority for all works to the public road and public realm. Materials in public areas shall be in accordance with the document Construction Standards for Roads and Street Works in Dublin City Council. Any works to the public road and the public realm including provision of upgraded junctions, pedestrian crossings, road and footpath modifications, lighting, drainage and materials considered acceptable to Dublin City Council shall be carried out at the developer's expense and completed prior to the occupation of the development.
- (b) Prior to commencement of development, the developer shall submit revised drawings and documentation for the written agreement of the planning authority for the following:
- (i) Detailed drawings for the four number visitor cycle parking areas.
- (ii) Provide one additional cargo bike parking space so that 5% of the total cycle parking is non-standard cycle parking.

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- (iii) Detailed drawings for the visitor cycle space and cargo bike space shall comply with minimum dimensions contained within Section 6 of the National Cycle Manual.
- (d) The developer shall clearly advertise, across all sale / rent / lease platforms used, that the proposed development has significantly reduced car parking on site and surrounding area, prior to sale, renting or leasing.
- (e) The developer shall carry out a Stage 2 and Stage 3 Road Safety Audit (RSA) by an independent approved and certified auditor for the development. The developer shall submit to the planning authority a copy of the RSA Stage 2 and 3 report and shall complete all of the remedial measures identified in both reports, prior to opening of the completed development to traffic.
- (f) No part of the proposed building, either above or below ground level (including foundations or balconies) shall overhang the existing or proposed public road.
- (g) The proposed bicycle parking spaces shall be constructed and ready for use prior to commencement of the proposed use.
- (h) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
- (i) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: In the interests of sustainable transportation and safety.

8. Prior to commencement of development, the developer 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 file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to 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 sustainable waste management.

9. The trees, planting and natural screening on the communal open spaces at second and third floor levels shall be kept at a height of at least 1.8 metres. In addition, the railings at the boundary of each of the communal open spaces shall be replaced with obscure glazing to a level of at least 1.6 metres. Plans and particulars setting out these details shall be submitted to, and agreed in writing with, the planning authority, prior to the commencement of development.

Reason: To avoid undue overlooking onto the private amenity of neighbouring properties.

10. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

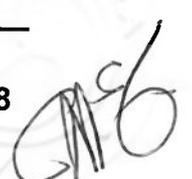
Reason: In the interest of public health and surface water management.

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

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

12. The developer shall comply with the following Landscape, Park and Biodiversity requirements of the planning authority:
 - (a) 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 accepted by the planning authority to secure the protection of existing trees to be retained on or adjacent the site and to make good any damage caused by construction, coupled with an agreement empowering the planning authority to apply such security , or part thereof, to the satisfactory protection of any trees adjacent or on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species, or to apply to new tree planting in the local area. The amount of the security shall be determined by the Helliwell or Cavat method by the developer's arboriculturist. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of an agreement, shall be referred to An Coimisiún Pleanála for determination.



- (b) All trees shown to be retained on the site and adjacent to the site shall be adequately protected during the period of construction as per BS 5837, such measures to include a protection wrapping (hessian with pipe tied around tree trunk/ Greengrid Trunk Protecta) or tree protection fencing, with no construction work or storage/spillage carried out within the root protection area. (The tree protection measures shall have regard to the Guidelines for Open space Development and Taking in Charge, copies of which are available from the Parks and Landscape Services Division.
- (c) The developer shall retain the professional services of a qualified Ecologist throughout the life of the site development works. Biodiversity mitigation and monitoring shall be carried out in accordance with the submitted ecological assessment reports under the supervision of the Ecologist.
- (d) A public artwork of good quality shall be included within the public open space. The proposed artwork shall be procured by the development of a design brief with a limited competition between 5 artists selected from a panel. Advice may be sought from the Dublin City Council's Public Arts Officer. The artwork will be completed and installed within six months of the completion of the development's public open space unless otherwise agreed with the planning authority in writing

Reason: To secure the retention of existing trees to be retained on the site, in the interests of biodiversity, ecology, residential amenity and sustainable development.

13. (a) All Balconies and terraces shall have unrestricted width of a minimum of 1.5 metres in one useable length and the floors of balconies should be solid and self-draining.
- (b) In all cases where balconies abut they shall have 1.8 metre high obscure panels to their shared boundary.

Reason: In the interest of safety, privacy and residential amenity.

14. No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of Planning Permission.

Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.

15. Prior to commencement of development, proposals for a development name and apartment numbering scheme, and associated signage shall be submitted to, and agreed in writing with, the planning authority. Thereafter, all such names and numbering 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.

16. 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 interest of visual and residential amenity.

17. Site development and building works shall be carried out only between the hours of 0700 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.

18. The developer shall comply with the following waste management requirements of the planning authority. 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 for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan.

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

19. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

20. The construction of the proposed 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 all intended construction practice for the proposed development.

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

21. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the planning authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

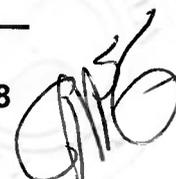
Reason: To ensure the satisfactory completion and maintenance of this development.

22. 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.

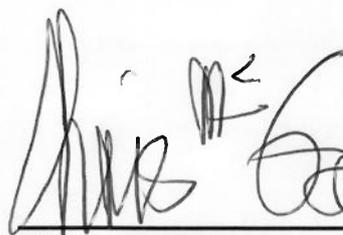
23. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, public open space and other services required 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 and maintenance of the development.



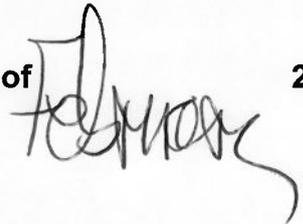
24. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.



Chris McGarry

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

Dated this  day of  2026